Democracy and Electoral Politics in Zambia

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Democracy and Electoral Politics in Zambia

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MAP   Map of Zambia, showing the provinces

Introduction

Tinenenji Banda, O'Brien Kaaba, Marja Hinfelaar, and Muna Ndulo

> Overall, the 2016 elections represent a troubling departure from Zambia's recent history of democratic governance. In this highly polarized and divisive environment, it is incumbent upon Zambia's authorities and political leaders from all parties to play a constructive role to strengthen the country's democratic institutions, lessen tensions, address divisions, and prevent post-electoral violence.
>
> Carter Centre, 2016

Zambia has experienced an intense period of political competition in the last decade. This was largely due to the deaths of two presidents while in office, namely Levy Mwanawasa in 2008 and Michael Sata in 2014. Their deaths in office triggered two presidential by-elections in 2008 and 2015 respectively, in addition to the regular election cycles of 2011 and 2016. This has meant that in the decade between 2006 and 2016, Zambia has held five elections – an average of one every two years. This has left the country's politics in almost constant electoral mode. While the 2011 elections were regarded as a moment of democratic consolidation, signs of intolerance of opposition leaders and the lack of a level playing field had already reared their heads. Since the controversial August 2016 election, which President Edgar Lungu won by a razor-thin majority and which the defeated opposition leader, Hakainde Hichilema, petitioned, Zambia has witnessed increased authoritarianism and the democratic space for opposition parties, civil society and media has shrunk (V-Democracy, 2018).

Arguably, Zambia was never a truly liberal democracy. The transition from a one-party state into a multi-party democracy in 1991 failed to deliver substantial constitutional reforms. It did not challenge or alter executive power, commonly used as an instrument for the exclusion of political opponents and to reward supporters through patronage. The President remains the key decision-maker and exercises power and influence over all key institutions in the country, including the legislature and judiciary. Crucially, there remains no effective check on the actions or powers of the president, usually resulting in a lack of transparency and accountability. This has also meant that the state of Zambia's governance is often a reflection of the personality and leadership style of the sitting president. This idiosyncrasy helps to explain Zambia's undulating

political trajectory – neither linear from autocracy to democracy, nor an outright slide into brute authoritarianism.

Despite recognizing the excessiveness of presidential powers in the Zambian constitution, various constitutional reform measures have fallen short of reducing them. The latest moment of constitutional reform resulted in the 2016 Constitution of Zambia (Amendment) Act number 2. But other than establishing the Court of Appeal and the Constitutional Court and introducing some changes in the rules for electing the president and setting the election date, the new law did little to reduce presidential powers. For example, the President continues to appoint all judges, including those of the Constitutional and Supreme Courts, makes all senior government appointments and has power to create new ministries, provinces and districts. The lack of democratic consolidation is therefore partially due to the incomplete constitutional reforms that have further entrenched the central nature of executive power in Zambia. Beyond the country's contested elections, there is also a lack of institutional development and independence, which would ensure 'democracy's viability and sustainability'. (Ndulo and Gazibo, 2016).

1   Background

In order to understand the current dynamics of Zambia's democracy and to understand what was specific about the 2015/2016 election experience, we will provide a historical background to the Third Republic, when multi-party elections were re-introduced after a long period of one-party rule (1973–1990). Multiparty elections were held in 1991 and Frederick Chiluba, former president of the Zambia Congress of Trade Unions (ZCTU), was elected as the President of the Republic. Though Kaunda had been forced to introduce structural adjustment programmes, it was under Chiluba that the large-scale privatization, which fundamentally reconfigured the Zambian state and economy, took hold. Aid poured in and the budget became more than 40 per cent donor dependent. Liberalization also saw a rapid expansion of civil society, which became increasingly influential in the 1990s, especially when it aligned itself with common cause, as was the case when President Chiluba's attempted to secure an unconstitutional third term in office. Most prominent among them were the Law Association of Zambia (LAZ), the Non-governmental Organisations Coordinating Council (NGOCC) and the mother bodies of the mainstream churches, both Protestant and Catholic. Working in tandem, they successfully undermined Chiluba's unconstitutional third term of office in 2001. At the same time, corruption and wastage were on the rise. As Gould pointed out, the ambitions

of various players had largely been held in check by the patrimonial structures of the UNIP machinery and 'as the regulatory mechanisms of the Party-State crumbled, new self-interested players with a wide range of interests and ambitions emerged' (Gould, 2010: 11).

Elections became increasingly competitive from 2001 onwards when the Movement for Multi-Party Democracy (MMD) won the presidency by a margin of just two per cent. In the context of debt relief as well as the expanded fiscal space that the copper boom provided, MMD, under the leadership of Levy Mwanawasa, increased pro-poor expenditure and money for political projects, such as roads and Fertiliser Import Support Programmes. The physical and social investments, however, had limited developmental impact, even less so in the rural areas and the urban informal sectors. Rupiah Banda's regime (2008–2011), which followed President's Mwanawasa's death, proved unpopular, despite continuing economic gains. It saw also the emergence of the young, informal urban populace as an important constituency for opposition parties.

Mwanawasa's death in office in 2008, the first such occurrence, left Zambia in a temporary state of flux (Cheeseman and Hinfelaar, 2009). In contrast to the vast majority of presidential systems, which allow for automatic internal succession within the ruling party, the Zambian constitution then stipulated that, following the death of the executive, a 'by-election' must be held within 90 days. It led to a period of factional realignment and political uncertainty that was only partially resolved by the narrow victory of MMD's Rupiah Banda, again only by a small margin of two per cent of the vote. In 2014, the second death of a sitting president occurred. Events after Sata's death mirrored many of the dynamics of the 2008 event, namely internal factionalism within the ruling party, newly formed coalitions and a narrow victory for Patriotic Front (PF) president Edgar Lungu in January 2015.

In September 2011, the PF came to power on a left-leaning manifesto. It appeared to mark a break with the neo-liberal and laissez faire approach of the previous regime, especially vis-à-vis the mining sector. Practically, Zambia saw a significant increase in mineral royalties, an increase in wages in the private sector, and a 45 per cent increase in public sector wages. While the Copperbelt region has historically been a hotbed of opposition politics (United Progressive Party (UPP), MMD, PF), recent elections show that it now shares that role with Lusaka, which has grown tremendously in size in recent decades. This is partly a result of the inter-urban migration caused by an economic crisis in the Copperbelt in the 1990s. Decades of job losses, casualization of labour, and informalization have hollowed out the organizing power of the trade unions. Civil society and media organizations have also been weakened and are

increasingly partisan. The MMD, torn apart by factionalism, fell apart after Sata's death in October 2014. The weakening of these forces has contributed to the establishment of a 'voiceless democracy', in which people have (some) democratic power during elections, but little leverage in between.

2   Aim and Structure of the Book

While elections have been central to understanding Zambian politics over the last decade, the coverage they have received in the academic literature has been sparse. The last book published on an election in Zambia was by David Mulford, who wrote on the 1962 election in Northern Rhodesia (Mulford, 1964). This book aims to fill that gap and give a more holistic account of contemporary Zambian electoral dynamics, by providing innovative analysis of political parties, mobilization methods, the constitutional framework, the motivations behind voters' choices and the adjudication of electoral disputes by the judiciary. This book draws on insights and interviews, public opinion data and innovative surveys that aim to tell a rich and nuanced story about Zambia's recent electoral history from a variety of disciplinary approaches.

2.1   *Mobilization*
Who are the actors in the field and how did they (historically) mobilize support in the run-up to the 2011, 2015 and 2016 elections? Sishuwa's chapter looks at the relation between political actors and civil society. It highlights the limitations of research that explores political change in Zambia solely through the prisms of ethnicity, economic populism and trade union networks. Drawing on the case of Sata and the 2011 elections, Sishuwa demonstrates that political campaigns in Zambia take many forms, including building coalitions with civic organizations around the issues that are salient to them. Sishuwa argues that Sata's embrace of constitutional reform forms an important strand in any explanation of his growing popularity and eventual electoral success in 2011.

Beardsworth explores opposition party dynamics throughout the same period. She notes that despite the United Party for National Development's (UPND) existence as one of Zambia's oldest and most effective political parties, it has not been the subject of academic inquiry. While scholars have pointed to MMD factionalism, the third-term debate and growing disenchantment with the MMD's economic policies as the reasons for the UPND's 2001 success, no rigorous analysis on the policies or mobilization strategies of the party has been undertaken. Beardsworth's chapter details the history of the UPND and outlines the reasons for the party's surprising re-emergence as a

national challenger, detailing how it came within inches of occupying State House in 2016.

So how do voters make their choices? For Hern, it is 'basic service delivery', and not abstract policy considerations that are of central concern in the mind of the Zambian voter. Since political parties know this, they anchor their campaigns, Hern argues, on content-thin 'development' rhetoric that pervades the 'information poor' environment the Zambian electorate operate in. Since the electorate has no meaningful way of evaluating the capacity of a political party to deliver on their promises, voters, according to Hern, 'use their past experiences with service delivery [...] to evaluate the incumbent's performance [...]'. It is the voters past experience with service delivery alongside ethno-regional considerations that, for Hern, buttresses voter decision-making. If, as Hern contends, the incumbent's track record on service delivery is an important heuristic, is incumbency itself an inherent advantage? Not according to Siachiwena, who believes that the so-called benefits of incumbency matter less than popular support, incumbent party splits and opposition strategy. In demonstrating the limits of incumbency, Siachiwena contends that far from being beneficial, incumbency can actually be damaging when party leadership changes hands, since this change often ferments intra-party splits, which, in Siachiwena's view, are more indicative of the ruling party's electoral prospects than incumbency.

Seekings' premise is that Zambian voters are not passive, but engage cautiously and critically with the country's politics. They are, in principle, strong supporters of democracy and are critical of its erosion in Zambia. Seekings uses Afrobarometer data to better understand the big shifts in electoral politics in Zambia, from a system in which one party (the MMD) seemed hegemonic, to a three-party system in the 2000s (as the MMD faced deepening competition from the newly formed PF and UPND), to what appears to be a two-party system in the 2010s, following the collapse of the MMD. The paper considers how Zambians engage with politics, then turns to their reported assessment of successively incumbent parties and presidents over time.

2.2 *Preconditions of an Election*

Preconditions of elections are addressed by Ndambwa, who explores the quality of election management in Zambia with particular reference to the 2015 and 2016 general elections. Electoral integrity in election management can, in many respects, be seen as a prerequisite of democratic consolidation. Electoral integrity plays a key role in safeguarding the quality of elections in a democratic country. This is because democratic consolidation involves far more than the holding of regular contested elections. Ndambwa argues that integrity in

election management engenders a participatory democracy by assuring equal access to the franchise. He notes that electoral management has not always been characterized by integrity and suggests how this might be cured. Still on the issue of election management, Kaaba and Haang'andu argue that there are critical legal, financial and structural realities that preclude the Electoral Commission of Zambia's (ECZ) autonomy, leaving them beholden to the Executive and unable to impartially perform their electoral management function. For Kaaba and Haang'andu, the inescapable conclusion is that the ECZ, in its current form, is ill-equipped to superintend a credible electoral process. Staying with the theme of electoral integrity, Siwale and Moomba discuss the challenge of party funding in Zambia. They highlight several challenges related to current self-help modes of party funding, since parties do not currently receive public funds. In many cases, this lack of public funding leads to political parties being controlled by the narrow interests of the party funders and not the interests of the members. The authors suggest how this problem might be overcome.

Ethnic polarization and violence were another stark feature of the 2015 and 2016 elections that undermined democratic processes. Kapesa, Sichone and Bwalya argue that this is not an entirely new phenomenon since interparty violence has been a feature of Zambian politics since the Zambian African National Congress (ZANC)/United National Independence Party (UNIP) alliance broke away from the African National Conference (ANC) in 1958. They show that it is perceptions (or misperceptions) of inequality that influences the risk of violent conflict. In Zambia, the recent spread of cellular telephony and the internet to all corners of the country has made the transmission and exchange of vivid drivers of grievances based on both real and fake inequalities possible like never before. The use of social media during the 2015 and 2016 elections is scrutinized by Mfula, who explores the extent to which the Facebook pages of three leading, exclusively online media outlets fulfil two important democratic roles of journalism: disseminating quality information needed for the democratic participation of citizens and facilitating public debate. Wahman's chapter takes the issue of electoral violence further and discusses modes of manipulating the electoral process during the 2016 elections. The chapter focuses on two particular forms of manipulation: the illegal use of money and violence and intimidation. Wahman attempts to provide a detailed description of how different forms of manipulation varied across different provinces, urban and rural areas and competitive and non-competitive constituencies. The chapter closes by suggesting some ways in which the problem of manipulation can be reduced or overcome in future elections.

2.3   *Aftermath of the Election*

How did these elections look from the outside? Ndulo and Hong provide their assessment of the various election missions that observed the 2016 Zambian elections. The authors, while recognizing the key role that election observation/monitoring can play in the electoral process, note that election monitoring has become increasingly controversial. Instead of easing tensions, election monitoring has become, for Ndulo and Hong, the source of tensions. Indeed, election observers are often accused of legitimizing flawed elections. The authors share some ways in which election monitoring can be improved and made more effective.

Given the unhappy portrait of the pre-election scenario painted in previous chapters, can one at least hope for credible post-electoral redress? Not in Kaaba's view. In his chapter on the adjudication of presidential election disputes in Zambia, Kaaba contends that the post-electoral dispute landscape is in crisis. In a critique of the Constitutional Court's handling of the August 2016 presidential election petition, Kaaba argues that 'judicial arbitrariness' and a 'complete disregard of the rule of law' characterized the majority decision, which struck out the presidential petition for want of prosecution. For Kaaba, where there are no consequences for electoral malpractice, 'judges become accomplices in lowering electoral standards and allow wrong doing to thrive with impunity'. The situation, according to Banda, is no better at the parliamentary election dispute resolution level. Banda, commenting on the dearth of analysis of emerging electoral jurisprudence in Zambia, highlights the 'eclectic', 'ad hoc' and 'contradictory' nature of parliamentary election petition (PEP) decision-making in the Zambian High Court and the lack of consistency on the materiality threshold in PEP cases. Her chapter calls for a functioning jurisprudence on materiality.

To better understand Zambian politics and outline the key drivers of contemporary democratic deficits, we have brought these chapters together to give a holistic account of Zambia's recent electoral history. We hope that this book assists in the identification of some of the shortcomings of the country's democracy-sustaining institutions, which operate before, during and after elections. We also hope it provides a better understanding of the underlying risks to the legitimacy of the forthcoming elections in Zambia as well as some insight into how some of these shortcomings can potentially be resolved.

References

The Carter Centre (2016). 'Carter Center Expresses Deep Concern about Zambia's 2016 Electoral Process and Democratic Institutions' https://www.cartercenter.org/news/pr/zambia-091516.html.

Cheeseman, N. and M. Hinfelaar (2009) 'Parties, Platforms, and Political Mobilization: The Zambian Presidential Election of 2008', *African Affairs*, 109 (434) pp. 51–76.

Gould, J. (2010). *Left Behind: Rural Zambia in the Third Republic* (Lusaka: Lembani Trust).

Mulford, D.C. (1964). *The Northern Rhodesia General Election 1962* (Oxford: Oxford University Press and the Institute of Commonwealth Studies).

Ndulo, M. and M. Gazibo (eds) (2016). *Growing Democracy in Africa: Elections, Accountable Governance, and Political Economy* (Cambridge: Cambridge Scholars Publishing).

V-Dem Institute (2010), *Democracy for All? V-DEM Annual Democracy Report 2018.* Online. https://www.v-dem.net/media/filer_public/3f/19/3f19efc9-e25f-4356-b159-b5c0ec894115/v-dem_democracy_report_2018.pdf.

PART 1

Mobilization

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'Join Me to Get Rid of this President': The Opposition, Civil Society and Zambia's 2011 Election

Sishuwa Sishuwa

1 Introduction

'Zambians cannot eat the Constitution', declared President Levy Mwanawasa in June 2007, to the spokesperson of the Oasis Forum, a coalition of civic organizations spearheading the making of Zambia's new constitution ahead of the 2011 general elections (Interview, Musa Mwenye, 22 October 2015). With these remarks, the President dismissed calls from civil society organizations to hasten the introduction of the new national law.[1] After Mwanawasa died in office in August 2008, President Rupiah Banda, who succeeded Mwanawasa having previously served as his vice president, reaffirmed his predecessor's position on constitutional reform, arguing that his immediate concern was the delivery of services and provisions. This position would prove a costly mistake. The main opposition candidate, Michael Sata, leader of the Patriotic Front (PF) party and a politician with long roots,[2] seized upon the demand for a new constitution. His political programme for the 2011 elections promised a wide-ranging constitutional change within 90 days of assuming power. This promise won over previously sceptical civil society organizations, which

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1 The term 'civil society' is loosely deployed here to refer to the non-state actors that made up the Oasis Forum – the statutory Law Association of Zambia, the various women's organizations under the umbrella of the Non-Governmental Organisations Coordinating Council and the three Christian mother bodies, i.e. the Evangelical Fellowship of Zambia, the Council of Churches in Zambia and the Zambia Episcopal Conference.

2 After carving out a political career in United National Independence Party (UNIP) – the nationalist movement that had ruled Zambia between independence in 1964 and 1991 under founding President Kenneth Kaunda – Sata went on to serve in different ministerial positions under the successor Movement for Multiparty Democracy (MMD) government between 1991 and 2001. Throughout this later decade, Sata distinguished himself as President Frederick Chiluba's hatchet man. But when Chiluba, following the collapse of his bid to secure a third term in 2001, refused to anoint him as his successor, Sata quit the MMD in protest and formed his own party through which he sought to further pursue his presidential ambition. For a detailed account of Sata's political career, see Sishuwa (2016).

largely endorsed Sata's constitutional plans and persuaded their members to support his ultimately successful attempt to become Zambia's president.

There is a well-developed literature on civil society in Zambia, one based on the perceived central role of civic organizations in preventing former President Frederick Chiluba from securing an unconstitutional third term in 2001 (Gould, 2009; Von Doepp, 2005; Sishuwa, 2020). Yet, in the years following this episode of democratic consolidation, civil society drops out of view. Existing explanations for one of the main political developments in Zambia during the early 2000s – the rise of Sata's PF – emphasize the role of economic populism, political ethnicity or, more recently, trade union networks (Fraser, 2017; Uzar, 2017; Cheeseman and Hinfelaar, 2010; Larmer and Fraser, 2007). Drawing on newspaper and oral sources, this chapter argues that Sata's embrace of constitutional reform forms an important strand in any explanation of his growing popularity and eventual electoral success in 2011. It demonstrates that Sata successfully courted civil society organizations during the 2000s to position himself as a national-level politician and secure the support of non-state actors. He had previously been mistrusted, owing to his close association with Chiluba at the height of the latter's third-term bid. Furthermore, the working relationship on constitutional reform between civil society and the governing MMD, led by President Mwanawasa, who succeeded Chiluba in 2001, was initially close. It was the split between Mwanawasa and non-state actors in 2007, which persisted under President Banda, that gave Sata his opportunity. The chapter shows that the PF leader seized this opening to undermine the MMD's commitment to constitutional reform and recast himself as the political ally that civil society organizations needed. More broadly, this chapter demonstrates the continuing relevance of civil society beyond the 'third wave'[3] of democratization and the importance of individual leadership in formulating the strategies of electoral mobilization and determining the success of political parties in Africa.

2   Understanding Political Change in Zambia through the Lens of Civil Society

The importance of civil society and constitutional reform as categories of electoral mobilization has been largely overlooked in the existing scholarship on

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3   The term 'third wave' refers to the collapse of one-party states in the early 1990s and the subsequent installation of multiparty democracies in Africa, Eastern Europe and Latin America.

political change in Zambia under the multiparty era. Nearly all the studies that examine Zambia's politics in the early 2000s emphasize socio-economic grievances and ethnic politics (Uzar, 2017; Cheeseman and Hinfelaar, 2010; Larmer and Fraser, 2007). One possible explanation for this situation is that ethnic identification and socio-economic concerns like poverty are very visible issues that researchers can easily quantify to explain electoral outcomes. Identifying support for constitutional reform, in contrast, is much more difficult. Another is that the study of constitutional reform has generally been assumed to be a proper domain of legal scholars and jurists (Interview, Simutanyi, 12 April 2017). Even in rare instances where political scientists have taken it as a proper topic of investigation, their efforts have largely developed in isolation from those of legal scholars.[4] The result is a situation where researchers from different disciplines are talking about the same subject but from varying perspectives, and largely not in conversation with one another because of approaching it from what appears to be very different angles, or because they are doing so in isolation from each other or without much awareness of the writings of their colleagues in neighbouring disciplines. This approach limits our understanding of the relationship between constitutional reform and political power. An interdisciplinary focus, similar to the one employed here, helps us understand and bring together these previously separate literatures and efforts.

A further possible explanation for the continued neglect of constitution-making as a subject of academic research is that in many African countries, the clamour for new constitutions or constitutional reviews have been stereotyped as the minority pursuits of urban elites in civil society, and whose motivations tend to generally attract considerable scepticism among local political actors.[5]

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4   Simutanyi directs attention to the challenges of constitutional reform in Zambia under the MMD's final ten years (2001–2011). He mentions in passing that the PF identified itself with the concerns of civil society such as the demand for a new Constitution throughout this period, the result of which was the eventual collapse of the 2011 MMD-sponsored Constitution of Zambia Bill in Parliament after the opposition party's MPs voted against it. Although Simutanyi does not explain the PF's motivations for supporting civil society's position on constitutional reform, his work is significant because it demonstrates how opposition demands can sometimes coincide with those of interest groups that have the capacity to affect public opinion and exert enough pressure to create regime change. As I reveal later in this chapter, PF MPs' opposition to the proposed new law was based on Sata's instruction to them to veto it on grounds that civil society was not in support of the draft Constitution. I show that Sata's positioning on constitutional reform was a strategic response to previous electoral failure aimed at brokering coalitions with non-state actors so that they could both help him get rid of an incumbent who was seen as not delivering on a key societal political aspiration, a new Constitution, and, in order for that aspiration to be met, back his own bid for the presidency.

5   The argument that civil society organizations in Africa are instruments of transnational interests is not limited to political actors alone. It has also found expression in academic

The agenda of constitutional reform, the stereotype goes, is one that is largely the concern of Western governments and international agencies, which, starting in the 1990s, began making governance improvements a precondition for receiving donor assistance. Those demanding constitutional reform were, until very recently, seen as stooges of Western governments willing to adopt specific political positions in an attempt to secure a portion of donor money.[6] As President Mwanawasa put it,

> [...] The concerns of people in the Oasis Forum are entirely different from the concerns of ordinary citizens [...] People need education, health services, shelter, agricultural subsidies and improvement of infrastructure such as roads. I am not satisfied with the inadequacy that currently exists in these areas. This inadequacy poses a bigger challenge to our fight against poverty and backwardness than delivering a constitution.
>
> Interview, MUSA MWENYE, 22 October 2015 and *Lusaka Times*, 2007

This persistent stereotype about constitutional matters has had an adverse impact on scholarship, exemplified by what one informant characterized as the untested assumptions of many students of African politics that African voters are not interested in constitutional reform. The argument is that they have far more pressing and urgent concerns, namely, food security, employment, healthcare, conflict prevention or the extent to which their ethnic group interests are represented in the power structure (Interview, Duncan Money, Lusaka, 12 April 2017; Consequently, researchers tend to examine the strategies that parties or individual actors employ to mobilize political support in relation to their appeal to such broad concerns or constituencies (Cheeseman, Ford and

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scholarship, represented most notably by James Ferguson in a recent article that problematizes the conceptualization and application of the term 'civil society' on the continent. Ferguson demonstrates that civil society organizations are profoundly anti-democratic politics in two senses. First, these non-state actors with unelected leaderships do not represent, and are not representative of voters and their aspirations. Second, they are only rarely internally democratic as campaign goals and priorities are not decided by their members. What Ferguson's work overlooks is that not all organizations have to be entirely democratic. It is sometimes important to have organizations willing to push political issues that are unpopular or unknown by voters, especially in contexts like sub-Saharan Africa where the effects of neoliberal policies have led to the collapse of organizations with mass memberships, mostly trade unions. To read Ferguson's work in detail, see James Ferguson (2006).

6   This argument overlooks the fact that constitutional reform, at least in the case of Zambia, has been on the national agenda since the achievement of independence in 1964. A possible explanation for the country's continued failure to enact a broadly accepted national law since then is that executive interests generally tend to dominate constitution-making efforts.

Simutanyi, 2015). Yet, the assumption that constitutional reform is not so important on Africans' electoral scale of considerations is something that needs to be proven, not assumed.

In Zambia, for instance, evidence that constitution-making is an important issue appeared in the early 2000s when successive Afrobarometer surveys asked Zambians to rank various political issues in order of importance. Surprisingly, constitutional reform was identified and 'strongly approved' as a major issue, which makes the case of Zambia's 2011 elections all the more significant (Afrobarometer, 2009: 18). Although we cannot be certain why citizens voted the way they did, as in any election, it would be striking that a campaign emphasizing constitutional reform did not resonate with an electorate that evidently valued the subject. It is therefore puzzling that, despite evidence of its importance in competitive political contests, constitutional reform remains obscured from the literature on Zambia's elections in the early 2000s. Where the subject is mentioned, it is entirely dismissed as unimportant:

> [...] The conventional causes célèbre of Zambian civil society, such as constitutional reform, seem to have lost their power to excite the body politic. Instead, the presidential elections of September 2011 increasingly revolved around the bread-and- butter issues of jobs and economic security. While the MMD, riding on the fiscal cushion of high copper prices, sought to portray itself as the party of economic recovery and growth, the Patriotic Front, with Michael Sata at its helm, largely put aside its earlier xenophobic populism in favor of focused promises to address the dire employment situation of the one million young voters registered since the previous presidential by-election in 2008. PF's gambit paid off, and Sata scored a clear victory over MMD's Rupiah Banda, pulling in a comfortable 43 per cent of the poll.
>
> GOULD, 2011: 451

As I will show in subsequent sections of this chapter, and contrary to Gould's observation, the 2011 election was not only fought on 'the bread-and-butter issues of jobs and economic security'. Constitutional reform, the 'conventional causes célèbre of Zambian civil society', excited the body politic ahead of the elections and was one of the main strands of the political campaign. Both Sata's clear victory and Banda's defeat resulted *in part* from their respective positions on the subject.

As in Zambia, constitutional reform is a largely neglected subject in other African democracies. Where it does appear, it is usually in relation to power-sharing agreements following, say, contested elections. This is true for Kenya

and Zimbabwe and the literature on the two countries adequately recognizes this point (Cheeseman and Tendi, 2010) Constitutional reform in both cases, however, is subsidiary to conflict resolution and the prevention of political violence. Examination of impulses for constitutional reform outside these contexts of contested elections is rare. Instead, like in Zambia, what we see in the literature on political change across Africa is a familiar story of political ethnicity, the struggle for resources and for the control of the state (Udogu, 2018; Herbst, 2014). Within these narratives, constitution-making becomes more or less irrelevant to political mobilization and election outcomes.

The overlooking of constitutional processes in African democracies is a relatively recent phenomenon. Large mobilizations around constitutions and national constituent assemblies did take place in the early 1990s during the third wave of democratization in countries like Benin, Togo, Ivory Coast and even Zambia. Studies examining debates and mobilizations that occurred in this period have not been followed up (Furley, Katalikawe, 1997; Marasinghe, 1993; Bratton and Van de Walle, 1992). What is needed, then, is research that builds on these earlier efforts and that shows that it is possible to mobilize voters on socio-economic concerns and ethnic identification strategies alongside the formulation of coalitions with civic organizations that are built around shared policy appeals, such as constitutional reform. This is what this chapter shows. It demonstrates that Sata's campaign at the height of the 2011 elections combined an ethno-populist strategy with concerns built around civil-society-spearheaded constitutional reform. Confirming earlier cited Afrobarometer surveys, it shows that Zambians displayed a keen interest in the constitution-making process far more than previously acknowledged. To better understand how Sata mobilized political support using constitutional reform, it is important to provide an overview of the political economy of the early 2000s, the context within which the PF leader enacted his political strategy.

3   Zambia's Political Economy in the Early 2000s

Between 2001 and 2011, the ruling MMD, under the presidencies of Mwanawasa (2001–2008) and Banda (2008–2011), and the opposition PF led by Sata dominated Zambian politics. Mwanawasa was sworn in as president on 2 January 2002 after a narrow win against Anderson Mazoka of the opposition United Party for National Development (UPND). He polled 28.69 per cent of the total vote, defeating Mazoka, who obtained 27.76 per cent, and nine other presidential candidates, including Sata who only gained three per cent. Of the total 150 seats in Parliament, the MMD won 69, followed by the opposition UPND (49),

United National Independence Party (13), Forum for Democracy and Development (12) and Heritage Party (4) (Electoral Commission of Zambia, 2017). Sata's PF obtained only one seat. This tally is striking for the reason that, five years later, in the 2006 general elections, Sata lost to Mwanawasa, who polled 42.98 per cent, by a 13.61 per cent margin. The PF captured 43 seats in Parliament and rose to become the largest parliamentary opposition, dislodging the UPND.

Sata's remarkable rise within such a short period has been adequately covered elsewhere and explained by his ability to combine a populist message in urban areas of Lusaka and the Copperbelt with an appeal to ethnicity in rural, Bemba-speaking Northern and Luapula provinces (Cheeseman and Hinfelaar, 2010: 51).[7] Sata's Bemba ethno-language group constituted 41 per cent of Zambia's population and the PF leader successfully mobilized this constituency of voters by emphasizing their exclusion from state and government positions and claiming that Mwanawasa's anti-corruption drive, which saw the prosecution of several Bemba-speaking figures, amounted to a smear campaign against Bembas (Larmer and Fraser 2007; Sishuwa, 2016).

After President Mwanawasa died in office, a presidential by-election was held in October 2008. Despite having insufficient time and financial resources to mount a credible and effective campaign, Sata narrowly lost by two per cent to the MMD candidate Banda, who gained 40 per cent of the total vote. Again, the existing literature has adequately explained Sata's loss in the 2008 polls (Simutanyi, 2010). As he had done in 2006, Sata narrowed his campaign to the same ethno-regional and urban economic concerns that had brought him relative success two years earlier, but which proved insufficient to win the national presidency. In September 2011, during the country's general and presidential elections, Sata, making a fourth attempt for the presidency, secured the seat with 42.24 per cent of the total votes cast, defeating incumbent Banda, who got 35.63 per cent (ECZ, 2017). In this election, Sata's PF did strikingly well, winning 60 of the 150 seats in Parliament, the most for any rival political party.

3.1 *Economic Trends*

Much of the first term of Mwanawasa's presidency was characterized by a contracted and shrinking economy, inherited from the Chiluba era. Among the issues that Mwanawasa had to contend with was the mass unemployment that

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7   It is also worth noting that present-day Muchinga Province, another Bemba-speaking rural heartland, was part of Northern Province prior to the 2011 election. Sata, Bemba-speaking and from Northern Province, mobilized the support of voters in the area using an ethnic strategy.

had resulted from redundancies from privatization and the liquidation and closure of state enterprises. In addition, soaring inflation, high interest rates and a crumbling mining sector were aggravated by Anglo American Corporation's announcement in late January 2002 that it was pulling out of Zambia's key mining industry due to the declining price of copper, the country's biggest export earner (B. Saluseki, *The Post*, 26 January 2002: 1).

The government's attempts to reverse the economic decline were severely undermined by a staggering external debt amounting to US$6.7 billion, which condemned Zambia to the classification of a Highly Indebted Poor Country (HIPC) (Larmer, 2009). In February 2004, in an effort to qualify for debt relief as prescribed by the IMF and World Bank, the Minister of Finance announced severe austerity measures including a one-year wage freeze on civil servants' salaries, a 40 per cent increase on taxes, a halt in hiring public service labour and reduced funding to social services (Interview, Leonard Hikaumba, 12 April 2017). While President Mwanawasa defended the implementation of the new structural adjustment policies as essential to economic recovery, the opposition, led by Sata's PF, cited them as evidence of a government that was unresponsive to suffering urbanites' concerns and promised to deliver (without explaining how) better working conditions.

Meanwhile, the government continued to scout for new mine investors on the Copperbelt until mid-2004, when European and Asian investors were found. The London-based Vedanta Resources plc, for instance, acquired a 51 per cent controlling stake in Konkola Copper Mine at a cost of US$25 million, while the Anglo-Swiss multinational Glencore made a substantial investment in Mopani Copper Mines. The Chinese-owned NFC Africa Mining plc acquired Chambishi Copper Smelter at a cost of US$20 million. Shortly after, between 2005 and 2008, Zambia's copper mines and mineworkers again found themselves at the centre of national economic and political life. A dramatic rise in the international copper price made Zambia's mines profitable for the first time in 30 years.

Widespread concerns soon arose, however, that the new mine owners were not providing adequate wage packages and conditions of service. This was worsened by the new employers' decision to stop providing their employees with schools, hospitals, housing, subsidized food, free electricity, water, transport and a host of other social amenities (Interview, Rayford Mbulu, 23 February 2018). Responding to growing criticism, led by Sata, that the government was unresponsive to workers' concerns, Mwanawasa argued that the new mine owners should be given sufficient time to establish their operations and recoup their investment returns. The death of about 49 miners in a huge explosion at Chambishi mine in April 2005 highlighted the poor environmental and

safety standards of Chinese-operated mines and reinforced earlier opposition claims that the government was pro-business and anti-worker (Moonze and Nombuso, 2005: 1 and 4).

Soaring unemployment in Mwanawasa's first term also affected the informal economy in which many attempted to eke out a living. In the urban centres, in particular Lusaka, the difficult economic situation was exacerbated by a large influx of migrants who had flocked to the cities following the MMD's ascendancy to power in 1991 believing the change in power would result in greater economic opportunity (Gould, 2010: 2). These aspirations were only partially met, manifested visibly in the expansion of existing squatter settlements and the development of new ones. As shown by Gould, liberalization policies also had a devastating effect on the livelihoods of rural folk, resulting in a wave of migration from the countryside to the towns (Ibid.). Life in the urban centres of Lusaka and the Copperbelt was hard and failed to meet the economic expectations of many of its new residents.

In the early 1990s, Chiluba had initially managed to deal with the expectations of this potential urban support base through patronage networks, alongside frequent wage increases and a housing scheme that saw public workers and pensioners purchasing government houses at extremely low prices. Later, stringent donor conditions prevented Chiluba from continuing with these enticements and he resorted to manipulation as well as the exclusion of rival leaders from electoral contests in an attempt to remain in power (Sishuwa, 2012; Rakner, 2003). Mwanawasa, on the other hand, though also constrained by the need to meet the International Financial Institutions' conditions, consistently refused to draw support by investing in populist clientelism. As argued elsewhere, the absence of effective trade union leadership to articulate workers and the urban poor's grievances, as well as the government's aloof stance, provided fertile ground for opposition, especially populist, mobilization, which explains Sata's success in 2006 (Larmer and Fraser, 2007: 1).

Zambia's economy improved markedly beginning late 2005 when, after more than a year of uninterrupted implementation of austerity reforms, the country qualified for nearly 100 per cent debt relief. The resultant huge savings freed from debt repayments enabled the government to resume funding to key social sectors, such as education and health, and to invest in infrastructure after Mwanawasa won a second term. Spurred by the rise in global copper prices, low inflation, a strong Kwacha (the national currency), an increase in domestic food production and an anti-corruption drive that served as a plinth for attracting more foreign direct investment, Zambia witnessed sustained economic growth rates averaging 5–7 per cent between 2005 and 2008. The government was also finally able to begin recruiting public service workers and

improving the conditions of its existing employees. To illustrate: after several years without wage increases, civil servants received a 25 per cent pay rise in 2006, 13 per cent the following year and 15 per cent in 2008 (Interview, Leonard Hikaumba, 12 April, 2017).

By late 2008, when Banda became the new head of state after Mwanawasa's death, formal sector employment had officially risen to 544,339 from 415,894 five years earlier (Central Statistics Office, 2012: 14). In the crucial mining sector, employment rose from 34,966 in 2001 to 65,311 in 2008 (Ibid.) The construction industry employed 14,075 Zambians by 2008, compared to its total of 2,406 jobs when Mwanawasa assumed office (Ibid.). This positive economic movement continued until 2009 when, in the wake of the global financial crisis, copper prices dropped sharply, leading to the loss of 19,065 jobs in the mining sector in 2009 alone (Ibid). While the price of copper later recovered, mining companies took advantage of the slide to successfully persuade Banda's administration to abolish the popular windfall tax introduced by Mwanawasa in early 2008 in an attempt to increase taxation of mining profits from 31.7 to 47 per cent (Larmer, 2009). However, not even this reduced flow of revenue from the mines disrupted the government's significant infrastructural investments in the form of roads, schools and health posts throughout Banda's three-year tenure, which was characterized by continuity with most of Mwanawasa's fiscal policies and development programmes.

3.2   *Political Trends*

Although Mwanawasa had been mainly preoccupied with the revival of Zambia's economic fortunes during his first term, he also devoted considerable attention to fighting for legitimacy and building a power base for himself within the MMD and in the nation. Mwanawasa had been elected on a very weak mandate and the MMD had failed to secure a parliamentary majority. In addition, Chiluba's refusal to handover the leadership of the party to him, as well as a petition put to the Supreme Court by the losing opposition to contest his election to office, all provided incentives for an urgent political realignment (Kaunda and Phiri, 2002: 1 and 4). Beginning in early 2002, Mwanawasa set out to consolidate his power within the MMD, to widen his appeal beyond the areas where he received most votes and to build a working coalition in Parliament to enable his party to pass legislation.

In March 2002, the MMD's National Executive Committee (NEC) including several of Chiluba's key allies serving in cabinet, elected Mwanawasa as acting party president (*The Post*, 24 March 2002: 1 and 4). The media suggested that Chiluba's move to concede party power could be attributed to his successor's alleged promise not to press corruption charges against him as demanded by many Zambians. This claim, however, proved false when, in July

2002, Mwanawasa launched, as part of his 'New Deal' administration, an anti-corruption drive, and accused Chiluba of having plundered national resources. He also successfully lobbied Parliament to lift Chiluba's immunity from prosecution so that he could stand trial for alleged theft of more than $40 million public funds. Chiluba's prosecution lasted the duration of Mwanawasa's presidency. While it won the President international respect and local support in non-Bemba speaking areas, it alienated him from some Bemba-speaking constituencies, especially after he dismissed Chiluba's loyalists from the cabinet in early 2003 and replaced them with several co-opted opposition MPs.[8] Although he eventually lost the support of most Bemba-speaking constituencies in Luapula and Northern provinces, Mwanawasa was to retain the presidency in 2006, largely on the strength of the support that he received in non-Bemba areas.

In a further assertion of power, Mwanawasa sacked his vice president, Enoch Kavindele, in May 2003 over an accusation Kavindele had made against him on an oil procurement deal. The allegation was that Mwanawasa had breached tender procedures in the oil deal, which was mired in a lack of transparency and accountability. Nevers Mumba, a losing presidential candidate in the 2001 elections, replaced Kavindele.[9] This move, though, attracted the ire of the opposition, who argued that Mumba's appointment to the position of vice president violated the constitution, which prohibits the appointment to the National Assembly of a person who was a candidate in the preceding general election. In view of this, the opposition attempted an unsuccessful impeachment motion against Mwanawasa three months later. In addition, nearly four years after the presidential petition commenced, the Supreme Court ruled in Mwanawasa's favour in February 2005, despite having established that there had been several irregularities in his election to the presidency (Phiri and Moonze, 2005). Mwanawasa's attempts to establish his grip on the MMD were completed in July 2005 when the party National Convention elected him President (Malupenga, Phiri and Sinalungu, 2005).

Meanwhile, responding to popular demands by civil society organizations for constitutional and electoral reforms, Mwanawasa appointed a Constitution Review Commission (CRC) in April 2003 to rewrite Zambia's national law and

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8   Among those dismissed were Vice President Enock Kavindele, Minister of Finance Emmanuel Kasonde and Minister of Information Newstead Zimba. Those appointed from the opposition included Nevers Mumba, who became the new vice president and Dipak Patel (Minister of Commerce, Trade and Industry).

9   Mumba was himself dismissed in October 2004 and was succeeded by Lupando Mwape, an MMD MP in the Northern Province. After Mwape lost his parliamentary seat in the 2006 elections to a PF candidate, Mwanawasa appointed Rupiah Banda, a UNIP loyalist, as his vice president.

propose the best mode of adopting a new constitution. The Commission completed its work in December 2005 and recommended that: a winning presidential candidate should secure a minimum of '50 per cent + 1' of the total vote; the vice president should be elected alongside the president (as a running mate); cabinet ministers should be appointed from outside parliament; and that the new constitution be processed through a referendum (Mung'omba Constitutional Review Commission, 2005: 125). Initially, Mwanawasa responded by claiming that such provisions were expensive and unsuitable for Zambia. Having been elected with a weak mandate, he was understandably reluctant, for instance, to invest in a provision that required him to win the presidency with more than half of the total vote cast. As the 2006 elections drew nearer, however, he backtracked and, pleading for more time, undertook to honour the wishes of the people soon after the 2006 elections.

   After being elected with an improved mandate, Mwanawasa created in September 2007 a broad-based National Constitutional Conference (NCC) whose mandate was to examine, debate and adopt the proposals to alter the constitution as contained in the draft constitution submitted by the CRC. With about 70 per cent of its 478 delegates consisting of politicians and government-appointed officials, civil society boycotted the NCC in protest against its composition, which the Oasis Forum argued was tilted towards the government (Simutanyi, 2012: 38). As well as dispelling such concerns, Mwanawasa pledged to ensure that the 2011 elections were held under a new constitution. The NCC concluded its work in August 2010, two years after Mwanawasa's untimely death. Ignoring criticism from civil society that most of the progressive clauses were left out, in March 2011, Banda's administration took a draft constitution bill to parliament to be enacted as a new national law. The proposed legislation, however, failed to go through after the MMD's unsuccessful attempt to raise the support of at least two thirds of the legislators in parliament, required for a constitutional change (Mukwasa and Chanda, 2011: 1 and 4). As a result, the constitutional review process that began in 2003 came crashing back to the drawing board.

4   'Join Me to Get Rid of this President': Sata, Constitutional Reform and Civil Society Groups

Learning from his electoral failures between 2001 and 2008, Sata shifted his attention to building a national support base and a genuine alternative political force with wider aspirations beyond ethno-regional and urban economic concerns. One way in which he attempted to achieve this objective was by

drawing on specific policy appeals centred on constitutional reform. He was a latecomer to the cause, with civil society groups having led a campaign for the review of Zambia's national law since early 2003. A factor that may explain why he had shown no real interest in the subject relates to his past role as the champion of former President Frederick Chiluba's attempts to secure an unconstitutional third term in 2001, whereas the key leaders of the process of constitutional reform came from the influential Oasis Forum that had vociferously opposed Chiluba's plans. Another plausible explanation for Sata's late entry is that there had hardly been any political space for him to intervene as the working relationship between the state and civil society on the topic had initially been close.

Sata's chance came when the Oasis Forum withdrew its participation from the constitution-making process in September 2007. The split in state-civil society relations was created after President Mwanawasa dismissed the Forum's key concern that the composition of the National Constitutional Conference was tilted towards government-appointed delegates (Phiri, 2007: 1 and 4). Taking advantage of this political opening, Sata developed a threefold strategy aimed at undermining the MMD's commitment to the constitutional reform and presenting himself as the political ally that civil society needed.

Initially, Sata attempted to re-establish relations of trust and solidarity with the Oasis Forum by playing to their demands. A week after the civic coalition announced its boycott of the NCC, Sata followed suit. He justified his party's position as 'in line with the Oasis Forum and other civil society organisations which have vowed to boycott the conference' (Sata quoted in Kachali, 2007: 1). In contrast, the UPND, the other main opposition party, chose to attend the NCC, a position that dented its relationship with civil society organizations. Responding to a government request for his party to nominate representatives to sit on the NCC, the PF leader argued that he would only do so if the 'outstanding and unresolved matters' raised by civil society were addressed:

> PF would never subscribe to the NCC in its current state. You cannot expect a good document that is government driven. In fact, President Mwanawasa should stop calling it a National Constitutional Conference because Zambians are not part of it. It is just a conference for MMD cadres (i.e. supporters). We want a people driven constitution as proposed by civil society (Ibid.).

The 20 PF MPs who defied the party's position on the NCC were promptly expelled in a move described by Sata as a sign of commitment to the civil society

position on the constitutional reform process.[10] Sata's actions produced the desired results. Bishop Paul Mususu, one of the leaders of the Oasis Forum, recalled that '[b]oycotting the NCC and even suspending the MPs who defied his directive made us believe that we were on the same page with [Sata] when it came to the constitution-making process' (Interview, Bishop Paul Mususu, Lusaka, 13 April 2015). Suzanne Matale, General Secretary of another affiliate of the Forum, the Council of Churches in Zambia, echoed Mususu's testimony: 'Sata's stance on the NCC had many of us start to gain confidence and believe that we had [a partner] who believed in us' (Interview, Suzanne Matale, 2 October, 2015). The Law Association of Zambia representative, Musa Mwenye, who was also the spokesperson of the Oasis Forum, revealed other forms of solidarity through which Sata expressed his support for civil society:

> [Sata] was supportive of everything including demonstrations against the NCC. Whenever we organized public protests, he would say 'send three buses' and he would send people.
>
> Interview, MUSA MWENYE, 22 October 2015

Having secured the endorsement of the Oasis Forum, Sata then set his sights on frustrating the MMD-inspired constitution-making process in a way that consolidated his relationship with civil society. After Mwanawasa's death, the Oasis Forum reiterated its demands to Banda that the NCC be reconstituted. Like his predecessor, the new president rejected these calls. When the NCC concluded its work in August 2010, the fears expressed earlier by civil society that the government would hijack the outcome proved well-founded. The majority of the NCC delegates scrapped from the draft constitution those provisions that were popular with civil society but which the MMD saw as disadvantageous to its electoral prospects. One such provision, which was endorsed by civil society, was that a winning presidential candidate should secure a minimum of '50 per cent + 1' of the total vote and another was that the vice president should be elected alongside the president as a running mate (Interview, Suzanne Matale, 2 October, 2015).

As a response to the outcome of the NCC, the Oasis Forum embarked on a nationwide campaign against the draft constitution, staging public rallies and lobbying opposition lawmakers to kill the proposed MMD-sponsored Constitution of Zambia bill, which needed the support of at least 106 (two thirds) of the

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10   Nearly all the expelled lawmakers obtained court injunctions that stayed their dismissals up to the 2011 elections. Six of those expelled later apologized to Sata and renounced their NCC membership.

158 MPs in Parliament. At the time, the MMD only had 87 MPs, including eight nominated ones, which meant that the ruling party needed the support of at least 19 opposition lawmakers (National Assembly of Zambia, 2011). Seeking to secure support for their position, representatives of civil society held a series of meetings with Sata ahead of the crucial vote in parliament slated for March 2011. UPND leader Hakainde Hichilema, whose MPs had taken part in the NCC deliberations, was unsurprisingly overlooked in these discussions. Leaders of different civil society organizations such as Lee Habasonda, Patrick Mucheleka, Frank Bwalya and Simon Kabanda, who, in the month leading to the vote, organized regular public protests outside Parliament in an attempt to persuade opposition MPs to reject the proposed constitutional amendment, confirmed in separate interviews that Sata had committed PF MPs to voting against the bill (Interview, Lee Habasonda, Lusaka, 21 October 2015; Interview, Patrick Mucheleka, Lusaka, 12 November 2014; Interview, Frank Bwalya, Lusaka, 23 May 2013; Interview, Simon Kabanda, Lusaka, 21 October 2015). Several MPs and party Secretary-General Wynter Kabimba also recalled that Sata had called a party meeting a week before the ballot at which he directed all PF MPs to vote against it.[11]

On 29 March 2011, the Constitution of Zambia bill failed to go through in parliament despite the MMD securing the support of a number of opposition UPND lawmakers.[12] As promised, Sata's PF MPs opposed the bill. Eager to cement his growing relationship with civil society groups, Sata hailed the defeat of the MMD-inspired constitutional bill as a vindication of the position of 'the PF, Oasis Forum [and other] civil society organisations over the failed National Constitutional Conference' (Chellah, 2011: 5).

Having successfully frustrated the political programme of the MMD, Sata had opened up the space to make his own promises on constitutional reform. For a start, he undertook to enact 'within 90 days of assuming power' a constitution supported by civil society and containing the popular '50 per cent + 1' and running mate clauses – provisions that were responsible for the MMD's disagreements with the Oasis Forum (Interview, Suzanne Matale, 2 October, 2015). Sata later moved to reflect this promise in the PF manifesto, which was released a few weeks after the defeat of the MMD-sponsored constitutional

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11   Kabimba and PF vice president Guy Scott also held a separate meeting with party lawmakers to reiterate the opposition to the bill. Interview, Wynter Kabimba, Lusaka, 12 May 2015.

12   The UPND's support for the bill alongside its earlier decision to participate in the NCC severely undermined its appeal in the eyes of civil society organizations on the subject of constitutional reform (Mukwasa and Chanda, 2011: 1 and 4).

bill, before he appealed to civil society to help him defeat President Banda. As Simon Kabanda, Executive Secretary of the Citizens Forum, remembered:

> Sata told us that I have helped you to prevent the MMD from forcing through an unacceptable constitution that did not have the support of majority Zambians. Now, join me to get rid of this President Banda so that I can give you the constitution you want.
>
> Interview, SIMON KABANDA, 22 October 2015

Sata's appeal fell on fertile ground as civil society organizations rose to back him, believing, in the words of the then Law Association of Zambia president, that Sata 'seemed determined to deliver a new constitution' (Interview, Musa Mwenye, 22 October 2015). Although they never publicly endorsed the PF, the language and rhetoric of several leaders of civil society, especially the influential Oasis Forum, which was highly critical of Banda and the MMD, suggested an inclination towards Sata. Others, mainly outspoken Catholic priests, took their message of political change to the Sunday pulpit, where they urged the faithful to 'vote for a party that had shown genuine commitment on constitutional reform' (Interview, Fr. Frank Bwalya, 23 May 2013). Reflecting on this event a few years later, after Sata had ascended to power and refused to honour his promise, one prominent civil society leader involved in the constitution-making process admitted that the opposition leader had only told them what they wanted to hear:

> [On the constitution,] Sata committed to everything we wanted. He did not raise any opposition or demands. For him, it was a done deal. Now we realise that it was too good to be true. We were sceptical about the 90 days promise, but we bought into his commitment actually.
>
> Interview, SUZANNE MATALE, 2 October 2015

Given the segmented nature of the membership of civil society, it is impossible to break down by constituency the level of electoral support that Sata received for his position on constitutional reform. However, it is clear from the above discussion that many of the key civic leaders with the capacity to affect public opinion had swung behind Sata. Most importantly, his demonstrated commitment to constitutional reform was part of a strategy of presenting himself as a national figure and allaying popular perceptions that he was only a leader of the Bemba-speaking communities and urbanites in Lusaka and the Copperbelt. Sata's position on constitutional reform represented a general reassurance to national voters that he was above ethnic and urban economic

TABLE 1.1   Results of the presidential election, 2011

Candidate	Party	Total votes	% of the presidential vote
Michael Sata	PF	1,170,966	42. 24
Rupiah Banda	MMD	987,866	35. 63
Hakainde Hichilema	UPND	506,763	18.28
Charles Milupi	ADD	26,270	0.95
Elias Chipimo	NAREP	10,672	0.38
Tilyenji Kaunda	UNIP	9,950	0.36
Edith Nawakwi	FDD	6,833	0.25
Ng'andu Magande	NMP	6,344	0.23
Godfrey Miyanda	HP	4,730	0.17
Frederick Mutesa	ZED	2,268	0.08
Total Voter Turnout		2,772,264	53.65

SOURCE: *ELECTORAL COMMISSION OF ZAMBIA,* 'PAST ELECTION RESULTS' <HTTP:// WWW.ELECTIONS.ORG.ZM/PAST_ELECTION_RESULTS.PHP> (15 NOVEMBER 2017)

grievances, and had indeed become a national leader. At the polls in September 2011, the PF leader defeated incumbent Banda and eight other presidential contestants as shown above.

   In addition to winning his four core constituencies with wide margins, Sata significantly improved his performance in all MMD strongholds (see Table 1.2), reflecting the effectiveness of his 'national' campaign strategy built around constitutional reform. In contrast to Sata, incumbent president Banda narrowed his campaign to the MMD's traditional constituencies, repeating the same mistake that the PF leader had earlier made. Although Banda emerged victorious in all the same four provinces that he had won three years earlier, it was with reduced margins, as shown below.

5   Conclusion

This chapter has highlighted the limitations of research that explores political change in Zambia through only the prisms of ethnicity, economic populism and trade union networks. Drawing on the case of Sata and the 2011 elections, it has demonstrated that political campaigns in Zambia take many forms, not least of which is building coalitions with civic organizations around issues that

TABLE 1.2   Sata's results in the 2008 and 2011 presidential elections by province

Province	2008		2011	
	Sata votes	% of the total vote	Sata votes	% of the total vote
Luapula	82,418	69.95	151,822	73.54
Northern	134,244	64.69	242,455	64.18
Copperbelt	201,087	60.90	341,505	67.88
Lusaka	162,107	53.88	224,925	55.94
Central	37,656	24.25	63,890	28.28
Eastern	37,295	18.42	59,391	18.46
Western	11,891	9.77	43,579	23.12
Southern	11,866	4.73	24,609	6.59
North-Western	4, 586	4.38	18,790	10.85

TABLE 1.3   Banda's results in the 2008 and 2011 presidential elections by province

Province	2008		2011	
	Banda votes	% of the total vote	Banda votes	% of the total vote
Eastern	148,197	73.18	233,528	72.60
Western	81,993	67.40	62,592	33.20
North-Western	59,370	56.75	86,994	50.21
Central	82,178	52.92	108,912	48.21
Northern	67,237	32.40	121,482	32.16
Copperbelt	105,225	31.87	131,897	26.22
Lusaka	90,057	29.93	123,653	30.76
Luapula	32,552	27.51	47,289	22.90
Southern	151,550	20.55	71,519	19.15

SOURCE: *ELECTORAL COMMISSION OF ZAMBIA*, 'PAST ELECTION RESULTS'

are salient to them. Sata's political base in the 2006 and 2008 elections comprised two clear constituencies: Bemba speakers concentrated in the rural provinces of Luapula and Northern and marginalized urban residents, both in the Copperbelt and in Lusaka. On both occasions, these constituencies were insufficient for him to win the elections. In response to this continued electoral failure, ahead of the 2011 elections, Sata embraced the concerns of civil society organizations built around constitutional reform.

In bringing the subject of constitutional reform to the forefront of political campaign messages, Sata had two audiences. One was civil society and those Zambian voters who sought a new constitution. Incorporating constitutional reform in his campaign pledges enabled Sata to present himself as a national politician, and not one only concerned with sectional interests. In separate random interviews conducted in 2013 and 2014 as part of my doctoral fieldwork, 75 per cent of 45 Zambians surveyed from different parts of the country disclosed that their support for Sata was partly driven by his 'progressive position' on the constitution-making process.[13] Sata also received unofficial support from the influential Catholic Church, whose numerous outspoken priests, such as Frank Bwalya, took messages for constitutional reform and political change to the Sunday pulpit and the streets (Sishuwa, 2012). The other audience was Zambia's international donors. Sata, at this time, was widely regarded among international actors as a controversial populist whose message of economic populism was threatening to Zambia's foreign investors. Adopting the language of constitutionalism reassured the same interest groups that Sata was not only a committed democrat but could speak the same kind of political language they did. For instance, during a talk at the University of Oxford in May 2011, Sata stressed the importance of constitutional reform and maintaining healthy relations with Zambia's foreign partners.[14] Although his promises for constitutional reform may not have won over large numbers of voters, the additional constituency it did represent was enough to secure Sata a narrow electoral victory in September 2011. This is a point that Sata himself was willing to acknowledge even after his election. Addressing members of a committee of experts whom he appointed in October 2011 to review Zambia's supreme national law, Sata found it necessary to emphasize the importance of

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13   Sishuwa Sishuwa, 'Fieldwork Notes', October 2014. Most of those interviewed were middle-class Zambians who expressed remarkable consensus on their disappointment at Sata's subsequent failure to honour his promise on constitutional reform once in power.

14   He also pledged to continue with the corruption charges against former president Chiluba, positioning himself as someone ready and willing to take on the good governance mantle of the late President Mwanawasa. For details, see Sishuwa (2011).

constitutional reform to his successful campaign: 'One of the reasons why the Zambian people voted for me was to ensure that I give them a better constitution within 90 days, so you [pointing to me as the chairperson of the committee] and your team should not fail me because I will lose their votes in 2016' (Interview, Rodger Chongwe, 6 April, 2018). As noted earlier, Sata was to dramatically change his stance two years later, when he argued that Zambia did not need a new constitution after all, but only amendments to its existing one (Chimpinde-Mataka and Chikumbi, 2013) – a position that Sata retained until his death in October 2014 and one that drove a wedge between civil society groups and the governing PF.

Constitutional reform therefore remains an important campaign priority in African politics and scholars of African democratization would do well to rethink their neglect of the subject. Moreover, the close interest that constitution-making generated among civil society organizations and ordinary voters in Zambia in the early 2000s was not simply a historical anecdote. Interest in constitutional reform remains high and the issue has surfaced on several occasions since the 2011 elections. In January 2016, for instance, Sata's successor, Edgar Lungu, unexpectedly introduced an almost new constitution in a move that was widely seen as an attempt to distance himself from Sata's dramatic U-turn on constitutional reform, secure the support of influential civil society groups and prevent the opening of a political space for the opposition to intervene on the subject ahead of general elections later that year (Sishuwa, 2018: 7). It is possible that voters in future elections will be mobilized along the same lines. Politicians and therefore those who write about Zambian politics overlook the issue at their peril.

The argument presented in this chapter also opens up rich and potentially revealing areas of further study beyond its scope. An example of a possible topic for future in-depth research is the consequences of the mutual but asymmetrical dependence between civil society organizations and political actors. As shown in this chapter, civil society groups can achieve little by their efforts beyond raising public awareness on, say, the importance of constitutional reform. Yet, moving into the political realm and working with opposition parties can have heavy costs. If and when political actors ascend to power on the assistance of civil society organizations, there is little that the latter can do to enforce previously agreed demands. This inability to enforce pre-election settlements subsequently undermines both the effectiveness and credibility of civic organizations by eroding their independence or making them appear subordinate to political actors. Were Zambian civil society groups, for instance, simply the unknowing dupes of manipulative political elites? Or did they have an agenda beyond their stated political aims, especially given that some of the

key leaders of the civil society groups that supported Sata's position on the constitution-making process prior to the 2011 election subsequently accepted public roles in his government? Are these same dynamics of constitutional reform and the enlisting of civil society groups by opposition parties evident elsewhere in multiparty and democratic Africa? These and other questions await research.

References

Afrobarometer (2009). Round 4: The Quality of Democracy and Governance in Zambia, 10 May.

Bratton, M and N. van de Walle (1992). 'Popular protests and political reform in Africa', *Comparative Politics*, 24: 4, July, 419–422.

Cheeseman, N. and M. Hinfelaar (2010). 'Parties, Platforms and Political Mobilisation: The Zambian Presidential Election of 2008', *African Affairs*, 109: 434, 51–76.

Cheeseman, N. and M. Tendi (2010). 'Power-sharing in Comparative Perspective: The Dynamics of 'Unity Government' in Kenya and Zimbabwe', *Journal of Modern African Studies*, 48: 2, 203–229.

Cheeseman, N., Ford, R. and N. Simutanyi (2015). 'Is there a "Populist Threat" in Zambia?', in Paul Collier, Christopher Adam and Michael Gondwe (eds) *Zambia: Building Prosperity from Resource Wealth* (Oxford: Oxford University Press), 345–360.

Chellah, G (2011). 'Sata Calls for Early Polls', *The Post*, 31 March.

Central Statistics Office (2012). 'Formal Employment Trends in Zambia, 1991–2010', *Labour Force Survey Report*, (Lusaka: Central Statistical Office) 14.

Chimpinde-Mataka, K. and G. Chikumbi (2013). 'Sata Warns Nurses', *The Post*, 1 December 2013.

Electoral Commission of Zambia (2017). 'Past election results' http://www.elections .org.zm/past_election_results.php, 15 November 2017.

Ferguson, F. (2006). 'Transnational Topographies of Power: Beyond "the State" and "Civil Society" in the Study of African Politics', *Global Shadows: Africa in the Neoliberal World Order* (Durham, NC: Duke University Press).

Fraser, A. (2017). 'Post-populism in Zambia: Michael Sata's Rise, Demise and Legacy', *International Political Science Review*, 38: 4, 456–472.

Furley, O. and J. Katalikawe (1997). 'Constitutional reform in Uganda: the New Approach', *African Affairs*, 96: 133, April, 243–260.

Gould, J. (2009). 'Subsidiary Sovereignty and the Constitution of Political Space in Zambia', in Jan-Bart Gewald, Marja Hinfelaar and Giacomo Macola (eds), *One Zambia, Many Histories: Towards a History of Post-colonial Zambia* (Lusaka: Lembani Trust), 275–293.

Gould, J. (2010). *Left Behind: Rural Zambia in the Third Republic* (Lusaka: Lembani Trust).

Gould, J. (2011). 'Postcolonial Liberalism and the Legal Complex in Zambia: Elegy or Triumph?', in T. Halliday and L. Karpik (eds), *Colonialism's Legacies: Variations on the Theme of Political Liberalism in the British Post-colony* (Cambridge: Cambridge University Press).

Herbst, J. (2014). *State and Power in Africa: Comparative Lessons in Authority and Control*, (Princeton, NJ: Princeton University Press).

Kachali, L. (2007). 'PF shuns NCC', *The Post*, 22 September.

Kaunda, J. and R. Phiri (2002). 'FTJ Refuses to Leave MMD Presidency', *The Post*, 25 February.

Larmer, M. (2009). 'Zambia since 1990: Paradoxes of Democratic Transition', in Abdul R. Mustapha and Lindsay Whitfield (eds), *Turning Points in African Democracy* (New York: James Curry), 114–133.

Larmer, M. and Alastair Fraser (2007). 'Of Cabbages and King Cobra: Populist Politics and Zambia's 2006 Election', *African Affairs*, 106: 425, 611–637.

Lusaka Times (2007). 'Mwanawasa Denies U-turning over Constitution-making', https://www.lusakatimes.com/2007/06/04/mwanawasa-denies-u-turning-overconstitution-making (4 April 2018).

Marasinghe, L. (1993). 'Constitutional Reform in South Africa', *The International and Comparative Law Quarterly*, 42: 4, October, 827–854.

Malupenga, A., Phiri, B. and A. Sinalungu (2005). 'Levy's Victory is not Genuine, says Kavindele', *The Post*, 16 July.

Moonze, L. and C. Nombuso (2005). 'Another Tragedy', *The Post*, 21 April.

Mukwasa, B. and E. Chanda (2011). 'MMD Loses Vote on Constitution', *The Post,* 20 March.

Mung'omba Constitution Review Commission (2005). *Report of the Mung'omba Constitution Review Commission* (Lusaka: Government Printers).

National Assembly of Zambia (2011). *Composition of Members of Parliament Between Ruling Party and Opposition Members since 2006* (Lusaka: Aquila Printers Ltd.).

Phiri, B. and L. Moonze (2005). 'Levy Toasts Victory with Champagne', *The Post*, 18 February.

Phiri, B. (2007). 'Levy Denounces Musa Mwenye [Oasis Forum spokesperson]', *The Post*, 2 June.

Phiri, B. (2007). 'Oasis Pulls Out of NCC', *The Post,* 11 September.

Phiri, B. (2007). 'We Won't Change Our Position on the Constitution Even if the Oasis Forum Decides to Move Naked, say Levy', *The Post*, 19 September.

The Post (2002), 'Levy Takes Over MMD Presidency', 24 March.

Rakner, L. (2003). *Political and Economic Liberalisation in Zambia, 1991–2001* (Stockholm: The Nordic Africa Institute).

Saluseki, B. (2002). 'Anglo American to Depart from Zambia', *The Post*, 26 January, 1.

Simutanyi, N. (2010). 'The 2008 Presidential Elections in Zambia: Incumbency, Political Contestation and Failure of Political Opposition', Paper presented to the CMI/IESE Conference on 'Election Processes, Liberation Movements and Democratic Change in Africa', Maputo, Mozambique, 8–11 April.

Simutanyi, N. (2012). 'The Politics of Constitutional Reform in Zambia: From Executive Dominance to Public Participation', in Dawood M. Chirwa and Lia Nijzink (eds), *Accountable Governments in Africa: Perspectives from Public Law and Political Studies* (Tokyo: United Nations University), 26–42.

Sishuwa, S. (2016). '"I am Zambia's Redeemer": Populism and the Rise of Michael Sata, 1955–2011', DPhil Thesis, University of Oxford.

Sishuwa, S. (2011). 'Defying the Incumbency Theory: Explaining Sata's Victory in the 2011 Zambian Election', in *Democracy in Africa* (blog) http://democracyinafrica.org/defying-the- incumbency-theory/.

Sishuwa, S. (2012). 'Review of Miles Larmer Rethinking African Politics: A History of Opposition in Zambia', *The Journal of Modern African Studies*, 50, 363–365.

Sishuwa, S. (2018). 'What Explains the PF's Revived Interest in Constitutional Reform?', *News Diggers*, 6 March 2018.

Sishuwa, S. (2020). 'The Limits of Civil Society: Rethinking the Third-term Debate and the Defence of Democracy in Zambia' (forthcoming journal article).

Sishuwa, S, (2020). 'Surviving on borrowed power: Rethinking the role of civil society in Zambia's third-term debate', Journal of Southern African Studies, 46 (3): 1–20.

Udogu, I. (ed.) (2017). *The Issue of Political Ethnicity in Africa* (London: Routledge).

Uzar, E. (2017). 'Contested Labour and Political Leadership: Three Mineworkers' Unions after the Opposition Victory in Zambia', *Review of African Political Economy*, 44:152, 292–311.

Von Doepp, P. (2005). 'Party Cohesion and Fractionalization in New African Democracies: Lessons from Struggles over Third-term Amendments', *Studies in Comparative International Development*, 40: 3, 65–87.

From a 'Regional Party' to the Gates of State House: The Resurgence of the UPND

Nicole Beardsworth

In 2001, a new opposition party – the United Party for National Development (UPND) – narrowly lost the most competitive elections held in Zambia's first decade of multi-party political competition. Following the death of the party's president and a bruising succession battle, the party's electoral fortunes then declined drastically. Having come to be seen as a 'regional' party whose electoral support was strictly confined to its electoral stronghold of Southern Province, few analysts predicted the party's spectacular resurgence in 2015. Despite the UPND's existence as one of Zambia's oldest (effective) political parties, it has not been the subject of academic inquiry. While scholars have analysed the tight election in 2001 in terms of the unpopularity of the ruling Movement for Multiparty Democracy (MMD), resulting from factionalism, the bruising 'third-term debate' and growing disenchantment with economic liberalization, no rigorous analysis was undertaken with regards to the policies or mobilization strategies of the UPND. In contrast, the rise of the next challenger to MMD hegemony, Michael Sata's Patriotic Front (PF), which took power from the MMD in 2011, has been covered in substantial depth. Scholars have focused on the person of Michael Sata (Sishuwa, 2016), his infamous deployment of anti-Chinese rhetoric (Negi, 2008) and – most notably – the 'populist' mobilization strategies employed by the party (Larmer and Fraser, 2007; Nic Cheeseman and Hinfelaar, 2010; Resnick, 2013; Fraser, 2017).

This chapter will briefly address the history of the UPND before outlining the reasons for the party's surprising re-emergence as a national challenger, and how it came within inches of occupying State House. It argues that the party used the opportunities presented by factionalism in the MMD and PF, its two main competitors, to pull ethno-regional power brokers into an elite coalition and, in doing so, it allowed the party both to rebrand and to garner votes in regions outside of its traditional ethno-regional strongholds. This strategy was then bolstered by a highly targeted and effective election campaign waged across the country. This is not necessarily to argue that the UPND campaign attracted energetic and committed popular support. Instead, the party's increasing vote share in 2015 and 2016 is also intimately connected to the collapse

of the MMD and a crisis in the ruling PF. The UPND managed to create a perception of popular momentum that made the party appear to be the most viable opposition challenger and a new home for anti-incumbent voters.

Opposition parties don't just win elections, but ruling parties lose them. The death of President Michael Sata in 2014 came at a particularly inopportune time for the ruling party, it was in the midst of an insurrection by mining companies and facing extensive mine closures following the introduction of a hefty and clumsy new mining tax regime. The 2015 poll was effectively a non-incumbent election in which a violent succession battle within the ruling party had served to split loyalties, disrupt patronage networks and undermine the PF candidate's ability to benefit fully from the party's incumbency (Beardsworth, 2015). At the same time, the ruling party was under significant pressure from civic groups over its failure to deliver on its promise to release a new draft constitution that churches and civic bodies had been advocating for since 2001. A freeze on civil servant wage increases, widespread electricity shortages, the failure to pay farmers for maize and Sata's refusal to recognize the Bemba paramount chief also threatened to alienate the party's base and push voters towards the opposition. These disruptions within the ruling party and threats to the party's legitimacy served to level the playing field and provide a window of opportunity to the resurgent UPND.

This chapter highlights the problems with much of the existing research on political parties in Africa, which seeks to understand parties through an analysis of election results at particular points in time (Elischer, 2013). Few analyses trace a single party or set of parties over multiple electoral cycles or analyse shifts in their electoral base and changing mobilization strategies. This is what this chapter seeks to do. It also contributes to the literature on the relationship between political parties and ethnicity in Africa, adding to the growing academic consensus that ethnicity's alleged role in electoral behaviour is frequently over-determined or insufficiently nuanced (Cheeseman and Ford, 2007; Elischer, 2013; Wahman, 2016; Koter, 2016). Following Koter (2016), this chapter argues that politicians make strategic choices when designing electoral campaigns, that they not only take heed of ethnic composition, but also local patterns of influence to co-opt and then deploy local, non-co-ethnic elites as electoral intermediaries. But the efficacy of this strategy depends on exogenous political opportunities – such as the decline of other parties in the system – that are often beyond the control of individual party leaders, as this research shows. Finally, this chapter highlights the strategies that a party can use to broaden its electoral base and re-brand in the face of accusations of ethnic-chauvinism – by negotiating coalitions, through elite inclusion and via shifting campaign strategies to broaden the party's appeal beyond its

traditional ethno-regional base. This is how the UPND transformed from a 're-gional party' to nearly occupying State House.

1   The UPND's Rise and Fall

The MMD came to power in 1991 at the end of 17 years of a one-party state. It rose on the back of sustained anti-UNIP momentum driven by high food prices and labour militancy, the party's hegemony had continued largely unchecked until 2001 (Lise Rakner and Lars Svåsand, 2005). In 1991, the party was carried into government with 76 per cent of the vote and, after controversially block-ing former president Kaunda's candidacy, in 1996 the MMD maintained its enormous lead by gaining 73 per cent of all votes cast. But by 2001, the party's reputation was in a shambles. The structural adjustment programme that had been so enthusiastically carried out under President Frederick Chiluba had be-gun to bite; there were daily reports in the independent press of widespread corruption in the MMD and Chiluba's bid for an unconstitutional third term had caused fractures within the party and galvanized the opposition and civil society into a broad movement challenging the MMD (Gould, 2006). When his attempt at a third term was defeated, Chiluba overlooked Michael Sata in fa-vour of Levy Mwanawasa for the MMD's presidential nominee. Sata left the MMD with the doors banging behind him and formed the Patriotic Front (PF) just three months before the election. It was in the context of economic con-traction, a fragmented opposition playing field, a discredited ruling party suf-fering daily defections and an unpopular MMD presidential candidate that the 2001 elections were held.

The United Party for National Development (UPND) was formed in October 1998 by Anderson Mazoka, a charismatic businessman[1] from the South whose political ambitions within the ruling MMD had been frustrated by then-President Chiluba and those in his inner circle.[2] The new party built upon – and claimed – the political legacy of the country's first nationalist party the ANC (African National Congress), which had been particularly popular in Zambia's southern region prior to its incorporation into the ruling Unite Na-tional Independence Party (UNIP) in 1973. The ANC's liberal ideological pro-ject found firm foundations in the political and moral economy of Southern

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1   Mazoka had been the Zambian CEO of mining giant, Anglo American and was considered an
     important public personality prior to resigning from Anglo to form the UPND.
2   The move against Mazoka has been attributed to Michael Sata who was party National Sec-
     retary at the time.

Province – and more generally amongst the so-called Bantu Botatwe[3] – where local attitudes to politics and the state were mediated by the rural interests of relatively prosperous small-scale farmers with political preferences for small government and a belief in individual economic achievements (Macola, 2010). In claiming this legacy, the UPND espoused similar liberal-democratic 'ruralist' economic and political philosophies (alongside social democratic promises of free education and healthcare) and recruited the children of the ANC's former leader – Harry Mwaanga Nkumbula (Macola, 2010: 155). Along with political elites from the South, many others joined the new party including elites from the Western and North-Western Provinces, creating a broad alliance across the south and west of the country. Between 1998 and the 2001 elections, the new party had contested and won 11 parliamentary by-elections, setting itself up as the largest opposition bloc in the legislature and a key contender for the 2001 presidential race (Jotham C Momba, 2011: 204).

The polls of 2001 were the first seriously competitive elections since Zambia's return to multi-party democracy in 1991. However, despite the adverse circumstances, the ruling party managed to clinch victory from the jaws of defeat due to the fractured and divided opposition. With 28 registered political parties and 11 presidential candidates contesting the elections, a divided ruling party faced a divided opposition field (The Carter Centre, 2002). As a result of the division in opposition ranks, five parties split the presidential vote – each winning the presidential vote in multiple constituencies (see Figure 2.1 below) – and the MMD's Mwanawasa scraped through with just 29 per cent of the vote. Only 35 000 votes or 1.9 per cent separated Mwanawasa from Mazoka, in an election that was plagued with irregularities and is still widely believed to have been 'stolen'. Christon Tembo's Forum for Democracy and Development (FDD) came third with 13 per cent, followed closely by UNIP on 10 per cent and the Heritage party at 8 per cent of the vote. Collectively, the opposition shared 71 per cent of the presidential tally. The MMD only won 69 of 150 seats in parliament, and even failed to reach a parliamentary majority after appointing its eight presidential nominees.

However, the ruling party remained the most 'nationalized' party (see Figure 2.2 below for each party's electoral support) – or the party with the most even spread of electoral support across the country (Wahman, 2015). The UPND

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3 The 'Bantu Botatwe' is a super-ethnic grouping of related language groups constituted by the Toka, Tonga, Ila, Sala, Lenje, Totela and Subiya. These groups tend to be concentrated in Western, Central and Southern Provinces. They are often also lumped together with the Lozi (Western Province) and Lunda, Luvale, Kaonde (North Western Province) as they have voted along the same lines in recent elections.
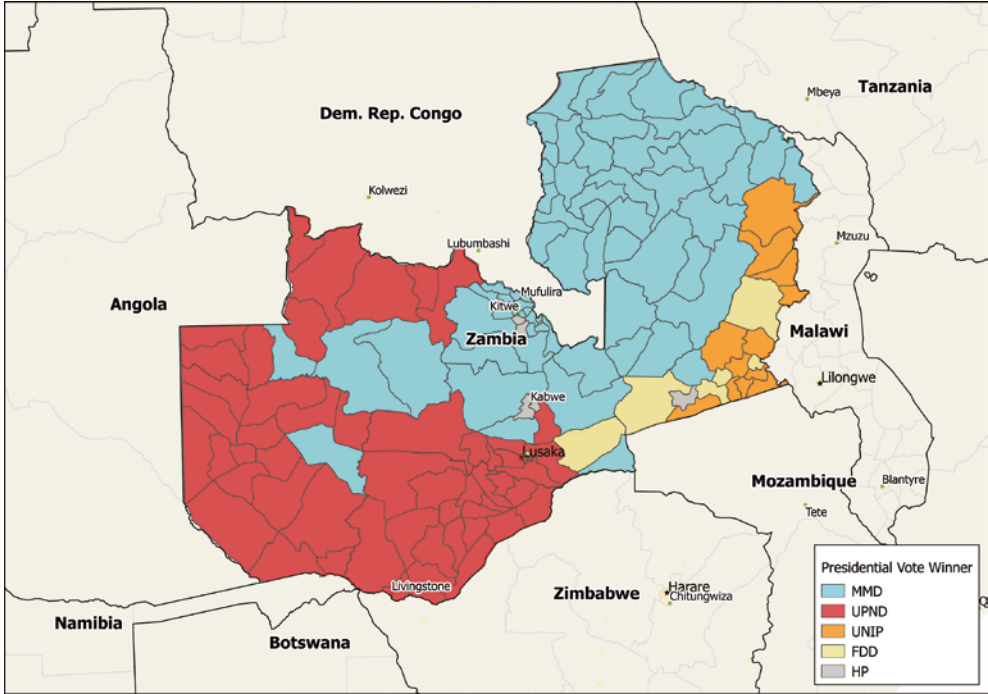
FIGURE 2.1   The 2001 presidential election results by constituency

had won the presidential vote in four of the country's nine provinces – Southern, Western, North-Western and Lusaka – while the MMD won in another four and UNIP won in just the Eastern Province. Seven parties were represented in parliament, but the UPND's dominance within the crowded opposition field was clear as it held 49 of 150 seats (to the FDD's 12 and UNIP's 13) and it thus formed the official opposition. The UPND had performed impressively in the South, West and Centre of the country, but failed to capitalize on dissatisfaction in the Copperbelt and in the North (see Figure 2.2 below). The Patriotic Front, mentioned as little more than a footnote in the 2001 election, proved to be confined to just a few constituencies in the Bemba-speaking North, and mustered lukewarm support in the populous Copperbelt. At the national level, Michael Sata achieved only three per cent of the total presidential vote, which belied the impressive growth that the party would achieve ahead of the next election.

The 2001 election results proved that if they wanted to win an election, these regionally limited parties would need to work together to overcome the MMD's electoral machine – on their own they could not easily build the necessary cross-regional coalitions to defeat the ruling party. The opposition's failure to
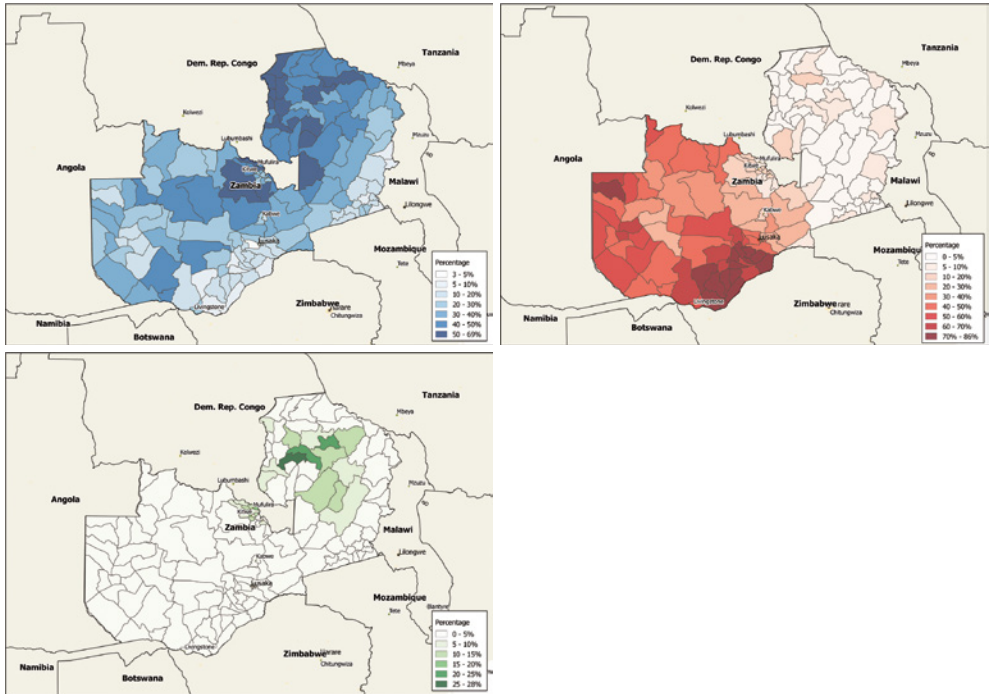
FIGURE 2.2   2001 presidential election results for MMD (blue), UPND (red) and PF (green) in
             order of declining vote share

overthrow the MMD's hegemony in 2001 and the regional spread of party sup-
port (indicated in Figure 2.2) would provide the major impetus for the forma-
tion of the United Democratic Alliance (UDA) in 2005, as the parties sought to
build a 'complementary' coalition of their various regional strongholds to over-
come MMD dominance. Ultimately, though, fate – or possibly government
agents – would intervene to scupper the opposition's plans.[4]

Although many believe that the UPND won the 2001 elections (Cheeseman
and Hinfelaar, 2010: 64), by 2006 the party was suffering a crisis. The party's
president and primary funder, Anderson Mazoka, was gravely ill and had spent
most of 2005 in South Africa seeking medical treatment. His deputy, Sakwiba
Sikota, had done much of the day-to-day running of the party in Mazoka's

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4   In interviews, members of the UPND and several members of Mazoka's family averred that he
    was poisoned, and they either insinuated or alleged that this had been carried out by govern-
    ment operatives. Suspicions of the same were also widely reported in the independent press
    at the time and Mazoka's name currently appears on an arsenic poisoning Wikipedia page
    (https://en.wikipedia.org/wiki/Arsenic_poisoning#Anderson_Mazoka).

absence and when the party president died in Johannesburg on 24 May 2006, Sikota expected to inherit the leadership of the party. Instead, a fierce war erupted with outspoken factions of the party (including Mazoka's wife) demanding that only a Southerner – a Tonga-speaker, like Mazoka – could take over the party's reins (Saluseki and Mwilu, 2006). The public spat was splashed across the pages of *The Post* newspaper for more than six weeks, while accusations of 'tribalism' and ethnic exclusion marred the party's image. When Hakainde Hichilema, a relatively unknown but wealthy Southern businessman was elected president amidst accusations of bribery and intimidation, Sikota and many party heavyweights – Princess Nakatindi, Sikota Wina, Inonge Wina, Robert Sichinga and Given Lubinda amongst others who were predominantly from Western and Bembaphone provinces – deserted the party to start their own or to join the ruling MMD. Sakwiba Sikota, Lubinda and others formed the United Liberal Party (ULP), with which they went into an alliance with Michael Sata's PF (Chellah and Michelo, 2006).

The UPND split was extremely acrimonious, with insults and accusations of 'tribalism' – that the UPND was increasingly ethnically exclusivist – flying daily across the pages of Zambia's major newspapers. This severely weakened the party's profile and support base, particularly in Western Province where many of the party's structures were taken over in their entirety by the ULP (Jotham C Momba, 2011: 204–205). Of the UPND's 13 Western Province MP's elected in 2001, eight defected to the ULP in 2006, three failed to recontest and two stood again – of which only one parliamentarian retained their seat. From 13 of the 17 provincial seats they had held in 2001, the UPND (within the United Democratic Alliance coalition)[5] retained only a single seat, with the vast majority of seats going to the ruling MMD. The ULP only won two seats in Western Province, their insurrection was largely overtaken by the MMD's resurgence. Due to the split within the UPND and perceptions that the party was ethnically biased against Sikota (a prominent Lozi from Western Province) and Westerners more generally, Hichilema's presidential vote share in the province was just 12 per cent in 2006, compared to Mazoka's 49 per cent in 2001. The MMD also won the presidential vote in every constituency in Western Province, unlike in 2001 when the UPND had almost achieved a clean sweep in the West. The MMD's resurgence was also based partly on the support of the Lozi Litunga, the prominence of Western politicians such as Inonge Mbikusita-Lewanika and

5   The United Democratic Alliance (UDA) was a coalition formed between the three strongest performing opposition parties in the 2001 elections – the UPND, Edith Nawakwi's Forum for Democracy and Development (FDD) and Tilyenji Kaunda's United National Independence Party (UNIP).
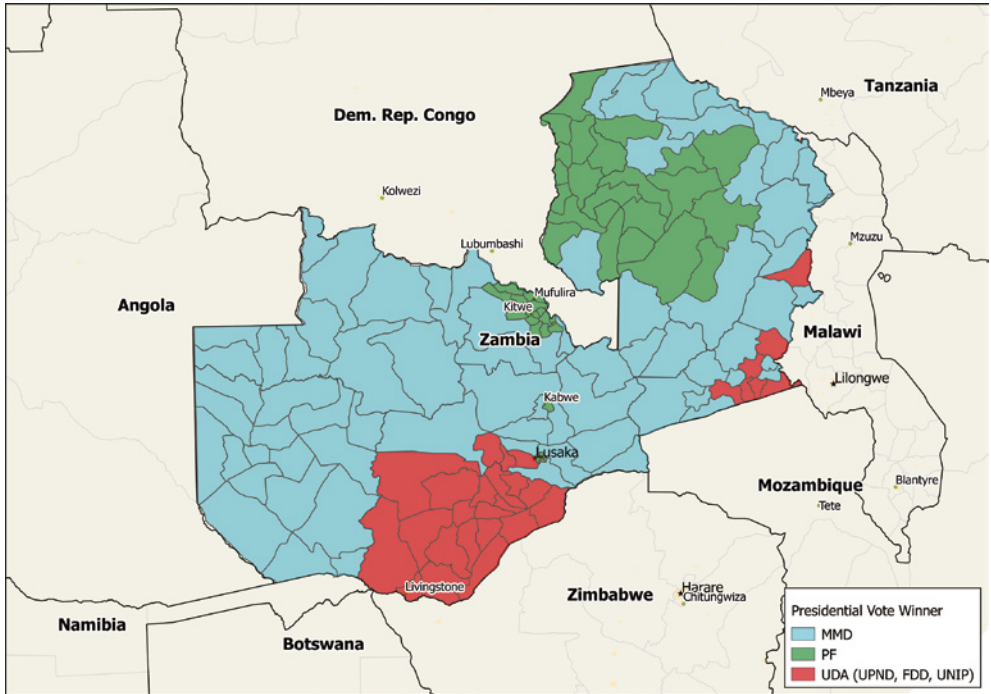
FIGURE 2.3   The 2006 presidential election results by constituency

Mwanawasa's popular agricultural policies, which provided a steady supply of fertilizer and farming inputs ('The Titanic Sails at Dawn', 2006; Zambia Lusaka, 2006). Meanwhile, in Southern Province, Sakwiba Sikota was returned to his Livingstone parliamentary seat – the only seat that his ULP would win in the province.

As the dust settled after the election, it became clear that Mwanawasa had won the 2006 polls by a significant margin, taking 43 per cent of the vote, and that Sata's PF had supplanted the once-mighty UPND as the official opposition, taking 29 per cent. Mwanawasa had reclaimed many rural areas (see the blue map in Figure 2.4) and Sata had grown his electoral support outside of his Northern Province base, capturing disaffected urbanites in Lusaka and mining communities in the Copperbelt (see the green map in Figure 2.4). The UDA's Hichilema achieved only 25 per cent of the national tally, collapsing in the cities and winning predominantly in rural Southern and Eastern provinces (see the red map in Figure 2.4). In parliament, the PF's seats had increased from one to 43, while the PF took hegemonic control of most of the councils along the line of rail – the urban Copperbelt, in Lusaka and Kasama. By contrast, the UDA's collective 74 seats in 2001 had shrunk to just 26 seats – two in Central
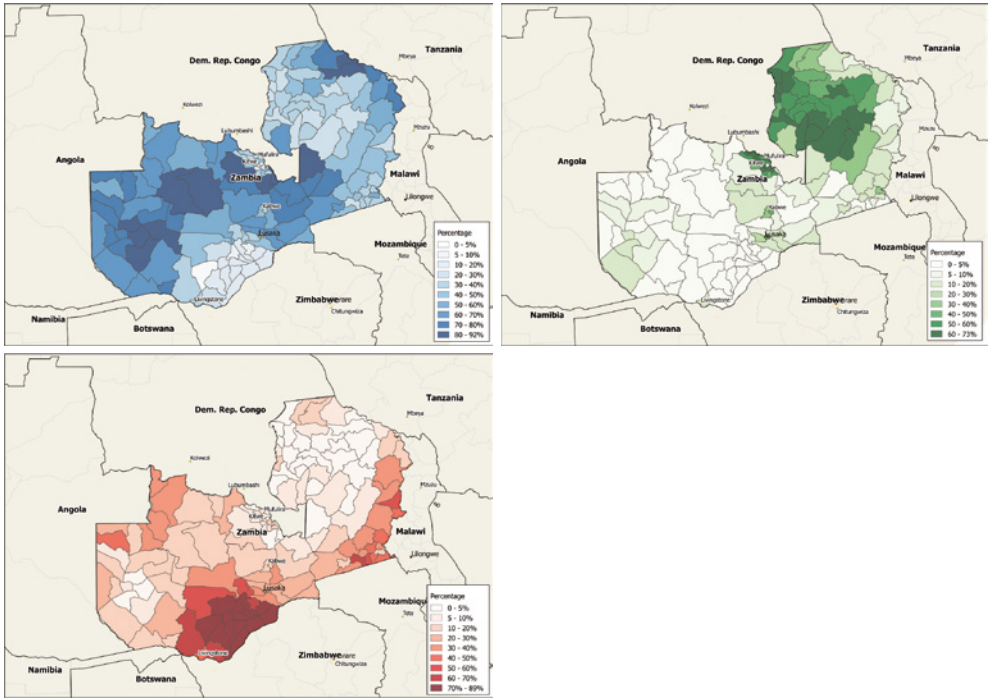
FIGURE 2.4   The 2006 presidential election results of MMD (blue), PF (green) and UDA (red)
             in order of declining vote share

province, four in Eastern, two in North-Western, 17 in the Southern Province
and a single seat in Western Province. It would be nearly a decade before the
UPND would recover from the ructions it experienced in 2006 and would again
be a serious competitor at the national level.

   Between 2006 and 2011, the UPND's vote share would decline even further,
with the party garnering just 19.7 per cent of the vote in the 2008 presidential
by-election precipitated by the death of President Levy Mwanawasa. By con-
trast, the PF took 38 per cent of the tally – chasing close on the MMD's heels
as Rupiah Banda clinched the election with just 40 per cent. By 2011, Michael
Sata had developed a more national following – though he relied most heav-
ily on voters in the Bemba-speaking regions and in the populous urban areas
of the Copperbelt and Lusaka Provinces. The results of the 2011 elections – as
depicted in the maps below – highlighted the way in which Michael Sata's PF
successfully merged a Northern ethno-regional campaign with his populist
messaging amongst more cosmopolitan urbanites in the Copperbelt and in
Lusaka (Cheeseman and Larmer, 2015; Resnick, 2012). In addition, through
appealing to local grievances in Western Province, Sata managed to increase
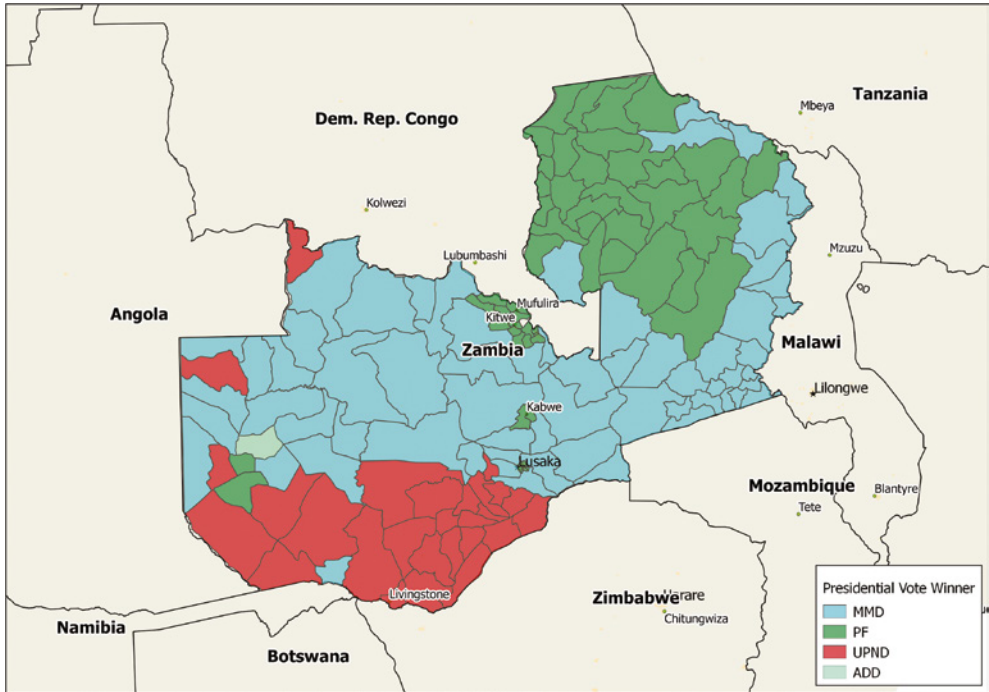
FIGURE 2.5   The 2011 presidential election results by constituency

his vote-share in that province, gaining a surprising 23 per cent of the vote (just behind the UPND's 28 per cent and Rupiah Banda's 33 per cent), which helped to push him over the electoral threshold and into the presidency ('Sata Rises in the West', 2011; This is compellingly outlined in Sishuwa, 2016: 283–294). While this balancing of interests and constituencies was enough to get Sata into State House, his hold on government was fairly precarious. The PF had 60 members of parliament, just five parliamentary seats more than the displaced MMD and far short of a majority in the 150-seat parliament. For their part, the UPND became even more confined to the Southern and Western regions of the country, as its ascendance in the East (as part of UDA in 2006) was checked in 2011 by the resurgence of the MMD in the eastern region (see the red map in Figure 2.6) – predominantly because of support for Easterner MMD President Rupiah Banda. While the MMD continued to have the greatest geographic spread of any party (common for ruling parties per Wahman, 2015), the party gained relatively low proportions of the vote in most constituencies (see the blue map in Figure 2.6). The 2011 results and Sata's need to manufacture a parliamentary majority in the wake of electoral
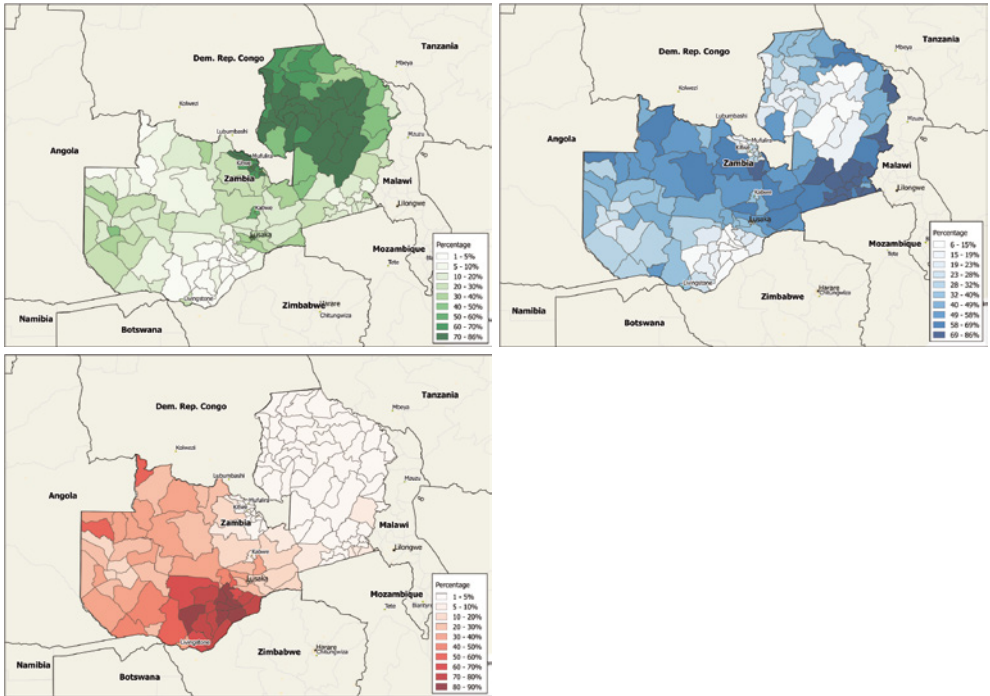
FIGURE 2.6   The 2011 presidential election results of PF (green), MMD (blue) and UPND (red)
in order of declining vote share

turnover would drastically reshape Zambian politics ahead of the next elec-
tion in 2015.

2   Informal Alliances and Political Realignment – The 2015
By-election

The UPND – which since the rise of the Patriotic Front in 2006 had become
increasingly confined to its stronghold in the Southern Province – had begun a
resurgence. Widely labelled as a 'Tonga' party, the UPND had ceased to be a
national challenger after the disputed 2001 elections. But the ethnic group that
comprises the party's core constituency makes up only about 17 per cent of the
population, making it impossible for a party to win an election based solely
upon the support of Tonga-speaking (and even allied) groups. Concerted ef-
forts to win by-elections in 30 wards over three years helped to increase the
UPND's profile, but the factional infighting within the two largest parties

helped redefine the UPND's fortunes. Major shifts had occurred within the former ruling MMD after their unanticipated loss in 2011, which provided an enormous opportunity to both the ruling PF and the ascendant UPND. Similarly, the fractures that opened within the ruling Patriotic Front during the drastic and hasty realignment that occurred in the wake of the death of President Michael Sata in late 2014 caused a fundamental shifting of the political playing field and the apparent emergence of a two-party system. Under tight deadlines with an unexpected election looming, the opposition UPND managed to secure the electoral support of a series of notable politicians and smaller parties – forming a broad anti-PF front while the ruling party was mired in a dirty and very public succession struggle. Having learnt from Sata's strategy to entice disgruntled members of other parties into his own individualized 'coalition' following the failure of the Pact coalition with the PF in 2011, Hichilema had spent the three years since the 2011 elections in dialogue with key party heavyweights from across the political spectrum, all of them waiting for the political tide to turn. This preparation paid off as the PF appeared to implode before the 2015 election, and the UPND enticed the support of both disgruntled members of the ruling party and the dwindling MMD.

Following the MMD's bruising loss to the PF and Michael Sata in 2011, the party underwent a process of introspection and reconfiguration, and then imploded. When Rupiah Banda stepped down from the party's presidency in 2012, he hoped to ensure the election of a favourable – and malleable – successor. A contentious party convention witnessed the battle between Felix Mutati, a former Minister of Commerce and party notable and the eventual winner, Nevers Mumba, a former pastor and vice president under Levy Mwanawasa. Since his election with a parliamentary minority in 2011, Sata's strategy had been to buy off opposition MPs with cabinet and government positions and trigger parliamentary by-elections to bolster his parliamentary contingent. The PF began its parliamentary consolidation by petitioning the results in 50 parliamentary constituencies where it had narrowly lost the race (Geloo, 2012). Having learned from Mwanawasa's post-2001 strategy, Sata divided the opposition by appointing 13 opposition MPs to serve in his government as ministers or deputy ministers. By May 2013, the defections and wins in by-elections prompted by this strategy had increased the PF's representation in parliament to 71. Equally, the resource constraints and the personality-focused nature of Zambian political parties had led many former-MMD politicians to switch allegiance to the new governing party. For those who stayed within the MMD, they soon became disgruntled with the actions of the new party president who alienated and marginalized the losing faction after the 2012 election.

For the PF, the presidential by-election campaign began with a shaky start, marred by infighting, intimidation and intra-party violence. Following the announcement of Sata's death on 28 October 2014, a rapid realignment occurred. Prior to his final trip to London, ailing Sata had announced that, during his absence, Defence and Justice Minister Edgar Lungu would be the acting president. When Sata subsequently died, the succession battle that had been quietly raging in the background for nearly three years came to the fore. The amorphous succession struggle coagulated into two camps and a fight ensued between Guy Scott's faction and Edgar Lungu's faction over whether the acting president at the time of the president's death (Edgar Lungu) or the vice president (Guy Scott) would take on presidential duties during the 90-day window before a presidential by-election could be held. Ultimately, Guy Scott continued as interim president, and the battle shifted to the selection of a new presidential candidate. The party was divided over the choice of Sata's successor, with 11 candidates vying for the top job including Sata's uncle, nephew, wife and a host of other heavyweights. Acting President Guy Scott attempted to block Edgar Lungu's rise at every turn while trying to position his preferred candidate – Deputy Commerce Minister Miles Sampa – for the party's top job ('Fights before the funeral', 2014; 'Foreign boost for opposition', 2014). Following a long string of accusations, suspensions, court injunctions and public spats that played out in the media, the party only united behind Lungu just before the nomination of presidential candidates on 20 December 2014. With only a month left to campaign and a relatively unknown candidate for the presidency, Lungu played on President Sata's popularity and charisma, standing on a platform of 'continuity' and positioning himself as the guardian of the late president's legacy.

In contrast to the PF, the opposition wasted little time. Foreign businessmen with a stake in Zambian businesses sought to influence the outcome of the elections by facilitating the formation of an alliance between the MMD and UPND. *Africa Confidential* reported that prior to Sata's funeral on 11 November, the South African Oppenheimer-funded Brenthurst Foundation had sponsored a meeting in South Africa between Hakainde Hichilema and Rupiah Banda (who had links to the foundation and still commanded significant support within the MMD) to try to facilitate a coalition to oust the 'anti-business' Patriotic Front ('Foreign boost for opposition', 2014). The coalition formateurs represented business interests in mining (Anglo American[6]) and arms and aerospace (Paramount Group, represented by Ivor Ichikowitz), who seemingly

6   Both UPND leaders – Anderson Mazoka and Hakainde Hichilema – had substantial links to the mining conglomerate.

hoped that under a new, more amenable political dispensation, their interests would be better served. Regional business elites were dissatisfied with the PF largely due to policy inconsistency and unpredictability, which was creating an insecure investment environment and undermining their returns (Political Officer, Embassy, 10 February, 2015). It was also due to alleged rent-seeking behaviour on the part of ruling party members and the PF's tendency to award contracts only to foreign firms that could pay larger bribes. In addition, the mining tax regime introduced by the PF in 2014 threatened to significantly cut into mining profits and had undermined investor confidence (England, 2015; Lusaka Times, 2015) and finally, business leaders had far greater confidence in a future UPND administration due to Hichilema's significant business background and pro-business political platforms (Political Officer Embassy, 10 February 2015). The Brenthurst Foundation had allegedly invited the leaders together as their 'research' had shown that none of the opposition parties could win the election without the backing of the others. The coalition negotiation meetings between Hichilema and Banda were brokered by former Nigerian President and Brenthurst Chair Olusegun Obasanjo, who asked Banda to supply a list of lieutenants to be appointed as ministers in a potential Hichilema cabinet. In return for supporting the UPND president, it was expected that Hichilema would restore Banda's immunity from prosecution[7] and ensure that corruption charges were dropped against Banda's son Henry – who was living in exile – and grant him a prestigious government position. Banda initially agreed to the deal but, recognizing his strong negotiating position, he went back on the agreement when asked to sign a formal Memorandum of Understanding a few days later ('Foreign boost for opposition', 2014). Banda insisted that Hichilema should support him instead, and the talks ultimately collapsed (Moonga, 2014). Meanwhile, Rupiah Banda returned to Lusaka to foment an insurrection within the MMD – which was still heavily reliant on his funding – and stage his own push for the presidency.

Following the breakdown of the talks with the former president, the negotiators sought to bypass Banda, and flew MMD President Nevers Mumba to South Africa to offer him a similar deal. The meeting ended in a stalemate when the MMD's Muhabi Lungu[8] said that the leaders were unable to reach

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7   Presidents in Zambia are immune from prosecution, but this immunity can be (and often is) lifted by their successors. Rupiah Banda's immunity was lifted by Justice Minister Wynter Kabimba in March 2013 when the Sata administration decided to pursue criminal charges against Banda for corruption. Banda's immunity was finally restored by the Lungu administration in 2016 as the state withdrew all charges against the former president.

8   Muhabi Lungu is of no relation to Edgar Lungu, and was at that time the MMD's National Secretary. He attended the Brenthurst negotiations with Nevers Mumba in South Africa.

such a decision amongst themselves and would need to put it to the National Executive Committee (NEC) instead. The two leaders agreed to continue talks in Lusaka following Sata's funeral on 11 November, and the negotiating teams (minus the leaders) came up with a template for the agreement. The mooted agreement suggested that whoever ran for the presidency in the 2015 by-election would stand down for their supporter in the 2016 election – a scheduled tri-partite election which was to be held in just over 18 months (Interview, Muhabi Lungu, 23 February 2015). The draft agreement also suggested that whichever party was granted the presidential ticket, they should only be given 40 per cent of the cabinet posts, while their partner should be granted 60 per cent of the portfolios in cabinet. Muhabi Lungu, who largely drafted the proposed agreement, confided that many of the clauses that he included were intended to test the commitment of the UPND to an 'equal' arrangement: 'there were a number of issues that were specifically designed – one, to determine their level of seriousness and genuineness and trust, and secondly to be able to determine whether they were actually prepared to cede control and whether they were willing to govern in a real coalition' (Ibid.). The distrust between the partners and unwillingness on both sides to cede the top position or negotiate an unfavourable arrangement largely scuppered the talks.

In the same week that party leaders were meeting in South Africa, a meeting was held between the MPs from various parliamentary opposition parties (Interview, Felix Mutati, 9 February 2015). At this meeting, the MP's – including approximately half of the MMD's parliamentary contingent – decided to coordinate their actions ahead of the looming presidential by-election. They believed it to be necessary as they were convinced that none of the opposition parties could win alone, and they named the mooted coalition the 'Jubilee Alliance' (Ibid.). The MPs involved in discussions to form this coalition were from the ADD, MMD, UPND and an independent MP – Lubansenshi MP Patrick Mucheleka.[9] These MPs agreed to engage the leadership of their various parties on the formation of a broad alliance, to back the UPND's presidential campaign. The majority of this committee was MMD, with two MPs per province represented in the meeting – including some Eastern Province MPs who would later support a 'mutiny' in favour of Rupiah Banda (Ibid.). At the MMD's NEC meeting held on 16 November, MPs were briefed on the discussions that had taken place at both executive and parliamentary caucus levels and a report was tabled on the forging of a formal alliance between the MMD and the UPND (Machila, 2015; Lungwangwa, 2015). But it was at this meeting that

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9   The single MP from the FDD was also implicitly involved, but didn't want to be seen to be subverting his party's agenda.

events began to unravel – as former President Rupiah Banda staged his bid for the party's presidential nomination (News24, 2014).

At the MMD NEC meeting on Sunday 16 November 2014, following discussions of the modalities of an opposition alliance and the appointment of a committee to negotiate formally with the UPND, the next item on the agenda was the selection of the presidential candidate for the upcoming election (Lungu, 2015). It was expected by many that the meeting would endorse President Mumba, but it soon became apparent that Rupiah Banda had a critical mass of supporters on the NEC – predominantly Eastern Province MPs and committee members. The meeting was adjourned following a lack of consensus on the choice of candidate, and the two leaders were requested to report back following discussions the following day (Ibid.). Rumours spread on 17 November that Mumba was seeking an injunction against the holding of the meeting and the finalization of the choice of candidate; in response, the Banda-supporting faction held their own parallel NEC meeting. Nevers Mumba was overruled and Rupiah Banda was installed as the 'official' candidate for the MMD. Consequently, each leader suspended the other and their supporters (Malambo, 2014) in parallel NEC meetings that were decried as illegal by the opposing side, and finally Mumba took the issue to court. A protracted court battle ensued in which both leaders tried to wrest control of the party from the other. Rupiah Banda appeared to be in control of the party secretariat and running battles were staged between cadres loyal to the two factions outside the party's headquarters in Kabulonga.

When Nevers Mumba was finally reinstated on 18 November, following a Supreme Court judgement (Sichikwenkwe, 2014), it was agreed that he would be engaged to join the de facto alliance that had emerged between the UPND and 22 of the MMD's MPs. But instead, contrary to the wishes of the majority of the MMD's MPs and the NEC, Mumba decided to register to contest the by-election on the MMD ticket with the backing of just two of the party's parliamentarians (Machila, 2015; Lungwangwa, 2015). The two reasons offered for Mumba's decision were firstly that he (never having contested a national election as MMD president) out of ego and an inflated sense of his own popularity wanted to take his chances in the election, and secondly due to financial concerns (Lungwangwa, 2015). Several MMD insiders suggested that Mumba had decided to contest because he had already made commitments to and received and spent finances from his backers, and was thus unable to change course. Mumba (an ordained pastor and head of his own ministry) had also allegedly received a prophecy from two different West African churches, who had predicted that he would be the next president – something that he reportedly firmly believed (Lungu, 2015). As for Rupiah Banda, he and approximately five

Eastern Province MMD MPs aligned themselves with the Patriotic Front, and vowed to deliver the MMD's support in the East for PF candidate Edgar Lungu. Of all of Zambia's parties, only the UPND had settled leadership and a head start on the 2015 campaign.

2.1 *The Campaign*

On 23 November, the UPND launched its electoral campaign at a small, Chinese-owned hotel in downtown Lusaka. Despite the collapse of negotiations with both MMD leaders, the campaign launch was attended by a who's who of Zambian politics. Maureen Mwanawasa – the popular widow of former MMD President Mwanawasa – sat to Hichilema's right, while controversial veteran MMD politician and diplomat Vernon Mwaanga[10] and former Secretary to Cabinet Sketchley Sacika sat far to the left. The event was also attended by Rupiah Banda's son Andrew, Geoffrey Samukonga, the former MMD MP for Chawama, former army commander Malimba Masheke, former MMD Chimbamilonga MP Brian Sikazwe and former MMD treasurer Suresh Desai (Phiri, 2014). Each of these well-known personalities endorsed the UPND leader for the presidency, and continued to do so at a massive rally held hours later in the low-income, high-density Kanyama constituency in Lusaka (Adamu, 2014). A number of notable personalities turned up for Hichilema's rally including former MMD Defence Minister Michael Mabenga, former Mines Minister Maxwell Mwale, political activist Dante Saunders, former MMD Foreign Affairs Minister Kelly Walubita, former MMD Minister of Commerce Dipak Patel and popular local musician Pilato.

In the days that followed, other high profile leaders and politicians offered their endorsements of the UPND candidate, including ADD president Charles Milupi (Qfm, 2014; *Zambian Watchdog*, 2014; Nyirenda, 2014). The group of parliamentarians that had agreed to endorse Hichilema did so at a media briefing outside parliament (*Zambia Daily Mail*, 2014) and again at a press conference where a memorandum was handed over to Hichilema by the group's leader, MMD MP Felix Mutati (Kilale, L, 2014; *Zambia Watchdog*, 2014). The endorsements made the so-called 'Tonga' party appear to be more ethnically and regionally diverse, as Northerners, Westerners and politicians from Central, Lusaka and the Copperbelt Provinces lined up to support the party's presidential candidate. Despite the failure to form a formal coalition with any major opposition

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10   Mwaanga is an old UNIP-era politician with substantial wealth and power who had been
        instrumental in funding and driving the rise of Rupiah Banda to the head of the MMD in
        2008 (Cheeseman and Hinfelaar, 2010).

party (except the small ADD), the UPND had created a broad alliance that would help to redefine its political fortunes.

Charles Milupi – a member of the traditional leadership in Mongu, Western Province – was elected MP for Luena in a 2011 by-election on the ticket of his Alliance for Democracy and Development (ADD) party. He formed the party after splitting from the MMD, and he intended to use it to enlist dissatisfied members of the UPND and MMD in Western Province to build a base and launch pad for Lozi political demands (*Africa Confidential*, 2011; *Zambian Watchdog*, 2009). The Lozi leader had come fourth with 11 per cent of the vote in Western Province in 2011 and had won the presidential vote in Luena constituency. Milupi threw his weight (and likely his finances)[11] behind Hichilema, while the party was also actively supported by the campaign efforts of MMD MPs across the country. Ultimately, around 20 MMD MPs actively supported the UPND's campaign, with several others displaying lower levels of commitment. In some places – such as Kasama Central – disgruntled PF MPs also gave implicit support to Hichilema's campaign, ensuring that cadres were discouraged from tearing down posters or beating opposition supporters and encouraging their supporters to attend the UPND's campaign rallies. Kasama had previously been a site of significant violence during elections, not least because of the influence of the area's PF MP, Geoffrey Bwalya Mwamba (popularly known as GBM) (WikiLeaks, 2009). GBM – the grandson of the Bemba traditional leader, the Chitimukulu – had fallen out with Sata over the president's refusal to recognize the traditionally selected Bemba paramount chief and had resigned as Minister of Defence in 2013. In 2015, he was a relatively peripheral member of the anti-Lungu camp within the PF and, as such, he helped to facilitate Hichilema's campaign in the PF's Bemba heartland.

Despite the failure of the executive-level coalition with the MMD, the alliance formed with the MMD MPs was surprisingly effective in changing the electoral fortunes of the UPND. In trying to understand how this came about, it is important to consider how the Patriotic Front grew between 2001 and 2011. Sishuwa (2016) notes that Sata's strategy was to grow his party through 'elite inclusion', i.e. as local political elites became disenchanted with the MMD or fell out of favour with the leadership, they were approached by Sata and his party. A common thread from all the MMD MPs who supported the UPND in 2015 was that they had all been approached by Hichilema, either in person or through an intermediary, between 2011 and 2016 (Mutati, 2015; Machila, 2016; Lungwangwa, 2015). In Zambia (as in many other countries), while the parties

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11   Charles Milupi had declared his personal assets to be ZMK 35.5 billion (US% 3.7 million) in 2011.

may be relatively unstable (forming and disappearing between election cycles), the collection of politicians that populate them is relatively stable over time. Many of these politicians had served together in a party or coalition previously or were childhood friends. Politicians leverage these affective ties to build coalitions and alliances when elite cohesion within the ruling party (or other opposition parties) breaks down or the party appears capable of losing an electoral contest. Hichilema learnt from Sata's party-building strategy and had approached and persuaded enough politicians from within the ruling PF and MMD that when elite-level coalitions faltered, his mobilization machine remained effective based on individualized elite inclusion.

Besides adopting this method of mobilizing support, Hichilema learnt from Sata's messaging style, and UPND campaign manager Dipak Patel pushed 'HH' to appear less technocratic and business-like and more approachable, swapping his collared shirts and ties for more relaxed campaign attire. Ahead of the 2008 election, US Embassy staff noted that:

> Despite two years of active campaigning, Hichilema's lacklustre, pecuniary image and highbrow platforms have made little impression on a public that acknowledges his integrity, vision, and talent, but considers these to be eclipsed by the young leader's political inexperience. Zambians are simply not energized by his pragmatic and technocratic approach, especially in the face of subsidized fuel and food promises from other candidates. Some Zambians also mistake his introversion for arrogance. Dismissing Hichilema's candidacy entirely, the MMD is more worried about Sata's appeal, particularly given the pulsating atmosphere of the PF's jam-packed urban rallies.
>
>   WikiLeaks, 2008

In 2015, Hichilema's use of complex words and economic jargon was switched for easily understood phrases such as 'the economy is broken, and we will fix it', and he focused his messaging on the needs of marginalized groups such as marketeers and the unemployed. The party concentrated on reaching out to high density areas, which had previously been the preserve of Sata's PF. As noted by Felix Mutati, Hichilema 'basically took the PF messaging from 2011', he took the 'PF formula' (Mutati, 2015). Hichilema's central messages were that the UPND would lower the cost of living, provide free primary education, reduce the price of agricultural inputs to encourage agricultural sector growth, improve infrastructure and service provision and introduce several investor-friendly policies to drive economic growth. In a bid to represent himself as both a 'man of the people' and a technocratic leader, he alternately emphasized

his modest village upbringing and highlighted his successful business ventures. In each ward where he campaigned, Hichilema tailored the message to local concerns, addressing issues that animated local politics and tying it into a consistent narrative of government failure and maladministration. He always appeared on stage flanked by local elites who had fallen afoul of the PF administration, and each was called upon to denounce the PF and extol the virtues of Hichilema's UPND. Frequently at such rallies – staged in the school grounds in poor, high density areas – Hichilema would sing and dance for the crowd, changing the lyrics of popular religious or nationalist songs to address contemporary political grievances. Public 'defections' of local elites and councillors – and occasionally even the entire MMD or PF branch office – were staged, to the delighted cries of the crowds. The UPND had learnt from the populist toolkit of Michael Sata and used his tactics to increase the profile and vote-share of the UPND in 2015.

In the 54 days of the campaign period between 26 November 2014 and 19 January 2015, Hichilema attended approximately 125 rallies across the country – focusing most of his campaign in areas where the Patriotic Front was a frontrunner. In fact, he spent just six days in his Southern Province base. HH crisscrossed the country at a dizzying speed – often addressing three rallies in three towns in a single day and addressing 24 rallies in different communities in his Southern province base over the course of just five days in January. He was able to do this through the use of three helicopters, which were a source of great excitement and entertainment for those who gathered to see the businessman-turned-politician (Muvi TV, 2016j). In many of the places where HH held rallies, he also attended church services, he stopped in the markets to speak to market women and walked through poor areas of rural townships. Hichilema explicitly visited the traditional leadership in every region that he visited, calling on kings, chiefs, headmen, the Lozi Litunga and the Bemba Chitimukulu. In Southern Province, traditional leaders and elders were often given seats on the stage or in front of a standing audience and traditional dancers were a common sight, entertaining the crowds and shaking ceremonial staffs and spears. On stage, Hichilema would call to the crowd, perform dances (Muvi TV, 2016e) and frequently take to his knees to entreat his audience to give him their votes. In every new place that Hichilema travelled to, he was given a set of talking points by local elites and party functionaries, which made it appear as though he knew and understood the concerns of people throughout the country. MPs and popular personalities from various ethnic groups joined the campaign and tried to convince local constituents that the UPND's vote was increasing around the country – amongst all ethnic groups – in order to try to encourage voter coordination and promote the party as the inevitable winner

of the election. At a rally on 18 December in Kafue, Lusaka Province, a Bemba-speaking politician from the north stated in Bemba:

> I have come from Northern Province. I toured Northern Province with Hakainde Hichilema and we were very well received there. Those people who are liars say that Bemba people and Tonga people can never work together. Those people are just liars. Hakainde campaigned in Northern Province and he was welcomed and blessed by the people there. There are politicians who are out to divide people based on tribe.

He was followed by Andrew Banda (Rupiah Banda's son, who originates from eastern Zambia), who stated in Nyanja that, 'I have come here from the village with warm greetings to you all. I have been to the villages in Chipata, Petauke [in Eastern Province]. Mr President Hakainde, you have everyone's vote in the villages'. While these politicians deployed a type of ethnic mobilization, they tried to assure voters across Zambia that the UPND had cross-ethnic support and create an air of inevitability regarding HH's multi-ethnic support at the presidential level. In every constituency that he visited, HH was accompanied by a host of popular local personalities or a local MP who was brought in to vouch for the presidential aspirant. Many of these people were recruited (as outlined above) from within the ranks of the collapsing MMD and fracturing PF.[12]

While a single helicopter was dedicated to HH's marathon election campaign, two other helicopters were used for supplementary campaigning. These two helicopters carried a second wave of political heavyweights to the Copperbelt, Lusaka, Muchinga, Luapula, Northern and Eastern Provinces. Their campaign was run concurrently to the HH campaign and the two rarely coincided. The second helicopter carried people such as UPND National Chairperson Mutale Nalumango, former MMD first lady Maureen Mwanawasa, Patrick Mucheleka, former MMD National Secretary Katele Kalumba and Lunte MMD MP Felix Mutati along with dedicated reporters from private radio and television stations. Neither of the supplementary helicopters made a stop in Southern Province, instead campaigns in the UPND's heartlands were conducted by party MPs, local structures and an innovative 'mobile cinema' during the final twenty days of the campaign. The mobile cinema consisted of a convoy of two

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12   This section was written by following the campaign closely in person, by attending rallies, as well as by following them on social media, through newspapers and on YouTube. Dipak Patel, the UPND campaign manager also provided me with flight plans and strategy documents from the party's campaign.

cars with projectors and makeshift screens which was scheduled to stop in 64 towns between Mwinilunga and Lusaka, covering the Southern, Western, North-Western and Copperbelt Provinces to make up for the lack of coverage by HH's campaign helicopter. The short films that were screened in the mobile cinema were also placed on a newly created 'Hakainde Hichilema' YouTube channel and circulated on social media (UPND, 2014, 2015), and the videos were filled with catchy songs and dance moves.

The UPND had run an impressive campaign, but it remained to be seen whether they had been able to broaden their base beyond the party's traditional constituencies. Ultimately, as noted by most observers including the public and independent press, the 2015 election was marked by regional and ethnic voting patterns and was, in the eyes of one diplomatic observer, a 'very tribally determined election' (Political Officer, Western Embassy, 10 February 2015). There was a clear split between former North-Eastern Rhodesia (Northern, Eastern, Muchinga and Luapula Provinces) and North Western Rhodesia (Western, Southern, North-Western, and Central Provinces), almost down to the constituency (see Figure 2.7).[13] It was expected that the former ruling party would perform badly but the full extent of its collapse was astounding: Nevers Mumba's MMD declined by 973 000 votes compared to 2011, receiving just over 15 000 votes out of a total of 1.7 million. By comparison, HH's share of the vote climbed by nearly 30 per cent, from 18 per cent in 2011 to 47 per cent in 2015 – from a distant third placed candidate to losing the election by just 27 000 votes. The UPND's inclusion of local elites bolstered its vote share in non-traditional constituencies, gaining 25 per cent of the vote in Lunte Constituency (HH received just 0.9 per cent there in 2011) in the Northern Province, on the back of steady campaigning in the region and the support of MMD MP Felix Mutati. In the Northern Province capital's Kasama Central constituency, with the implicit support of PF MP Geoffrey Bwalya Mwamba, the UPND attained 22 per cent of the vote – a dramatic rise from less than one per cent four years earlier. Having gained few votes in the Northern and Eastern regions as well as the urban Copperbelt and Lusaka Provinces in 2011 (refer to the maps in the last section), 31 per cent of the UPND's vote share came from these non-traditional regions in 2015.[14] However, the vast majority (60 per cent) of Hichilema's vote share still came from the party's three stronghold provinces – Southern,

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13   I have left the two most populous and urbanized provinces (Lusaka and Copperbelt) out of the grouping, as urban voting dynamics differ significantly from more rural constituencies.

14   This was the combined share of Hichilema's vote that came from Northern, Luapula, Muchinga, Eastern, Copperbelt and Lusaka Provinces.
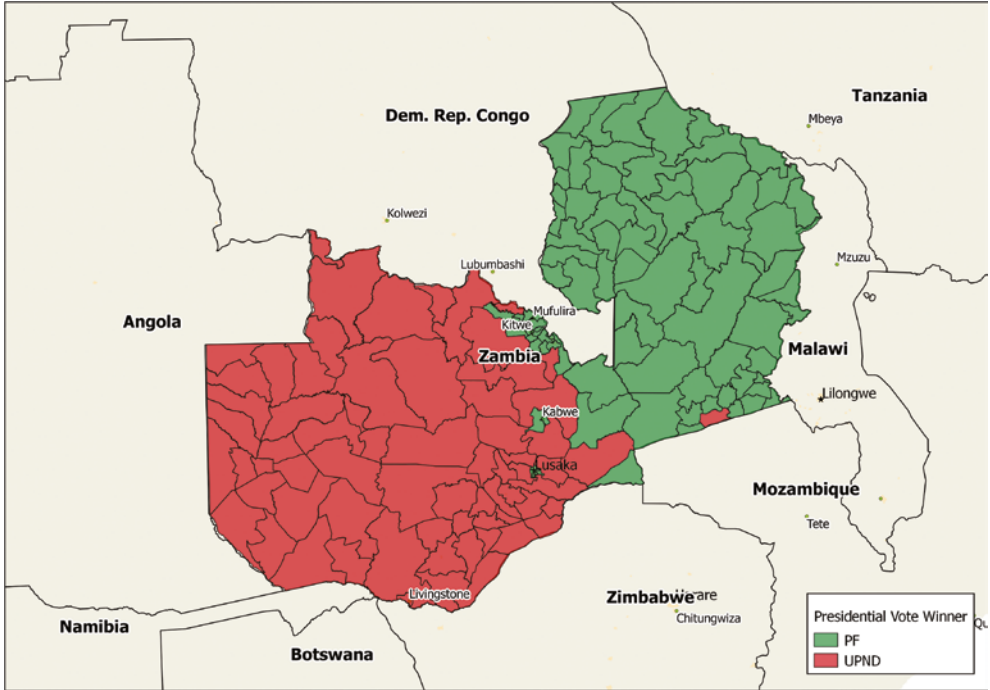
FIGURE 2.7   The 2015 presidential by-election results by constituency
            Note: As some of the constituency boundaries had changed between 2011 and
            2015 but the electoral boundaries were only consolidated in 2016, the 2016
            boundaries have been used and the constituency results averaged over new
            districts and constituencies (approximately six). This had relatively little impact
            on the appearance of the maps

FIGURE 2.8   The 2015 presidential by-election results of PF (green) and UPND (red) in order of declining
            vote share

Western and North-Western Provinces, while Central Province also swung behind the Southerner. The spread of the UPND's vote share in 2015 is illustrated by the red map in Figur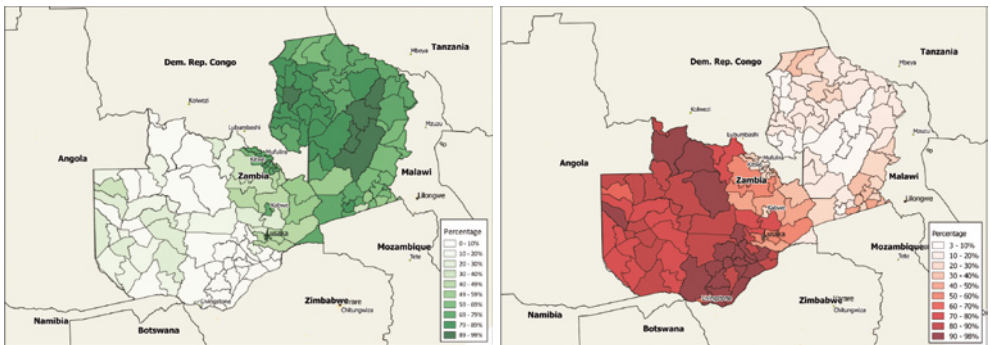e 2.8. The UPND consolidated its vote share in its strongholds but the party also managed to gain at least three per cent of the vote in every constituency, and gained significant ground in the Eastern, Central and far Northern regions. The informal alliance formed around the 2015 by-election would set the stage for a highly contentious and competitive election just 18 months later.

3   Consolidating the Playing Field in 2016

'On the basis that the new constitution is passed and there is the 50%+1, there will be no single party that is going to cross the 50 plus one. So it will give a much, much stronger case for alliances' (Mutati, 2015). Much of the literature on coalitions assumes that a two-round majority voting system discourages first round pre-electoral coalitions, which in circumstances where a strong-but-divided opposition can force the ruling party under the 50 per cent threshold, opposition parties often opt to contest separately and coalesce in the event of a second round (Bogaards, 2014; Kadima, 2006). However, in Zambia in 2016 the opposite was true. A change to the electoral laws in an election year prompted rapid-fire bargaining between opposition parties who believed that a united opposition would have a 'contagion' effect, increasing the proportion of the vote that the opposition could draw and increasing the likelihood of victory. The trends that began with the 2015 election were consolidated in 2016. The election results had shown that there would be only two real contenders in 2016, so most political actors found themselves picking a side.

The UPND has, historically, had a very limited impact in Bemba-speaking areas. When the presidential election was held in 2011, the UPND received over 71 per cent of the vote in its Southern Province stronghold but took just 0.78 per cent and 3.57 per cent in Bemba-speaking Northern and Copperbelt Provinces respectively. In the 2015 and 2016 elections, two things were different. The first was that the UPND campaigned extensively in the North, something that they didn't have the resources (or incentives) to do in 2011. The second difference was that between 2011 and 2015, the UPND had actively courted prominent Bemba-speaking politicians – predominantly those marginalized within the MMD and PF – resulting in a powerful line-up of Northern and Copperbelt elites joining the party on the campaign trail in 2015 and 2016. The third was the absence of a viable Bemba party leader – someone who commands support

in Bembaphone provinces in the way that Sata had done between 2006 and 2014 when he died. The absence of such a leader meant that Bemba-speaking voters had to find another leader either from their own ethno-language group or beyond it, especially in parties where one or more Bembas occupied senior or top leadership positions. As a result of both the MMD's implosion and the PF's shifting internal balance of power, marginalized Bemba politicians from within both parties were susceptible to the UPND's advances and they helped the party to rebrand and appear more diverse. Critically, a Northern Bemba-speaking former PF heavyweight – Geoffrey Bwalya Mwamba – was appointed party vice president and presidential running mate in 2016 after he defected from the ruling party. The UPND's national chairperson, Mutale Nalumango, was another prominent Northerner who had deserted the MMD a few years earlier to join the UPND. The coalition with MMD president Nevers Mumba and the UDF's Miles Sampa was used to bulk up the representation of Bemba-speaking and politicians. These politicians campaigned almost exclusively in the Bemba-speaking provinces, trying to change preconceptions regarding the UPND's ethnic affiliation using a range of economic, class-based and ethnic appeals to Bemba-speaking voters (Rally recordings, field notes and translations from Kafue (18 December), Kasama (14 December) and Mtendere (10 January), 2014). By 2016, Hichilema was speaking Bemba on the campaign trail in Bembaphone provinces, attempting to change widespread perceptions (peddled by opposing politicians) that he was just a Tonga 'tribalist' (Lusaka Times, 2015; Habaalu, 2013). At the same time – and because of the collapse of the MMD's electoral viability – the UPND consolidated the anti-incumbent vote around the country.

    In the 2016 Zambian election, what might be considered an atypical coalition or broad alliance was formed. The coalition was officially formed between the UPND and two smaller parties, Miles Sampa's United Democratic Front (UDF) and Charles Milupi's Alliance for Democracy and Development (ADD) – with Nevers Mumba's faction of the MMD joining later in the campaign. The UDF president, Miles Sampa, is the nephew of popular president Michael Sata, and was a key member of the ruling Patriotic Front. Sampa is a Bemba-speaking politician who set up his own party after violence at the PF's presidential candidate selection conference prevented him from competing on an equal footing with the 'victor', Edgar Lungu, in the race to succeed Sampa's uncle Sata at the helm of the PF in early 2015. Following the frustration of their attempts to run their own presidential candidate in August, the UDF allied itself to the UPND – in an attempt to broaden the larger party's appeal to Bemba-speaking voters – who make up 33.5 per cent of the population and reside predominantly

in the rural Northern, Muchinga, Luapula and Copperbelt provinces.[15] The UPND was also able to attract the endorsements of a wide range of Bemba-speaking politicians and prominent personalities, including the late president's son Mulenga Sata and veteran politicians Robert Sichinga and Vernon Mwaanga. These politicians went on to appear at UPND rallies in Bemba-speaking regions, entreating co-ethnic voters to vote for the party. At the same time, most of the MMD MPs who had supported the UPND in 2015 had resigned from their parties and opted to contest their seats on a UPND ticket in 2016 (Nkonde and Mataka, 2016; Mutale, 2016). Four Western Province MMD MP's defected to the UPND and were ultimately re-elected on the party's ticket.

3.1   *The Campaign*

From the 2015 results, the UPND campaign team identified the constituencies where their popularity was growing, but where more attention needed to be paid to campaigns to increase turnout and grow Hichilema's vote share. However, the ruling party was aware that the election would be a close one and they used all the means at their disposal – notably, the Public Order Act and control over the media – to limit the efficacy of opposition campaigns. In order to address this (and in light of increasing inter-party violence) the UPND launched 'Campaign Watermelon', which advised the party faithful to dress and behave like a watermelon – green (PF) on the outside and red (UPND) on the inside (Mataka, 2016). This was a repurposed version of the PF's 2011 'donchi kubeba' campaign, where they encouraged party members to take the MMD's gifts and attend their rallies, but not to tell the then-ruling party that they planned to vote PF. In addition to the campaign tactics used in 2015, the UPND created a campaign bus which it sent around the country, soliciting votes for the party. The bus was ultimately attacked by ruling party cadres in the high-density area of Mtendere in Lusaka just two days before the election.

The UPND's campaign was an intensified version of their 2015 trial run. By 2016, HH was speaking Bemba and Nyanja on the campaign trail and he used fewer interpreters in order to be seen to be 'inclusive'. A second campaign was run, which revolved around Geoffrey Bwalya Mwamba, Miles Sampa and Nevers Mumba, who campaigned almost exclusively in Bemba-speaking areas such as the Copperbelt, Luapula, Muchinga and Northern Provinces. They had

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15   According to the 2010 Census Report, Bemba is spoken by 33.5 per cent of the population and is spoken by a majority of citizens in Copperbelt (83.9 per cent), Luapula (71.3 per cent), Muchinga (49.6 per cent) and Northern (69.2 per cent) Provinces.

a dedicated journalist who covered their campaign and released daily video updates which were broadcast on Muvi TV (Muvi TV, 2016a, 2016b). The campaign's messaging was very similar to 2015, revolving around a saying commonly used by HH that, 'if your car is broken you go to a mechanic, if your child is sick you go to a doctor and if your economy is broken then you should go to an economist'. The campaign mixed positive messages about Hichilema's business and agricultural experience with negative messaging about the PF's performance and propensity for 'panga politics' (violence). In North-Western Province, the UPND president addressed huge crowds and articulated long-held grievances by promising to bring 'development', to reduce the cost of fertilizer, to build roads, to increase the roles of Zambians in secondary industry on the 'new Copperbelt' and to provide free education for their children (Muvi TV, 2016g, 2016h). In the Copperbelt and in Muchinga, Hichilema emphasized his humble origins and his affinity for the people's struggles, promising to reduce the price of fertilizer and retain jobs in the Copperbelt's mines (Muvi TV, 2016c, 2016e, 2016i). In Eastern Province, the party emphasized the importance of the support from Easterners such as UPND vice president Dr Canisius Banda and Rupiah Banda's son, Andrew, and highlighted the concerns of Easterners such as the high price of Zambian maize compared to the price just across the border in Malawi (Muvi TV, 2016d, 2016f) In Lusaka, the opposition leader promised to create jobs and protect the livelihoods of marketeers by offering them loans and preventing their eviction by police.

It is clear from Figure 2.9 below that the polarization of the political space into two camps, which began with the 2015 by-election, had consolidated during the 2016 election. The MMD supported the UPND president and didn't run their own presidential candidate, which meant that the 2016 election was between the two major players. The third-placed candidate, Edith Nawakwi, received just 24 000 votes or 0.7 per cent of the total vote. President Edgar Lungu was re-elected by a wafer-thin margin, making it over the new 50 per cent threshold by 0.35 per cent of the vote, or just 13 022 ballots.[16] The difference between the tallies of the two candidates was only 100 000 votes, with Hichilema taking 48 per cent of the total vote. As noted above, the results were remarkable for the extent that the UPND was able to branch out beyond its

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16   It must be noted that there were some serious concerns about the totals at several polling stations, particularly in Lusaka, where PF cadres forced observers out of polling stations during the count and the opposition was never given verified forms from polling station officials that outlined the final tally. In addition, there were reports of boxes of pre-ticked ballots found in some constituencies. The slow pace of counting and reporting by the Zambian Electoral Commission (predominantly in Lusaka, where counting and reporting should have been easiest) heightened suspicions that the tallies were being adjusted in favour of the ruling party.
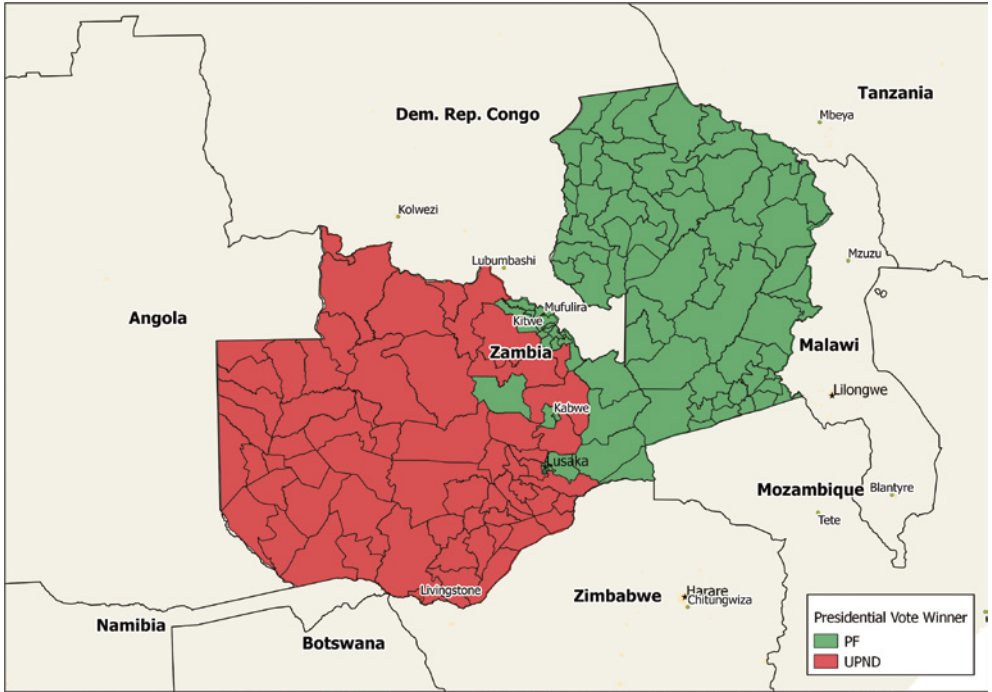
FIGURE 2.9   The 2016 presidential by-election results by constituency
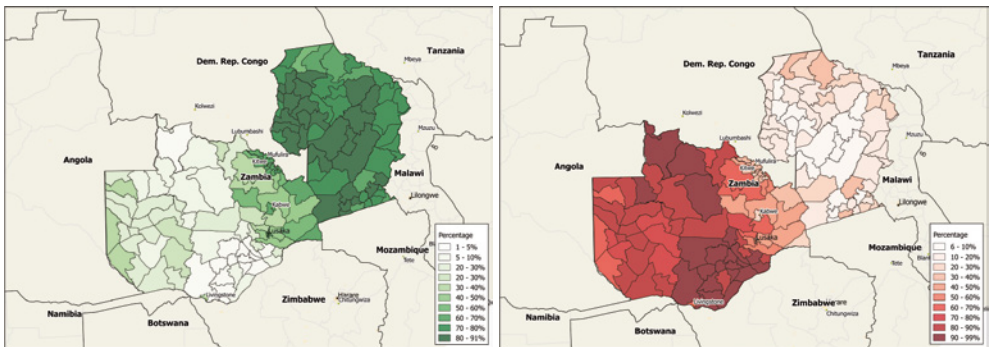

FIGURE 2.10   The 2016 presidential election results of PF (green) and UPND (red) in order of declining vote share

traditional base, garnering at least six per cent of the vote in every constituency across the country and receiving 92 per cent, 87 per cent and 82 per cent in Southern, North-Western and Western Provinces respectively. But even in provinces where the party had previously performed extremely poorly, Hichilema's results were surprising. The UPND received 22 per cent, 16 per cent, 14 per cent and 13 per cent from Northern, Eastern, Luapula and Muchinga provinces respectively.

The broad alliance appeared to have a significant impact at the subnational level, and ultimately at the national level. In the Copperbelt, the UPND went from 3.5 per cent of the vote in 2011 to 35 per cent in 2016. Similarly, in Northern Province the party had received 0.78 per cent in 2011 but 22 per cent in 2016. Contrary to existing hypotheses regarding the nature of 'ethnic voting' in Zambia and the limited support of the UPND outside of Southern Province, 45 per cent of HH's 2016 vote share came from the predominantly Bembaphone Copperbelt, Muchinga, Luapula and Northern Provinces, and from the Nyanja-speaking Eastern and Lusaka Provinces – areas outside of the UPND's traditional strongholds.[17] This suggests that the cross-ethnic alliance that was built by the UPND may have been successful in its attempts to broaden the party's support beyond its traditional electoral base. The UPND chose to go into coalitions because it needed to broaden its appeal beyond its strongholds. The party found itself in a strong bargaining position as it had become the largest opposition contender after the 2015 presidential by-election where it proved its capacity to win, even though the UPND had still lost that election by 27 000 votes. This is not to suggest that the coalition was the only reason for the dramatic change in the UPND's fortunes. At the same time, the MMD had all but collapsed, leaving the UPND to capture the anti-incumbent vote, and the PF was being measured against its delivery on its 2011 promises and was perhaps losing some of its appeal due to reports of corruption and maladministration.

4   Conclusion

This chapter has sought to outline the history of the UPND – from its rise in 2001, through its collapse in the mid-2000s to its resurgence by 2016. The

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17   Or areas populated by the so-called Bantu Botatwe – the Toka, Tonga, Ila, Sala, Lenje, Totela and Subiya. These groups tend to be concentrated in Western, Central and Southern Provinces. They are often also lumped together with the Lozi (Western Province) and Lunda, Luvale, Kaonde (North Western Province) as they have voted along the same lines in recent elections.

party's regained prominence can be attributed to the collapse of the MMD, the leader's attempts to bring prominent politicians from outside his strongholds into his fold and the waging of an unprecedented, targeted, national campaign. Equally – although it isn't sufficiently addressed in this chapter – a series of crises within the ruling party served to level the playing field, creating space for the opposition to campaign ahead of the 2015 presidential by-election. This helped to shift perceptions of the party away from being a strictly 'regional' to a national challenger, laying the groundwork for the contentious 2016 elections. Looking forward, this chapter doesn't try to suggest that the UPND has become an organizationally robust party or that its current predominance will be sustained. The party used an 'elite inclusion' model to compensate for its lack of national organizational reach. However, a historical reading of Zambian party politics suggests that the political elites who flocked to the UPND between 2015 and 2016 should not be considered committed party members; they may well switch allegiance again if another, more viable opposition party emerges. The party remains organizationally weak outside of its core strongholds, and whether it can sustain its national vote in 2021 will depend on whether or not the party invests in its structures across the rest of the country. In Zambia, ethnicity plays a visible role in politics (Posner, 2005), but the UPND's experience in the 2015 and 2016 elections demonstrates that a small party that is widely believed to represent the interests of a single ethnic community (or super-ethnic group) can partially overcome these perceptions by using elite inclusion and effective campaign strategies to broaden its appeal amongst members of other groups. This challenges the 'ethnic census' model of African electoral behaviour, suggesting that voters are open to voting for candidates outside of their ethno-linguistic groups. Future survey-based research would be helpful in disentangling the effects of elite inclusion, anti-incumbent voting and the efficacy of the UPND's campaign in persuading voters to vote for the party.

References

Adamu, P. (2014, November 24). 'Hichilema Holds Big Kanyama Rally'. *Zambia Reports*. Retrieved from http://allafrica.com/stories/201411240769.html.

'Banda on the Backfoot'. (2011, January 21). *Africa Confidential*. Retrieved 22 March 2017, from https://www.africa-confidential.com/article-preview/id/3823/Banda_on_the_backfoot.

Beardsworth, N. (2015, January 16). 'Zambia: Rise of the UPND Down to Good Preparation and Luck'. *African Arguments*. Retrieved 14 September 2016, from http://africa

narguments.org/2015/01/16/zambia-rise-of-the-upnd-down-to-good-prepara'tion-and-luck-by-nicole-beardsworth/.

Beardsworth, N. Rally recordings, field notes and translations from Kafue (18 December), Kasama (14 December) and Mtendere (10 January). (2014).

Bogaards, M. (2014). 'Electoral Alliances in Africa: What Do We Know, What Can We Do?', *Journal of African Elections*, *13*(1), 25–42.

Cheeseman, N. and R. Ford (2007). 'Ethnicity as a Political Cleavage'. In *Afrobarometer Conference on 'The micro-foundations of mass politics in Africa', East Lansing* (Vol. 12).

Cheeseman, N. and M. Hinfelaar (2010). 'Parties, Platforms, and Political Mobilization: The Zambian Presidential Election of 2008', *African Affairs*, *109*(434), 51–76.

Cheeseman, N. and M. Larmer (2015). 'Ethnopopulism in Africa: Opposition Mobilization in Diverse and Unequal Societies', *Democratization*, *22*(1), 22–50.

Chellah, G. and N. Michelo (2006, August 11). 'Sata, Sikota Seal Electoral Pact', *The Post*.

Editor. (2015, October 13). 'Zambia: HH is a Pompous, Good for Nothing Tribalist-Kambwili', *Lusaka Times*. Retrieved 31 October 2017, from https://www.lusakatimes .com/2015/10/13/hh-is-a-pompous-good-for-nothing-tribalist-kambwili/.

Elischer, S. (2013). *Political Parties in Africa: Ethnicity and Party Formation* (Cambridge: Cambridge University Press).

England, Andrew. (2015, April 20). 'Zambia Proposes Friendlier Mining Tax Regime after Protests'. *Financial Times*. Retrieved from https://www.ft.com/content/37580 714-e773-11e4-8ebb-00144feab7de.

'Fights before the Funeral' (2014, November 7), *Africa Confidential*. Retrieved 12 May 2017, from https://www.africa-confidential.com/article-preview/id/5833/Fights_ before_the_funeral.

'Foreign Boost for Opposition' (2014, November 21), *Africa Confidential*. Retrieved 15 November 2016, from http://0-www.africa-confidential.com.pugwash.lib.warwick. ac.uk/article/id/5841/Foreign_boost_for_opposition.

'Former Zambia President Rupiah Banda Seeks Re-election' (2014, November 17). *News24*. Retrieved from http://www.news24.com/Archives/City-Press/Former-Zambia-presi dent-Rupiah-Banda-seeks-re-election-20150429.

Fraser, A. (2017). 'Post-populism in Zambia: Michael Sata's Rise, Demise and Legacy', *International Political Science Review*, *38*(4), 456–472. https://doi.org/ 10.1177/0192512117720809.

Geloo, Z. (2012, February 29). 'Saying Bye (Elections) to Democracy in Zambia', Open Society Initiative for Southern Africa (OSISA) Blog. Retrieved 12 May 2017, from http://www.osisa.org/hrdb/blog/saying-bye-elections-democracy-zambia.

Gould, J. (2006). 'Strong Bar, Weak State? Lawyers, Liberalism and State Formation in Zambia', *Development and Change*, *37*(4), 921–941.

Habaalu, Roy. (2013, March 15). 'HH Can Cause Tribalism in Zambia if Elected President – Fr Luonde', *Maravi Blogspot*. Retrieved 31 October 2017, from https://maravi.blogspot.co.za/2013/03/hh-can-cause-tribalism-in-zambia-if.html.

Kilale, L. 'HH Thanks MPs for Endorsing Him' (2014, November 30), *Qfm*. Retrieved 14 May 2017, from http://www.qfmzambia.com/2014/11/30/hh-thanks-mps-for-endorsing-him/.

Kadima, D. (ed.). (2006). *The Politics of Party Coalitions in Africa* (Johannesburg: EISA).

'Katele Kalumba's Wife Endorses HH, Mucheleka Says North Voters Ready' (2014, November 30), *Zambia Watchdog*. Retrieved 14 May 2017, from https://www.zambiawatchdog.com/katele-kalumbas-wife-endorses-hh/.

Kombe, Mataka. (2016, July 13). 'UPND Launches Operation Watermelon, Green Outside, Red Inside', *The Post*.

Koter, D. (2016). *Beyond Ethnic Politics in Africa* (Cambridge: Cambridge University Press).

Larmer, M. and A. Fraser (2007). 'Of Cabbages and King Cobra: Populist Politics and Zambia's 2006 Election', *African Affairs*, *106*(425), 611–637.

Lungu, Muhabi (2015, February 23). Former MMD National Secretary.

Lungwangwa, Geoffrey (Prof.) (2015, February 3). Former MMD MP for Nalikwanda.

Machila, B. (2015, February 2). Former MMD MP for Kafue.

Machila, B. (2016, August 17). Former MMD MP for Kafue.

Macola, G. (2010). '*Liberal Nationalism in Central Africa: A Biography of Harry Mwaanga Nkumbula*' (New York: Palgrave Macmillan).

Malambo, C. (2014, November 18). 'Nevers Mumba Suspended from MMD; RB Adopted as Candidate', *Zambia Reports*. Retrieved 13 May 2017, from https://zambiareports.com/2014/11/18/nevers-mumba-suspended-mmd-rb-adopted-candidate/.

'Milupi Endorses HH' (2014, November 25), *Lusaka Voice*. Retrieved 14 May 2017, from http://lusakavoice.com/2014/11/25/milupi-endorses-hh/.

'Milupi, Msoni & Mulongoti Back HH' (2014, November 25), *Zambian Watchdog*. Retrieved 14 May 2017, from https://www.zambiawatchdog.com/milupi-msoni-mulongoti-back-hh/.

'MMD, UPND MPs Form Alliance' (2014, November 22), *Zambia Daily Mail*. Retrieved from https://www.daily-mail.co.zm/mmd-upnd-mps-form-alliance/.

Momba, Jotham C. (2011). 'Zambia: Between the Politics of Opposition and Incumbency'. In Hussein Solomon (ed.), *Against All Odds: Opposition Political Parties in Southern Africa* (Vol. 2) (Johannesburg: KMM Review Publishing Company).

Moonga, C. (2014, December 12). 'Rupiah Banda Wanted to Lead MMD-UPND Alliance', *Times of Zambia*. Retrieved from http://allafrica.com/stories/201412120740.html.

Mutale, C. (2016, May 13). 'HH Says Lungu Doesn't Understand Development as PF/MMD MPs Formally Join UPND', *Zambian Watchdog*. Retrieved 18 August 2016,

from http://www.zambiawatchdog.com/hh-says-lungu-doesnt-understand-devel
opment-as-pfmmd-mps-formally-join-upnd/.

Mutati, Felix (2015, February 9). Former MMD Minister of Energy and Minister of
Trade, Industry and Commerce.

Muvi TV. (2016b). 'GBM ON UPND STATISTICS'. Retrieved from https://www.youtube
.com/watch?v=qIv8hXPWnkQ.

Muvi TV. (2016b). ''. Retrieved from https://www.youtube.com/watch?v=qIv8hXPWnkQ.

Muvi TV. (2016c). 'HH GBM IN KABWE 01'. Retrieved from https://www.youtube
.com/watch?v=EWVw95jL6y4.

Muvi TV. (2016d). 'HH IN CHADIZA'. Retrieved from https://www.youtube.com/
watch?v=7BJ8n5ikSoQ.

Muvi TV. (2016e). 'HH IN CHINGOLA'. Retrieved from https://www.youtube.com/
watch?v=_8XJnfFxVLs.

Muvi TV. (2016f). 'HH IN CHIPATA REPORT'. Retrieved from https://www.youtube
.com/watch?v=8B1qpc9ZoJo.

Muvi TV. (2016g). 'HH IN SOLWEZI'. Retrieved from https://www.youtube.com/
watch?v=QyPZYzRi5tM.

Muvi TV. (2016h). 'HH MWINILUNGA'. Retrieved from https://www.youtube.com/
watch?v=YUHHdlGJ_Uw.

Muvi TV. (2016i). 'NAKONDE WELCOMES UPND'. Retrieved from https://www.you
tube.com/watch?v=DN5zc8CsCbo.

Muvi TV. (2016j). 'REPORT HH KANYAMA'. Retrieved from https://www.youtube
.com/watch?v=IjpOp9JVJ7w.

Negi, R. (2008). 'Beyond the "Chinese Scramble": The Political Economy of Anti-China
Sentiment in Zambia', *African Geographical Review*, *27*(1), 41–63.

Nkonde, Fridah and Mataka Kombe (2016, March 15). '2 Ministers Quit Government, as
12 MMD MPs Join UPND', *The Post*.

Nyirenda, C. (2014, November 25). 'ADD Rallies Behind UPND', *Times of Zambia*. Re-
trieved from http://www.times.co.zm/?p=43566.

Phiri, D. (2014, November 23). 'Maureen Mwanawasa, VJ, Desai, Samukonga Endorse
HH', *Zambian Watchdog*. Retrieved 27 February 2017, from https://www.zambi
awatchdog.com/maureen-mwanawasa-vj-desai-samukonga-endorse-hh/.

Posner, D.N. (2005). *Institutions and Ethnic Politics in Africa* (Cambridge: Cambridge
University Press).

Rakner, Lise and Lars Svåsand. (2005). 'Stuck in Transition: Electoral Processes in Zam-
bia 1991–2001', *Democratization*, *12*(1), 85–105.

Resnick, D. (2012). 'Opposition Parties and the Urban Poor in African Democracies',
Comparative Political Studies, *45*(11), 1351–1378.

Resnick, D. (2013). *Urban Poverty and Party Populism in African Democracies* (Cam-
bridge: Cambridge University Press).

Saluseki, B. and L. Mwilu (2006, May 31). 'Struggle for Control of UPND Hots Up', *The
Post*.

'Sata Rises in the West' (2011, June 10), *Africa Confidential*. Retrieved 22 March 2017, from https://www.africa-confidential.com/article-preview/id/4031/Sata_rises_in_the_west.

Sichikwenkwe, P. (2014, December 19). 'Rupiah Banda Tossed Out', *Times of Zambia*. Retrieved from http://allafrica.com/stories/201412190415.html.

Sishuwa, S. (2016). *'I am Zambia's redeemer': Populism and the Rise of Michael Sata, 1955–2011*, Unpublished DPhil thesis (Oxford: University of Oxford).

The Carter Centre. (2002). *Observing the 2001 Zambia Elections: Final Report* (Atlanta, GA). Retrieved from https://www.cartercenter.org/documents/1135.pdf.

'The Titanic Sails at Dawn' (2006, October 20), *Africa Confidential*. Retrieved 25 July 2017, from https://www.africa-confidential.com/article-preview/id/1892/The_Titanic_sails_at_dawn.

Unknown. 'Status of PF/UPND Pact and Politics of Elias Chipimo' (2009, November 16), *Zambian Watchdog*. Retrieved from https://www.zambiawatchdog.com/status-of-pfupnd-pact-and-politics-of-elias-chipimo/.

UPND. (2014). *Rock the Vote with HH*. Retrieved from https://www.youtube.com/watch?v=hiLjTbmbPvs.

UPND. (2015). *A New Journey for Zambia*. Retrieved from https://www.youtube.com/watch?v=hOpCra6NkQs.

'UPND Refuses to be intimidated by Violent PF Cadres' (2016, August 9), *Lusaka Times*. Retrieved 26 July 2017, from https://www.lusakatimes.com/2016/08/09/upnd-refuses-intimidated-violent-pf-cadres/.

Wahman, M. (2015). 'Nationalized Incumbents and Regional Challengers: Opposition- and Incumbent-Party Nationalization in Africa', *Party Politics* [vol? issue?], 1–14.

Wahman, M. (2016). 'Opposition Coordination in Africa', *The American Political Science Association Newsletter*, *14*(1), 1–7.

Western Embassy (Anonymous). (2015, February 10). Political Officer.

WikiLeaks. (2006). *Zambian Elections – Mwanawasa Leads, but Sata Gains* (Wikileaks Public Library of US Diplomacy No. 06LUSAKA1264_a). Retrieved from https://search.wikileaks.org/plusd/cables/06LUSAKA1264_a.html.

WikiLeaks. (2006). *Zambia Post-Election Roundup* (Wikileaks Public Library of US Diplomacy No. 06LUSAKA1518_a). Retrieved from https://search.wikileaks.org/plusd/cables/06LUSAKA1518_a.html.

WikiLeaks. (2008). *Zambian Presidential Race Tightens* (Wikileaks Public Library of US Diplomacy No. 08LUSAKA1033_a). Retrieved from https://search.wikileaks.org/plusd/cables/08LUSAKA1033_a.html.

WikiLeaks. (2009). *Zambian by-Election Marred by Violence and Fraud* (Wikileaks Public Library of US Diplomacy No. 09LUSAKA730_a). Retrieved from https://search.wikileaks.org/plusd/cables/09LUSAKA730_a.html.

'Zambia's Inconsistent Mining Taxation Policy is Costing Us' (2015, September 16), *Lu-saka Times*. Retrieved 14 May 2017, from https://www.lusakatimes.com/2015/09/16/zambias-inconsistent-mining-taxation-policy-is-costing-us/.

Preferences without Platforms: How Voters Make Choices in Zambia's Elections

Erin Hern

1 Introduction

In July 2016, Zambia was a month away from its impending presidential election. Great East Road, connecting the airport to the city of Lusaka, was lined with massive billboards trimmed in Patriotic Front (PF) green, proclaiming that President Edward Lungu 'Walked the Talk'. Lungu had been elected president in a by-election in 2015 after his predecessor, Michael Sata, died in office. Now, after only a year and a half in power, Lungu's bid for re-election depended on his ability to demonstrate the accomplishments of the PF government. The 'talk' that Lungu claimed to have 'walked' was simple: development. Each billboard included details of some type of project – road extension and repair, new hospitals and health upgrades – that Lungu and the PF could claim credit for. These billboards' counterpoints were marked by the signature red of the United Party for National Development (UPND), promising a 'stronger economy' with 'jobs' and 'health', implying that the PF had not delivered at all, but the UPND would. Much of the street-level discourse about the election hinged on peoples' perceptions of whether or not the PF government had improved basic services or the standard of living. The clarion call for both major parties was 'development', embodied by improvement to basic services.

Since the return of multiparty democracy in 1991, numerous commentators have focused on how Zambia's political parties have attempted to mobilize voters. These analyses have discussed ethno-regional blocs mobilized by local big men (Posner, 2005; Scarritt, 2006; Gould, 2010), the rise of populism after the 2001 elections (Cheeseman and Hinfelaar, 2010; Resnick, 2010), and PF's winning strategy in 2011 of ethnopopulism (Cheeseman and Larmer, 2015; Gadjanova, 2017). These mobilization strategies imply that Zambian voters make choices on the basis of ethnic identity in rural areas or as dispossessed workers in urban areas. However, such mobilization narratives are limited in what they can explain about Zambian voting behaviour, especially in Zambia's political system. Because Zambian elections generally feature only two or three nationally competitive parties, these parties cannot adequately claim to represent all

of Zambia's ethnic variation, and certain groups are perennially excluded from multiethnic coalitions. Commentators have noted that Zambian political parties lacked distinct programmatic platforms until the rise of Sata's populist movement, but such populism focused primarily on urban discontent, using ethnicity to mobilize rural voters 'despite his seeming lack of concern for rural issues' (Cheeseman and Hinfelaar, 2010: 74). Sata's 2011 ethnopopulist strategy capitalized on a distinct moment in Zambian politics, but his legacy is far less populist than his initial platform, and Lungu lacks the charisma that helped propel Sata to victory. Indeed, while the PF and the UPND do have distinct approaches to policy, their 2016 campaigns tended to rest on valence issues and personality rather than policy debate, leaving the average voter with little sense of programmatic differences between the parties.

In this context – incomplete ethnicization of politics and unclear programmatic differences between the parties – how do Zambian voters determine which party to support? How do they decide whether to engage with the political system at all? In this chapter, I make three interrelated arguments. First, I argue that the most important issue for most Zambians is basic service delivery. Zambians are more interested in service delivery as an outcome than policy debates about how to achieve it, resulting in political parties campaigning around 'development' as a proxy for services with little policy content. Second, I argue that in such an information-poor environment, citizens use their past experiences with service delivery both to evaluate the incumbent's performance and to determine whether there is any utility in political participation at all. Third, because there are limited viable party choices, voters balance their experiences with service delivery alongside considerations of ethnoregional identity in order to determine which party is most likely to benefit their community. Ultimately, I argue that experiences with service delivery allow Zambian voters to evaluate parties and develop preferences in the absence of programmatic platforms.

In the following section, I discuss the prevailing approaches to explaining party and voter behaviour in Zambia and elaborate my arguments about service delivery acting as an important heuristic for voters. I then discuss the sources of data on which I rely, including original data gathered in Zambia between 2013 and 2016 as well as Round Six of the Afrobarometer. The chapter then proceeds in three sections. The first examines how voter expectations shape party platforms, resulting in the prominence of valence issues (particularly, 'development') marking these platforms. The second section discusses how past experiences with service delivery become an important heuristic for voters, influencing both their support for the incumbent and whether they

TABLE 3.1   Percentage Share of Seats in the National Assembly, by Party and Election Year

	1991	1996	2001	2006	2011	2016
UNIP	16.7		8.6			
MMD	83.3	87.3	46	49.3	37.2	
UPND (UDA)*			32.6	18*	18.7	37.2
PF				29.3	40.5	51.3
Others	0	12.7	12.7	3.3	3.4	12

* Note: in the 2006 elections, UPND ran as part of a coalition with the FDD and UNIP known as UDA

decide to participate in politics at all. The final section explores how, with limited options, voters must rely on past experience with service delivery alongside ethnoregional logic to choose between parties that promise to do the same things.

2   Parties and Voters in Zambia's Third Republic

Since Zambia's return to multiparty democracy in 1991, the six tripartite elections have each displayed a different electoral dynamic, but explanations of voter mobilization have focused on a combination of ethnic politics, rural clientelism, and urban populism. Table 3.1 below displays the share of seats that major parties won in each election since 1991. Zambia's party system has been relatively volatile since its return to multiparty democracy, and the constellation of competitive parties – along with the mobilization tactics they employ – shifts from election to election (Weghorst and Bernhard, 2014).

In the 1991 elections, the ascendance of the Movement for Multiparty Democracy (MMD) and election of President Chiluba occurred in large part due to the party's role ushering in the return of multipartyism, combined with dissatisfaction with UNIP and the one-party state (Scarritt, 2006: 246). In 1996, MMD's vote share increased further after changes to the constitution prevented former President Kaunda from contesting, leading UNIP to boycott the elections. During these first two elections, Chiluba was able to rely on support from major urban centers due to his background as a trade union activist, and was able to appeal to a coalition of Bemba-speakers in Northern and Luapula

Provinces. During this time, Posner (2005) notes that political mobilization followed four ethnolinguistic blocks: the Bemba speakers of the north, the Nyanja speakers of the east, the Lozi of the west, and the Tonga of the south. Most observers of this period suggest that the MMD was able to maintain such support throughout the countryside by mobilizing the support of local intermediaries, suggesting an ethnoregional logic layered on top of rural clientelism (Cheeseman and Larmer, 2015: 36).

In 2001, after Chiluba unsuccessfully attempted to run for an unconstitutional third term, the MMD fractured over his choice of Mwanawasa as his successor. The result was a very crowded electoral field, and Scarritt (2006: 249) notes that nearly all the new parties had a distinct ethnic base. While Mwanawasa won the presidency, he faced a significant threat from the UPND, with its base in the south, and the PF, founded by Sata when he was overlooked as Chiluba's successor. As Sata's PF began to poach some Bemba support from the MMD, Mwanawasa attempted to entrench the MMD's dominance by strengthening its ties to rural communities at the expense of the urban worker who had formed MMD's original base.

Between 2001 and 2011, Sata gained increasing support, particularly among the urban dispossessed, through populist appeals. As Cheeseman and Hinfelaar (2010) note, Sata created a distinct platform in his rejection of foreign investors and international financial institutions, gaining a following of poor urban workers with his fiery rhetoric about increasing the urban standard of living. Sata recognized that urban support alone would not win him the presidency, and over time his strategy evolved into ethnopopulism: the marriage of populist appeals in urban areas to parochial issues designed to appeal to specific regions (Resnick, 2010; Cheeseman and Larmer, 2015). This strategy included targeting the Bemba in Northern and Luapula Provinces, as well as campaigning on the status of Baroteseland to garner support from the Lozi in the west (Gadjanova, 2017). This particular combination of urban populism and ethnoregionalism was strong enough to result in his victory in 2011.

Once in office, however, Sata's populist fervor was tempered and his animus towards international investors watered down. After Sata's death in 2014, the party faced an internal succession crisis. The PF had been contending with critiques that it was a 'Bemba' party, and tried to remedy this perception in 2015 by selecting Edward Lungu, a Nyanja-speaking easterner, to succeed Michael Sata. The result was a Bemba-Nyanja (north/east) coalition in support of the PF, which was then able to renew assertions that the UPND – its major rival – was a 'tribal' party only interested in representing the southern Tongas. Lungu won the presidency in the 2015 by-election, and had to stand again in the tripartite elections of 2016.

The 2016 elections thus presented another unique moment for Zambia's electoral politics, and the possibility of breaking the pattern of politics dominated by ethnoregionalism and clientelism rather than programmatic policy choice. The electoral match-up pitted the UPND against the PF directly, putting the styles of the two parties in stark relief. While the PF's populism had been watered down over time, it still represented a more interventionist approach to governance, while the UPND advocated for neo-liberal policies. Not only did the parties have distinct ideological approaches, but the election occurred against the backdrop of corruption allegations, deteriorating macroeconomic conditions marked by a sharp decline in the strength of the Zambian kwacha (and therefore the growing expense of all imports) and prolonged drought, which was contributing to a growing energy crisis by undermining Zambia's hydroelectric potential (Townsend and Pugh, 2016). Simultaneously, there was growing concern about the incumbent PF concentrating powers of the presidency by undermining the independence of the judiciary and limiting the freedom of press (Shaban, 2016).

Under these conditions, it appeared that the election might be about broader, programmatic policy issues. However, while these issues were regular topics of discussion amongst the urban political elite, many voters drew little distinction between the parties on these topics. Despite these serious economic and political circumstances – and distinct policy approaches to these national issues – both the PF and the UPND launched campaigns focused around 'development' and service delivery. Each party's raucous youth cadres, engaging periodically in clashes that marked an unprecedented degree of electoral violence for Zambia, further distracted from policy debate (Chamwe, 2016).

In this context, voters faced a limited choice. Only two political parties in the 2016 election were nationally viable. Each represented an ethnoregional bloc (the north and east for the PF, the south for the UPND), but these blocs inevitably exclude large portions of the population. The parties had distinct platforms, but these platforms were inaccessible to most voters. After Sata's death, the PF lost its charismatic populist champion – and it is harder for incumbents than challengers to claim a populist mantle. When ethnicity is an inadequate determinant of vote choice, and programmatic differences between the parties are unclear, how do voters make decisions about whether and how to participate? I argue that most Zambian voters are primarily concerned with basic service provision and are less interested in debates about approaches to policy. These common demands incentivize politicians to campaign around service provision and development as a valence issue, making it increasingly difficult to distinguish between the parties on the basis of platform. Voters thus evaluate the incumbent based on their experiences of service

delivery, which serve as a heuristic for the incumbent's overall performance. Voters then balance this personal experience alongside ethnoregional logic to determine whether the incumbent or the opposition is most likely to deliver services to their community in the future.

By advancing this argument, I do not mean to imply that Zambian elections (or Zambian voters) lack political ideology or that all voting behaviour is purely utilitarian. Furthermore, it is essential to note that perceptions of government performance – including service delivery – are often endogenous to partisanship (Duch, Palmer and Anderson, 2000). However, I argue that the trends I describe are strong enough to have a discernable impact on patterns of voting behaviour and party mobilization broadly. The next section describes the data and methodology I employ in this argument, and I then proceed to demonstrate that (1) service delivery is the central concern for most Zambian voters, (2) past experiences with service delivery influence partisan support, the likelihood of voting, and voters' beliefs that elections actually provide them with a choice, and (3) that service delivery combined with ethnoregional logic predicts vote choice in the context of limited options.

3   Data Sources and Methodology

This chapter provides evidence for the arguments noted above using several sources of data. The first comes from a survey and a series of interviews I conducted in Zambia between 2013 and 2016. The survey, carried out between October 2013 and February 2014, covers 1500 respondents from four districts across three provinces: Solwezi District in Northwestern Province, Kabwe District in Central Province, and Livingstone and Kazungula Districts in Southern Province. I chose these sites for variation in economic productivity, the quality of service delivery, and geographic diversity. This sample is evenly split between urban and rural respondents and gender-balanced, and was conducted using a random walk strategy stratified by local government boundaries within each district.[1] In the analysis that follows, I refer to this source as my 'original survey'.

I returned to Zambia in July 2016 to conduct in-depth interviews at the original survey sites. Over a month, I recorded and transcribed 172 interviews across Lusaka, Kabwe, Livingstone and Kazungula in order to better understand the trends in the survey data. Subjects for these interviews were recruited through a random-walk procedure in a sub-set of the original locations for the survey.

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1   More information about survey methodology is available in Hern 2019.

The interviews consisted of a series of open-ended questions asking respondents about their experiences with basic service delivery, their political attitudes and behaviours, and asked for explanations for why they did or did not participate in politics. Both these interviews and the original survey were undertaken with the help of research assistants and local translators, where necessary.

The original data I collected has the advantage of including both quantitative and qualitative components, but has limited geographic coverage. Therefore, I also use data from Zambia's Afrobarometer Round Six, which covers 1200 respondents from all ten provinces. This round of the Afrobarometer was carried out in 2014, shortly after my own survey concluded. Using an additional dataset adds external validity to my findings, as well as extending the geographic reach of the analysis to cover the whole country. The Afrobarometer includes questions that measure similar concepts in different ways, providing additional robustness to the findings from my survey.

Throughout the analysis below, I refer to those who took a survey as 'respondents' and those who answered the interview questions as 'subjects'. Each section relies on a combination of statistical analysis, using one or both surveys described above, and qualitative analysis of interview data. Additional detail regarding variable measurement and quantitative methods accompanies the analysis below.

4 Voter Expectations and Demand for Services

In July 2016, I interviewed Sakubiwa Nyambe, a young man who was running under the opposition UPND to be a local councilor for Nansanzu Ward in Livingstone (he subsequently won). Nyambe was highly motivated to run because of the challenges his neighborhood faced, including high levels of unemployment, alcoholism, and few prospects for the youth. Nyambe was frustrated by the lack of progress he saw under the sitting MMD councilor, and talked about his ideas for targeting income-generating projects at the unemployed youth population, shutting down the shebeens, and setting up a skills training centre. He had decided to run with the UPND because he was impressed with their manifesto, summarized in 10 key points. Yet, while Nyambe was campaigning, he was frustrated at how few of his neighbors were interested the key points of the UPND manifesto. As he explained:

> But you find, uh, most people are not voting because they have understood the manifesto of both parties [...] They would not even ask 'what

are you going to do for us?' When I am doing my campaigns, I even ask them, 'you are saying you are going to give me your vote, but you have not even asked me what I am going to do for you. So, if you were to give me your vote, what are you voting for? So, you should ask questions, of what you want me to do'. So, basically people are not even aware of, uh, even to go in these households, you would not even find any party manifesto.[2]

As Mr. Nyambe's narrative indicates, party platforms are often inaccessible to voters, who are more concerned about immediate issues like the quality of basic service delivery. Voters tend to describe their interests in terms of valence issues, such as 'achieving development' or 'improving standards of living', rather than expressing preferences about specific policies or approaches to achieving these ends. For most voters, party does not signify a particular platform, but rather represents the likelihood of gaining better access to state resources. That assessment generally comes from an evaluation of a party's past performance in an area. In order to illustrate voters' motivations for political participation, I turn to an analysis of the 2016 interviews.

Of the 172 interviews conducted in 2016, 138 subjects indicated that they intended to vote in the upcoming election, while 34 stated they would not. The number of self-reported participants is certainly inflated, as questions about political participation are subject to desirability bias (particularly when they concern future behaviour) (Converse and Presser, 1986). Nevertheless, the interview subjects' explanations as to why they would or would not engage in political participation are telling. The most common explanation for both participants and non-participants was either a complete lack of explanation, or one that was so vague as to defy categorization. After that, however, the explanations diverge. Among those who reported political participation, 32 per cent explained their participation in terms of development or public services. The remaining interview subjects invoked a sense of civic duty (17.1 per cent), referred to the futility of choosing between parties (10.4 per cent), or implied expectations of personal gain (3.7 per cent). Only two subjects – 1.5 per cent – -talked about specific policies or party platforms. Among the non-participants, the most common explanation was the lack of a difference between political parties (34.2 per cent). Other explanations included religion (23.7 per cent) and a lack of development or service provision (7.9 per cent). Figure 3.1 below displays the percentage of interview subjects who gave various explanations for their behaviour.

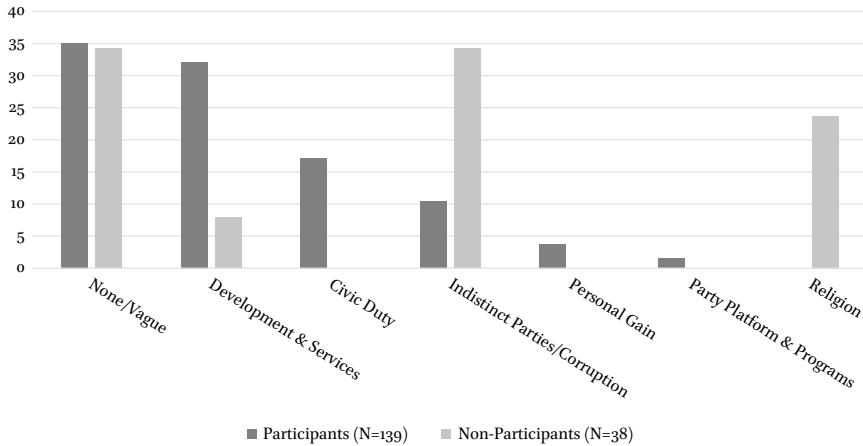2   Interview conducted July 21, 2016, in Livingstone.

FIGURE 3.1 Explanations for political behaviour

4.1 *Motivations for Political Participation*

For those who could explain their participation at all, the most common explanation was to talk about the importance of development or service delivery. These invocations of development were usually framed as valence issues, rather than specific policy platforms. For example, one subject stated, 'This is why I vote. I need development in my country'.[3] Another explained, 'Okay what makes me talk about the politics, what we need is development and it will improve our lives, standard of living in our communities'.[4] Interview subjects provided such explanations regardless of which party they supported. Those who supported the incumbent PF made statements such as 'the reason [we] are going to vote is because [we] want the ruling party because the ruling party is bringing development and [we] want the ruling party to continue providing these services'.[5] Similarly, those who were less impressed with the PF might assert 'if [I] get to vote for a new government, the government will provide services for [us]'.[6] Many of these subjects had the attitude that politics was just something one had to deal with in order to make bids for access to state resources. As one put it, 'politics is a dirty game. Me, I am only interested in development'.[7]

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3 Interview LSK-R-2, July 5, 2016.
4 Interview KBW-E-1, July 7, 2016.
5 Interview KBW-E-28, July 13, 2016.
6 Interview KBW-E-21, July 12, 2016.
7 Interview LVS-R-18, July 22, 2016.

Other explanations for participation also lacked emphasis on programs or policy. The next most common explanation for participation was a simple invocation of civic duty. 'I want to vote. I want to exercise my rights', one subject asserted.[8] Others provided explicit reference to the logic of democracy. 'It is my civic right to expect [sic] politics', one said, 'because, without me, no one can elect the leader to represent me in the ward'.[9] Another noted, 'I want to have my say in the government. If I stay home, I shouldn't grumble when the government doesn't appeal to my specifications'.[10] Despite articulating the logic of democracy, these respondents did not make any reference to the different political parties actually representing different programmatic options.

Others explained their participation specifically *in spite of* indistinct party options. For example, one subject explained, 'I hope that we will be providing the best candidate that we could be voting for. Voting is secret. So I listen to manifestos. I know all the manifestos are similar though, so then it comes down to what kind of leader you look for'.[11] Another subject talked about voting but then said, 'I don't pick a party [...] it doesn't really matter who is in charge'.[12] This sentiment was repeated throughout the interviews, as by this frustrated voter: 'They will come in, they will preach, but they don't do what they preach. So you feel like they are one and the same'.[13]

Overwhelmingly, motivations for political participation were related directly to a desire to see development and public service provision – either improvements or continuation thereof. Importantly, voters framed development as a valence issue rather than a matter of different policy approaches, and their attitude about which party to vote for had to do with whether they perceived improvement in services in their neighborhood or not. Voters who talked about the logic of democratic governance generally talked about choosing a 'good leader' instead of distinguishing between party platforms, and a number of voters stated explicitly that party does not matter because 'they are all the same'. This logic was replicated among the interview subjects who had no interest in political participation.

4.2   *Motivations for Non-participants*
The most common explanation for lack of political participation was the assertion that elections are irrelevant because all parties are the same (and all are

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8   Interview KBW-R-8, July 8, 2016.
9   Interview LVS-E-11, July 21, 2016.
10   Interview LVS-R-3, July 18, 2016.
11   Interview LVS-C-23, July 25, 2016.
12   Interview LVS-C-13, July 21, 2016.
13   Interview KBW-E-4, July 8, 2016.

equally corrupt). Subjects explained their decisions not to participate because 'the person elected would still be the same thing. There wouldn't be much of a difference', or 'they are not helping us at all, and it doesn't matter who is in power, we still get left alone out here'.[14] Many subjects who expressed this idea also alluded to perceived corruption on the part of politicians from all parties. As one explained, 'All they need is to feed themselves. When they feed themselves, they don't recognize us. We are the ones who vote for them to be there. We chose them to stand for us, now they don't. You see? Like just look for themselves in their accounts. Greed effect'.[15] These respondents evidenced a degree of political nihilism related to the perception that changing the political party in power would not change their lives. These responses contained a similar logic as the smaller number of subjects who explicitly listed lack of development as the reason for their non-participation. One simply stated that he did not vote 'because we are not seeing any development'.[16] Another drew a more explicit connection after participating in politics to no avail: '[We] contacted the councillor on the issue of water and a borehole. [I] even stopped voting for that councilor'.[17] Finally, a substantial portion of non- participants explained that they eschewed politics due to their religion. Most of these subjects reported being Jehovah's Witnesses. As one put it, 'I voted for Jesus', and that was the last vote he wanted to make.[18]

Many of the non-participants' explanations echoed those of participants, with a more pessimistic take. None of the non-participants discussed dissatisfaction with party platform as their reason for abstention. Rather, the most common explanation of lack of participation was the perception that there was no functional difference at all between the parties. These responses indicate that, while the PF and the UPND have distinct political philosophies, those philosophies do not get communicated to voters.

While the interview sample analysed above is relatively small and geographically limited, Round six of the Afrobarometer, carried out in Zambia in 2014, provides some corroborating evidence as to the things voters are likely to find important. The Afrobarometer asks, as an open- ended question: 'In your opinion, what are the most important problems facing this country that government should address?' The top three responses to this question had to do with basic services: health (38.5 per cent), education (36.2 per cent) and water

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14   Interview KBW-C-4 and LVS-C-15, July 7 and 21, 2016, respectively.
15   Interview KBW-R-3, July 7, 2016.
16   Interview LVS-R-19, July 22, 2016.
17   Interview LVS-E-38, July 26, 2016.
18   Interview KBW-E-29, July 13, 2016.

supply (28.9 per cent).[19] These data confirm that, for the Zambian electorate, the most pressing issues are the delivery of basic services. The interview data suggest that most Zambians view basic services as something that just needs to be done rather than an issue of policy debate. Voters' preferences have a distinct impact on the incentives surrounding politicians: Even if parties wanted to run on the basis of a distinct party platform, the nature of the electorate pushes them towards valence issues around service delivery and 'development'.

5   Past Service Delivery and Voter Evaluation of Parties

When parties run for office on the basis of their ability to 'bring development' – and to bring it 'better' than any other party, how do citizens determine who to vote for? In this context, I argue that the quality of service provision over the course of tenure of the ruling party becomes a key heuristic for voters, signaling the likelihood that it will provide services to a particular area in the future: did the ruling party improve services in an area, and therefore are they likely to continue to deliver? Or did the ruling party fail to deliver, indicating that some other party may be a better bet?

When all parties are ostensibly offering the same thing, whether or not the incumbent has delivered service improvements is the strongest signal for voters about which party to support. In this way, public service delivery is closely linked to political participation. However, service delivery influences more than vote choice: a person's past experiences with service delivery can influence whether or not s/he decides to participate in politics at all. Drawing from qualitative interview data, my original survey in 2013/2014, and the Round six Afrobarometer in 2014, in this section I demonstrate that experiences with services delivery influence support for the incumbent, beliefs about the differences between parties, and citizens' intentions to vote at all.

5.1   *Quantitative Analysis of Perceptions of Service Delivery, Party Support, and Voting Patterns*
Perceptions of how well the government is delivering services influence citizens' political attitudes and behaviour. Importantly, the actual quality of the services is less important than the perception that the government is actively trying to improve services (Hern 2017; McLoughlin 2015; Bratton 2007). Zambians understand that even the best-meaning politicians face resource

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19   Percentages add to more than 100 per cent because respondents were able to list more than one issue.

constraints, and do not expect that any party will be able to instantly deliver development. However, citizens do critically assess the extent to which the government is making a sincere effort to improve services, and use this assessment to evaluate party performance and the utility of political participation more broadly. I demonstrate the relationship between perceptions of service delivery, party support and likelihood of voting below with statistical analysis of two datasets.

First, I use the original survey data I collected across Southern, Central, and Northwestern Provinces in 2013/2014. For this dataset, the key independent variable is derived from an open- ended question: 'How well do you think the government is doing providing basic services and development projects?' Responses were coded into four different categories: (1) the government is doing very well; (2) the government is trying, but not doing enough; (3) the government is not doing anything; and (4) the government is making things worse. For the analysis below, I collapse these responses into a binary variable, *Positive Project Experience,* where '1' includes respondents who said the government is 'doing well' or 'trying' and '0' includes respondents who indicated that the government was not doing anything or making their lives worse. The key dependent variables are both binary and capture whether the respondent indicated supporting the ruling party (*Support Ruling Party*) and whether they report planning to vote in the next election, at that time planned for 2016 (*Prospective Vote*).

As this dataset is geographically limited, I also employ Round six of the Afrobarometer in Zambia to see whether the results hold for a nationally representative sample. The Afrobarometer does not ask what respondents think of services generally, but they do ask about specific services. I create the variable *Government Handling of Services* by combining respondents' answers to questions about the three most pressing issues (as identified by Zambians in the same survey, described above): health services, educational needs, and water/sanitation. Their responses were coded from 1 (very badly) to 4 (very well). *Government Handling of Services* therefore ranges from 3 to 12, where 3 indicates that the respondent feels the government is handling all issues very badly, and 12 indicates that it is handing all issues very well. For this dataset, the dependent variables include *Support Ruling Party* and *Voted.* Importantly, *Voted* captures whether the respondent reported voting in the previous election in 2011. Finally, the Afrobarometer includes a question regarding respondents' perceptions of whether they have a real choice in elections. *Political Choice* takes the value of 1 if respondents state they have a real choice 'often' or 'always', and 0 if respondents state they have a choice only 'sometimes' or 'never'.

Table 3.2 below displays the results of logistic regression analysis, coefficients displayed as odds ratios for ease of interpretation (meaning that coefficients greater than 1 indicate a positive relationship, while coefficients less than 1 indicate a negative relationship). Columns I and II use my original dataset, while Columns III-V employ the Afrobarometer. For Columns I and II, standard errors are clustered by Ward, the unit of stratification. This designation was unavailable for the Afrobarometer data, so these models employ robust standard errors instead. Each model uses a standard set of control variables, including sex, urban vs. rural residence, education, age and religiosity.[20] For the models using the Afrobarometer, I include a poverty index that captures how often the respondent goes without food, water, medical care, cooking fuel or a cash income. For the models using my survey, I use formal employment as a proxy for regular income. Models using each dataset include fixed effects for Tribe and Province to account for any variation due to ethnoregional trends.

The results displayed in Table 3.2 indicate a few things. First, data from both my survey and the Afrobarometer confirm that assessment of government service provision is positively associated with support for the ruling party. This relationship holds across different datasets and different measurements of perceptions of service provision. Second, perception of service delivery is associated with the likelihood of voting in the upcoming election, but not having voted in the previous election. Finally, perception of service delivery is associated with the belief that there is a real choice in elections. This section continues to analyse each of these relationships in greater depths.

First, those who believe the government is doing well providing services are also more likely to support the ruling party. Figure 3.2 below displays the marginal effects of the two different measures of service delivery perceptions on likelihood of supporting the ruling party. Panel A on the left, derived from my original survey, shows that if a person holds a negative assessment of services, her probability of supporting the ruling party is only about 34 per cent. That probability jumps to 54 per cent with a positive assessment of services. Panel B on the right, derived from the Afrobarometer, indicates that as a respondent's assessment of government services moves from 3 (doing everything very badly) to 12 (doing everything very well), her likelihood of supporting the ruling party

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20   For my survey, age is an ordinal variable grouping respondents 18–35, 36–50, 51–65, and >65. For the Afrobarometer, I use the natural log of age. Religiosity is an ordinal variable capturing the frequency of attendance at religious gatherings. This is an imperfect proxy for income, but it does capture something of class, as those who reported formal employment with a regular income tended to be more financially secure than those who worked informally or in subsistence agriculture.

TABLE 3.2   Perceptions of Services, Political Attitudes and Voting Behaviour

	Support Ruling Party [+I]	Prospective Vote [+II]	Support Ruling Party [*III]	Voted [*IV]	Political Choice [*V]
Positive Project Experience	2.40***	1.79***			
	(0.35)	(0.31)			
Government Handling of Services			1.10***	1.01	1.10***
			(0.04)	(0.03)	(0.03)
Male	1.02	1.15	1.66***	1.22	0.76*
	(0.12)	(0.22)	(0.27)	(0.18)	(0.11)
Urban	0.77	0.82	1.20	0.88	1.11
	(0.13)	(0.18)	(0.26)	(0.16)	(0.20)
Education	1.07*	1.12*	1.09	1.09	1.00
	(0.04)	(0.07)	(0.06)	(0.06)	(0.05)
Age	1.14**	1.24*	1.21	15.12***	1.05
	(0.07)	(0.15)	(0.26)	(0.00)	(0.21)
Religiosity	1.05	1.03	1.10	1.03	0.99
	(0.04)	(0.06)	(0.07)	(0.06)	(0.06)
Formally Employed	1.20	0.87			
	(0.20)	(0.22)			
Poverty			1.00	0.99	1.01
			(0.02)	(0.02)	(0.02)
Province FEs	Yes	Yes	Yes	Yes	Yes
Tribe FEs	Yes	Yes	Yes	Yes	Yes
N	1489	1487	962	1011	986
Wald Chi2	215.17	212.86	122.72	150.15	117.15

Odds ratios for logistic and ordinal logistic regressions reported, standard errors parenthesized below. Statistical significance denoted by * if p<0.1, **if p<0.05, ***if p<0.01. [+]Standard errors clustered by Ward, unit of stratification. Data derived from author's survey. [*]Robust standard errors. Data derived from Afrobarometer Round six, in Zambia
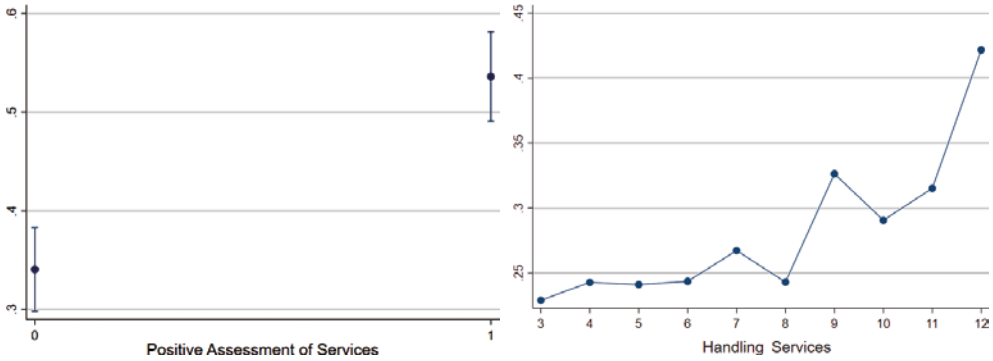
FIGURE 3.2   Marginal Effects of Assessment of Services on Ruling Party Support

jumps from 23 per cent to 42 per cent. This marginal effects plot demonstrates an important break between scores of 8 and 9. Respondents with scores of 8 or below have similarly low rates of support for the ruling party, while after 9 (an average score of 'government doing well' on each service) there is a clear positive trend in support for the ruling party.

Importantly, these data do not allow me to make any claims to causality. There is reason to believe that those who support the ruling party would perceive its attempts at service delivery more favourably, just as one might expect that positive assessments of service provision might generate support for the incumbent. It is reasonable to assume that the relationship between perceptions of service delivery and partisanship is causally complex, particularly given evidence that partisanship influences people's perceptions of government performance (Evans and Andersen, 2006). The qualitative data, discussed below, helps to illuminate the mechanisms underlying this relationship.

Next, the results in Table 3.2 indicate a relationship between perceptions of service provision and political behaviour. Current perceptions of service provision have no relationship with whether the respondent voted in the *past* (Column IV), but they are positively related to the respondent's reported intent to vote in the *future* (Column II). Respondents with more positive assessments of service provision are 79 per cent more likely to report an intent to vote than those with a negative experience of services. The results in Column V provide a clue as to why: those who have a more positive assessment of services are also more likely to believe that elections actually provide a political choice. Specifically, for those who think the government does 'very badly' at providing all three services, the likelihood that they believe they have a political choice is only 53 per cent. For those who think the government provides all three

services 'very well', the likelihood that they believe they have a political choice jumps to 80 per cent.

Perception of service provision not only influences the likelihood of political participation; it also influences the degree to which citizens believe that political participation in meaningful. However, one concern is that both perceptions of service delivery and political behaviour might be driven by partisanship – particularly since partisanship correlates with perceptions of service delivery. In both datasets, perceptions of service delivery maintain a significant relationship with *Prospective Vote* and *Political Choice* even after including support for the incumbent as a control variable (results not shown). The data therefore indicate that, while perceptions of service delivery and incumbent support are challenging to disentangle, perceptions of service delivery also have a direct relationship to political behaviour, regardless of partisanship. The following section turns to interviews to provide more context for these quantitative relationships.

One final concern is whether the relationships described above are related to urban/rural residence. Given the MMD's history of clientelism and club goods provision in rural areas, and the PF's focus on the grievances of urban workers, one might expect these different mobilization strategies to moderate the relationship between perceptions of service delivery and political behaviour. Generally, however, this is not the case. Including interaction terms between urban residence and perceptions of service delivery in the models above yields null results in all but one case: incumbent support in the Afrobarometer's national sample (results not shown). Perception of services is a stronger predictor of support for the PF in urban areas in Zambia, lending some credence to the idea that urbanites are more likely than rural dwellers to assess service delivery in their selection of a party to support. However, urban versus rural context had no bearing on the relationship between perception of services and voting behaviour or belief in political choice.

5.2   *Qualitative Analysis of Service Delivery, Political Attitudes and Voting Behaviour*

The survey data demonstrate that Zambians with positive assessments of government service provision are (a) more likely to express support for the ruling party, (b) more likely to express an intent to vote in future elections, and (c) more likely to believe they have a real choice in elections. Interviews with prospective voters made it clear that these three factors are inter-related, and are connected to a sense of political efficacy and belief in accountability that comes with improvements to service provision.

One woman explained that she planned to vote because 'the ruling party is bringing development and [we] want the ruling party to continue providing these services'.[21] This sentiment, connecting services with the ruling party as well as vote intention, appeared frequently among interview subjects who had described positive experiences with public services. One subject enthusiastically explained that he participated in politics because 'this government is delivering through and through!'[22]

While these responses reflect partisanship, other interview subjects who reported a positive experience with services explained their intention to participate in more neutral terms. For example, one interview subject, who was particularly active in politics, clearly articulated the positive changes to infrastructure that he had experienced under the ruling PF. However, his explanation of *why* he participated invoked the importance of accountability rather than partisanship: 'If I see the government is not doing well when the people are complaining, I have to vote against the government. Maybe there is no one who can come and do the right things which the people want, okay? This is why I vote. I need development in my country'.[23] Another provided even more procedural detail. He described his recent positive experiences with service provision, but then underlined the importance of participation by describing channels of accountability:

> Well a councilor is being contacted so that he knows exactly what we normally want to be done in our community. You can see like roads here. This roads, I don't know when they were last worked on. There are some schools which we need some desks. There are even clinics at times when we don't have medicine. So those things at least the councilor must be aware so he can at least take it to the chambers and see what they can do [sic].[24]

While it may be challenging to disentangle partisanship from positive assessments of government service provision, these interview subjects illuminate another link between service provision and political behaviour: a sense of government responsiveness generating political efficacy. Because of their previous experiences with service provision, they believed that it would be worthwhile to pursue future demands through formal political channels like voting. Service

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21   Interview KBW-E-28, July 13, 2016.
22   Interview LSK-E-1, July 4, 2016.
23   Interview LSK-R-2, July 5, 2016.
24   Interview KWB-R-8, July 8, 2016.

provision thus operates as a heuristic, communicating strong signals to prospective voters about the performance of the ruling party, as well as the utility of participating in politics generally.

To elaborate this idea further, it is useful to examine the political behaviour of interview subjects who reported negative experiences with public service delivery. Many of these subjects, often living in more remote rural areas, described outright government neglect as far as service provision was concerned. As the quantitative model revealed, people with negative experiences with public services were much less likely to vote or hold a partisan preference for the ruling party. Their qualitative accounts illuminate why: poor or nonexistent services communicate to people that the government is unlikely to tend to their needs. Neglect leads to lower levels of support for the ruling party, but also reduces the likelihood of political participation. One woman explained, 'we don't vote because we don't see change. It doesn't matter who is in power'.[25] Others opined, 'these people, they are too busy for commoners like us', and 'it is just a waste of time [...] nothing would change'.[26] Many of these explanations included the sense that elections do not represent an actual choice. One woman described a negative experience with services, but then indicated her lack of interest in political participation. Asked why, she explained, 'I don't even know him [...] it is all the same. The councillor, the president, it's all the same. It's one thing. All they need is to feed themselves. When they feed themselves, they don't recognize us'.[27]

Citizens' experiences with service provision have a strong relationship to political attitudes and behaviour. When citizens perceive all parties as ostensibly offering the same platform, the ruling party's record of service delivery serves as an important signal for voters. Those who reported positive experiences with service delivery were statistically far more likely to express support for the ruling party, and this support is explicitly linked to perceptions of 'development'. Service delivery is not just a heuristic informing party preference – it also influences whether or not Zambians plan to participate in politics generally. Statistically, positive experiences with services are linked to a greater likelihood of voting intention and the belief that elections offer real choice. The interview data indicate that these two beliefs are related. Service provision sends strong signals about government responsiveness; those who have had negative experiences with service provision are less likely to vote in large part because they believe that it does not matter who is in the government – the

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25   Interview LVS-C-18, July 21, 2016.
26   Interviews KBW-E-6, July 8, 2016 and LVS-E-9, July 19, 2016, respectively.
27   Interview KBW-R-3, July 7, 2016.

outcome, for them, will be the same. For those who have had a positive – or mixed – experience with service provision, however, whether or not the incumbent has delivered service improvements is the strongest signal about which party to support.

6   Ethnoregionalism and Voting under Constrained Choice

Perception of service provision alone does not determine vote choice, and in the Zambian context, any analysis of voter preference must take into account the role of ethnicity (Posner and Simon, 2002; Larmer and Fraser, 2007). As Posner (2005) noted, Zambians assume that having a member of their own group in political power increases the likelihood that they will be able to access state resources. Indeed, there is some evidence that (at least under the MMD), the government did selectively engage in distributive politics to shore up its ethnoregional base (Mason, Jayne and Van de Walle 2017).

However, with limited party choice, Zambians may not have the option of voting for their own ethnic group. Therefore, voters must balance their experiences with service provision alongside the ethnic associations of each party to determine which party is most likely to benefit their community in the future.

To understand how this logic plays out, it is useful to examine voting patterns across regions representing different ethnoregional blocs and with different experiences with service delivery. The three sites where I carried out my original survey – Livingstone/Kazungula in Southern Province, Kabwe in Central Province, and Solwezi in Northwestern Province – each have a distinct history with service delivery and are part of a different ethnoregional bloc. Table 3.3 summarizes these key differences. This comparison allows analysis of a two-step process in which voters first consider whether they have an ethnoregional connection to any of the major parties and then consider service provision under the incumbent to determine the optimal vote choice.

Both Kabwe and Livingstone/Kazungula Districts are emblematic of ethnoregional voting patterns. While Kabwe is ethnically mixed, the majority of survey respondents elected to take the survey in Bemba, and Kabwe has close connections to the Copperbelt region, part of the Bemba-belt that historically supported the MMD and then the PF. With a generally positive assessment of the government's attempts at service provision and links to the ethnoregional bloc supporting the PF, it is unsurprising that the PF had strong electoral victories in Kabwe's constituencies in both 2011 and 2016 – support for the PF here was overdetermined. Livingstone/Kazungula, in Southern Province is outside

TABLE 3.3   Province-Level Comparisons

	% Positive Assessment of Services	Ethnoregional Political Affiliation	2011 Vote Choice	2016 Vote Choice
Kabwe	71.8%	PF	PF	PF
Livingstone/ Kazungula	59.7%	UPND	UPND	UPND
Solwezi	42.8%	N/A	MMD	UPND

the ruling party's ethnoregional bloc. There is a general consensus – whether true or not – that the area is neglected because it has historically been represented by opposition parties. Therefore, it would be reasonable for residents to conclude that service provision would improve under the opposition party, the UPND. Unsurprisingly, both Livingstone and Kazungula district voted decisively for the UPND in both 2011 and 2016. Both these areas demonstrate the link between service delivery and incumbent support, colored by ethnoregional understanding of distributive politics.

Finally, Solwezi District in Northwestern Province provides a test of how voters behave when they have no clear ethnoregional links to any party. Solwezi is a historically neglected region with little investment from the central government and few economic prospects. In 2008, the re-opening of the Kansanshi Mine created the possibility of new development and economic growth in Solwezi town. However, at the time I conducted my survey there in early 2014, service provision lagged far behind what the government promised, and the town was having difficulty coping with the influx of new workers and a lack of infrastructure to support them. Many rural villages appeared completely untouched by the purported development associated with the re-opening of the mine. This neglect is apparent in the statistic that only 42.8 per cent believe that the government is even trying to improve service provision. Northwestern Province, dominated by the Kaonde, is not part of an ethnoregional bloc represented by the extant political parties.

How do voters behave when they have no ethnoregional link to a major party? Solwezi's constituencies voted for the incumbent MMD in 2011, but swung hard to the opposition UPND in 2016. In 2011, shortly after the re-opening of the Kansanshi Mine, residents of Solwezi had high expectations of the private and government investment that was likely going to come their way.

Furthermore, there would have been little reason to believe that the primary opposition party – the PF, representing the same ethnoregional bloc – would improve their prospects. With the prospects of improvements in service provision moving forward, Solwezi stuck with the incumbent MMD. By 2016, however, many of those services had failed to materialize, and the MMD was no longer a viable option, having been unseated by the PF. Without a strong ethnoregional connection to either party, and facing a dismal record of service improvements under the incumbent, the opposition party was a better bet in the face of the ruling party's record, *despite a lack of ethnoregional ties to the UPND.*

Ethnoregional tensions still influence party politics in Zambia, and there is some evidence of distributive politics related to these ethnoregional affiliations. Yet, electoral systems that result in two or three major parties cannot adequately represent all major ethnic blocs. Vote choice thus depends both on past experiences with service delivery and ethnoregional identity, which together create strong signals about the likelihood that the incumbent or some other party might generate improvements for a community.

7   Conclusion

Since democracy's third wave swept across Africa in the early 1990s, African electoral systems have received much scholarly attention: the academy has analysed how 'democratic' these systems are (Van de Walle 2002), studied the mechanics of both volatile and dominant party systems (Kuenzi and Lambright, 2005; Bogaards 2005), and analysed the roles of ethnicity and distributive politics in mobilizing voters (Eifert, Miguel and Posner, 2010; Kramon and Posner, 2013). Less work, however, has examined why and how voters vote in political systems that, for one reason or another, provide little ideological choice or little possibility for personal gain. In some countries, ethnicity is a strong enough political force to mobilize voters, particularly when ethnicity serves as a heuristic for access to state resources (Ferree, 2006). However, there are many countries in which ethnicity is insufficient to determine vote choice, parties lack (or fail to communicate) distinct platforms, and state resources are too limited for mass clientelism. Without ideology, identity, or personal gain motivating political behaviour, why do voters in such systems bother to vote, and how do they determine who to vote for?

With incomplete ethnicization of politics, valence issues dominating campaigns, and few resources for the ruling party to dedicate to mass clientelism, Zambia exemplifies many of the elements of this puzzle. In this context, I argue that voters use their experiences with service delivery evaluate the

incumbent and determine the utility of future political participation. For most Zambians, access to basic services is a fundamental challenge, and something that most believe should be addressed by the government. Therefore, the extent to which the incumbent party has successfully delivered services is an essential indicator of whether they will continue to in the future. Combined with the logic of ethnoregionalism, past experiences with service delivery provide important political information, influencing both vote choice and political participation more broadly.

Few African political systems fall under the category of 'consolidated democracy'. Those that do continue to face serious challenges around incumbency advantage, consolidation of power in the presidency, corruption, and neopatrimonialism. However, these systems are still participatory. As important as it is to understand how parties form top-down strategies to mobilize voters, it is also essential to understand – from the bottom up – how and why citizens choose to participate (or not). The evidence provided in this chapter indicates that, for Zambians, access to basic services remains the most important challenge that most people face. This challenge is politically consequential: it informs support for political parties as well as the likelihood of participation at all. Parties – and observers – would do well to take service delivery seriously in understanding patterns of political behaviour in developing democracies.

References

Bogaards, M. (2005). 'Dominant Parties and Democratic Defects', *Georgetown Journal of International Affairs*, 6(2), 29–35.

Bratton, M. (2007). 'Are You Being Served? Popular Satisfaction with Health and Education Services in Africa', *Afrobarometer Working Paper No. 65*.

Chamwe, M. (9 July 2016). 'One Person Killed, Others Injured in Zambia's Political Protest', *Africa Review*. Retrieved from http://www.africareview.com/news/One-person-killed-others-injured-in-Zambia-political-protest/979180-3287428-4nr9de/index.html.

Cheeseman, N. and M. Hinfelaar (2010). 'Parties, Platforms, and Political Mobilization: The Zambian Presidential Election of 2008', *African Affairs*, 109(434), 51–76.

Cheeseman, N. and M. Larmer (2015). 'Ethnopopulism in Africa: Opposition Mobilization in Diverse and Unequal Societies', *Democratization*, 22(1), 1–29.

Converse, J. and S. Presser (1986). *Survey Questions: Handcrafting the Standard Survey Questionnaire* (London: Sage Publications).

Duch, R., Palmer, H. and C. Anderson (2000). 'Heterogeneity in Perceptions of National Economic Conditions', *American Journal of Political Science*, 44(4), 635–652.

Eifert, B., Miguel, E. and D. Posner (2010). 'Political Competition and Ethnic Identification in Africa', *American Journal of Political Science*, 54(2), 494–510.

Evans, G. and R. Andersen (2006). 'The Political Conditioning of Economic Perceptions', *Journal of Politics* 68(1), 194–207.

Ferree, K.E. (2006). 'Explaining South Africa's Racial Census', *The Journal of Politics*, 68(4), 803–815.

Gadjanova, E. (2017). 'Ethnic Wedge Issues in Electoral Campaigns in Africa's Presidential Regimes', *African Affairs*, 116(464), 365–548.

Gould, J. (2010). *Left Behind: Rural Zambia in the Third Republic* (Lusaka, Zambia: Lembani Trust).

Hern, E. (2017). 'Better than Nothing: How Policies Influence Political Participation in Low-capacity Democracies', *Governance*, 30(4), 583–600.

Hern, E. (2019). *Developing States, Shaping Citizenship: Service Delivery and Political Participation in Zambia* (Ann Arbor, MI: University of Michigan Press).

Kramon, E. and D. Posner (2013). 'Who Benefits from Distributive Politics? How the Outcome One Studies Affects the Answer One Gets', *Perspectives on Politics*, 11(2), 461–474.

Kuenzi, M. and G. Lambright (2005). 'Party Systems and Democratic Consolidation in Africa's Electoral Regimes', *Party Politics*, 11(4), 423–446.

Larmer, M. and A. Fraser (2007). 'Of Cabbages and King Cobra: Populist Politics and Zambia's 2006 Election', *African Affairs*, 106, 611–637.

Mason, N.M., Jayne, T.S. and N. Van de Walle (2017). 'The Political Economy of Fertilizer Subsidy Programs in Africa: Evidence from Zambia', *American Journal of Agricultural Economics.* 99(3), 705–731.

McLoughlin, C. (2015). 'When Does Service Delivery Improve the Legitimacy of a Fragile or Conflict-affected State?', *Governance*, 28(3), 341–356.

Posner, D. (2005). *Institutions and Ethnic Politics in Africa* (New York, NY: Cambridge University Press).

Posner, D. and D.J. Simon (2002). 'Economic Conditions and Incumbent Support in Africa's New Democracies: Evidence from Zambia', *Comparative Political Studies* 35(3), 313–336.

Resnick, D. (2010). 'Populist Strategies in African Democracies', *World Institute for Development Economics Research,* Working Paper No. 114.

Scarritt, J. (2006). 'The Strategic Choice of Multiethnic Parties in Zambia's Dominant and Personalist Party System', *Commonwealth and Comparative Politics,* 44(2), 234–235.

Shaban, A.R.A. (22 June 2016). 'Zambian Govt Orders Closure of Newspaper over Taxes', *Africa News.* Retrieved from http://www.africanews.com/2016/06/22/zambian-govt-orders-closure-of-newspaper-over-taxes/.

Townsend, M. and R. Pugh (16 August 2016). 'Zambian Election: Lungu's Narrow Victory Exposes a Deeply Divided Country', *The Independent.* Retrieved from: http://www.independent.co.uk/news/world/africa/zambian-election-edgar-lungu-s-narrow-victory-exposes-a-deeply-divided-country-a7192301.html.

Van de Walle, N. (2002). 'Africa's Range of Regimes', *Journal of Democracy*, 13(2), 66–80.

Weghorst, K and M. Bernhard (2014). 'From Formless to Structure? The Institutionalization of Competitive Party Systems in Africa', *Comparative Political Studies*, 47(12), 1707–1737.

The 2011–2016 Zambian Elections: Incumbency, Turnovers and Democratic Consolidation

Hangala Siachiwena

1 Introduction

Regular multiparty elections have been held in Africa since the wave of democratization that swept across the continent in the early 1990s. While there is a dominant view that open, free and fair elections are the essence of democracy (Huntington, 1993), the quality of elections in Africa has been mixed and more than half of the multiparty systems on the continent are not fully democratized (Rakner and Van de Walle, 2009). Incumbent parties in the region dominate in multiparty settings and win an overwhelming number of elections (Simutanyi, 2013). In East and Southern Africa for example, incumbent parties have won successive multiparty elections in Angola, Botswana, Mozambique, Namibia, South Africa, Tanzania and Uganda. Even though Diamond (2002) fits the foregoing countries into different regime classifications such as liberal democracies (Botswana and South Africa) and hegemonic electoral authoritarian regimes (Angola and Uganda), all of them are typical of Doorenspleet and Nijzink's description of one-party dominant systems, i.e. party systems in which the same party wins an absolute majority in at least three consecutive elections (Doorenspleet and Nijzink, 2013: 3).

In many instances, incumbent parties have won by creating uneven electoral playing fields that disadvantage opposition parties. An even playing field is one in which competing parties have equal access to resources, media and the law. Where disparities exist in access, the playing field becomes uneven (Levitsky and Way, 2010a: 58). Countries that hold regular elections but are characterized by uneven playing fields have been referred to as 'competitive authoritarian' (Levitsky and Way, 2010a) or 'electoral authoritarian' regimes (Schedler, 2006). However, some countries are 'ambiguous' in that they possess features of electoral authoritarian regimes but, at the same time, incumbent parties lose some elections or win without majorities (Diamond, 2002: 26). Nevertheless, even in 'ambiguous' countries, newly elected governments have inherited authoritarian systems and maintained uneven electoral playing fields (Wahman, 2014).

Zambia is illustrative of an 'ambiguous' country. It has experienced two electoral turnovers since it re-democratized in the early 1990s, despite the unevenness of the playing field. For twenty years, Zambia was governed by the Movement for Multiparty Democracy (MMD), which won five successive presidential elections. The MMD won with majorities in 1991 and 1996 but retained power with pluralities (i.e. less than 50 per cent of the vote) between 2001 and 2008. The MMD was – to varying degrees under different administrations – typical of Cheeseman's (2015, 146) description of incumbent African parties that prevail at elections through 'the misuse of state resources to support the campaigns of the executive including vote buying and bribing electoral officials; the repression of civil society groups, rival parties and the media; and electoral fraud'. The MMD's winning streak ended in 2011 when it lost to the opposition Patriotic Front (PF). The PF inherited some features of incumbency that were deployed by the MMD including state media bias and control of state institutions and resources. The PF contested two subsequent elections, a presidential by-election in 2015 and the presidential elections in 2016, which it won narrowly, by two and three per cent respectively.

While much attention has been given to explain the ways in which electoral authoritarian regimes limit the consolidation of democracy by creating conditions that disadvantage the opposition (Helle, 2016; Levitsky and Way, 2010a; Levitsky and Way, 2010b; Schedler, 2006; Wahman, 2014), the evidence from Zambia suggests that the existence of an uneven electoral playing field is not sufficient to guarantee an incumbent victory. Therefore, this chapter sets out to answer the following question: 'when do competitive Zambian elections lead to an incumbent victory or an electoral turnover?' In doing so, this chapter demonstrates the limits of incumbency and an uneven electoral playing field. It asserts that although incumbent advantages matter, at least three intermediate factors are important for understanding recent Zambian election results: popular support, splits within incumbent parties and strategies of opposition parties.

The interaction between incumbent advantages and the abovementioned factors differs across elections, producing different outcomes. The argument presented in this chapter does not suggest that these are the only factors that matter. It contends that all three conditions are important for a turnover to occur but the argument is probabilistic rather than deterministic. The discussion in this chapter also points to broader implications. While electoral turnovers present opportunities to promote democratic consolidation, recent elections in Zambia show that ruling parties that recognize their electoral vulnerability are more likely to deploy incumbent advantages to make the playing field more uneven. This has the potential to retard the quality of future elections and democratic consolidation.

2   Elections, Uneven Playing Fields and Democratic Consolidation in Africa

Studies by Lindberg (2006, 2009) suggest that repeated election cycles within sub-Saharan Africa have had positive impacts on democratization. On the contrary, other scholars like Schedler (2006: 1) argue that regular multiparty elections have become a way of concealing 'harsh realities of authoritarian governance'. Electoral manipulation has become common, often allowing ruling regimes to influence the outcome of results in their favour. Since the third wave of democracy that started around 1990, more than 120 presidential elections have been held in Africa of which incumbent parties have won an overwhelming majority. By 2010, the continent had witnessed only 18 changes of government in 12 countries from a ruling party to the opposition (Cheeseman, 2010). In the period since then, at least another four turnovers happened on the continent, in Zambia, Nigeria, Gambia and Ghana. This is not to suggest that countries in which electoral turnovers have not occurred are all electoral authoritarian regimes or that uneven playing fields exist.

The influence of uneven playing fields on electoral outcomes has received substantial scholarly attention. Levitsky and Way (2010a: 368) demonstrate that any one of the following three indicators is sufficient for an uneven playing field to exist: (i) state institutions are politicized and deployed in a manner that limits the oppositions' ability to compete fairly. This includes the appointment of individuals loyal to the head of state or ruling party to institutions such as electoral commissions and the judiciary and the use of institutional resources to support ruling party activities; (ii) in countries where state-owned media is the primary source of information for much of the population, coverage is biased towards the ruling party; and (iii) public financial resources are channelled from the state to the ruling party. The impact of unequal access to public resources is exacerbated when opposition parties have limited access to private financial resources.

The Zambian case shows that the outcome of an election is not contingent on the advantages of incumbency or an uneven playing field. The PF lost elections to the MMD in 2006 but won in 2011 even though the former elections were fairer than the latter (Helle, 2016). Studies on Zambian elections held during the 2000s show that other intermediate factors have influenced results. Among these factors include strategies employed by the opposition, most notably by the PF leader, Michael Sata, who successfully employed populist appeals to win urban support even with limited resources (Cheeseman and Larmer, 2015; Larmer and Fraser, 2007; Helle and Rakner, 2012; Resnick, 2010, 2014), the potential for ruling parties to fragment during transitions from one

president to another as was the case in 2001 and 2008 (Baldwin, 2010; Cheeseman and Hinfelaar, 2010; Simutanyi, 2010), as well as voters' economic considerations and their evaluations of government performance and candidates, particularly incumbents (Bratton, Bhavani and Chen, 2013; Resnick, 2010, 2014).

The interaction between incumbent advantages and other intermediate factors differs from one election to the next. The discussion of the three elections that follows shows that the interaction of these factors is important for understanding why a turnover happened in 2011 but not in 2015 and 2016, even though the last two elections were more competitively contested. A broader implication for this chapter is that while turnovers can happen even under uneven electoral conditions, they do not guarantee the quality of future elections or democratic consolidation.

3   The 2011 Presidential and Parliamentary Elections

Incumbent advantages and an uneven playing field were not sufficient to guarantee a win for the MMD in 2011. Not only had the MMD lost popular support after twenty consecutive years in office, but the party was also fractured by internal splits following a presidential succession in 2008. The party had won large majorities in the first two elections it contested, winning 76 per cent in the 1991 presidential vote and 73 per cent in 1996. It also won the most seats in the 150-member parliament, winning 125 in 1991 and 131 in 1996. In 2001, following the transition from Frederick Chiluba to Levy Mwanawasa, the MMD's support reduced drastically in both the presidential and parliamentary votes. Mwanawasa obtained 29 per cent in the presidential vote while the MMD won only 69 seats. Although its share of the presidential vote remained below 50 per cent in both 2006 and 2008, the MMD retained power after winning pluralities under the first-past-the-post voting system. On the other hand, the opposition PF's support increased gradually over time, from three per cent in the 2001 presidential vote, to 29 per cent in 2006 and 38 per cent in 2008. In 2011, the MMD was unseated by the PF. The results in Table 4.1 show that Sata won with about 180,000 more votes than his closest rival. Sata obtained 42 per cent against the incumbent Rupiah Banda's 36 per cent.

Table 4.1 shows the presidential election results by province for candidates who obtained more than one per cent of valid votes cast. Ten candidates contested the presidency and only the incumbent Banda, Sata and Hakainde Hichilema of the United Party for National Development (UPND) received more than one per cent while seven other candidates won a combined two per cent. Sata won majorities in the two populous urban provinces, Lusaka and

TABLE 4.1   Presidential results by province-2011

Province	Sata	Banda	Hichilema	Others	Totals
Central	63,890	108,912	47,037	2,644	222,483
Copperbelt	341,505	131,897	17,948	5,320	496,670
Eastern	59,391	233,528	10,704	10,770	314,393
Luapula	151,822	47,289	1,758	2,492	203,361
Lusaka	224,925	123,653	45,397	5,375	399,350
Northern	242,455	121,482	2,935	5,749	372,621
N/Western	18,790	86,994	61,054	2,630	169,468
Southern	24,609	71,519	266,754	6,031	368,913
Western	43,579	62,592	53,176	26,056	185,403
Total	1,170,966	987,866	506,763	67,067	2,759,662

SOURCE: ELECTORAL COMMISSION OF ZAMBIA

Copperbelt. He also won majorities in Northern and Luapula, two predominantly rural provinces dominated by his co-ethnic Bemba speakers. Sata attained majorities in these provinces in part due to his strategy of combining populist appeals in urban areas with ethno-reginal support. Recent research shows that Sata's urban strategy was remarkable for the deft manner he articulated the concerns of large slum dwellers, informal sector workers, the unemployed and the youth, many of whom felt excluded by the MMD's neoliberal economic policies (Resnick 2014).

Although Banda was the incumbent, he was an unpopular candidate in many respects. He won only one majority in his home region, Eastern Province. He also won with pluralities in North Western, Central and Western provinces. Banda's ascension to the MMD presidency left the party fractured and as the explanation of results that follows shows, he did not command popular support amongst voters. In addition, Zambian citizens had low approval ratings of the MMD government's economic performance.

At the parliamentary level, elections were conducted in 148 out of 150 constituencies. Voting was deferred in two constituencies (one in Northern and another in Southern Province). Table 4.2 provides a summary of the seat allocation by political party and independent candidates.

The PF emerged as the largest party in parliament with 60 seats. The party also won the ensuing by-election in Northern Province that was held after the general elections bringing the PF's total to 61. An overwhelming majority of PF seats were in the four provinces Sata won with majorities. The opposition won

TABLE 4.2   Summary of National Assembly Seats-2011

Party	Total Seats
Patriotic Front (PF)	60
Movement for Multiparty Democracy (MMD)	55
United Party for National Development (UPND)	28
Independents	3
Alliance for Democracy and Development (ADD)	1
Forum for Democracy and Development (FDD)	1
Total	148

SOURCE: ELECTORAL COMMISSION OF ZAMBIA

a combined 88 seats. The share of opposition seats increased to 89 after the UPND won the deferred election in Southern Province.

4   Explaining the 2011 Results

During the 2011 election campaigns, state media was heavily biased in Banda's favour while the ruling party significantly outmatched the opposition in terms of access to campaign resources. Since 2002, the MMD had also implemented an agricultural input subsidy programme (the Farmer Input Support Programme, FISP) that had been politically manipulated to target subsidized fertilizer to households in areas where the MMD had performed impressively in preceding presidential elections (Mason, Jayne and Van de Walle, 2017). During the Mwanawasa and Banda years (i.e. between 2002[1] and 2011), Zambia achieved sustained economic growth underpinned by favourable copper prices while also achieving massive debt relief, controlling inflation and balancing the budget (Cheeseman, Ford and Simutanyi, 2014). These achievements followed a period of significant economic decline during the 1990s because of the World Bank and International Monetary Fund (IMF) supported structural adjustment policies implemented by Chiluba's administration (Rakner, 2003). Structural adjustment was associated with economic austerity including significant cuts to public spending for education and health, large

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1   Levy Mwanawasa was elected during elections held on 27 December 2001 and was inaugurated on 2 January 2002.

scale privatization of state owned enterprises and the removal of food and farm input subsidies (Resnick, 2010: 9).

Round four of the Afrobarometer survey conducted in 2009 shows that Banda's government received poor ratings on a range of policy issues. The Afrobarometer survey asked respondents: 'how well or badly would you say the current government is handling the following matters, or haven't you heard enough to say?' Table 4.3 shows the results of respondents who reported that the government was doing badly (i.e. 'very badly' or 'fairly badly') and doing well (i.e. 'fairly well' or 'very well') on twelve different issues.

The results show that the MMD government was rated negatively on 11 out of 12 policy issues. Only on one issue, combating HIV/AIDS, was Banda's government rated well, by three-quarters of respondents. It is evident that the MMD under Banda did not deliver to the expectations of most Zambians on a broad range of economic issues, with the cost of living, income inequality, jobs, food security, and improving living conditions rated the areas in which the government had failed the most. By the end of the 1990s, Zambia's economy had shrunk while employment creation was weak. There were massive public-sector job losses and an increase in poverty rates (Rakner, 2003). It is clear from

TABLE 4.3   Rating of government's performance – 2009

Issue	Rating	
	Badly (%)	Well (%)
Handling managing the economy	74	23
Improving living standards	83	16
Creating jobs	86	13
Keeping prices down	90	9
Narrowing income gaps	88	9
Improving basic health services	64	36
Addressing educational needs	57	42
Providing water and sanitation services	63	34
Ensuring enough to eat	86	13
Combating HIV/AIDS	22	75
Maintaining roads and bridges	64	36
Providing electric power supply	68	27

SOURCE: AFROBAROMETER DATA, ZAMBIA, ROUND FOUR, 2009

the data that the macroeconomic gains in the early 2000s after a decade of structural adjustment did not sufficiently translate into improved living conditions for most citizens.

In addition to government's low approval ratings, Afrobarometer data show that Banda was an unpopular candidate. The survey asked respondents: 'do you approve or disapprove of the way that President Rupiah Banda has performed his job since taking office in November 2008?'. Figure 4.1 shows the ratings of Banda's performance and displays the national totals as well as data disaggregated by urban and rural respondents.

Figure 4.1 shows that hardly a year into his presidency, just about a third of respondents approved of Banda's performance. This includes respondents who either approved or strongly approved of his performance. At 59 per cent, a much higher proportion of respondents disapproved (i.e. either disapproved or strongly disapproved) of his performance. It is also evident that Banda's approval ratings were higher in rural than in urban areas. Even then, in both rural and urban areas, the proportion of respondents that rated his performance poorly was higher than that which approved of his performance. It is therefore not surprising that when asked to evaluate which party candidate respondents would choose if an election were held in 2009, only 24 per cent indicated that they would vote for Banda. Banda was the preferred choice for 30 per cent of rural respondents but his popularity was significantly lower in urban areas where his support was 14 per cent. In contrast, Sata was the favoured presidential
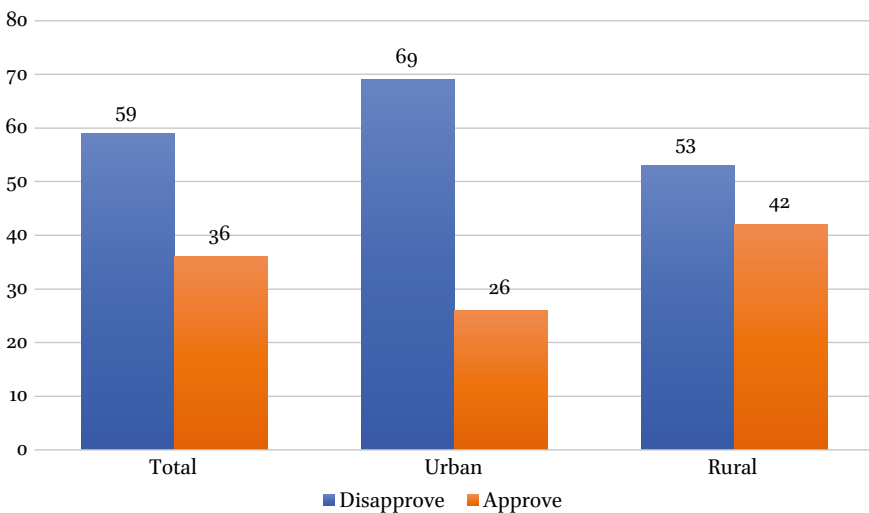
FIGURE 4.1   Ratings of President Banda's performance
             SOURCE: AFROBAROMETER DATA, ZAMBIA, ROUND FOUR, 2009

candidate, being the candidate of choice for 27 per cent of survey respondents. His support was highest at 42 per cent in urban areas but dropped to 19 per cent in rural areas. Although the survey was conducted two years before the 2011 general elections, the popularity of the candidates was consistent with the final election results, at least to the extent that the survey showed Sata as the most popular candidate and that he enjoyed more support in urban than rural areas, while the reverse was true for Banda.

Banda's unpopularity can be understood in part by the circumstances under which he became the MMD candidate and republican president in 2008. At the time of his appointment as republican vice president in 2006, Banda was an elder statesman, aged 69, believed not to harbour presidential ambitions. He was a local 'big man' in his home region, Eastern Province, and although he had longstanding ties to Zambia's first governing party, the United National Independence Party (UNIP), he campaigned for Mwanawasa in 2006. After winning a majority in the province, Mwanawasa rewarded Banda with the vice presidency. When Mwanawasa died, Banda was chosen by the MMD's National Executive Committee (NEC) to contest the presidency on behalf of the party in the 2008 presidential election. Banda had the support of senior MMD 'king makers' who thought he would be an easier candidate to sell after acting as president during Mwanawasa's long illness (Cheeseman and Hinfelaar, 2010: 60).

Nonetheless, Banda's ascension to the MMD leadership came at a substantial cost to the party. While he narrowly won the 2008 presidential election after beating Sata by a margin of two per cent, Banda struggled to maintain unity within the ruling party. Some senior party leaders had opposed Banda's candidature in 2008 and were marginalized by Banda after his election.[2] A number of these leaders were later fired or resigned. Banda also marginalized some of the MMD 'king makers' during the 2011 campaign.[3] Some of the disaffected MMD leaders endorsed Sata's presidential candidature and campaigned for him in 2011, while others went as far as joining PF.

Banda's low approval ratings and the internal splits caused by his selection also point to broader succession challenges the MMD grappled with since 2001. Since its formation, the MMD was at its most vulnerable during transitions from one party leader to another. In 2001, the MMD was significantly weakened by splits that emerged when Chiluba attempted to stand for an unconstitutional third term, and later when he 'handpicked' Mwanawasa to represent the party in the presidential election held that year. Four of Mwanawasa's 10

2   For example, former finance minister, Ng'andu Magande and former deputy finance minister, Jonas Shakafuswa.
3   These include Mbita Chitala, Mike Mulongoti and Vernon Mwaanga.

presidential challengers were former senior MMD officials who served under Chiluba. Mwanawasa won narrowly with less than a third of valid votes under the first-past-the-post voting system against a fragmented opposition that shared 80 per cent of the presidential vote. Whilst Mwanawasa broadened the MMD's electoral support during his first term, the transition to Banda in 2008 was not welcomed by some factions within the party which contributed to the gradual decline in the ruling party's support.

Aside from the MMD's internal dynamics, the PF's campaign strategy in 2011 proved crucial for a turnover. Sata broadened his support beyond his traditional strongholds by increasing his vote share in Western Province which is dominated by ethnic Lozi speakers. He achieved this by making populist appeals to devolve powers to the people of Western Province. This was a salient issue for Lozi speakers who had long sought semi-autonomous status within Zambia based on a pre-independence agreement.[4] It did not help the MMD that attempts in January 2011 by Barotseland activists to demonstrate in support of secession were repelled by the Zambia Police resulting in several arrests and the deaths of 19 people (according to the Barotseland 'government').[5] Sata also appointed prominent Lozi speaking politicians including Inonge Wina and Given Lubinda to senior positions in PF, which helped to broaden the party's multi-ethnic appeal. Hitherto, Western Province was an MMD stronghold which Mwanawasa and Banda won with majorities of 77 per cent in 2006 and 70 per cent in 2008, respectively. Yet, the MMD's support in the province declined by more than half to 33 per cent in 2011. Consequently, Sata obtained 23 per cent of the vote in Western Province, a significant improvement from ten per cent in 2008.

The three factors, i.e. popular support, internal splits within MMD and the PF's strategy, worked in tandem, resulting in a turnover. Sata had employed an 'ethno-populist' strategy in 2006 and 2008, but had faced a more popular candidate and/or party then. Mwanawasa was also successful at broadening his support after his narrow election in 2001 in a way Banda was unable to after 2008. This shows that Sata's strategy alone was not sufficient to unseat Banda. Sata benefited from factionalism within the ruling party, Banda's unpopularity

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4   The agreement known as the Barotseland Agreement of 1964, was signed by the king of Barotseland (the land of Lozi speakers), the British colonial secretary and Kenneth Kaunda in order to bestow the king and the Barotse Royal Establishment with particular rights and privileges that were not awarded to other traditional leaderships in the rest of Zambia (Resnick, 2014: 220).

5   'January 14th 2011: The day tyranny reigned over Barotseland', *Lusaka Times*, January 14 2017 Available at https://www.lusakatimes.com/2017/01/14/january-14th-2011-day-tyranny-reigned-barotseland/.

as a candidate, and the poor ratings of the MMD's economic performance. It is possible, therefore, that the MMD could have retained power if it had a better economic record and/or fielded a more popular candidate. The foregoing discussion shows that turnovers cannot be predicted precisely. Nonetheless, it demonstrates that an unpopular ruling party can be unseated when faced by an opposition that can exploit its weaknesses shrewdly, even when the playing field favours the incumbent party.

5   The 2015 Presidential By-election

A special presidential election was held on 20 January 2015 following the death of Michael Sata in October 2014. The race to elect a presidential candidate to represent PF was contested by Miles Sampa a deputy commerce minister under Sata, and Edgar Lungu who was Sata's defence minister and PF secretary general. The intra-party contest between the two candidates was intense and the factions supporting them held parallel party conventions to elect their preferred candidate to represent the party. The dispute between the two factions was resolved by the courts who declared Lungu the legitimately elected party president.

Meanwhile, the UPND's Hichilema emerged as the most viable challenger for the presidency. His campaign benefited from the collapse of the MMD that was split into three factions including one led by Rupiah Banda. Banda relinquished his party position in 2012 and the party elected former republican vice president Nevers Mumba as its leader. Yet, Banda's faction planned to install him as the party's presidential candidate but was blocked following a successful legal challenge by another faction led by Mumba. The election was contested by ten candidates but only two obtained more than one per cent of valid votes cast.

Lungu and Hichilema won a combined 96 per cent of the vote. Eight candidates shared the rest of the votes, with none receiving more than one per cent. Lungu obtained about 49 per cent of votes while Hichilema received just under 47 per cent, with the two candidates separated by less than 28,000 votes. The voter turnout in 2015 was considerably lower than in 2011. Almost 2.8 million valid votes were recorded in the 2011 presidential election, compared to about 1.7 million in 2015. Except for North Western and Western provinces, Lungu obtained a larger share of votes in percentage terms in all provinces compared to when Sata ran in 2011. The increased vote share masked the fact he received around 360,000 less votes nationally compared to the PF's total in the 2011 presidential race. However, his performance in Eastern Province was

TABLE 4.4   Presidential by-election results, 2015

Province	Lungu	Hichilema	Others	Totals
Central	53,462	68,074	6,884	128,420
Copperbelt	201,852	66,666	12,259	280,777
Eastern	88,408	33,882	13,816	136,106
Luapula	81,289	10,493	6,600	98,382
Lusaka	178,977	104,178	10,046	293,201
Muchinga	57,291	7,440	6,716	71,447
Northern	94,169	21,287	7,288	122,744
N/Western	13,275	102,292	4,941	120,508
Southern	20,937	272,182	9,222	302,341
Western	18,265	93,674	5,797	117,736
Total	807,925	780,168	83,569	1,671,662

SOURCE: ELECTORAL COMMISSION OF ZAMBIA

impressive, where he received over 88,000 votes, which was almost 30,000 more than Sata obtained in 2011. Lungu increased the share of votes in the province from 19 per cent in 2011 to 66 per cent in 2015. On the other hand, Hichilema increased his share of votes in percentage terms in all provinces and increased his national tally by over 270,000 votes, even though his gains were not sufficient for the UPND to unseat the ruling party.

6   Explaining the 2015 Presidential By-election Results

The electoral playing field in 2015 was even, relative to previous contests, in part because this was an open-seat poll. Lungu was the ruling party candidate but not a sitting president. As such, he did not have all the advantages typically enjoyed by an incumbent. For example, state media was not biased towards Lungu's campaign in the same way as it was towards other incumbent candidates in previous elections. Lungu also lacked access to state aircraft, which incumbents normally rely on to traverse the country during election campaigns. Furthermore, Lungu lacked personal financial resources and was largely dependent on wealthy benefactors within PF. Guy Scott, who became acting republican president after the death of Sata, was part of a PF faction opposed to Lungu assuming the party presidency and was reluctant to provide state resources to support his campaign. Hichilema, himself a wealthy businessman,

had access to private financial resources and could charter a fleet of light air-craft, which allowed him to traverse the country extensively in the short cam-paign period. In addition, private television stations provided extensive cover-age of Hichilema's campaign.

The relative evenness of the 2015 contest increased the possibility of a turn-over and the narrow margin between the leading candidates attests to this. Three factors are discussed here that explain the ruling party's success at the polls. First, although Lungu emerged as the PF candidate after an intense intra-party struggle, the party eventually closed ranks around its candidate. While Scott did not initially campaign for Lungu in the early stages of the campaign, he used his position as Acting President to mobilize support for the party in the latter stages of the campaign. This included launching various infrastruc-ture projects, initiated by Sata, which were covered extensively by state media. Importantly, Sampa's faction backed Lungu late in the campaign period after initially challenging his election to lead the party in court. Also, Lungu benefit-ed from the increase in the number of PF MPs from 61 in 2011 to over 70 by early 2015.[6] Most of these MPs campaigned for Lungu and contributed to his successful performance in their constituencies. The PF's ability to unite around its candidate prevented the kind of factionalism that afflicted the MMD in 2001 and 2011.

A second closely related factor that helps to explain the PF's win is the level of popular support the party enjoyed. There was a general decline since 2011 in important macroeconomic indicators including an increase in the rate of infla-tion and decline in economic growth, yet the PF had higher levels of popular support in 2014 than the MMD had before the 2011 elections. Round Six of the Afrobarometer survey conducted in November 2014, showed that citizens rat-ed government's economic performance more positively in 2014 than they did in 2009. Table 4.5 shows both the ratings citizens had of the PF's economic performance and the change (shown in brackets) between 2009 and 2014.

Data from the 2014 Afrobarometer survey show that the PF was rated posi-tively on three out of 11 policy issues. More than half of respondents rated the governments' performance in improving basic health services and addressing educational needs well. In addition, 63 per cent rated the governments' perfor-mance on maintaining roads and bridges well, an increase of 27 per cent from 2009. This is not surprising given that one of Sata's flagship policies was an ambitious infrastructure project (Link 8000) aimed at tarring 8,000 kilometres

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6   The PF petitioned over 50 parliamentary seats that it had lost in the 2011 general elections. A significant number of the parliamentary elections were nullified by the courts and the PF won seats in the ensuing by-elections. The PF also picked up seats from MMD MPs, who de-fected to the ruling party and who also re-contested and retained their seats as PF candidates.

TABLE 4.5   Rating of government's performance – 2014

Issue	Rating	
	Negative/change since 2009 (%)	Positive/change since 2009 (%)
Handling managing the economy	54 (−18)	41 (+18)
Improving living standards	55 (−28)	31 (+15)
Creating jobs	66 (−20)	29 (+16)
Keeping prices down	80 (−10)	16 (+7)
Narrowing income gaps	78 (−10)	19 (+10)
Improving basic health services	45 (−19)	53 (+17)
Addressing educational needs	44 (−13)	54 (+12)
Providing water and sanitation services	59 (−4)	39 (+5)
Ensuring enough to eat	73 (−13)	22 (+9)
Maintaining roads and bridges	36 (−28)	63 (+27)
Providing electric power supply	53 (−15)	43 (+16)

SOURCE: AFROBAROMETER DATA, ZAMBIA, ROUND SIX, 2014

of dirt roads countrywide. Furthermore, while most citizens rated the PF's performance negatively on eight indicators, the PF's ratings were, on average, 12 per cent higher than the MMD's in 2009. The proportion of citizens who rated the governments' performance negatively also declined from the 2009 levels on all 11 indicators by an average of 16 per cent.

The survey data further showed that if an election were held in 2014, a PF presidential candidate would have finished first with 35 per cent. The UPND candidate was rated second with 20 per cent while the MMD scored nine per cent. However, 32 per cent of respondents did not offer a response to the question. Regardless, these results are important for two reasons. The first is that the survey was conducted around the time of Sata's death, before the PF selected its presidential candidate. Despite this, a PF candidate was still the most popular choice in the survey. The other is that although the survey results had larger margins between candidates than the final election results, they showed that the UPND had emerged as the largest opposition party ahead of the MMD. They also showed that at least two months before the January 2015 elections, the PF appeared to have more support than the UPND.

The campaign strategies of the UPND also help to understand the 2015 result. The opposition party increased its support in former MMD strongholds

but was unable to win support away from PF in hitherto ruling party strongholds such as Lusaka and Copperbelt. Hichilema's main strategy was to broaden his coalition by courting a MMD faction that included nearly two dozen MPs led by Felix Mutati, a former commerce minister in the mid- and late 2000s. The UPND also brought in 'big men' politicians from Bemba-speaking provinces, such as Geoffrey Mwamba, a PF MP who opposed Lungu's candidature. The influence of MMD MPs on the UPND's support was probably countered by the PF courting another MMD faction led by Rupiah Banda, which included several Eastern Province MPs. The opposition strategy helped the UPND to finish first in three provinces in addition to Southern Province, which the party had won in every election since 2001. The extent to which Hichilema broadened his support was certainly impressive but there are at least two lessons to be learnt from the 2011 turnover. First, the PF won more provinces with majorities in 2015 than the MMD did in 2011. Second, the PF maintained majorities it won in previous elections unlike the MMD, which lost crucial support in Western Province during the 2011 contest. Retaining majorities in the two populous urban provinces was particularly crucial for the PF in 2015.

The UPND improved remarkably and offered a strong challenge to the PF in 2015 but the extent to which popular support, intra-party splits and the opposition's strategy combined, appear to have favoured the ruling party. The PF avoided fragmentation after the transition from Sata to Lungu, and enjoyed relatively favourable approval ratings of its economic performance. Despite remarkable efforts to broaden support, the UPND was unable to swing significant support from ruling party strongholds. It is important to note, however, that the PF candidate won with a weak mandate, which suggests that an electoral turnover was within reach in 2015. Nonetheless, the analysis of the 2015 elections confirms that ruling parties have better chances of retaining power when they still enjoy popular support, regardless of the level of support and strategies employed by the opposition. It is also reasonable to argue that the benefits of incumbency are more likely to reap benefits for the ruling party when it remains united and avoids internal splits.

7 The 2016 Presidential and Parliamentary Elections

In January 2016, President Lungu ratified constitutional amendments that had implications for the electoral framework and the general elections held on 11 August 2016. Two amendments are worth noting. First, a presidential candidate would have to win more than half of all valid votes cast to be declared winner. Previously, a winning candidate could be elected with a plurality of votes

under the first-past-the-post voting system. Second, the amendments provided for a vice president to be elected as a presidential running mate. This would allow a vice president to automatically assume the presidency in the event of a vacancy before the completion of a president's term. This amendment was also aimed at eliminating the need to hold costly presidential by-elections as happened in 2008 and 2015.

The fact that Lungu won the 2015 contest with a margin of only 28,000 and less than 50 per cent of the vote, suggested he was not guaranteed of winning a required majority in 2016. At the same time, Hichilema was buoyed by the surge in his performance, from 18 to 47 per cent between 2011 and 2015. These dynamics made it unclear whether the elections would result in a turnover or an incumbent victory. Table 4.6 shows the 2016 presidential results by province.

Table 4.6 shows that Lungu and Hichilema won the same provinces in 2016 as they did in the presidential by-election. The voter turnout increased from 32 per cent in 2015 to 57 per cent in 2016, while about two million more votes were cast compared to the preceding election. Lungu obtained over one million more votes in 2016 and won majorities in Copperbelt, Eastern, Luapula, Lusaka, Muchinga and Northern provinces. Hichilema won majorities in the remaining four provinces and gained over 980,000 more votes than in 2015. In the parliamentary elections, the PF won the most seats. The number of parliamentary seats increased from 150 to 156 after district boundaries were redrawn.

TABLE 4.6　Presidential results by province – 2016

Province	Lungu	Hichilema	Others	Totals
Central	138,517	177,854	4,787	321,158
Copperbelt	345,275	189,562	8,152	542,989
Eastern	299,249	62,321	1,7798	379,338
Luapula	205,770	35,929	9,525	251,224
Lusaka	375,760	242,172	6,162	624,094
Muchinga	159,345	25,761	6,099	191,205
Northern	218,938	63,719	9,607	292,264
North-Western	28,859	208,414	2,919	240,192
Southern	42,909	527,893	4,552	575,354
Western	46,255	226,722	4,885	277,862
Total	1,860,877	1,760,347	74,486	3,695,710

SOURCE: ELECTORAL COMMISSION OF ZAMBIA

TABLE 4.7   Summary of National Assembly Seats, 2016

Party	Number of seats
Patriotic Front (PF)	80
United Party for National Development (UPND)	58
Independents	14
Movement for Multiparty Democracy (MMD)	3
Forum for Democracy and Development (FDD)	1
Total	156

SOURCE: ELECTORAL COMMISSION OF ZAMBIA

Table 4.7 shows that four political parties and 14 independent candidates won seats. The PF won a total of 80 seats in Central, Copperbelt, Eastern, Luapula, Lusaka, Muchinga and Northern provinces. The UPND obtained the second highest number of seats, winning 58 constituencies in Central, Copperbelt, Lusaka, North-Western, Western and Southern provinces. The MMD dropped from 55 seats in 2011 to three in 2016. The FDD, which had representation in Parliament since 2001, won a single seat. Fourteen independents representing nine per cent of all MPs were elected.

8   Explaining the 2016 Results

The electoral turnover in 2011 presented possibilities for democratic consolidation. The PF's narrow win in 2015 further showcased the potential for opposition parties in Zambia to win future elections. The PF leadership clearly recognized its vulnerability and sought to consolidate its hold on power through a mix of government programmes and increased control of state institutions ahead of the 2016 general elections. This included the introduction of the Presidential Empowerment Initiative Fund (PEIF), which provided interest-free loans to informal sector workers mostly in urban areas among ruling party supporters. These measures were also necessary because Zambia's economy declined significantly between 2015 and 2016. The country was faced with persistent electricity shortages, which affected mining production and contributed

to massive job losses in the sector. The Zambian kwacha lost significant value against the United States dollar during the same period. The economic challenges had a negative effect on government revenue. Afrobarometer did not conduct a survey prior to the 2016 elections, but it is reasonable to believe that the poor performance of the economy would have negatively influenced support for the PF. This, combined with the prospect of a resurgent UPND unseating the PF, probably explains why the electoral playing field was more uneven than the previous two contests.

The ruling party's display of incumbent advantages was evident. State media provided extensive coverage of the ruling party to the disadvantage of the opposition (Carter Centre, 2016). Cabinet ministers remained in office after the dissolution of parliament in May 2016, in disregard of Constitutional provisions stating that ministers could not continue in their positions at the end of the legislative term. Opposition parties challenged the matter in the Constitutional Court, which ruled that ministers had remained in their positions illegally (Constitutional Court orders Ministers to vacate offices, 2016). Many other irregularities to the electoral process were also challenged by opposition parties. For example, a decision by the Electoral Commission of Zambia to engage a Dubai-based firm to print ballot papers was challenged. The opposition argued that the firm was involved in printing ballot papers in Uganda's February 2016 controversial elections (Sishuwa, 2016). The Zambia Airforce was reported to have restricted access for opposition campaign aircrafts while allowing access for the ruling party (Ibid.). The largest independent newspaper, *The Post*, was closed a few months before elections, ostensibly on tax related charges. The closure of *The Post,* which was critical of the ruling party and provided extensive coverage of the opposition, skewed access to the media in favour of the PF, which controlled state media. There were also multiple incidences of electoral violence, including acts perpetrated by ruling party cadres against the opposition (Ibid.).

In the absence of survey data, it is difficult to ascertain the levels of popular support the PF had and the approval ratings of Lungu. But the UPND's 2016 campaign shows that the opposition believed the economy was an important issue to address. Hichilema made promises to 'fix' the economy and touted his credentials as an economist, commercial farmer and businessman to suggest he had the credibility to address the country's many challenges. The official results show that voting patterns in 2016 mirrored those in 2015 with Lungu and Hichilema winning majorities in the same provinces. This suggests that the UPND did not broaden its support significantly to win provinces won by PF in 2015. A closer look at the data, however, shows that Hichilema increased his

vote share in all provinces, excepting Eastern Province where his support dropped by nine per cent between the two elections. It should be noted that the PF won with reduced majorities in four provinces, including a nine per cent drop in Copperbelt from about 73 per cent in 2015 to just over 63 per cent in 2016, but also increased its majority in Eastern Province by 13 per cent from just under 66 per cent in 2015 to about 79 per cent in 2016.

The decline in PF support in four provinces was partly due to the resignation of prominent party members such as former defence minister, Geoffrey Mwamba, who resigned from the ruling party and joined the UPND. Mwamba, who was also Hichilema's running mate, appears to have contributed to the increase in support for the UPND in Bemba-speaking provinces. Sampa, who had challenged Lungu for the PF leadership in late 2014, also resigned from PF in early 2016 and aligned his newly formed United Democratic Front (UDF) to the UPND. It is evident that the UPND's strategy included co-opting disaffected PF 'big men' and MMD MPs, who commanded support in their party strongholds. This strategy was combined with the articulation of economic challenges under Lungu's watch. The co-optation of the 'big men' likely weakened the PF, at least to the extent of increasing support for Hichilema in PF strongholds. But the fact that the PF won an overwhelming majority of parliamentary seats in its provincial strongholds, suggests that the defections did not weaken the party in the same manner the MMD was weakened under Banda.

Caution is urged, however, when discussing the official election results. The UPND challenged the 2016 presidential results in the Constitutional Court citing irregularities during the vote counting process. The case was dismissed after 14 days with the Court stating it no longer had jurisdiction to hear the case. As a result, the veracity of the allegations was not determined by the Court. In addition, the electoral playing field was much more uneven than the preceding contests, with multiple reports of electoral violence and numerous irregularities highlighted above. One consequence of the 2016 elections is that the quality of elections undermined the state of Zambia's democracy. This is confirmed by an Afrobarometer survey conducted in 2017, almost six months after the elections, which showed that the proportion of Zambians who reported satisfaction with the way democracy works in their country declined from 68 per cent in 2012 to 49 per cent in 2017 (Bratton, Dulani and Nkomo, 2017: 2).

The circumstances under which the 2016 elections were held, and the absence of pre-election survey data, makes it difficult to ascertain the extent to which popular support, intra-party splits and opposition strategies contributed to an incumbent victory. However, it is reasonable to conclude that Lungu's weak 2015 mandate, which followed a turnover in 2011, increased the likelihood of an opposition win in 2016. It certainly appears that the PF's vulnerability

provided incentives for the ruling party to make the electoral playing field more uneven. It further demonstrates that elections contested by an incumbent president have the potential to be more uneven than open-seat polls.

9   Lessons from the 2011–2016 Elections

The electoral turnover in 2011 was an important democratic milestone for Zambia. Across much of Africa, ruling parties are dominant and win most elections by unfairly using their incumbent advantages, including control over state institutions, and creating uneven electoral playing fields. Zambia stood out for democratically changing its government notwithstanding the many disadvantages faced by the opposition. This set the country on a path of democratic consolidation. Elections in 2015 and 2016 were competitively contested with the potential for turnovers in both years. This chapter shows that at least three intermediate factors matter for explaining why turnovers can occur in Zambia despite the overwhelming advantages incumbents have. Ruling parties are vulnerable to defeat when faced with low ratings of economic performance and lack popular support. Incumbent parties are also at a great disadvantage during transitions from one party leader to another which are often accompanied by intra-party splits. However, it takes an effective opposition to exploit the ruling party's weaknesses by employing strategies that tap into public dissatisfaction with the incumbent party. This chapter also shows that the increased vulnerability of a ruling party presents opportunities for incumbents to exert more control over the electoral process, thus making the electoral playing field more uneven. This has had implications on the quality of elections and democracy in Zambia, both of which have declined in the period since 2015. While turnovers should signal a shift towards democratization, the Zambian case shows that electoral turnovers do not guarantee the quality of future elections or democratic consolidation in the long term.

References

Baldwin, K. (2010). 'Zambia: One Party in Perpetuity?' In: L. Diamond and M.F. Plattner (eds), *Democratization in Africa: Progress and Retreat* (pp. 295–309). Baltimore: John Hopkins University Press.

Bratton, M., Bhavnani, R. and T. Chen (2013). 'Voting Intentions in Africa: Ethnic, Economic or Partisan?' In: M. Bratton (ed.), *Voting and Democratic Citizenship in Africa* (pp. 79–98). Boulder, CO and London: Lynne Rienner Publishers.

Bratton, M., Dulani, B. and S. Nkomo (2017). 'Zambia at a Crossroads: Will Citizens Defend Democracy?', Afrobarometer Dispatch No.157. http://afrobarometer.org/sites/default/files/publications/Dispatches/ab_r7_dispatchno157_zambia_democracy_at_a_crossroads.pdf.

Carter Center. (2016) *Carter Centre Expresses Concerns Regarding Pre-Election Environment and Urges Patience While Results Come In.* Retrieved from https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/zambia-prelim-081516.pdf.

Cheeseman, N. (2010). 'African Elections as Vehicles for Change', *Journal of Democracy,* 21, 139–153. DOI: 10.1353/jod.2010.0019.

Cheeseman, N. (2015). *Democracy in Africa: Successes, Failures and the Struggle for Political Reform.* New York: Cambridge University Press.

Cheeseman, N., and M. Hinfelaar (2010), 'Parties, Platforms, and Political Mobilization: The Zambian Presidential Election of 2008', *Journal of African Affairs*, 109, 51–76. doi.org/10.1093/afraf/adp070.

Cheeseman, N., Ford, R., and N. Simutanyi (2014), 'Is There a "Populist Threat" in Zambia?' In: C. Adam, P. Collier and M. Gondwe (eds), *Zambia: Building Prosperity from Resource Wealth* (339–365). Oxford: Oxford University Press.

Cheeseman, N., and M. Larmer, M (2015), 'Ethnopopulism in Africa: Opposition Mobilization in Diverse and Unequal Societies', *Democratization*, 22, 22–50. DOI: 10.1080/13510347.2013.809065.

'Constitutional Court Orders Ministers to Vacate Offices' (2016, August 8). *Lusaka Times.*

Diamond, L. (2002). 'Thinking about Hybrid Regimes', *Journal of Democracy*, 13, 21–35. DOI: https://doi.org/10.1353/jod.2002.0025.

Doorenspleet, R., and L. Nijzink (eds) (2013), *One Party Dominance in African Democracies.* Boulder, CO and London: Lynne Rienner Publishers.

Helle, S. (2016). 'Defining the Playing Field: A Framework for Analysing Fairness in Access to Resources, Media and the Law', *Z Vgl Polit Wiss,* 10, 47–78. DOI: 10.1007/s12286-015-0264-7.

Helle, S., and M. Rakner (2012), 'The Interplay between Poverty and Electoral Authoritarianism: Poverty and Political Mobilization in Zambia and Uganda', *Chr. Michelsen Institute (CMI) Working Paper,* WP 2012: 3.

Huntington, S.P. (1993). *The Third Wave: Democratization in the Late Twentieth Century.* Norman: University of Arkansas Press.

Larmer, M., and A. Fraser (2007), 'Of Cabbages and King Cobra: Populist Politics and Zambia's 2006 Election', *Journal of African Affairs*, 106, 611–637. DOI: 10.1093/afraf/adm058.

Levitsky, S., and L. Way (2010a), *Comparative Authoritarianism: Hybrid Regimes after the Cold War.* New York: Cambridge University Press.

Levitsky, S., and L. (2010b), 'Why Democracy Needs a Level Playing Field', *Journal of Democracy, 21,* 57–68. DOI: https://doi.org/10.1353/jod.0.0148.

Lindberg, S.I. (2006). *Democracy and Elections in Africa.* Baltimore: Johns Hopkins University Press.

Lindberg, S.I. (2009). *Democratization by Elections: A New Mode of Transition.* Baltimore: Johns Hopkins University Press.

Mason, N., Jayne, T.S., and N. van de Walle (2017), 'The Political Economy of Fertilizer Subsidy Programs in Africa: Evidence from Zambia', *Amer. J. Agr. Econ.* 99, 705–731. DOI: 10.1093/ajae/aaw090.

Rakner, L. (2003). *Political and Economic Liberalisation in Africa 1991–2001.* Stockholm: The Nordic Africa Institute.

Rakner, L., and N. van de Walle (2009), 'Opposition Parties and Incumbent Presidents: The New Dynamic of Electoral Competition in Africa'. In: S.I. Lindberg (ed.), *Democratization by Elections: A New Mode of Transition* (pp. 202–225). London: Johns Hopkins University Press.

Resnick, D. (2010). 'Populist Strategies in African Democracies', *UNU-WIDER Working Paper No. 2010/114.* Helsinki: UNU-WIDER.

Resnick, D. (2014). *Urban Poverty and Party Populism in African Democracies.* London: Cambridge University Press.

Schedler, A. (ed.). (2006). *Electoral Authoritarianism: The Dynamics of Unfree Competition.* Boulder, CO and London: Lynne Rienner Publishers.

Sishuwa, S. (2016, June). 'Zambia's 2016 Elections: Is a Disputed Outcome Now Inevitable?', *African Arguments.* Retrieved from africanarguments.org/2016/06/01/zambias-2016-elections-is-a-disputed-outcome-now-inevitable.

Simutanyi, N. (2010). 'The 2008 Presidential Elections in Zambia: Incumbency, Political Contestation and Failure of Political Opposition', Paper to the *CMI/IESE* 41 *Conference on Election Processes, Liberation Movements and Democratic Change in Africa.* Maputo, 8–11 April.

Simutanyi, N. (2013). 'Zambia: Manufactured One-Party Dominance and Its Collapse'. In: R. Doorenspleet and L. Nijzink (eds), *One-Party Dominance in African Democracies* (pp.119–142). Boulder, CO and London: Lynne Rienner Publishers.

Wahman, M. (2014). 'Democratization and Electoral Turnovers in Sub-Saharan Africa and Beyond', *Democratization, 21,* 220–243. DOI: 10.1080/13510347.2012.732572.

Voters, Parties and Elections in Zambia

Jeremy Seekings

'Ordinary people [...] are conventionally portrayed in the literature on African politics as mere bit players in supporting roles to centralized institutions or influential "big men", writes Bratton in his introduction to *Voting and Democratic Citizenship in Africa* (Bratton, 2013: 1). The history since 1990 of Zambia – as of many other African countries – shows how the literature on African politics lags behind reality. Kenneth Kaunda, his United National Independence Party (UNIP) and the one-party state were rejected in the streets and then through the ballot box in 1990–91. Ten years later, the Movement for Multiparty Democracy (MMD) narrowly avoided losing power following the 2001 elections, and a further decade later was finally ousted after electoral defeat by the Patriotic Front (PF). The PF itself avoided defeat (according to the official result) in both 2015 and 2016 by very slim margins. It is tempting to view Zambian politics in terms of its often opportunist political elite. But Zambia's citizenry also matters, including and increasingly through their exercise of choice in competitive elections.

Precisely how ordinary people in Zambia exercise choice, and within what constraints, is less clear, despite the growing availability of data on their political attitudes. The fullest available evidence comes from a series of seven countrywide sample surveys conducted between 1999 and 2017 by Afrobarometer.[1] Afrobarometer's Zambian surveys bracketed four parliamentary and presidential elections (in December 2001, September 2006, September 2011 and August 2016) and the two additional presidential by-elections held in October 2008 and January 2015 (following the deaths of incumbent presidents Mwanawasa and Sata). The survey data, collected over almost two decades, reveal the huge shifts that have taken place in Zambian electoral politics. In 1999, when the first Afrobarometer survey in Zambia was conducted, just over one in three citizens reported that they felt close to a political party. Of these, almost all identified the governing MMD as the party to which they felt close. Very few citizens reported feeling close to any of the various opposition parties, i.e. UNIP or the various small parties established by defectors from the MMD. Ten

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1 The surveys were conducted in October/November 1999, May/June 2003, July/August 2005, June 2009, January/February 2013, October 2014 and April 2017.

years later, in 2009, the proportion of the citizenry identifying with the MMD had fallen to 22 per cent. A larger proportion reported that they felt close to one or other of two opposition parties that had been formed in or after 1999: The PF and the United Party for National Development (UPND). Given this trend of shifting support from the MMD to the PF and UPND, it was not surprising that the MMD lost the 2011 presidential election. By 2013, very few citizens said that they felt close to the MMD.

The Afrobarometer surveys were designed primarily to examine attitudes towards democracy and economic reforms. The Zambian data on these attitudes have been analysed elsewhere (Simutanyi, 2002; Bratton and Lolojih, 2009; Afrobarometer, 2009, 2010; Mujenja, 2014). The most recent survey (in 2017) shed important light on the extent to which voters might defend democracy against an incumbent president exhibiting authoritarian tendencies (Bratton, Dulani and Nkomo, 2017).[2] The surveys were *not* designed with the objective of understanding citizens' behaviour as voters, but the survey data provide evidence that can contribute to the analysis of voting behaviour. Whilst the election results themselves provide the best available data on how support for the various parties (and candidates) varied between constituencies and over time, the survey data provide insights into how voters perceived the issues and the parties, and hence how and why they chose how to use their votes.

This chapter uses Afrobarometer data to understand better the big shifts in electoral politics in Zambia, from a system in which one party (the MMD) seemed hegemonic to a three-party system in the 2000s (as the MMD faced deepening competition from the newly formed PF and UPND) to what appears to be a two-party system in the 2010s, following the collapse of the MMD. The chapter first considers how Zambians engage with politics, then turns to their reported assessment over time of successively incumbent parties and presidents. Many Zambians vote along ethnic or regional lines. The third section of the chapter examines the role of ethnicity in relation to voters' assessments of political parties and candidates. The chapter examines how ethnicity and assessment combined in the contest between the UPND and PF in the 2000s (in terms of mobilizing voters opposed to the incumbent MMD) and the 2010s (when the PF was the incumbent and the UPND its powerful opposition). The chapter concludes with a consideration of whether the evidence on voters suggests that Zambia has become a two-party system. Besides contributing to an explanation of electoral outcomes in Zambia, this chapter contributes to the

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2   UPND leader Hakainde Hichilema ('HH') was arrested whilst the survey was in the field, in April 2017; fieldwork was completed *prior* to his prosecution, the suspension of opposition MPs from the National Assembly and the imposition of a State of Emergency.

comparative African literature on voting behaviour, including on the role of ethnicity in framing voters' perceptions and assessments of parties and candidates.

1   Introducing Zambian Voters

Zambian voters engage cautiously and critically with the country's politics, are reasonably well-informed and have clear opinions on both the country's political institutions and the challenges facing the country. They are strong supporters of democracy in principle, and are critical of the erosion of democracy, but they are also critical of the flawed democracy that exists in Zambia.

A majority of Zambians consistently tell Afrobarometer that they are interested in and discuss politics. Only about one in six do so frequently, but most report that they discuss politics occasionally (see Figure 5.1). At the same time, a majority warn that you must be careful what you say. In early 2017, the proportion of the sample who said that you must 'always' be careful of what you say rose to an unprecedented 50 per cent, with another 22 per cent saying you must be careful 'often'. Close to half of the 2017 sample said that they had less freedom of speech than they had previously.

This raises the obvious question of whether the Afrobarometer data can be taken at face value. Might citizens' caution about discussing politics extend to answering survey questions? The strongest evidence for this is that far fewer respondents in the surveys admitted to preferring the UPND than actually voted for the party, especially in the mid-2010s. In the 2016 election, the UPND's
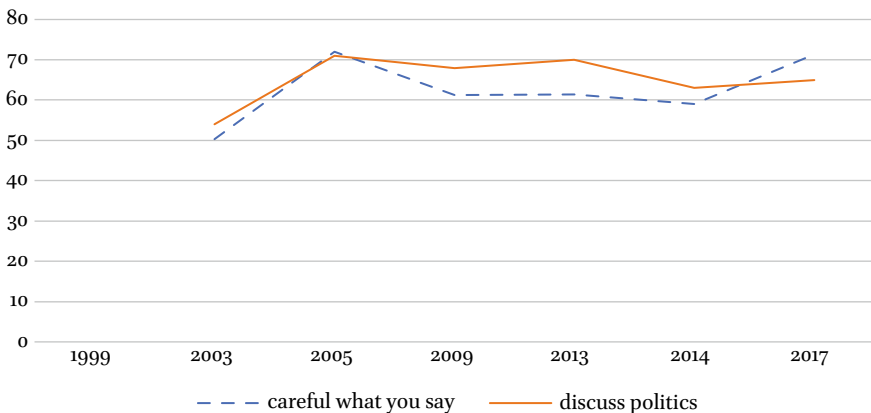
FIGURE 5.1   Talking about politics

presidential candidate (officially) won almost 48 per cent of the vote. In the 2017 survey, however, only 24 per cent of respondents said that they would vote for the UPND if an election was held tomorrow. Afrobarometer surveys seem to understate support for the UPND, i.e. some UPND supporters are unwilling to disclose this to our fieldworkers. This is not true of the incumbent party.

The survey data suggest that many Zambian voters are knowledgeable about politics. In 1999, most said that they could understand government. More than half could name correctly the vice president. But only 32 per cent could name correctly their Member of Parliament (MP), and even fewer could name correctly the Finance Minister. Later surveys suggested that political knowledge had improved. In 2005, 76 per cent of respondents named correctly the vice president and 63 per cent named correctly their MP. Most also knew how many terms the president could serve (and opposed strongly the removal of term limits). In 2009, people endorsed strongly reforms to hold MPs more accountable but were divided over the removal of a clause that require presidential candidates to have two Zambian-born parents. When asked questions about the president, the governing party or specific political institutions, few respondents in any survey answered that they did not know.

Citizens are also able to identify clearly what they consider to be the most important problems facing the country. Table 5.1 reports the three issues identified in each survey by most respondents as either the most or the second most important problems. Job creation and unemployment have consistently been a major (if not the primary) concern. Farming and food were by far the most important issues in 2003, as much of Zambia began to recover from a terrible drought, and again in 2009. Poverty and destitution was a regular concern, although less so over time. Public services – including health, education and infrastructure – were regularly of concern to some voters, and sometimes featured in the list of the three most prevalent concerns. With the exception of farming and food in the aftermath of drought, no problem clearly predominated. Rather, votes identify an array of problems, concerning both poverty and its causes (unemployment, drought) and public services.

Zambians also articulate clear, critical and diverse views on economic conditions. In 1999, most respondents were critical of the structural adjustment programme. In 2003, opinions were divided over the reduced role of government in the economy. In 2009, almost all respondents concurred that economic reforms had resulted in hardship for many people – but respondents were divided over whether the government should abandon or persist with its reforms.

Overall, Zambians hold apparently paradoxical beliefs about democracy. From the first (1999) to the most recent (2017) Afrobarometer surveys, Zambians have been consistently and strongly opposed to both one-party rule and

TABLE 5.1   The three most important problems identified by voters, 1999–2017

	Oct/Nov 1999 (%)	May/June 2003 (%)	July/Aug 2005 (%)	June 2009 (%)	Jan/Feb 2013 (%)	Oct 2014 (%)	April 2017 (%)
Health	33					22	18
Job creation / unemployment	22	29	42	23	28	22	27
Education	24					23	
Poverty and destitution		28	36	22			18
Farming and food		55	37	43	25	27	
Infrastructure and roads					27		

Note: This table reports the three issues identified most often as either the first or second most important problems facing the country. In 2014, two issues tied for the third spot, so both are shown here

military rule and strongly committed to democracy, elections, freedom of the press and free speech (Simutanyi, 2002; Bratton, Dulani and Nkomo, 2017). At the same time, they have been unusually skeptical about the prospects of democracy making things better, perhaps because corruption is seen to be very widespread (Simutanyi, 2002). Turnout in elections has often been low, and political participation in general has been limited. In short, Zambian voters see Zambian democracy as flawed.

Asked how satisfied they were with democracy, more than half said that they were somewhat or very satisfied in the 1999 and 2003 surveys (see Figure 5.2). Satisfaction declined in 2005 and 2009, before rising sharply by 2013, following the 2011 electoral defeat of the MMD. In 2013, 68 per cent of respondents said that they were satisfied. This proved to be the peak of satisfaction with democracy. The 2014 and 2017 surveys showed a steady decline in satisfaction with democracy, although not to the very low level of 2005. The 2017 Afrobarometer survey – in the middle of which, UPND leader Hakainde Hichilema was arrested and then detained – revealed deepened concern among many Zambians over the further erosion of democracy (Bratton, Dulani and Nkomo, 2017).
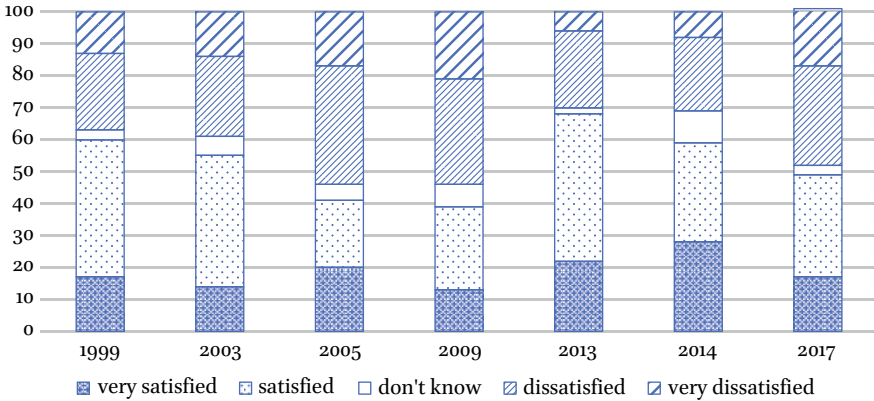
FIGURE 5.2   Satisfaction with democracy

2   Voters' Evaluations of the Incumbent President and Party

Afrobarometer data indicate clearly that many Zambians are prepared to be critical of the political leaders and their performance. The data reveal a strong current of discontent with the MMD in the 2000s, an upsurge of enthusiasm for the government after the election of Sata and the PF in 2011, and then a muted resurgence of discontent in the 2010s, reflected in support for the UPND. Figures 5.3 and 5.4 report perceptions of the president and parties over the period for which there are data (only from 2003, in Figure 5.4). These figures show that the MMD's election defeat in 2011 was not a surprise. Nor, taking the data at face value, is the PF's continued hold on power surprising, given many voters' ambivalence about the opposition in the 2010s.

Most Zambians were critical of their presidents and the governing party from 1999 to 2009, when the MMD was the incumbent party. In 1999, Frederick Chiluba was still president, nearing the end of his second term and considering an amendment to the constitution to allow him a third term. Chiluba enjoyed lukewarm support among the citizens. Almost 80 per cent of voters said that they trusted him a little or a lot, but half of these only trusted him 'a little'. One in five voters said that they did not trust him at all. His performance, however, was viewed more favourably, with 64 per cent of respondents reporting that they approved of it.

Two surveys were conducted whilst Levy Mwanawasa was president. Despite being elected in 2001 with less than 30 per cent of the vote, Mwanawasa
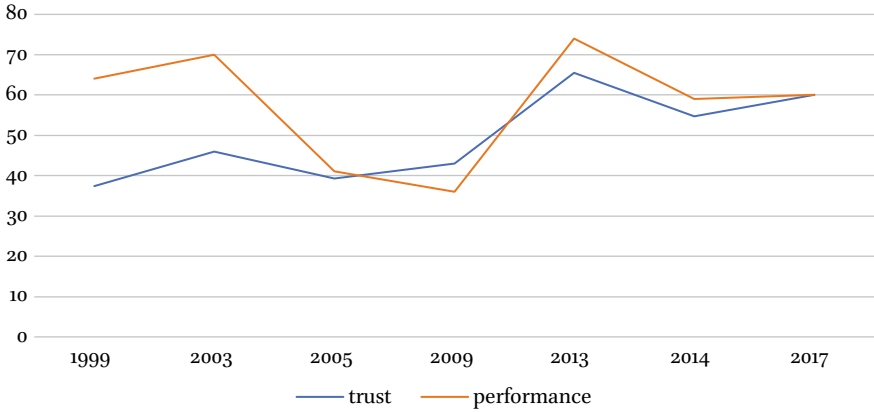
FIGURE 5.3 Perceptions of the president
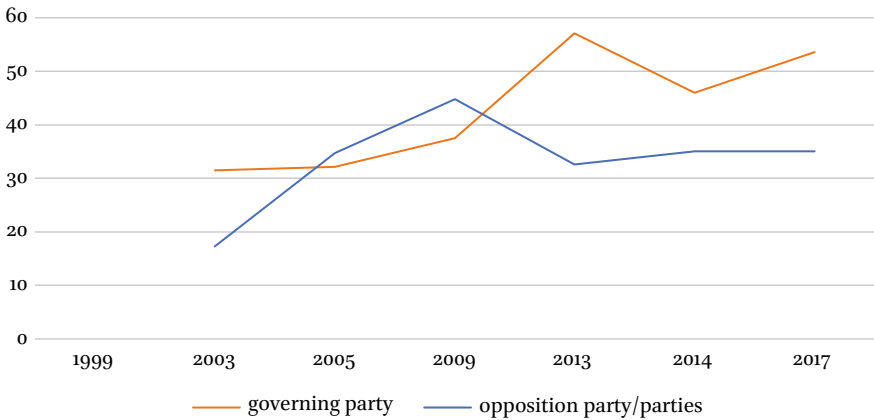
FIGURE 5.4 Trust parties (more than a little)

seems to have picked up some support. By 2003, voters trusted him very slight-
ly more than they had Chiluba in 1999, and 70 per cent approved of his perfor-
mance. The MMD enjoyed more reported trust than the opposition parties. By
2005, however, approval of his performance had dropped to 41 per cent –
almost the same level as reported trust in him. More voters reported trusting
the opposition parties than reported trusting the ruling MMD. Mwanawasa
was re-elected in 2006, with almost exactly this share of the vote. Rupiah Ban-
da was elected president in 2008. In the 2009 Afrobarometer survey, voters ex-
pressed much the same trust in him as they had in Mwanawasa, but approval
of his performance had dropped relative even to the 2005 survey. The gap
between trust in opposition parties and trust in the MMD had widened

further – pointing to the likelihood of a turnover in the 2011 elections. In 2011, the PF's Michael Sata was indeed elected president, with 42 per cent of the vote, whilst Banda won 35 per cent for the MMD and the UPND's candidate won 18 per cent.

Voters' evaluations of the president rose sharply after Sata's election. In the 2013 survey, the proportion of voters who said that they did not trust the president dropped to below ten per cent, whilst two out of three voters said that they trusted him a lot or a very great deal. Three out of four voters approved of his performance, against only one quarter who disapproved. The trust gap between the PF and the opposition parties had widened further, to almost 25 percentage points.

The 2014 Afrobarometer survey was conducted whilst Sata was dying (in a hospital in London). Citizens voiced lower levels of trust in Sata and were more critical of his performance than in 2013, but he retained stronger support than the MMD presidents in the preceding decade. After his death, and the ensuing election of Edgar Lungu as president, reported trust in and assessments of the performance of the president stagnated, albeit at a high level compared with the previous decade. Reported trust in the PF remained higher than reported trust in the opposition, although the gap was narrower than it had been in 2013.

Table 5.2 reports data from early 2017 on the attitudes of PF supporters and UPND supporters on various issues, whilst Table 5.3 shows their respective

TABLE 5.2   Attitudes of UPND and PF supporters on selected issues, 2017

	UPND supporters (%)	PF supporters (%)
The country is going in the wrong direction	82	53
Economic conditions in Zambia are worse or much worse than 12 months ago	62	43
Your present living conditions are bad or very bad	62	39
Your living conditions are worse or much worse than others'	62	34
2016 elections were not free and fair or had major problems	62	20
Trust the president: not at all or just a little	66	23
Trust the ruling party: not at all or just a little	77	24
Disapprove of the performance of the president	70	19

TABLE 5.3   Attitudes of UPND and PF supporters on government performance, 2017

Government performance is *very* bad on …	UPND supporters (%)	PF supporters (%)
Managing the economy	69	26
Improving living standards of the poor	71	30
Creating jobs	77	43
Keeping prices stable	77	46
Narrowing income gaps	79	41
Reducing crime	47	18
Improving basic health services	44	14
Addressing educational needs	44	11
Providing water and sanitation services	60	28
Ensuring enough to eat	69	33
Fighting corruption	71	34
Maintaining roads and bridges	55	27
Providing reliable electricity supply	56	30
Preventing election violence	50	15
Preventing or resolving violent community conflict	36	11
Promoting equal rights/opportunities for women	27	11
Addressing needs of youth	56	28
Protecting rights, promoting opportunities for disabled people	46	20

evaluation of the performance of the PF government. On some questions, almost all UPND supporters were critical of the conditions or the performance of the government. On others (including public education and health services), criticism was somewhat muted. Some PF supporters were also critical of the government's performance on some issues (especially economic issues). But on almost every issue the proportion of UPND supporters who expressed criticism was twenty or thirty percentage points higher than the proportion of PF supporters who did likewise. These tables show clearly that there was a large gap in attitude between UPND and PF supporters.

In 2014, voters were asked about the main difference between the ruling party (i.e. the PF) and opposition parties (i.e. UPND and MMD). Seven out of ten pointed to a difference, whilst three in ten replied that there was no difference or that they did not know. The most cited difference was the parties' economic and development policies. This does not suggest that valence issues dominated, as Bleck and van de Walle (2013) argue for a set of African countries. Other oft-cited differences included their leaders' honesty, integrity and experience.

3   The Role of Ethnicity in Voters' Choices

Afrobarometer data indicate that many, perhaps most Zambian voters have clear views on the competing parties and their performance when in office. There is a strong correlation between voters' evaluations of the government and their partisan preference, with critics of the government preferring opposition parties and voters with more favourable assessments preferring the incumbent party. As maps of the geographical distribution of party support in elections make very clear, however, the parties' support bases are regionally concentrated – and this reflects ethnic loyalties. What is the role of ethnicity in the choices made by Zambian voters?

Election results reveal strong regional patterns in support for the political parties and their presidential candidates. In 2016, the UPND won decisively three provinces (Southern, Western and North-Western) and the PF won decisively four provinces (Northern, Luapula, Muchinga and Eastern). Only the Copperbelt, Central and Lusaka provinces were closely contested. If one draws a line from the Copperbelt through Lusaka to Lake Kariba, the UPND dominates the west and south while the PF dominates the north and east. Given the geographical distribution of ethnic groups, the two parties have clear ethnic as well as regional support bases. Table 5.4 shows the party preferences for selected ethnic groups in 2017, using Afrobarometer data. Bemba-speaking voters were strongly pro-PF, whilst Tonga and Lozi voters were overwhelmingly pro-UPND. The 2017 survey data show that the UPND was the strongly preferred party among respondents who identified themselves as Tonga, Lozi, Kaonde, Luvale, Lumda or Lamba (or as members of some smaller ethnic groups[3]). Members of these UPND-supporting ethnic groups were twenty

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3 Chokwe, Mbunda, Tokoleya.

TABLE 5.4   Partisan preferences for selected ethnic groups, 2017

	Bemba (%)	Tonga (%)	Lozi (%)	Pro-UPND* groups (%)	Not pro-UPND groups (%)
UPND	11	65	64	59	11
PF	60	14	10	16	60
Other/ none/DK/refuse	29	22	26	26	28
Total	100	100	100	100	100
N	*330*	*144*	*90*	*372*	*828*

SOURCE: AFROBAROMETER 2017 SURVEY

*   Pro-UPND groups: Tonga, Lozi, Kaonde, Luvale, Lumda, Chokwe, Mbunda, Lamba and Tokoleya.

times more likely to prefer the UPND over the PF than members of all other ethnic groups.[4]

In a descriptive sense, therefore, elections in Zambia have some features of an ethnic headcount. As Table 5.4 suggests, voters tend to vote along the same lines as their co-ethnics, although even in 2017 the Afrobarometer sample included some PF-supporting Tonga and Lozi voters and some UPND-supporing Bemba-speaking voters.

A correlation between ethnicity (or region) and party preference tells us nothing, however, about why there is such a correlation, and therefore what a party or candidate must do to bring groups of voters into its support base. Voters might vote along ethnic lines because this voting is an assertion of ethnic identity, whether of solidarity with coethnics or of hostility to out-group members. Voters might be following the lead of ethnic or regional leaders. For example, a Tonga voter might see her vote for the UPND as an expression of her Tonga-ness, or because she is swayed by the UPND as a 'Tonga' party under the leadership of coethnic Tonga politicians, or simply because all of her kin, friends and neighbours vote for the UPND. Voters might be voting along ethnic lines for other reasons, however. Ethnic voting might be strategic, in that voters expect ethnic-based patronage. For example, Chewa voters in Eastern Province might vote for the PF because they see that provincial leaders joined the

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4   Logistic regression, limited to respondents who preferred UPND or PF; p=0.000, and the pseudo r²=0.3.

PF coalition and therefore expect that more patronage will flow to the Eastern Province if the PF wins the election. Voters might also vote along regional or ethnic lines because they share common policy preferences or assessments of government performance. For example, Tonga voters might vote for the UPND because they favour the UPND's policies of market liberalization and reduced state regulation.

The existing literature on voting behaviour across Africa suggests that all of these explanations are pertinent, although their relative importance varies. Norris and Mattes (2013) examined the role of ethnicity in twelve African countries, using data from the first round of Afrobarometer (1999–2001). They modelled partisan preferences in terms of ethnicity, other measures of social background (including class) and selected political attitudes, and found that ethnicity mattered, especially in the more ethnically diverse countries. Bratton, Bhavnani and Chen (2013) analysed data on 16 African countries from the 2005–06 Afrobarometer surveys, and found evidence of both ethnicity and economic factors (retrospective and prospective) in voters' preferences. In a case-study of Ghana, Hoffman and Long (2013) explicitly asked whether elections were 'ethnic headcounts, or do beliefs about parties shape vote choice in far more complex ways than ethnic group membership?' Using data from a 2008 national exit poll, they found that 'ethnicity was relevant for some voters' and the two dominant political parties had ethnically homogeneous support bases. But 'evaluations and perceptions of parties were far more important determinants of vote choice'. Voters held 'strong beliefs' about the parties and their performance. These perceived attributes of the party, which Hoffman and Long found to be independent of a respondent's ethnicity, correlated closely with voters' choice. Hoffman and Long concluded that their data 'demonstrate that Ghana's election was not an ethnic headcount' (Ibid.: 127–8). All of these studies use multivariate regression models to examine the relative effects of ethnicity and party attributes.

Several studies have begun to examine the role of ethnicity and party attributes in Zambia. Erdmann (2007) used data from a private survey conducted in six provinces in early 2004 to probe the role of ethnicity in driving partisan preferences. Although his data showed that voters themselves pointed to the parties' programmes and policies as the primary reason for their choice, few voters could identify programmatic differences between the parties, and regression analysis suggested that ethnicity had strong effects on voter choice. Erdmann's regression model, however, did not control for evaluations of the parties' performance or programmes.

The rise of the PF prompted Resnick (2012, 2014) to examine political choices among the urban poor, who provided strong support for the PF. Resnick

conducted a mini-survey in Lusaka markets in early 2009 to model the report-ed voting choice of poor urban voters in the presidential by-election held the previous year. The MMD's Banda had won the by-election, but a majority of Resnick's Lusaka sample reported having voted for Sata (PF). Resnick reports a series of regression models. Her first model showed that none of a set of social or demographic variables – including ethno-linguistic identity – had statisti-cally significant relationships with presidential preference. In her second mod-el, Resnick added a variable for whether (according to the respondent) the PF (or other opposition parties) had tried to buy votes in the neighbourhood. This variable was significantly and negatively correlated with support for the MMD candidate. In a third model, Resnick added also variables measuring 'service delivery' (specifically, whether the respondent had access to water in his or her house) and evaluations of the incumbent MMD government's performance on job creation and urban poverty reduction. These variables had strong effects on presidential preference. Moreover, the effect of vote-buying fell away when these additional variables were included in the model. Resnick also found that voters' evaluations of the incumbent government's overall economic perfor-mance were not significantly correlated with presidential preference. Resnick also asked why voters supported one opposition party over the others. She found that the most important reasons given were their positions on social and economic issues and the personalities of the parties' leaders.

Hern (forthcoming) used her own survey data and in-depth interviews,[5] as well as the 2014 Afrobarometer survey data, to examine voter choice. Control-ling for region and ethnicity, Hern found that evaluations of government per-formance were modestly but significantly correlated with the likelihood of supporting the ruling party (the PF). Her in-depth interviews suggest that this is a causal relationship. She concluded that politics in Zambia is 'incompletely ethnicized'. Whilst there is little clear programmatic difference between the competing parties, 'the most important issue for most Zambians is basic ser-vice delivery'. Voters are interested in the outcome, she suggests, not the poli-cies generating outcomes, so parties' campaign 'around "development" with little policy content'. Voters judge incumbents on a combination of their past performance with respect to service delivery and their ethno-regional identi-ties, both of which inform expectations of future service delivery to 'their community'.

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5 Hern conducted a survey (n=1500) between October 2013 and February 2014 in four districts (one each in Northwestern and Central Provinces, and two in Southern Province). In July 2016, she conducted 172 in-depth interviews in all four sites.

Both Resnick and Hern provide compelling evidence of the salience of non-ethnic factors, but neither addresses directly the question of the relative importance of ethnic and non-ethnic factors in the country as a whole. Resnick's study of Lusaka's urban poor is informative about the support for the PF, but tells us nothing about the choices made by the large majority of voters in rural areas. Hern, in her regression models, controls for region and ethnicity (through fixed effects models), and does not report their relative importance.

4 Modelling Voter Choice in 2017

Since 2005, Afrobarometer surveys have asked samples of Zambians 'If a presidential election were held tomorrow, which party's candidate would you vote for?' Respondents are not given a list. More than two thirds of each sample identified a party (or candidate) (see Appendix Table 5.A1). The survey finds less support for the UPND in the mid-2010s than was evident in the actual election results, perhaps because respondents were nervous about voicing support for the opposition in an increasingly repressive climate. The regional breakdown of voting preferences in the 2017 survey suggest that it underestimated massively support for the UPND in Central Province, and underestimated it somewhat in Northern and Eastern Provinces, whilst it underestimated somewhat PF support in Western Province. Overall, however, the Afrobarometer data seem to provide a reasonably accurate picture of MMD and PF voters over time, but may be less reliable with respect to UPND voters.

Table 5.5 reports the results of a series of probit regression models in which voting preferences are regressed on a variety of independent variables, using the 2017 Afrobarometer data. The dependent variable in each of the models is reported support for the UPND. The different models regress support for the UPND on different combinations of variables.

The first model (Model A) shows that ethnicity goes a long way to explaining who supported the UPND in 2017. In this model, support for the UPND is regressed on a dummy variable that indicates whether a respondent reports being a member of one of the ethnic groups that, overall, had a statistically significant relationship with support for the UPND in the 2017 survey. Being a member of a pro-UPND ethnic group increases the likelihood of preferring the UPND by 47 percentage points. This bivariate model explains 21 per cent of the variance in voting preference.

The second model (Model B) shows that support for the UPND is also related to assessments of the PF government's performance. This model discards the ethnicity variable, and regresses support for the UPND on three variables

TABLE 5.5 Modelling support for UPND, 2017

	Model A	Model B	Model C	Model D	Model E	Model F	Model G	Model H	Model I
Pro-UPND ethnic groups	0.47 ***		0.40 ***		0.45 ***	0.40 ***		0.38 ***	0.36 ***
Government performed badly on job creation		0.07 ***	0.04						
Government performed badly on managing the economy		0.21 ***	0.15 ***			0.15 ***			0.10 ***
Government performed badly on education		0.15 ***	0.10 ***			0.10 ***			
Your present living conditions are bad or very bad				0.11 ***	0.06 **	0.03			
Your living conditions are worse or much worse than others'				0.06 **	0.02				
Lived poverty index				0.06 ***	0.07 ***	0.04 **			0.04 **
Trust the president: not at all or just a little							0.16 ***	0.10 ***	0.08 **
Disapprove of the performance of the president							0.30 ***	0.23 ***	0.19 ***
Pseudo r-squared	0.21	0.13	0.26	0.05	0.23	0.27	0.17	0.29	0.30

Dependent variable is close to or vote for UPND (dummy variable).
All independent variables are dummy variables except for the lived poverty index, which scores from a minimum of 0 to a maximum of 4.
Coefficients are marginal effects on a probit regression.

related to evaluations of the performance of the PF government. Bivariate regressions showed that these three variables were more strongly correlated with partisan preference than some other variables related to the performance of the government. The results indicate that there is a statistically significant relationship between negative evaluation of government performance and support for the UPND. The model explains only 13 per cent of the variance in partisan preference, however.

Model C adds the ethnicity variable, which again has a significant and strong effect on partisan preference. The r-squared rises to 26 per cent, one of the evaluation variables ceases to be significant, and the size of the effects of the other two declines. In other words, evaluation of government performance is less important when we control for ethnicity, although it remains important. Similarly, the comparison of Models A and C shows that ethnicity is less important when we control for evaluation of government performance, but it remains very important.

Model D regresses support for the UPND on three measures of poverty: Whether a respondent reports his or her living conditions to be bad, whether he or she reports that they are worse than other people's, and the lived poverty index (i.e. a composite measure developed by Afrobarometer, based on whether respondents said that they had gone without a set of basic necessities such as food and water over the past year). These do have a statistically significant but modest effect on support for the UPND, but the model has an r-squared of only five per cent. Models E and F add in the ethnicity variable and the evaluations of government performance. Whilst ethnicity retains a powerful effect, and evaluations of government performance a weaker one, these models show that poverty makes little or no difference to support for the opposition party when ethnicity and evaluations are taken into account.

Model G regresses support for the UPND on variables measuring trust in the president (Lungu, at the time of the survey) and evaluations of the president's performance. Distrust of the president and negative evaluations of his performance are correlated with support for the opposition UPND. The effect remains when ethnicity is added into the model (Model H) and when variables measuring evaluation of government performance and poverty are added (Model I). The final model (Model I) explains 30 per cent of the variance in support for the UPND. Ethnicity remains important in every model in which it is included, i.e. its importance does not disappear when we control for party attributes, poverty or presidential attributes.

Table 5.A2 (in the Appendix) reports similar modelling for support for the PF in 2009, when it was the major opposition party challenging the then incumbent MMD. The results of the model are very similar to the results for the UPND in 2017. Across Zambia as a whole, ethnicity is a powerful predictor of

support for opposition parties, even when controlling for party or presidential attributes, living conditions and so on. This finding might not apply to voters in Lusaka, studied by Resnick, but it seems that voters in Lusaka are not representative of voters across Zambia as a whole. The regression models reported in Tables 5 and A2 contrast with those reported by Hoffman and Long in their study of Ghana. Hoffman and Long found that in Ghana the effects of ethnicity largely disappeared when variables were included measuring party attributes. This is not the case in Zambia.

These regression models indicate that ethnicity is not simply a proxy for evaluations of government (or the president). On their own, however, they do not allow us to distinguish whether the correlation between ethnicity and partisan preference is due to ethnic identity per se or (for example) expectations of patronage. Afrobarometer surveys do include a variable that allows us to measure ethnic injustice. Every respondent is asked whether he or she considers that his or her ethnic group is treated fairly. As early as 2005 it was clear that Tonga and Lozi voters – who were disproportionately UPND supporters – considered that the economic condition of their ethnic group was much worse than for other ethnic groups, that their ethnic group had much less political influence than others, and that the government discriminated against them. Support for the UPND was higher among Tonga and Lozi voters who identified this ethnic injustice than among Tonga and Lozi voters who did not, but the effect was not very large. Even before 2011, PF-supporting Bemba-speaking voters did not share this sense of being ethnic outsiders.

Given evidence that both ethnicity and party (and presidential) attributes matter, to some extent separately, we can distinguish the support bases for the UPND and PF in terms of four categories of voters. For the UPND, supporters may be part of the UPND's ethnic coalition (as of 2017) and be critical of the performance of the PF government and president; they might be part of the ethnic coalition but not critical of the government and president (these might be called 'ethnic loyalists', in that they remain loyal to the party despite not sharing its criticisms of the government); they might be critical of the government and president, but not part of the UPND's ethnic coalition; and they might hypothetically be neither critical of the PF nor part of the UPND's ethnic coalition (perhaps because they expect better patronage if the UPND is elected despite not being dissatisfied with the PF). Table 5.6 shows the composition of the UPND's support base in 2017, divided into these four categories. Dissatisfaction or satisfaction with the PF government performance is measured using the variable for performance managing the economy. Table 5.7 presents similar data for the PF in 2017, using Bemba ethnicity as a measure of the PF's ethnic support base and satisfaction (rather than dissatisfaction) with government performance. Tables 5.6 and 5.7 also report (within parentheses) the proportion

TABLE 5.6   UPND support base, 2017

	Part of UPND ethnic coalition	Outside of UPND ethnic coalition	Total
Dissatisfied with PF performance	64% *(66% of this group support UPND)* **25% of electorate**	23% *(15% of this group support UPND)* **38% of electorate**	87% *(36% of these groups support UPND)* **63% of electorate**
Not dissatisfied with PF performance	6% *(25% of this group support UPND)* **6% of electorate**	6% *(6% of this group support UPND),* **31% of electorate**	12% *(9% of this group support UPND)* **37% of electorate**
Total	70% *(59% of this group support UPND)* **31% of electorate**	30% *(11% of this group support UPND)* **69% of electorate**	100% *(26% of this group support UPND)* **100% of electorate)**

TABLE 5.7   PF support base, 2017

	Part of PF ethnic base	Outside of PF ethnic base	Total
Satisfied with PF performance	18% *(75% of this group support PF)* **11% of electorate**	31% *(63% of this group support PF)* **23% of electorate**	49% *(67% of this group support PF)* **34% of electorate**
Not satisfied with PF performance	18% *(50% of this group support PF)* **16% of electorate**	33% *(31% of this group support PF)* **49% of electorate**	51% *(36% of this group support PF)* **66% of electorate)**
Total	36% *(60% of this group support PF)* **28% of electorate**	64% *(41% of this group support PF)* **72% of electorate**	100% *(46% of this group support PF)* **100% of electorate**

of the total number of voters in this category who report a preference for the party (in italics) and the proportion of the total electorate in this cell (in bold).[6]

6   Note that the category 'dissatisfied' in Table 5.7 is not identical to 'not satisfied' in Table 5.8. Not satisfied in Table 5.8 includes people who were neither satisfied nor dissatisfied. These people are included under 'not dissatisfied' in Table 5.7.

Both parties have a core ethnic support base comprising about 30 percent of the electorate. Tables 5.6 and 5.7 appear to suggest that the PF mobilizes its core ethnic support base more effectively than the UPND does its base: The proportion of satisfied Bemba-speaking voters who declare a preference for the PF is larger (at 75 per cent) than the share of dissatisfied members of the Tonga, Lozi and related ethnic groups (66 per cent) who declare a preference for the UPND. This difference is, however, probably a result of the understatement of support for the UPND in the survey. In all likelihood, the PF and UPND are similarly effective at mobilizing their core ethnic bases. Given that there is much more dissatisfaction with the PF government's performance among Bemba-speaking voters than there is satisfaction among Tonga, Lozi and related voters, this is a success for the PF. The PF succeeds in retaining the support of many dissatisfied Bemba-speaking voters, i.e. it relies more heavily on ethnic loyalists who remain loyal despite dissatisfaction.

Where the parties differ is in their success among members of other ethnic groups. Two-thirds of the PF's declared support (in the survey) comes from outside of its core ethnic base, but only one third of the UPND's (declared) support comes from outside its core ethnic base. The UPND support base comprises almost entirely people who report that they are dissatisfied with the PF government's performance; most of these are members of pro-UPND ethnic groups, but some are not. The PF support base, in contrast, comprises both people who are satisfied with the government's performance and people who are not, among diverse ethnic groups as well as among its core Bemba-speaking support base. Many of the PF's supporters were very critical of the PF government's performance, with more than half saying also that it had performed badly in terms of job creation, providing water and sanitation, and ensuring that everyone had enough to eat. The survey data provide little guidance on why these non-Bemba-speaking voters support the PF despite being very critical of its performance in government.

These data reveal the challenges facing the two parties in terms of retaining or expanding their support. To win at least half of the vote, a party needs to expand its support beyond its core ethnic constituencies. The PF has done this, in part by gaining and then retaining the support of urban voters on the Copperbelt (many of whom are Bemba-speaking) and Lusaka. The PF has done well in retaining support even among voters dissatisfied with its performance. The UPND, by comparison, has failed to make sufficient inroads into the key category of voters who are dissatisfied with the government but outside of either party's core ethnic base. Outside of its ethnic base, the UPND has failed to convert dissatisfaction with the PF government into support for the opposition UPND.

5   Changes Over Time

The Afrobarometer surveys also provide data on changes in voters' preferences over time. These are longitudinal data on the electorate as a whole, not on individual voters. A full analysis of voters would require a panel study, i.e. a survey that collected data over time from a fixed sample (or panel) of voters. This would enable us to track when individual voters defect from one party to another and then to explain why voters defect, in terms of either what voters themselves say or the factors that correlate with such shifts. There are no panel data on voters in Zambia (or in any part of Africa).

Survey data since 1999 tracks broadly the trends in voting behaviour revealed in actual election results. Support for the MMD declined and then collapsed in the face of the rise of the UPND and PF as effective opposition parties. The PF succeeded in marginalizing the older UPND in the early 2000s, but in the 2010s the UPND expanded its support as the opposition in what had become a two-party system. By the end of 2014, as the presidential by-election showed, support for the UPND and PF was running neck-and-neck.

The 2000s were a crucial period of realignment in Zambian politics, with the rise of the PF and its eclipse of the UPND (Larmer and Fraser, 2007; Cheeseman and Hinfelaar, 2009; Resnick, 2013). In Afrobarometer surveys, preference for the PF surged in 2005 and 2009 to 2013, whilst support for the UPND stagnated or even declined (see Table 5.A1 in the Appendix). Table 5.8 reports the results of models of support for the PF and UPND using data from the 2005 and 2009 surveys. In both 2005 and 2009, Tonga voters were much more likely to support the UPND (although this was not true of other ethnic groups that later became part of the UPND's core ethnic constituency). The correlation between distrusting the president and preferring the UPND remained unchanged between the two surveys. The effect on partisan preference of being critical of the government's performance in economic management changed, however, between these two surveys. In 2005, dissatisfaction with the government's performance fed into support for the UPND. By 2009, this was no longer the case. The 2005 model of UPND support explains 26 percent of the variance, but the r-squared drops to 13 per cent in the 2009 model. In contrast, the model for support for the PF improves dramatically over this same time period. In 2005, none of the independent variables were very strong predictors of support for the PF. By 2009, however, the effects of speaking Bemba, being dissatisfied with the government's economic management and being distrustful of the president were all significant and strong. In short, Table 5.8 confirms that the PF eclipsed the UPND as the opposition by, first, consolidating its Bemba-speaking constituency, and secondly capturing the support of voters who were

TABLE 5.8   Summary models of support for the UPND and PF, 2005 and 2009

	UPND 2005	PF 2005	UPND 2009	PF 2009
Tonga	0.39 ***		0.40 ***	
Bemba-speaking		0.12 ***		0.37 ***
Agree that the government mismanaged the economy	0.09 **	Not significant	Not significant	0.15 ***
Living conditions	Not significant	−0.04 *	Not significant	Not significant
Not trust the president	0.11 **	0.06 **	0.09 ***	0.18 ***
Pseudo r-squared	0.26	0.05	0.13	0.18

discontented with the government (at least, those who were outside of the UPND's core ethnic constituency).

Table 5.8 combined with Tables 5.4 and 5.5 show that the basis of the PF's rise and enduring support has been both its success in mobilizing and retaining the support of Bemba-speaking voters *and* its success in mobilizing the support of other voters who were discontented with the MMD government and then holding onto much of this support even when the PF became the party of government and its performance failed to satisfy many of its erstwhile supporters.

What is not clear from Tables 5.4 and 5.8 is the achievement of a resurgent UPND in expanding its support base after its eclipse by the PF, most clearly in the 2011 elections (see Beardsworth, forthcoming). Not all of the ethnic groups that were clearly pro-UPND in 2017 had always been clearly pro-UPND. The Afrobarometer samples are not large enough to infer with great confidence any clear patterns, but it seems likely that voters in some ethnic groups swung between parties over time. The survey data suggest, for example, that support for the UPND in 2009 may have been lower among Lozi, Kaonde and Lunda voters, because these voters defected from the UPND before later returning to it. As Gadjanova (2017) shows, the PF appealed to Lozi voters with vague promises of addressing the status of the Lozi (or Barotse). Afrobarometer data from 2009 suggest that Lozi MMD supporters initially defected to the UPND and then swung behind the PF. Conversely, Chewa voters (mostly in the Eastern

Province) show up as strongly pro-MMD in Afrobarometer surveys up to 2013, then pro-UPND in 2014, but by 2017 had swung behind the PF. The successes of the UPND in expanding its support and the PF in retaining its was due in part to their success in constructing multi-ethnic support bases, drawing groups of supporters away from the MMD.

As of 2017, it might seem that Zambia has settled into a competitive but stable two-party system, with few voters expressing much interest in any party besides the PF and UPND. This interpretation seems to be supported by data from the Afrobarometer surveys on 'partisan identification'. As in many multi-party democracies with relatively stable party systems, many Zambian voters say that they feel 'close' to one or other party as well as having a preference for it. In all seven Afrobarometer surveys in Zambia, respondents were asked 'Do you feel close to any particular political party?' This question is widely used to measure 'partisan identification', i.e. the existence of strong and enduring ties or loyalty to a particular party. Overall, the proportion of respondents admitting to feeling close to one or other party rose from less than 40 percent in 1999 and 2003 to about 50 per cent in the subsequent five surveys. The rising proportion probably reflects the rise of strong opposition parties and the ensuing competitiveness of elections. In 1999, Afrobarometer found almost no respondents who reported being close to any party other than the MMD. In the 2003 and 2005 surveys, growing numbers of voters declared that they felt close to the UPND. In 2009, the proportion reporting closeness to the PF rose dramatically, overtaking the UPND, and almost catching up with the MMD. By 2013, the proportion of voters feeling close to the MMD had collapsed, whilst the PF seemed to have become hegemonic. The 2014 and 2017 surveys showed a resurgence in feeling close to the UPND (see Table 5.A3 in the Appendix), and it is likely that the scale of the resurgence is understated in the surveys.

It is not clear, however, what partisan identification means in the context of a country like Zambia. The concept of partisan identification was born in the USA in the 1950s and then travelled to other advanced capitalist democracies in order to explain the stability over time in voters' choices. Partisan identification referred to deep-rooted loyalties to political parties, typically formed in childhood through socialization in the home. American voters tend to have long-term, stable identities as Democrats or Republicans, and will generally vote for their party's candidate in any election. Voters will sometimes be swayed by individual candidates or issues, and defect from their party, but such defections will generally be temporary. Very rarely, the electorate will realign as a result of some major political shift, as in the USA in the 1930s (around the New Deal) and in the American South from the 1960s (when white voters swung from the Democrats

to the Republicans) (Green, Palmquist and Schickler, 2002). In some African countries there is strong evidence of similar partisanship. For example, in South Africa the struggle for democracy marked a critical conjuncture during which many voters developed a deep loyalty to the African National Congress that endured despite discontent with individual leaders (Mattes, Taylor and Africa, 1999; Mattes, 2014). Norris and Mattes (2013) use partisan identification (i.e. closeness to a party) as their dependent variable in their analysis of ethnic voting in Africa.

In Zambia, however, it is far from clear that there is any comparably *enduring* loyalty to political parties. The abrupt collapse of loyalty to the MMD and rapid rise in 'closeness' to the PF might suggest an underlying realignment, but it is more likely that the Afrobarometer questions about 'closeness' were closer to the concept of *support* than to any enduring or deep-rooted loyalty.[7] Measured closeness to the UPND is more likely to reflect a deeper loyalty, in that the party's support base survived the transition from one leader to another (from founder Anderson Mazoka to Hakainde Hichilema in 2006) and has endured despite repeated electoral defeats. In addition, the UPND probably draws on a history of distinctive partisanship in Southern Province, dating back to the nationalist movement of the 1950s and specifically the leadership of Harry Nkumbula (Macola, 2010).

In both 2013 and 2017, almost one in three respondents reported feeling close to the PF. This was the same proportion as had reported feeling close to the MMD in 1999. Just as the MMD's support collapsed in the 2000s, so the PF's support is likely to be fragile rather than deep-rooted. In the 2000s, MMD leaders defected to the PF (and UPND), and were often re-elected under their new party banner. Just like the MMD in the 2000s, the PF bears the burden of widespread dissatisfaction with government policies. It seems that the PF preserves its support base in part through the deployment of patronage, primarily to provincial and local elites. The PF seems more like a coalition than a party. Without a charismatic leader (as was Sata), the PF remains vulnerable to defection by its erstwhile provincial and local leaders and by voters.

6   Conclusion: What We Know, and What We Don't Know

The survey data reveal major factors in the collapse of voter support for the MMD (culminating in defeat in 2011), the rise of the PF (eclipsing the UPND)

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7   Very few respondents (only 30 out of 1200 in 2017) reported being close to one party but voting for another.

and the PF's fragile hold on power since Sata's death in late 2014. The MMD failed to build support in the 2000s. By 2009, more voters reported that they trusted the opposition parties than reported that they trusted the governing MMD. The PF overtook the UPND because it both mobilized among Bemba-speakers very effectively and became the opposition party of choice among non-Bemba, non-Tonga voters dissatisfied with the MMD government. Rising discontent with the performance of the PF government did not convert into support for the UPND outside of its core ethnic bases. In the Eastern Province and Lusaka as well as the Copperbelt, enough voters who were dissatisfied with the PF continued to vote for it. The UPND performed strongly, but failed to win sufficient support in these key categories of voters.

The data suggest that ethnicity remains important in shaping voting behaviour, and has perhaps become more important over time. The UPND draws support from members of its core ethnic constituency even when they say that they are not dissatisfied with the PF government's performance, whilst the PF draws support from members of its core ethnic constituency even when they express discontent with the PF government's performance. The models of voting behaviour reveal that ethnicity is important in the Zambian case to a greater extent than in Ghana, for example. Non-ethnic factors are far from irrelevant in Zambia, however. Support for the UPND is stronger and support for the PF is weaker among voters of all ethnic groups who are dissatisfied with the PF government. Precisely how ethnic and non-ethnic factors combine, and how and why ethnicity 'works', is hard to discern from the survey data.

In other respects, also, there are limits to what we can learn from attitude surveys, especially when they do not ask all of the questions for which we would like to have answers. Afrobarometer surveys provide important insights into voters' attitudes, and how these have changed since the first survey in 1999. But the surveys do not probe in detail voters' perceptions of the various parties and their leaders, and what sways voters when they make their choices. Most importantly, the surveys tell us very little about the ways that voters' relationship with political parties and presidential candidates is mediated through provincial and local political elites. In countries where voters expect that their representatives will deliver investment and services to their constituents (see e.g. Cheeseman, 2016, on Kenya), their loyalties might lie with their local leaders rather than any particular political party (see also Koter, 2013, on Senegal). The fact that MPs who defect to another party are often re-elected might indicate that they are adept at following their voters, but it might also mean that voters follow their local leaders. Further research is required, especially at the provincial level, to explain how and why voters seem to swing from one party to another. A case study of voters and voting in Western Province would illuminate

why MMD voters there defected first to the UPND, then back to MMD in 2006, then to PF in 2011, then back to the UPND. Did this reflect shifting preferences among voters or were voters loyal to local leaders who defected from one party to another, perhaps in search of patronage? Similarly, a case study of voters in the Eastern Province would shed light on why MMD voters there chose to defect to the PF in the 2010s rather than the UPND? A case study of North Western Province would explain how and why MMD voters there tended to choose the UPND rather than the PF. A full theory of voting trends in contexts such as contemporary Zambia requires data beyond what has been collected hitherto in surveys such as Afrobarometer.

Appendix

TABLE 5.A1   Reported partisan preference, 2003–2017

	July/Aug 2005 (%)	June 2009 (%)	Jan/Feb 2013 (%)	Oct 2014 (%)	April 2017 (%)
MMD	**26**	**24**	6	8	<1
PF	13	27	**47**	**35**	**45**
UPND	21	17	9	19	24
UNIP	3	1	1	1	<1
FDD	3	<1	<1	<1	2
NAREP	–	–	2	2	<1
Other	2	2	2	1	2
None/refused/ don't know	32	29	32	32	26
Total	100	100	100	100	100
n	1200	1200	1200	1194	1200

If presidential elections were held tomorrow, which party would you vote for?
This was not asked in 1999 or 2003. Support for the incumbent party is shown in **bold**
SOURCE: AFROBAROMETER: 2005 Q99, 2009 Q97, 2013 Q99, 2014 Q99, 2017: Q99.

TABLE 5.A2 Modelling support for PF, 2009

	Model A	Model B	Model C	Model D	Model E	Model F	Model G	Model H	Model I
Bemba-speaking	0.38 ***		0.38 ***		0.38 ***	0.38 ***		0.34 ***	0.35 ***
Government performed badly on job creation		0.11 *	Not significant						
Government performed badly on managing the economy		0.15 *	0.16 ***			0.17 ***			0.11 **
Government performed badly on education		0.09 *	0.1 ***			0.1 ***			
Your present living conditions are bad or very bad				0.06 *		Not significant			
Your living conditions are worse or much worse than others'				Not significant	Not significant	Not significant			

TABLE 5.A2 Modelling support for PF, 2009 (cont.)

	Model A	Model B	Model C	Model D	Model E	Model F	Model G	Model H	Model I
Lived poverty index				−0.04 *	Not significant	Not significant			
Trust the president: not at all or just a little							0.16 ***	0.16 ***	0.14 ***
Disapprove of the performance of the president							0.2 ***	0.17 ***	0.14 ***
Pseudo r-squared	0.11	0.05	0.16	<0.01	0.12	0.16	0.1	0.18	0.19

Dependent variable is close to or vote for PF (dummy variable).
All independent variables are dummy variables except for the lived poverty index, which scores from a minimum of 0 to a maximum of 4.
Coefficients are marginal effects on a probit regression.

TABLE 5.A3   Reported partisan identification, 1999–2017

	Oct/Nov 1999 (%)	May/June 2003 (%)	July/Aug 2005 (%)	June 2009 (%)	Jan/Feb 2013 (%)	Oct 2014 (%)	April 2017 (%)
MMD	**31**	**25**	**20**	**22**	5	6	<1
PF	–	1	7	19	**32**	**26**	**31**
UPND	1	7	18	12	7	14	18
Other	4	6	6	1	2	3	<2
None/ refused/ don't know	64	61	49	46	54	51	49
Total	100	100	100	100	100	100	100
N	*1198*	*1198*	*1200*	*1199*	*1200*	*1194*	*1200*

Do you feel close to any particular political party?
Identification with the incumbent party is shown in **bold**.
SOURCE: AFROBAROMETER, 1999 (PIDCLS, PIDWIN), 2003 (Q87A), 2005 (Q86), 2009 (Q85), 2013 (Q89A/B), 2014 (Q90A/B), 2017 (Q88A/B).

References

Afrobarometer (2009). 'Popular Attitudes toward Democracy in Zambia: A Summary of Afrobarometer Indicators, 1999–2009' (Afrobarometer).

Afrobarometer (2010). 'Citizen Perceptions of the Economic and Living Conditions in Zambia', *Afrobarometer Briefing Paper* 81.

Beardsworth, Nicole (2020). 'From a "Regional Party" to the Gates of State House: The Resurgence of the UPND', in: Tinenenji Banda *et al.* (eds), *Democracy an d Electoral Politics in Zambia*. Leiden: Brill.

Bratton, Michael (2013). 'Voting and Democratic Citizenship in Africa: An Overview', in: Michael Bratton (ed.). *Voting and Democratic Citizenship in Africa* (1–15), Boulder, CO: Lynn Rienner.

Bratton, Michael, Ravi Bhavnani and Tse-Hsin Chen (2013). 'Voting Intentions in Africa: Ethnic, Economic or Partisan', in: Michael Bratton (ed.), *Voting and Democratic Citizenship in Africa* (79–100), Boulder, CO: Lynn Rienner.

Bratton, Michael and Peter Lolojih (2009). 'Rationality, Cosmopolitanism and Adjustment Fatigue: Public Attitudes to Economic Reform in Zambia', *Afrobarometer Working Paper* 105.

Bratton, Michael, Boniface Dulani and Sibusiso Nkomo (2017). 'Zambia at a Crossroads: Will Citizens Defend Democracy?', *Afrobarometer Dispatch* 157.

Cheeseman, Nic (2016). 'Patrons, Parties, Political Linkage, and the Birth of Competitive-Authoritarianism in Africa', *African Studies Review* 59, 3: 181–200.

Cheeseman, Nic and Marja Hinfelaar (2009). 'Parties, Platforms, and Political Mobilization: The Zambian Presidential Election of 2008', *African Affairs* 109, 434: 51–76.

Erdmann, Gero (2007). 'Ethnicity, Voter Alignment and Political Party Affiliation: An African Case: Zambia', *GIGA Working Paper* 45/2007, Hamburg: German Institute of Global and Area Studies.

Gadjanova, Elena (2017). 'Ethnic Wedge Issues in Electoral Campaigns in Africa's Presidential Regimes', *African Affairs* 21, 2: 1–24.

Green, Donald, Bradley Palmquist and Eric Schickler (2002). *Partian Hearts and Minds: Political Parties and the Social Identities of Voters*, New Haven, CT: Yale University Press.

Hern, Erin (2020). 'Preferences without Platforms: How Voters Make Choices in Zambia's Elections', in: Tinenenji Banda *et al.* (eds), *Democracy and Electoral Politics in Zambia*, Leiden, Brill.

Hoffman, Barak D., and James D. Long (2013). 'Parties, Ethnicity, and Voting in African Elections', *Comparative Politics* 45, 2: 127–146.

Koter, Dominika (2013). 'King Makers: Local Leaders and Ethnic Politics in Africa', *World Politics* 65, 2: 187–232.

Larmer, Miles, and A. Fraser (2007). 'Of Cabbages and King Cobra: Populist Politics and Zambia's 2006 Election', *African Affairs* 106, 425: 611–637.

Macola, Giacomo (2010), *Liberal Nationalism in Central Africa: A Biography of Harry Mwaanga Nkumbula*, London: Palgrave Macmillan.

Mattes, Robert (2014), 'The 2014 Election and South African Democracy', in: Collette Schulz-Herzenberg and Roger Southall (eds), *Election 2014 South Africa: The Campaigns, Results and Future Prospects* (169–187), Cape Town: Jacana.

Mattes, Robert, Helen Taylor and Cheryl Africa (1999). 'Judgement and Choice in the 1999 South African Election', *Politikon* 26, 2: 235–247.

Mujenja, Fison (2014). 'Zambia's Economic Performance: A More Positive Verdict from Zambians', *Afrobarometer Briefing Paper* 132.

Norris, Pippa, and Robert B. Mattes (2013). 'Does Ethnicity Determine Support for the Governing Party?', in: Michael Bratton (ed.), *Voting and Democratic Citizenship in Africa* (41–60), Boulder, CO: Lynn Rienner.

Resnick, Danielle (2012). 'Opposition Parties and the Urban Poor in African Democracies', *Comparative Political Studies* 45, 11: 1351–1378.

Resnick, Danielle (2013). *Urban Poverty and Party Populism in African Democracies*, Cambridge: Cambridge University Press.

Siachiwena, Hangala (2020). 'The 2011–2016 Zambian Elections: Incumbency, Turnovers and Democratic Consolidation', in: Tinenenji Banda, O'Brien Kaaba, Marja

Hinfelaar and Muna Ndulo (eds), *Democracy and Electoral Politics in Zambia* (Leiden: ASC).

Simutanyi, Neo (2002). 'Challenges to Democratic Consolidation in Zambia: Public Attitudes to Democracy and the Economy', *Afrobarometer Paper* 17.

PART 2

Preconditions of an Election

∵

Electoral Integrity and Democratic Consolidation

Biggie Joe Ndambwa

Since the reintroduction of multiparty politics in 1991, Zambians have gone to the polls to elect leaders every five years. International observers have usually been abundant during elections, and most often reported an orderly democratic voting process. However, there have been problems noted with the counting and tabulation of votes, although the reports issued by the principal elections observer missions indicate that the management of elections has been acceptable. At the same time, successive elections have usually suffered from a wide range of other problems, including the abuse of state resources and voter intimidation. There have been significant flaws in the enforcement of electoral laws that underpinned the integrity of the electoral process, flaws that undermined the level playing field that is meant to strengthen democratic institutions. No doubt, Zambian elections in the post-1991 period follow a pattern familiar to academics in comparative electoral politics. Nonetheless, the driving forces behind the flaws in election management are not well documented by political scientists.

This chapter explores the quality of election management during the 2016 general elections and referendum in Zambia. Integrity in election management can, in many respects, be seen as the prerequisite of democratic consolidation. This is so because thriving democratic regimes do not just hold regularly contested elections, but also make sure that flaws in the electoral process are minimized. Clearly, this provides a mechanism through which the electorate can participate in public affairs meaningfully. When managed properly and with integrity, elections can provide a simple means of ensuring some level of accountability in decision-making that reflects popular opinion. It is for this reason that integrity in election management exemplifies equal access to the franchise. Sadly, in many contexts, election management in Zambia has failed to exemplify these important ideals.

The 2016 elections triggered complaints and finger-pointing by electoral stakeholders. Although these problems have been present in the past, often political scientists and other analysts have had scant knowledge of the circumstances under which, and the reasons why, politicians and electoral administrators decide to cheat during elections, a scheme that entails considerable risk to their political legitimacy and indeed the survival of the regime. Yet, if

carefully managed, a clean election may result in them winning without undue censure and political power may be retained. Therefore, if political scientists and electorates are to appreciate the sorts of calculations that politicians make in this situation, then they require a clearer understanding of the stakes involved, the resources and capabilities on which politicians can draw to help facilitate electoral mismanagement, and the measures that can be taken to ensure a clean election.

However, strengthening integrity in one area of the electoral process can too easily lead to displacement, as politicians and unscrupulous electoral administrators substitute with another form of manipulation that is more difficult to detect or to eliminate. Nonetheless, we must concede the fact that the varieties of electoral mismanagement are almost infinite. This implies that politicians and dishonest electoral administrators have a very large pool from which to select when planning an election cycle. In order to understanding the thinking of politicians and those who manage elections in Zambia, it is significant to develop knowledge of the incentives and feasibility of different forms of manipulating the electoral process under different conditions.

As in most African elections, the risks at play in Zambian elections tend to be high, and losing an election can cost dearly in political and personal terms for those who wield political power. This gives dishonest politicians a strong incentive to use whatever means and methods they can to emerge triumphant. The principal argument to be developed over the course of this chapter is that factors that affect the legitimacy costs of a mismanaged election are central in determining whether politicians and electoral administrators will, in any given context, run the risks associated with a failed election. Important among these factors are the structural linkages that intercede relations between political elites and general citizens. Thus, politicians who can count on relative acceptance in a mismanaged electoral process can be expected to engage in several malpractices when their genuine popularity dwindles. The detailed contents of the tactics that such politicians adopt depend on the dangers associated with different choices they might have at their disposal.

As noted by Birch (2010) and Norris (2013), few sustained examinations of electoral fraud involving third-party observations have been undertaken in Africa and Zambia in particular. Existing investigations of political misconduct focus mainly on economic and administrative corruption. Relatively little systematic inquiry and analysis have been undertaken on election management and electoral malpractices in Zambia. Moreover, there has been little serious effort to provide a convincing explanation of wrong-doing in the electoral sphere, despite the many conceptualizations and typologies that political scientists have of different aspects of electoral misconduct in newly democratizing

countries. This is the objective that motivates my inquiry on integrity in election management in Zambia especially in relation to the problems that emerged after the 2016 elections.

1 Linkage between Democracy and Quality of Elections

There has recently been considerable debate among political scientists as to whether the holding of elections in less-than-democratic countries is likely to hasten the advent of democracy or, on the contrary, reinforce authoritarian rule. For some of the more prominent contributions to this debate, see Klaas and Cheeseman (2018), Cox (2009), Gandhi and Lust-Okar (2009), Howard and Roessler (2006), Lindberg (2009), Lust-Okar (2006), Magaloni (2010), Schedler (2002, 2006), and Van de Walle (2006). Political scientists engaged in this discourse have tended to view regime type as the primary dependent variable and election quality as an independent variable. This chapter cuts across this discourse by addressing the question of how elections in countries like Zambia are or can be mismanaged or manipulated. From this perspective, the quality of democracy in Zambia is one of a number of independent variables that structure the quality of elections.

However, it is important to consider whether election quality can be meaningfully distinguished from the quality of democracy itself. Many studies have reiterated the tricks and manipulative devices that fall under the rubric of electoral malpractice. It is vital to contemplate the charge that deviations from clean elections are simply a function of deviations from democratic norms, with the implication that the discourse on electoral quality effectively boils down to the study of democracy itself. Like other scholars (Birch, 2010; Cox, 2009; Gandhi and Lust-Okar, 2009), the analysis presented in this chapter strongly refutes this claim, but this refutation requires careful elaboration because competitive elections will not always meet all the criteria required to be described as 'free, fair, and meaningful' (Klaas and Cheeseman, 2018; Birch, 2010; Cox, 2009).

It is also true that regime change is often linked with dramatic changes in the quality of elections (Birch, 2010). For example, regime change may not say anything about the quality of elections, as demonstrated after the 2011 Zambian elections when many parliamentary results were overturned by the courts. Scholars of democratization (Przeworski, 2009; Huntington, 1991) frequently conceive of this process as one of extending political power to larger sections of the population through electoral means. These scholars see 'transitional elections' and 'founding elections' as significant occasions that punctuate and

secure transition, and mass protests in favour of electoral reform are often important events that precede and prompt a democratization process (Birch, 2010; Huntington, 1991; Przeworski, 2000).

Also, it is important to acknowledge that the quality of elections in a country like Zambia is driven by a range of factors that go far beyond the relatively narrow sphere of electoral campaign tactics and strategies for manipulating electoral processes. Furthermore, there remains much to be explained about the relationship between regime change and changes in electoral quality, not least not in terms of causality. Even if democracy is a syndrome involving considerably more than democratic elections, it is interesting to know whether changes in the quality of election management are significant enough to bring changes in other aspects of democracy, such as respect for fundamental human rights and freedoms, rule of law, and accountability, or whether changes in these other variables are a prelude to changes in the quality of election management (Birch, 2010; Bjornlund, 2004).

Furthermore, multiparty political competition is not always associated with fully free and fair elections, as shrewd authoritarian politicians often devise complex tactics for manipulating elections (Acemoglu and Robinson, 2006). Certainly, in some contexts, democratization can be associated with a proliferation of tactics for electoral manipulation and corruption (Klaas and Cheeseman, 2018). This may also, unexpectedly, become necessary following the removal of simple but effective obstacles to political competition, such as a ban on opposition political parties in Zambia in 1973 and the subsequent establishment of a one-party participatory democracy (Bratton and Van de Walle, 1997). If an authoritarian regime of elites can design or manipulate the institutions of democracy so as to guarantee that radical majoritarian policies will not be adopted, then democracy becomes less threatening to the interests of the elites (Birch, 2010; Collier and Vincente, 2004).

Finally, competitive elections can take place in the context of relatively undemocratic regimes, and can often serve the interests of those regimes (Bjornlund, 2004). Conversely, the elections of democratic states can have relatively high levels of malpractice, without fundamentally compromising the essentially democratic quality of those regimes (Birch, 2010; Nyblade and Reed, 2008). There may thus be a considerable disjuncture between the level of democracy and the level of electoral quality that militates against a too facile equation of the two. As the critics of the 'electoral fallacy' never fail to point out, free and fair elections are not sufficient to guarantee democracy; at the same time, their absence does not always denote full authoritarianism either. So, in studying the quality of election management in Zambia, we are not simply studying the quality of democracy, and electoral malpractice is not merely

a reflection of the extent to which those who manage elections have deviated from democratic norms.

2 Significance of Integrity in Election Management

Before outlining the most important features of the analysis to come, a word is needed on the conceptual understanding and significance of integrity in election management. Integrity in the management of elections is an important topic in modern political science discourse, both in its own right and because it has implications for the quality of political, social, and economic outcomes in a country. Poor management of an election has several potential consequences for democracy. For example, a poorly managed election can undermine the quality of representatives in a country (Birch, 2010). An election marred with irregularities can have consequences for the professionalism, integrity, and talent of the people elected (Schaffer, 2007; Magaloni, 2006).

Further, a regime that is as a result of a poorly managed election often has less reason to fear an electoral backlash should they fail to deliver the representative performance desired by the voters. In addition, those who are honest will be less inclined to pursue political careers if they know from the outset that it will be difficult or even impossible to succeed in such a career without engaging in electoral malpractices (Collier and Vincente, 2004; Nyblade and Reed, 2008). This has a significant impact on the quality of representation, insofar as it undermines the link between representatives and represented and therefore weakens electoral accountability. The end result of such malpractices is a reduction in popular expectations vis-à-vis representation, which will influence demands for quality social services and other public goods provided by a government (Donno and Roussias, 2012; Birch, 2010).

In addition, a poorly managed election can also undermine the quality of government by reducing the legitimacy of the state apparatus (Bjornlund, 2004). Domestically, this can lead to a lack of confidence in the Zambian state apparatus, which may lead to difficulties in maintaining law and order. Leaders elected under a mismanaged election can resort to the use of force as evidenced by the post-2016 elections political situation in Zambia (cf. Birch, 2010; Pottie, 2003). Internationally, a mismanaged election can have a marked impact on the international standing of a state, which can make it difficult for it to obtain credit from international lending institutions, as well as other forms of international assistance. It was for this reason that a number of international donors withdrew development aid to Zambia at the time of the disputed presidential election of 1996 (Bratton, 1998; Pottie, 2003). A mismanaged election can also have

effects for the level and the quality of electoral participation. The correlation between integrity and participation in elections is, of course, complex. On the one hand, malpractice can result in an artificial inflation in the number of people who are recorded as having voted, if it takes the form of outright fraud, such as multiple voting, the inclusion of fictitious names on the register, and the stuffing of ballot boxes.

On the other hand, mismanagement of the electoral process can reduce rates of electoral participation inasmuch as it reduces confidence in the electoral process and removes the incentive for voters to engage in elections (Birch, 2010). Some political scientists (Alvarez et al., 2008; Beaulieu and Hyde, 2009; Boda, 2005; Calingaert, 2006; Collier and Vicente, 2004; Elklit and Reynolds, 2002; and Thompson and Kuntz, 2006) believe that the perceptions of the quality of elections are associated with propensity to participate in voting, because of the fact that confidence in the electoral process increases voters' trust in state institutions as well as their sense of political importance (Birch, 2010; Alvarez et al., 2008). But regardless of the impact of that mismanagement of elections can have on the quantity of electoral participation, it is undeniable that corruption has a negative impact on the quality of participation, even if it increases the number of votes reported to have been cast. Poor quality elections can also deter people from engaging in other forms of political participation, such as civil society activity, by leading them to believe that such activity will not make a difference to policy outcomes.

Poor management of an election can lead to other forms of corruption in the country because the corruption of elections is invariably accompanied by other abuses of state power (Birch, 2010; Birch et al., 2002; Blais et al., 2005; Gallagher and Mitchell, 2005; Hicken, 2004; Lehoucq and Molina, 2002; Mozaffar, 2002). Those elected under such an electoral process often oversee a large number of political posts through the government and its ministries. If representatives elected by corrupt means are then included in government, there is a high likelihood that they will be under obligation to reward their supporters with coveted jobs (Birch, 2009; Akhter, 2010). The entire bureaucratic infrastructure can become affected by such a corrupt electoral management system (Collier and Vincente, 2004; Schaffer, 2007).

A poorly managed electoral process can come with significant direct and indirect costs to the Zambian state (cf Birch, 2010). Direct costs include a drain on state capacity, which results from the misuse of public resources by an incumbent powerholder determined to retain political power at all cost. This, in turn, leads to weakened state capacity for development in a country that can ill-afford the additional burden of misapplication of public resources away from their intended use. Indirect costs of a poorly managed election may include socially

sub-standard policy choices resulting in inefficiencies that are typically generated by officials chosen through poorly run elections (Birch, 2010; Rose-Ackerman, 1999). This is because such officials are often under pressure to reward those business or other economic interests that have enabled their electoral victory by formulating policy specifically designed to meet their needs, rather than the needs of the Zambian society as a whole (Della Porta and Vannucci, 1999). Corrupt state institutions lead, in turn, to poor economic performance, which can have a further negative impact on the quality of democracy (Birch, 2009).

Lastly, a poorly managed election can have a profoundly destabilizing impact on state institutions. For example, if there is sufficient popular disgust at how elections were conducted by the elites it can lead to frustration with institutional means of achieving political change (Collier and Vincente, 2004). When that happens, electoral corruption and manipulation can become the only means of acquiring state power. The result can be popular unrest or even widespread political violence during elections. The 2017 and 2007 elections in Kenya, the 2003 elections in Georgia, and the 2004 elections in Ukraine are good examples of mass demonstrations that eventually led to an invalidation of electoral results (Birch, 2010; Nyblade and Reed, 2008). Elsewhere, poor management of elections led to outbreaks of violence and political unrest, as evidenced in the contexts of Latin America (Eisenstaedt, 1999; Lehoucq, and Molina 2002). For example, the 1992 election in Mauritania led to bouts of political violence (Wiseman, 1992), as did the 2000 election in Zanzibar (Birch, 2010; Pottie, 2003) and the 2010 election in the Ivory Coast (Birch, 2011).

3   Measuring Electoral Integrity in Zambia

There are three principal conditions for measuring electoral integrity that can ensure democratic outcomes through electoral means. These are: (i) inclusiveness of the electoral process; (ii) policy-directed voting; and (iii) effective aggregation and post-election grievance resolution (Birch 2010, 2011). For the electoral process to be all inclusive, there is need for a clear legal framework and fair enforcement of electoral rules by law enforcement agencies. In this vein, the chapter discusses the extent to which the electoral process was inclusive during the 2016 elections. The major question here pertains to the fact that whereas the constitution, and many other pieces of legislation, object to various asymmetries in the rights held by political players during elections, there is a question as to whether the practical enforcement of these laws and standards is indeed done in a fair and just manner across the political spectrum. Here, the biggest challenge has been the capacity of enforcement agencies to

guarantee equal rights to political groups competing for political office. The challenge can be manifested in the clarity of the law itself, impartiality in the registration of voters, and fairness in the redrawing of electoral district boundaries.

In discussing policy-directed voting, the chapter also considers the question of managing a fair and just campaign process. A fair and just campaign process is essential for the political players to explain their messages to the electorate. Any manoeuvres aimed at disadvantaging a particular group may point to serious integrity issues on the part of the electoral administrators. In this sense, equal access to the national media, disclosure of campaign finance by all parties and candidates, and access to voters is important for all political parties to campaign freely during elections. While the law allows access to the media, there is a serious challenge with regard to real access to the national media especially for those in opposition. This asymmetrical access to the media may be a serious issue as far as fairness of the process is concerned. There is also the question of campaign finance, which has been very problematic. Political parties and candidates, in Africa in general, rarely disclose their sources of funding.

The chapter considers the question integrity as a precondition for effective aggregation and post-election dispute resolution. Integrity in this vein is discussed in terms of professional conduct by poll staff when aggregating votes. Here, serious problems related to security of voting procedures and accuracy of the vote tallies may be indicators of lack of integrity. Although police and other law enforcement agencies have guarded election materials in the past, the 2016 elections raised a number of issues about the security of election materials. There is also the question of vote tallying, which is indeed a very serious matter because it determines the outcome of an election. Although there may be genuine mistakes or indeed a deliberate effort to manipulate the outcome, stakeholders, especially losers, can find a way of challenging the election outcome.

It should also be noted that even when an election has few shortcomings, the need for serious and genuine political and legal remedies for the aggrieved parties is essential. In this vein, a just and fair electoral justice system is required for those who have lost an election to be convinced that they have indeed lost. The holding of an election is not merely for the purpose of announcing the winner, but must include measures that will provide recourse for the losers to present their grievances in a fair and competent court. Although the newly created Constitutional Court and previously the High Court and Supreme Court in Zambia have adjudicated over these matters, serious questions need to be addressed with regard to the manner in which electoral disputes related to the 2016 elections were handled by the Constitutional Court.

4   Managing an Inclusive Electoral Process

The starting point for an inclusive electoral process is having a sound and just legal framework governing the conduct of participants during an electoral cycle (Birch 2010; Catt et al., 2014). Mechanisms for promoting and maintaining integrity and policy directed voting are often established within the Constitution of the Republic of Zambia (Cap 1 of the Laws of Zambia, 1991) and official bodies that administer or support the administration of elections. These mechanisms make it possible to: monitor actions of the electoral administration; ensure oversight of the electoral process by other government sectors or agencies, civil society, and the media; and provide for enforcement of electoral rules and regulations through administrative or legal means. Appropriate electoral standards and practices can help detect, deter, and prevent electoral improprieties and illegalities, and help ensure integrity on the part of law enforcement agencies.

A legal framework generally establishes protection mechanisms and determines the institutional structure to support electoral integrity (Catt et al., 2014). This should be complemented by oversight of the election process by political parties, the media, individual citizens, and national and international observers as another important means of protecting electoral integrity. As with checks and balances among administrative bodies, public oversight helps detect and respond to problems. Active oversight and supervision ensures that electoral officials in an election process are held accountable, promotes transparency, establishes the credibility of the electoral process, and helps ensure compliance with the legal framework. Without effective enforcement, even the best regulations are merely good intentions. Effective enforcement mechanisms ensure that anyone breaching election law and regulations is subject to sanctions in a timely, appropriate, and non-partisan manner. Effective law enforcement in response to electoral violations or improprieties not only helps to maintain the integrity of the electoral process, but also to deter future problems.

However, integrity in the enforcement of electoral regulations was compromised by the unclear and ambiguous manner in which some provisions in the electoral law were amended prior to the general election on 11 August 2016. The report by the European Union (EU) Elections Observer Mission (EOM) indicates that these unclear rules could not help stakeholders to interpret and implement election rules according to the letter and spirit of the law. The double standards, even in situations where electoral rules are very clear, such as the Public Order Act (Cap 291 of the Laws of Zambia), made it difficult for opposition political parties to conduct their business properly (*Daily Telegraph*, 2016; EU, 2016). Further, the EU EOM report shows that the electoral law was

substantially altered shortly before the 11 August polls (EU, 2016). The Head of the Southern African Development Community (SADC) Observer Mission observed that the amended Constitution, (the Constitution of Zambia (Amendment) Act number 2 of 2016) had brought a number of changes to the legal framework governing elections in the country (SADC, 2016).

The extensive amendments to the Constitution of the Republic of Zambia in January 2016 have had a significant impact on election management. For example, the EU elections report shows that the rushed drafting process resulted in a number of unclear provisions, gaps, and contradictions between new acts and some provisions of the amended constitution. In addition, the Electoral Commission of Zambia (ECZ) continued to adopt new procedural regulations even after the campaign period had begun. For example, the regulation on polling and counting was only affirmed on 9 August 2016, just two days before polling day. There were also some new provisions on disclosure of campaign finance during elections, although this was not enforced. The introduction of the '50 per cent plus One' rule and the requirement that candidates for president, parliament, mayor, and council possess a Grade 12 (High School) Certificate was noted as one of the challenges for candidates during the 2016 elections and referendum (SADC, 2016; EU, 2016).

5   Ensuring Policy Directed Voting

As noted in the previous sections, integrity in election management requires professional enforcement of rules and democratic norms (Norris et al., 2014). In this regard, the first element in ensuring a fair and just electoral contest is guaranteed freedom of speech to all political parties and candidates so that the electorate can make informed choices. The Constitution of the Republic of Zambia (Cap 1 of the Laws of Zambia, 1991) guarantees freedom of expression for all. However, the Penal Code (Amendment Cap 87 of the Laws of Zambia, 2012) has maintained clauses on 'defamation of the President' that have been in existence since 1965. These clauses contain disproportionate sanctions, inconsistent with international practices that guarantee freedom of expression. This makes it difficult for political parties and candidates to freely campaign during elections and may have compromised the integrity of the campaign process itself.

There were several cases in 2001, 2006, 2008 and 2011 when the state used sections of the Penal Code (Cap 265 of the Laws of Zambia, 1965) and the State Security Act (Cap 111 of the Laws of Zambia 1969) to curtail freedom of expression for opposition parties and candidates during election campaigns. In the 2015 and 2016 elections there were similar attempts by the state to limit freedom

of expression of journalists perceived to be opposition aligned. The state also used the State Security Act (Cap 111 of the Laws of Zambia, 1969), to induce self-censorship and limit freedom of speech. Incidents of violence and intimidation of journalists also restricted the ability of the media to report freely. For example, on 8 July 2016, a journalist from *The Post* newspaper was arrested by the Zambia Police Service and detained. In a similar circumstance, the Zambia Police Service conducted a raid on Radio Mano in northern Zambia, in an attempt to stop a presidential running-mate from the opposition UPND party from live broadcasting. These incidences compromised the integrity of the electoral process. Although the Constitution guarantees freedom of speech, there has been a tendency by law enforcement agencies to abuse sections of subsidiary legislation to curtail divergent opinions.

The other element to ensure that directed voting policy takes place in this phase of the electoral cycle is permitting equal opportunity to access public media by all parties and candidates (Annan et al. 2012; Norris et al. 2014; Birch 2010). Under the Electoral Process Act Number 35 of 2016 the Zambia National Broadcasting Corporation (ZNBC) has an obligation to allocate equal airtime to all political parties and candidates for party political broadcasts. Under the same Act, the ECZ prescribes the amount of airtime in any given language on public television or radio to be allocated to a political party or candidate. Prior to the campaigns, the ECZ and ZNBC agreed to provide access to opposition political parties and candidates, mainly through talk shows and interviews. However, this approach did not ensure equal access to the media for all political parties and candidates. Unequal coverage by public media and lack of original editorial content, limited independent analysis. For this reason, the integrity of the process was constrained because the public broadcaster with wider national coverage failed to give equal weight to all political parties and candidates, thereby skewing voters' choices during the elections.
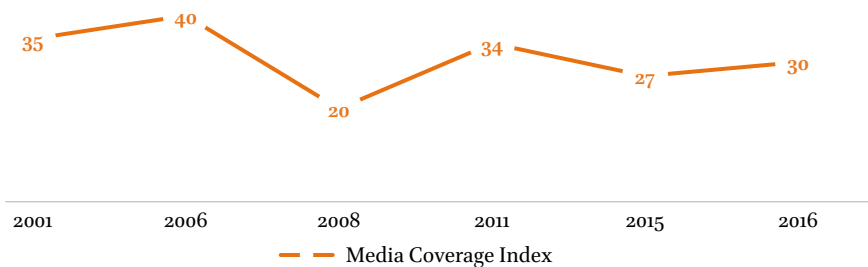
FIGURE 6.1 Media coverage of elections, 2001–2016
          SOURCE: V-DEM DATA
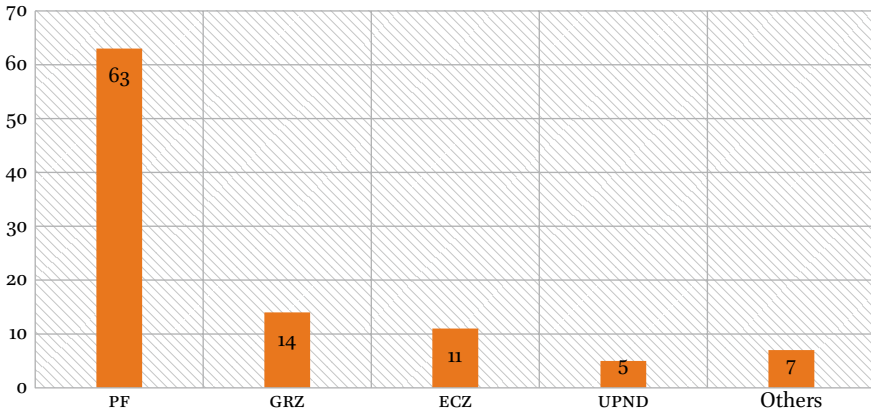
FIGURE 6.2   Percentage of coverage in state media 2016

The ratings can be explained by the percentage of media coverage (Figure 6.2) afforded to opposition political parties. The PF dominated media coverage during elections in the state-owned media. This was inconsistent with Zambian laws and regional and international standards on free and equal access to the media during elections. Key programming, such as news bulletins on ZNBC television and radio, were biased in favour of the PF and largely excluded other political parties, or only reported other parties negatively (EU, 2016; SADC, 2016; FODEP, 2016). Several organizations, for example the Media Institute of Southern Africa (MISA) Zambia, argued that the ruling PF received the bulk of election media coverage with its officials overshadowing other election players (MISA Zambia, 2016; *Lusaka Times*, 2016a).

Policy-directed voting was also compromised because the PF had the majority of coverage, with almost twice as many stories as other opposition parties. The ruling party was therefore given undue prominence across the majority of media houses (MISA Zambia, 2016). It also showed that election stories predominantly covered process, personalities and events and did not deal with policy or developmental issues or party manifestos and were not issue based. It also revealed that more than 60 per cent of all election stories were single sourced and therefore biased, unfair, and not balanced. In addition, the PF party officials or statements were the most common sources of election-related news stories at 28.1 per cent, followed by UPND/UPND party officials or statements at 14.6 per cent while CSO representatives or statements received 13.2 per cent and statements from average citizens received only 7.6 per cent of the coverage.

Opposition candidates and political parties received wider coverage from private media organizations. The polarization of political positions influenced the tone of coverage in the print media. On the one hand, the *Daily Nation* newspaper, for example, favoured the Patriotic Front and tended to associate the UPND with violence. On the other hand, *The Post* favoured the UPND and strongly criticized the Patriotic Front, especially President Edgar Lungu. Muvi Television provided a more objective and factual reporting, despite dedicating more time to UPND than the Patriotic Front in prime-time news and current affairs programming. Private radio stations followed a similar trend and tone.

However, while the opposition UPND received a higher percentage of media coverage in the private media, especially from *The Post*, its outreach was shattered when the printing facilities of the newspaper were seized by the Zambia Revenue Authority (ZRA) (EU 2016; SADC 2016). Despite severe restrictions, *The Post* continued to be published, but with limited circulation and substantially reduced content. This constituted a serious infringement of freedom of expression and it severely limited the opportunities for opposition parties to access print media during elections. These incidents epitomize an election in which the institutions tasked to manage elections, in this case the ECZ, and ZNBC, traded their integrity for political expedience. In a well-functioning electoral democracy, media coverage and freedom of speech are cardinal for voters to make an informed decision.

Apart from mainstream media, the 2016 elections also saw the use of social media networks like Facebook as a means of conveying messages to the public (*Lusaka Times* 2016b). All major political parties have Facebook pages that played a significant role in allowing people across the country to track campaigns and political developments instantaneously. At the same time, there were attempts to block some social media critical of government and a number of people suspected of being behind such sites were victimized. Recently, there have been attempts to regulate social media by government (*Zambia Daily Mail*, 2017). Some analysts have argued that 'state-controlled regulation of social media may harm its virtues in the process of taking out its vices' (*Lusaka Times* 2016b). Governments generally have shown that they do not have the integrity to draw a line between liberties and their abuse of social media during elections. Social media has, in more ways than one, given such opposition parties an untrammelled platform through which they are rediscovering their voices, which cannot be aired on public media due to the government's dominance (Goldring and Wahman 2016). It seems social media is going some way towards restoring the balance of power, which until now has favoured the ruling party (Ibid., 2016b).

The other factor that can help ensure policy-directed voting involves equal access to campaign finance (Annan et al., 2012). Political parties need financial support in order to present their messages to the electorate. However, the major challenge here has been enforcing transparency and disclosure of campaign finance (Norris et al., 2014). There is no doubt that election campaigns have become an expensive project in Zambia and politicians have to pump lots of money into campaign advertising and other forms of electioneering. For the 2016 elections in Zambia, there were new constitutional provisions regulating sources of funding for political parties, submission of audited accounts and the maximum amount of money that could be used for campaigns. However, these were not enforced. Many analysts hope that the Political Parties Bill (2017) will remedy some of these challenges pertaining to equal access to campaign finance during elections in Zambia.

As in previous elections, presidential candidates and, in the 2016 elections, their running-mates, as well as candidates for national assembly elections publicly declared their assets and liabilities as required by law. On 20 July 2016, the ECZ published the list of assets and liabilities of presidential and vice presidential candidates in both the print media and on the commission's website (ECZ 2016a). However, in 2016 these requirements were not enforced. Consequently, candidates had undervalued their assets during the filing of nominations. The mechanism is therefore inadequate for ensuring transparency in campaign finance. To promote transparency, the law should provide for an increasing inflow of political finance information from candidates and political parties. At the same time, candidates and political parties must be made to comply with new legislation requiring them to provide information to the public.

Further, disclosure of campaign finance can provide voters with information on how political parties raise their campaign funds, which will help voters to evaluate those who seek public office (Norris et al., 2014). It can also help voters to place each candidate more precisely on the political spectrum than is often possible solely on the basis of party labels and campaign speeches. The source of a candidate's financial support also alerts voters to the interests that a candidate is likely to be responsive to, thus facilitating predictions of future performance in public office. Therefore, once achieved, disclosure of campaign finance can help mitigate the effects of corrupt and illegal practices, while at the same time rewarding those who play by the rules. As such, the disclosure of political finance is a necessary, albeit insufficient, condition for holding political actors accountable and increasing confidence in the electoral process.

In order to foster transparency in campaign finance, there is need for a robust implementation of the electoral law on campaign finance by ensuring

routine financial reporting by political parties (Ibid.) This involves setting clear rules about who needs to report and to whom. This must be complimented by proper enforcement and auditing mechanisms. These measures can ultimately lead to disclosure of campaign finance received by electoral authorities. Disclosure of campaign finance may take many forms and may be limited to general statements about overall compliance with reporting obligations. Thus, genuine access to information on campaign finance should involve full public disclosure, sufficient to meet public expectations and to facilitate enforcement of campaign finance rules and requirements. In essence, the Political Parties Bill (2017) must specify various aspects of full campaign finance disclosure and information to electoral authorities and the public.

6 Accurate Aggregation of Election Results

As in many African countries, glitches in Zambian elections are often assumed to be the result of dishonest or fraudulent practices (Norris et al., 2014). It is essential for ECZ officials tasked to announce election results to be professional and accurate. Inaccuracies in vote tallies compromise the integrity of the election results. The same measures designed to limit abuse of power and ensure accountability can also help avoid mistakes in the tabulation of election results. Although a deliberate attempt to derail the electoral process or manipulate election results may constitute a criminal act, problems resulting from mistakes and inaccuracies usually remain a disciplinary or civil matter. Vagueness or ambiguities in the legal and institutional framework, as well as in descriptions of the mechanisms implementing and enforcing it, can inadvertently create many problems and even encourage unfair practices or fraud. For example, election officials are sometimes restrained from actively upholding voter-identification standards or inquiring into other voting/voter registration irregularities by the presence of provisions in law that make them personally liable for infringements of the individuals' right to vote.

Therefore, accuracy in the tabulation and announcement of election results is a crucial part of any electoral process (Annan et al., 2012). Any mistake in vote counting could result in serious irregularities that ultimately affect the results of an election. Although such mistakes may be the result of a genuine error or a deliberate effort to manipulate the outcome, no one can underestimate the damage such errors have on the integrity of the election and the legitimacy of the victors. For example, the Foundation for Democratic Process (FODEP) and other election observers noted several errors in the vote tallying for the 2016 presidential elections. In Kanyama constituency, for instance,

14,000 votes meant for the Hakainde Hichilema and Geoffrey Bwalya Mwamba of the opposition UPND were stuffed in a rubbish bin. They were later retrieved and added to the count after an intervention from party supporters and observers (FODEP, 2016). There were also serious discrepancies in the count of presidential votes (*The Post*, 2016).

There was another incident of inaccurate results in Lundazi central constituency, which showed that the ruling party's presidential candidate, Edgar Lungu, obtained 29,979 and opposition candidate Hakainde Hichilema got 4,975 (Muvi Television, 2016a), while the total votes cast for this constituency was only 29,741 (FODEP, 2016). Although there is no evidence of how widespread such errors in the vote tallying and counting occur, such errors, whether genuine or not, can mean that those who lost an election do not accept the result. In advanced democracies, machines are used to reduce the possibility of such errors. However, the machines cannot determine the intention of an election administrator who slots inaccurate figures into the tallying system as evidenced by the 2017 judgement of the Supreme Court of Kenya, which showed that even machines can be tampered with. In the 2013 elections in Ghana, the dispute was mainly about the failed biometric verification system. Similarly, the 2016 Zambian election petition alleged interference with the servers to manipulate results. These incidences demonstrate that the use of machines without proper mechanisms of accountability and transparency adds nothing to the integrity of the electoral process.

The other issue that also requires high integrity during elections is the official announcement of the election results by the electoral administrators (Norris et al., 2014. To safeguard integrity, the results must accurately reflect the total vote, taking into account decisions on disputed ballots. Attempting to tamper with official results would be a last-ditch effort to subvert the outcome of an election. The allegations that ECZ officials allowed a non-authorized person to access its servers and the arrest and detention of the ECZ IT director; the failure to distribute result tabulation forms on a massive scale dented the integrity of the organization and its ability to manage elections at that level (Muvi Television, 2016b). There were alleged discrepancies in the vote tallies (FODEP, 2016). For example, the FODEP election report shows that counting started immediately after closing in almost all polling streams visited and was conducted in the presence of political party representatives and observers, usually without interference. Although protracted, the FODEP reported that the overall assessment of the closing and counting process was assessed as good or very good in 90 per cent of polling stations. In 38 per cent of polling stations, figures on the forms could not be reconciled. In some instances, copies of the results forms were provided to party representatives (Ibid., 2016).

Furthermore, in some cases, election results were not posted outside the polling stations as required by law. For example, in its official post-election report, the European Union (EU) regretted that its observers did not have access to the verification of results at the national results centre, despite formal requests (EU, 2016). As so far observed, initial findings indicate that counting was generally orderly but slow, and experienced some technical difficulties. In some instances, party agents and observers had sufficient access to constituency counting centres (Ibid., 2016). Scholars (Bjornlund, 2004; Birch, 2010) have argued that integrity in the electoral process can be preserved by applying the same safeguards used to protect the integrity of the vote. These include putting in place efficient systems with proper control mechanisms and oversight. Continuous monitoring throughout the count by observers and monitors can help deter tampering with election results. Monitors and observers can compare their parallel vote count with the official complaints system or the press. Speedy announcement of the official results is also important in democratic elections. The more time that passes between counting and release of the results, the more opportunity there is to (attempt to) tamper with the results.

7 Effective Electoral Dispute Resolution

The 2016 election results were mainly affected by the lack of legal remedies for those candidates and parties who were dissatisfied with the results. The difficulties resulting from vague and incomplete remedies for electoral violations were also evident during the 2016 general election and referendum in Zambia. According to international observers, election contestants had only limited access to effective remedies and recourse for alleged violations, in part due to legislative inconsistencies, but also due to a narrow interpretation of the competencies of the country's newly constituted Constitutional Court. With respect to campaign violations, the means of legal recourse were limited and not fully described in law.

The law mandates that resolution of minor electoral disputes and mostly administrative complaints must first must be attempted by mediation via the Conflict Management Committees, established at district and national level (ECZ, 2016b). However, the competencies of the Conflict Management Committees cannot be extended to serious allegations of electoral fraud (FODEP, 2016). The committees were, however, often called upon to deal with matters of a criminal nature, albeit without having the requisite legal authority and powers of enforcement; such matters may have been more appropriately the responsibility of the police and the courts. Further, Conflict Management Committees lacked

defined procedures for hearings, had limited transparency, and do not regulate public and observer access to hearing cases (SACCORD, 2015).

Nevertheless, in many districts, mediation by the District Conflict Management Committees helped diffuse tensions and solve minor disputes between candidates and political parties (ECZ, 2016b). However, the performance and effectiveness of District Conflict Management Committees greatly varied, and some interlocutors expressed little confidence in the utility of the mechanisms. The most common complaints dealt with were destruction of campaign material, inflammatory language and personal insults. The National Conflict Management Committee met five times during the campaign period to mediate high-profile political and campaign related disputes, almost exclusively focusing on the PF and UPND. Although the parties usually reached an agreement, the practical implication of this was minimal, for example in the agreement not to abuse state transportation, including the use of Zambia Air Force (ZAF) aircraft, for campaign purposes.

The Constitution of Zambia (Amendment) Act Number 2 of 2016, provides for a 14-day hearing for the presidential petition by the Constitutional Court. The UPND filed a legal challenge with the Constitutional Court on 19 August 2016, just six days after the ECZ pronounced President Edgar Lungu as winner with 50.35 per cent of the total votes cast against the main opposition candidate Hakainde Hichilema who got 47.65 per cent (ECZ 2016c). The petition claimed that President Lungu was fraudulently elected, that his presidency should be nullified, and that a recount was required due to the various irregularities before the election, on election day, and after the election. There were several incidents that affected the integrity of the electoral justice system. During the process of submitting the petition, there were rumours that, in order to counter potential PF supporters blocking roads to the court, hundreds of UPND cadres would be present when the petition was handed in. Ultimately, though, the petition was submitted with little difficulty, and it turned out to be sufficient to postpone the inauguration until the outcome was clear.

Ultimately, however, the petition was unsuccessful. The Constitutional Court ruled on 5 September 2016 that its jurisdiction to hear the petition had expired. This was based on wording in the Constitution that stipulated that the Court must hear the election petition within 14 days of it being filed. The Court was divided 3 to 2 on whether the petition should be heard, reflecting the contentious nature of the ruling. On 2 September 2016, UPND lawyers staged a walkout in the Court claiming that they were given only two hours to present their case (Goldring and Wahman 2016). The UPND subsequently filed an application to delay the inauguration of President Lungu, on the basis that the Court did not declare him the winner of the elections when they dismissed the

petition. However, Lungu was inaugurated as President on 13 September 2016. More worrisome, however, were the broader political implications of the Court's actions regarding the petition. In effect, the Court set the stage for a wholesale elimination of the appeal rights of electoral participants; and it undermined the rule of law. This set a very dangerous precedent, as anyone wanting to present future grievances resulting from elections will most likely find alternative political means to air their grievances rather than legal ones.

8   Conclusion

This chapter has showed that the 2016 elections in Zambia did not meet benchmarks for electoral integrity. This represents both an opportunity for movement towards authoritarianism and the opening of a new terrain of manipulation and abuse by those who wield political power and electoral administrators. The debate is ongoing about whether or not poorly managed elections are, on the whole, better than no elections at all. This chapter has sought to cut across this debate and to focus rather on the question of how countries like Zambia can manage clean elections. Certainly, it must be acknowledged that answering these questions does not prevent electoral abuse, but it does go some way towards the formulation of solutions to the problem.

Overall, the 2016 elections did not contribute to democratic consolidation. On the contrary, it is hard not to interpret the election as a step backwards for the state of democracy. Before the election, there was a prevalence of election violence, intimidation of independent media, and significant media bias. While polling day itself appeared largely successful, the post-election period was characterized by additional violence, particularly in Southern Province and Lusaka, and further infringement of independent media. Key institutions failed to manage the elections and Zambian democracy. Parties were guilty of the various manipulation tactics described above; state media failed to engage in balanced coverage, while independent media were frequently shut down; the Electoral Commission ran disorganized and slow counting and verification processes; and the judiciary oversaw opaque legal proceedings.

In the end, key stakeholders questioned the very legitimacy of the election and there was no general acceptance of the results. More generally, Zambian democracy appears to be at a crossroads. The 2016 election exhibited many of the democratic deficiencies normally associated with competitive authoritarian regimes (Levitsky and Way, 2010). There is an apparent risk that the increased levels of violence may now be locked into the electoral process, especially given that voters did not ultimately reject the main perpetrators of the violence.

The high level of violence in urban areas was likely used to prevent increased opposition in the cities. Moreover, and maybe most importantly, the amended Constitution further strengthens the executive grip on power and reduces the checks and balances in the political system. Scholars and international actors are likely to keep a close eye on future political developments and possible signs of further democratic erosion in Zambia as a result of lack of integrity in the management of elections.

References

Acemoglu, D., and Robinson, J., (2000). Why did the West extend franchise? Democracy, Inequality and Growth in historical perspective (Quarterly Journal of Economics Issue 115, pp. 1167–1199).

Akhter (2010). Military rule, civilianization and electoral corruption: Pakistan and Bangladesh in perspective (Cambridge University Press).

Alverez et al. (2008). "The Difficult invention of Participation in the Amarakaeri Communal Reserve, Peru. In Galvin M Haller T (eds) People, Protected Areas and Global Change: Participatory Conservation in Latin America, Africa and Europe. (Perspectives of the Swiss National Centre of Competence in Research North-South, University of Bern, Geographica pp. 111–144).

Annan, K. et al. (2012). http://www.kofiannanfoundation.org/news-releases/global-commission-on-elections-democracy-and-security-launched/.

Beaulieu, E., and Hyde, S., D., (2009). "In the Shadow of Democracy Promotion: Strategic Manipulation, International Observers and Election Boycotts (Journal of Comparative Political Studies Vol.

Birch, S. et al. (2002). "Embodying Democracy: Electoral System Design in Post-Communist Europe (Springer, Palgrave McMillan, London).

Birch, S. et al. (2002). "Embodying Democracy: Electoral System Design in Post-Communist Europe.

Birch, S. (2009). "Electoral Corruption", in Todd Landman and Neil Robinson (eds.), *Handbook of Comparative Politics*, Sage.

Birch, S. (2010). 'Perceptions of Electoral Fairness and Voter Turnout', *Comparative Political Studies,* 43 (12): 1601–1622.

Birch, Sarah (2011). *Electoral Malpractice*. Oxford: Oxford University Press.

Blais, A. et al. (2005). *Losers' Consent. Elections and Democratic Legitimacy.* (Oxford: Oxford University Press).

Bratton, M. (1998). 'Second Elections in Africa', *Journal of Democracy* 9, (3): 51–66.

Bratton, M. and N. van de Walle (1997). *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective* (Cambridge: Cambridge University Press).

Calingaert, D., (2006). "Election Rigging and How to fight it" (Journal of Democracy Vol 17 No. 3 pp. 138–151).

Catt, H., et al. (2014). Electoral Management Design (International Institute for Democracy and Electoral Assistance).

Catt, H., et al (2014). Electoral Management Design (International Institute for Democracy and Electoral Assistance).

Collier, P., and Vincente, P., C. (2004). Violence, Bribery and Fraud: The Political Economy of Elections in Sub-Saharan Africa (Public Choice, Vol 153 No. 1–2 pp. 1–31).

Cox, G. W. (2009) Swing Voters, Core Voters and Distributive Politics (MD McCubbins, Cambridge University Press).

Della Porta, and Vannucci, A. (1999) Corrupt Exchanges: Actors, Resources and Mechanisms in Political Corruption (Transaction Publishers, New York)

Donno, D. and N. Roussias (2012). 'Does Cheating Pay? The Effect of Electoral Misconduct on Party Systems', *Comparative Political Studies,* 45 (5): 575–605.

ECZ (2016). General Elections 2016 (accessed on https://results.elections.org.zm/general_election_2016.php).

Eisenstaedt, T. A., (1999). „Off the Streets and into the Courtrooms: Resolving Post Electoral Conflicts in Mexico" in Andreas Schedler, Larry Diamond and Marc F. Plattner (eds.), *The Self-Restraining State: Power and Accountability in New Democracies*, Boulder, CO and London: Lynne Rienner, 1999 pp. 83–103).

Elklit, J., and Reynolds, A. (2002). The impact of election administration on the legitimacy of emerging democracies. Commonwealth and Comparative Politics, 40, 86–119.

EU (2016). Final Report on 2016 General Election and Referendum (Lusaka, Zambia).

Gallagher, M., and Mitchel, P., (2005). The Politics of Electoral Systems (Oxford, Oxford University Press).

Gandhi, J. and Lust-Okar, E. (2009). Elections under Authoritarianism (Annual Review of Political Science, Vol 12, No. 1).

Hicken, A., (2004). "The Politics of Reform in Thailand: Crisis and Compromise (William Davidson Institute Paper No. 638, available at SSRN: https://ssrn.com).

Howard, M. M. and P. G. Roessler, (2006). "Liberalizing Electoral Outcomes in Competitive Authoritarian Regimes", *American Journal of Political Science* 50.2, pp. 365–81.

Huntington, S.P. (1991). *The Third Wave: Democratization in the Late Twentieth Century* (Norman, OK: University of Oklahoma Press).

Klaas, B. and N. Cheeseman (2018). *How to Rig an Election* (New Haven, CT and London: Yale University Press).

Lehoucq, F. E., and I. Molina, (2002). *Stuffing the Ballot-Box: Fraud, Electoral Reform, and Democratization in Costa Rica*, Cambridge: Cambridge University Press.

Lindberg, S. (2009). "A Theory of Elections and a Mode of Transition", in Staffan Lindberg (ed.), *Democratization by Elections - A New Mode of Transition*, Baltimore, MD: Johns Hopkins UP, pp. 314–41.

Lusaka Times (2016b) UPND is only popular on Social Media, We will Shock them – Kambwili (available at https://www.lusakatimes.com accessed 17 April, 2019).

Levitsky, S. and L. Way (2010). *Competitive Authoritarianism: Hybrid Regimes after the Cold War* (Cambridge: Cambridge University Press).

Lusaka Times (2016a) 'Should Social Media be Regulated?' (Available at https://www.lusakatimes.com/2018/03/22/social-media-regulated/ accessed 17 April 2018).

Lust-Okar, E (2006). Elections under Authoritarianism: Preliminary Lessons from Jordan (Democratization in the Muslim World Vol 13, Issue No 3)

Magaloni (2010) | "The Game of Electoral Fraud and the Ousting of Authoritarian Rule (American Journal of Political Science, Vol 54 No. 2)

Magaloni, B. (2006) "Voting for Autocracy: Hegemonic Party Survival and its Demise in Mexico (Cambridge University Press,

MISA Zambia (2016). 'How Has the Media Covered the 2016 Pre-Election Period? A Summary Report by MISA Zambia and Media Liaison Committee, 2016 MISA Zambia Media Monitoring Report' (Lusaka: MISA Zambia).

Mozaffar, S., 2002, "Patterns of Electoral Governance in Africa's Emerging Democracies", *International Political Science Review* 23.1, pp. 85–10

Muvi Television (2016a). 'Zambia's Just Ended Elections Not Credible-FODEP' (available at http://www.muvitv.com/2016/08/zambias-just-ended-elections-not-credible-fodep/ accessed 9 April 2018).

Muvi Television (2016b). 'Man Detained For Gaining Entry To ECZ Server Room At National Results Centre' (available at: http://www.muvitv.com/2016/08/man-detained-for-gaining-entry-to-ecz-server-room-at-national-results-centre/ accessed 10 April 2018).

Norris, P. (2013). 'Does the World Agree About Standards of Electoral Integrity? Evidence for the Diffusion of Global Norms', *Electoral Studies,* 32 (4): 576–588.

Norris, P. et al. (2014). Measuring Electoral Integrity Around the World: A New Dataset (Cambridge University Press).

Nyblade and Reed (2008). "Who Cheats? Who Loots? Political Competition and Corruption in Japan 1947–1993 (American Journal of Political Science, Vol 52 No 4 pp. 926–941).

Political Parties Bill (2017) (available at http://:www.mibs.gov.zm/sites/default/files/).

Pottie, D. (2003). Party Finance and the Politics of Money in Southern Africa (Journal of Contemporary African Studies, 21:1, 5–26).

Przeworski (2009). Constraints and Choices: Electoral Participation in Historical Perspective (British Journal of Political Science, Vol.

Przeworski, A. ed (2000). Democracy and Development: Political Institutions and Well-Being in the World, 1950–1990 (London, Cambridge University Press).

Rose-Ackerman, S. (1999). Corruption and Government: Causes, Consequences and Reform (Connecticut Journal of International Law Vol 14 No 2).

SADC (2016). SADC Electoral Observation Mission (SEOM) to The Republic Of Zambia Preliminary Statement By His Excellency Oldemiro Júlio Marques Baloi Minister

of Foreign Affairs and Cooperation of The Republic of Mozambique and Head of the SEOM to the 2016 General Elections And Referendum (Lusaka, Zambia).

Schaffer, F. C., (ed.) (2007). *Elections for Sale: The Causes and Consequences of Vote Buying*, Boulder and London: Lynne Rienner, 2007.

Schedler, A. (2002). 'Elections without Democracy: The Menu of Manipulation', *Journal of Democracy,* 13 (2): 36–50.

Schedler, A. (2006). 'The Logic of Electoral Authoritarianism'. In *Electoral Authoritarianism. The Dynamics of Unfree Competition*, edited by Schedler Andreas, 2–34. (Boulder, CO: Lynne Rienner).

Thompson, M. R. and Kuntz, P., (2006). More than Just the Final Straw: Stolen Elections as Revolutionary Triggers (Comparative Politics Vol 41 No. 3).

Van de Walle, N. (2006). Tipping Games: When do Opposition Parties Coalesce? (Electoral Authoritarianism: The Dynamics of Unfree Competition, Lynne Rienner pp. 77–94).

Wiseman, J. A., (1993). Democracy and the New Political Pluralism in Africa: Causes, Consequences and Significance (Third World Quarterly Vol 14 No 3).

Zambia Daily Mail (2017). 'To Regulate or Not Regulate Social Media' (Available at https://www.daily-mail.co.zm/?s=regulate+social+media accessed 10 March 2018).

Statutory Instruments

Constitution of the Republic of Zambia (Cap 1 of the Laws of Zambia, 1991)

Constitution of Zambia (Amendment Act No. 2 of 2016)

Electoral Commission of Zambia Act, 2016

Electoral Process Act, (Number 36 of 2016)

Penal Code (Amendment Act, Cap 87 of the Laws of Zambia, 2012)

Referendum (Amendment) Act, 2015

Referendum Act (Chapter 14)

Societies Act (Chapter 119)

State Security Act (Cap 111 of the Laws of Zambia)

The Electoral Commission and the Conduct of Democratic Elections in Zambia

O'Brien Kaaba and Privilege Haang'andu

1 Introduction

The legitimacy of elections cannot be separated from the competency, professionalism and independence of the institution administering them. In Zambia, the Electoral Commission of Zambia (ECZ) is the institution entrusted by law with the administration of elections. The Constitution purports to establish it as an independent or autonomous body, detached from political considerations. This chapter, however, argues that the ECZ, like many other institutions in the country, is beholden to the executive and lacks autonomy. The chapter is divided into seven parts. The first part is the introduction, which is followed by a discussion of the historical background. The third part is the establishment and composition of the Commission while the powers and functions of the Commission are discussed in the fourth part. The fifth part discusses the financing of the Commission, the sixth the relations between ECZ and stakeholder and the seventh part is the conclusion.

2 Historical Background

The Electoral Commission of Zambia (ECZ) has evolved from being an ad hoc department embedded within the executive to an 'autonomous' body. Prior to 1996, the Electoral Commission was only triggered into existence shortly before an election and dissolved shortly thereafter. The ad hoc Commission was set up by the President from time to time, under two circumstances. First, the president was compelled to establish an Electoral Commission to review the boundaries of the Constituencies into which Zambia was divided (Constitution of Zambia, 1973, article 73(1)). Such a Commission was named the Delimitation Commission (Constitution of Zambia, 1973, article 73(7)). Any of the following three grounds compelled the President to establish the Delimitation Commission:

– At such times being not less than eight or more than ten years since the boundaries of constituencies were last reviewed;
– Whenever parliament made provision altering the number of seats in the National Assembly (other than the seats of nominated members); and
– Whenever a census of the population had been held in pursuance of any law (Constitution of Zambia, 1973, article 73(1)(a)(b)and(c)).

Second, the President was required to establish an Electoral Commission for the purposes of supervising the registration of voters and the conduct of elections whenever parliament was dissolved (Constitution of Zambia, 1973, article 73(3)). Such a Commission stood dissolved after elections on the date of the first sitting of parliament (Constitution of Zambia, 1973, article 73(7)).

Regarding composition, the Commission was made up of the 'chairman' (the gender insensitive language is as in the legislation) and two other members who were appointed by the President (Constitution of Zambia, 1973, article 73(3)). Only a person who had been a judge or had previously held high judicial office could be appointed as 'chairman'. There were no professional or ethical considerations for the appointment of the other two members. There was only one disqualification to be a member of the Commission, that is, if one were a member of the National Assembly (Constitution of Zambia, 1973, article 73(5)).

Until 1991, there seems to have been very little public debate and expression of dissatisfaction about the way the Commission was set up. This could be due to the fact that Zambia was from 1973 to 1991 a one-party state and there was, therefore, no inter-party competition for political power. Demands for an independent Electoral Commission accompanied Zambia's return to multiparty democracy in 1991. An ad hoc Commission embedded within the executive was viewed as allied with the then ruling United National Independence Party (UNIP). Due to this perception, the Commission was criticized strenuously by opposition political parties, election observers and donors (Rakner and Svåsand, 2010). However, no meaningful change was made in 1991. Although a new Constitution was enacted in 1991, the provisions on the Electoral Commission substantially reenacted those of the 1973 Constitution. Article 76 stated:

(1) The President shall, in accordance with the provisions of this Article, establish an Electoral Commission to supervise the registration of voters and the conduct of the Presidential and Parliamentary elections and to review the boundaries of the Constituencies into which Zambia is divided for the purposes of elections to the National Assembly.

(2) The president shall establish an Electoral Commission:
(a) Whenever parliament is dissolved or otherwise considers it necessary;
(b) At such times, being not less than eight years or more than ten years since the boundaries of the constituencies were last reviewed as he may from time to time appoint;

(c)   Whenever the number of seats in the National Assembly have been altered; and

(d)   Whenever a census of the population has been held in pursuance of any law (Zambia, 1991).

It was not until 1996 when the Movement for Multiparty Democracy (MMD) government, which was elected in 1991, curved-in to combined pressure from donors, civil society and opposition parties to create a permanent and 'autonomous' Electoral Commission (O'Donovan, 2004). The Constitution was amended shortly before the general elections in 1996 and had a provision stating:

> There is hereby established an autonomous Electoral Commission to supervise the registration of voters, to conduct Presidential and Parliamentary elections and to review the boundaries of the constituencies into which Zambia is divided for the purposes of elections to the National Assembly (Constitution of Zambia, 1996, article 76(1)).

The Constitution allowed for parliament to enact legislation providing for the composition and operation of the Commission but required that Commissioners be appointed by the President (Constitution of Zambia, 1996, article 76(2)). In consequence, the Electoral Commission Act 1996 was passed. It provided for full-time commissioners consisting of the chairperson and not more than four other members (Electoral Commission Act, 1996, section 4(2)). All the members were to be appointed by the President. Apart from the chairperson who was required to have held judicial office or qualified to hold such office, no criteria were set for the selection of commissioners. There was nothing in the new framework that created a truly autonomous ECZ in which all stakeholders would feel confident they had a stake in it. As will be seen in the next sections, although the Constitution was amended in 2016 and relevant legislation repealed and replaced, nothing changed at all in making ECZ autonomous. It remains by law an institution beholden to the executive, like a poodle in the leash of the President.

3   Establishment and Composition of the Commission

This section discusses the establishment and composition of ECZ in its current form. The ECZ is established by the Constitution and is required to have offices in all provinces and progressively in all districts (Constitution of Zambia, 2016, article 229(1)). The Constitution establishes principles binding all Commissions established by the Constitution, including ECZ. Such Commissions shall

only be subject to the Constitution and the law; shall be independent and not subject to the control of any person or authority; shall act with dignity, professionalism, propriety and integrity; shall be nonpartisan; and shall be impartial in execution of its duties (Constitution of Zambia, 2016, article 216).

The Constitution also prescribes broad qualifications all commissioners should meet. To be appointed a commissioner, one must be a Zambian citizen, a permanent resident in Zambia, and declare his/her assets and liabilities. In addition, one must be tax compliant; free from physical and mental disability that would impede the performance of his/her functions; and not serving a custodial sentence and must not have served such a custodial sentence of at least three years in the five years immediately preceding the appointment (Constitution of Zambia, 2016, article 240). These are, however, general qualifications that lack specific ingredients that would be relevant to the work of the Commission. It is left to subordinate legislation to prescribe other qualifications that would be relevant for each Commission.

The Electoral Commission Act 2016 states that the Commission consists of the chairperson, the vice chairperson and three other members, appointed by the President and subject to ratification by the National Assembly (section 5(1) Electoral Commission Act, 2016). Except for the chairperson and the vice who should have held or qualify to hold the office of a judge of a superior court, there are no further specific qualifications laid down for commissioners. The 2016 Act does not make any improvement to the repealed legislation. The president, who is usually either a candidate in elections or leader of the ruling party sponsoring a candidate, has a free hand in choosing Commissioners. As Ben Nwabueze has noted, one of the most significant threats to consolidation of democracy and constitutionalism in Africa is the granting of powers to the executive to make appointment of critical positions in the nation without clearly defined and objectively verifiable criteria with emphasis on experience, expertise and qualifications which should limit appointments being made on narrow and short-lived political interests (Nwabueze, 2003).

This has always been pointed out as a major weakness of the system by opposition political parties. When President Rupiah Banda, for example, had to fill two vacancies in the Commission during his tenure (2008–2011), he was accused of doing so on the basis of ethnicity. In 2009, the then two main opposition parties, the Patriotic Front (PF) and the United Party for National Development (UPND), for example, strenuously objected to the appointment of a commissioner who was reportedly a close relative of the president. The opposition political parties were of the view that the president was packing the commission with allies from his home province. During a debate in the National Assembly, one Member of Parliament was reported to have openly stated:

> Four out of five commissioners are from Eastern Province. I think that's where the problem is. Why should we only be talking about people from Eastern Province?[...]. We have a president from Eastern Province, we have a Chief Justice who is supposed to be a returning officer from Eastern Province, we have the chairperson of ECZ from Eastern Province (*The Post*, 27 November 2009).

Similarly, the President in 2017 terminated the contracts of two commissioners (David Matongo and Fredrick Ng'andu), who were perceived as independent and professional for unexplained reasons (*Zambian Observer*, 2017).

There also seems to be something anomalous about the quorum and/or composition of the Commission. Although section 5(1) of the Electoral Commission Act 2016 provides that the Commission consists of five members (the chairperson, the vice chairperson and three other members), section 6(4) of the Act states that five members shall form a quorum at meetings of the Commission. A quorum is about the minimum number of members who should be present when the whole number is not available for deliberations to be valid. Setting the total number of the Commission as the quorum is, therefore, anomalous. This anomaly is also clear from reading section 6(5) which envisages Commission meetings to proceed when some other members are absent. So, it is either the Commissioners should be more than five or the quorum should be less than five members present.

Another anomaly pertains to the 'composition' of the Commission is in section 6(7) of the Electoral Commission Act, which states:

> Where a member is for any reason unable to attend any meeting of the Commission, the member may, in writing, nominate another person from the same organization to attend such meeting in that member's stead and such person shall be deemed to be a member for the purpose of that meeting.

The provision is anomalous in that it assumes that Commissioners are appointed to represent certain interests or organizations. There is nowhere either in the Act or the Constitution where this is indicated. To the contrary, Commissioners are appointed in their own right and as such their power cannot be delegated to anyone else.

Commissioners enjoy no security of tenure. They are appointed for a term of seven years and may be re-appointed for a further term of seven years (Electoral Commission Act, 2016, section 5(3)). Their stay in office is precarious as they serve entirely at the pleasure of the President. Among other grounds for

removal, they can be removed from office by the President for no apparent reason (Electoral Commission Act, 2016, section 5(5)(f)). The President has a blank cheque as regards the removal of Commissioners as he/she is not obligated to assign any reason nor is he/she or she required to follow any special procedure. This arbitrary power over the removal of Commissioners in the hands of a person with a partisan interest in elections not only creates a lopsided playing field but is inconsistent with the whole idea of an independent or autonomous ECZ.

The appointment and removal of commissioners from the ECZ contrasts remarkably, for example, with the situation under the South African Constitution. Under the South African Constitution, the President appoints members of the Commission on recommendation by parliament, following their nomination by a parliamentary committee proportionally composed of all parties represented in parliament. The nominees must be approved by a majority of parliament (Constitution of South Africa, 1996, section 193(4)and(5)). Once appointed, the commissioners are only removable (by the president) on grounds of misconduct, incapacity or incompetence, supported with a finding to that effect by a parliamentary committee and a resolution to that effect being supported by the majority of parliament (Constitution of South Africa, 1996, section 194(1)). The president therefore can only remove a commissioner from office only upon or after adoption by parliament of the resolution for that person's removal (Constitution of South Africa, 1996, section 194(3)(b)).

There seems to have been no sincere effort by crafters of the Electoral Commission Act to create a truly autonomous ECZ that would not operate under the shadow of the incumbent President. Section 12 of the Act requires all Commissioners and members of staff employed by the Commission to take oath of office before assuming office in accordance with the Official Oaths Act. The oath reads:

> I.., having been appointed/elected/nominated................................do swear/affirm that I will well and truly serve the Republic and the President of Zambia, that I will preserve, protect and defend the Constitution of Zambia as by law established; and that I will not directly or indirectly reveal or transmit any such information or matter as shall be brought under my consideration, or shall be made to me by reason of my office except as may be required in the discharge of my duties as such or with the authority of the President.
>   Official Oaths Act, 1990

Why should Commissioners of a supposedly autonomous ᴇᴄᴢ be required to swear allegiance to the President, who has a partisan interest in the outcome of elections? There is no public interest that is served by requiring Commissioners to swear allegiance to the President. The Oath taken by Commissioners makes it clear that Commissioners operate under the tutelage of the President. Section 17(1) further makes the Commission subservient to the President by requiring it to report to the President. The president is given further powers over the Commission by requiring him to single handedly approve loans, grants or donations to ᴇᴄᴢ as well as any plans by ᴇᴄᴢ to invest unspent funds (Electoral Commission Act, 2016, section 14(2)(a) and (4)).

In sum, although the Constitution purports to create an autonomous ᴇᴄᴢ, the Commission is nowhere any close to an autonomous institution. The President appoints Commissioners without any safeguards to ensure the persons appointed are reflective of the confidence of society that should repose in an autonomous body. In appointing commissioners, the President has no obligation to consult key stakeholders such as opposition political parties and relevant civil society organizations. He/she has a free hand as there is no established procedure in the recruitment and selection of commissioners that would give the process an appearance of objectiveness. The president also has unfettered discretion in the removal of Commissioners. The Commissioners swear allegiance to the President and report directly to the President. In the end, the ᴇᴄᴢ is fertile ground for what Ben Nwabueze calls 'executive lawlessness' as there are no safeguards to limit the scope of partisan considerations in the operations of the Commission (Nwabueze, 2003). Instead, express statutory provisions make the Commission a client of the executive.

4   Powers and Functions of the Commission

The Constitution lists the functions of the Commission. These are to:
(a)   Implement the electoral process;
(b)   Conduct elections and referenda;
(c)   Register voters;
(d)   Settle minor electoral disputes, as prescribed;
(e)   Regulate the conduct of voters and candidates;
(f)   Accredit observers and election agents, as prescribed;
(g)   Delimit electoral boundaries; and
(h)   Perform such other functions as prescribed (Constitution of Zambia, 2016, article 229(2)).

(i)   These are repeated with some modifications in section 4 of the Electoral
        Commission Act 2016. There seems not to be much controversy about the
        assigned functions of ECZ. There is, however, controversy about the pow-
        ers arrogated to ECZ under the 2016 electoral reforms, particularly under
        the Electoral Process Act. Two of those powers are discussed here. These
        are the power to disqualify parties and/or candidates and the power to
        suspend campaigns.

With regard to the first, section 110(2) of the Electoral Process Act 2016 empow-
ers the Commission to disqualify a political party or candidate in breach of the
Electoral Code of Conduct. There is no prescribed procedure of how ECZ could
reach such a decision. There are no inbuilt mechanisms to ensure that the
power is not exercised arbitrarily. It is not even indicated for which types of
infractions of the Code ECZ could invoke this clause. The right approach could
have been to provide for a graduated system of sanctions for violations of the
Electoral Code of Conduct. This could, for example, start with censures for mi-
nor violations, rising to fines for relatively serious violations and reserving dis-
qualifications for more serious violations of the Code of Conduct. Considering
that a disqualification touches on fundamental rights of participating in the
political process, concerned parties should have the right to a fair process and
to be heard. The danger of not having such inbuilt mechanisms is evident from
the Nigerian experience of 2007 elections. The Nigerian case of Atiku Abuba-
kar(2008), where the Commission disqualified the then main opposition lead-
er from contesting the 2007 presidential election under the pretext that he was
being investigated for corruption and thus unfit for presidential office is reveal-
ing. His name was left out of the initial ballots. It finally made it onto the ballot
paper just four days before the elections, following an order of the Supreme
Court invalidating the decision of the Commission. However, the damage was
already done as Abubakar spent most of his time fighting his exclusion from
the polls in court instead of campaigning.

    The provision entrusting unchecked power to the ECZ to disqualify parties
and candidates can be contrasted with the situation under Kenyan law, for ex-
ample, where the Commission is empowered to impose sanctions for viola-
tions of the (Kenyan) Electoral Code of Conduct 2011 (see paragraphs 7 to 12).
There are two sets of sanctions for breach of the Electoral Code of Conduct. In
case of minor violations, sanctions that are issuable by the Commission in-
clude formal warning, fine or prohibition of using allocated public media time.
However, in the case of serious violation sanctions are issuable by the High
Court at the instance of the Commission and are subject to the following
conditions:

i.   The proceedings are to be instituted by the Commission either on its own
        motion or as a consequence of any report made to it;

ii.   The allegation of infringement of the Code must be as against a political party, leader office bearer or member of a political party or person who supports the political party or any candidate.

iii. The infringement must involve violence, intimidation or gross or systematic violation of the rights of any political party, candidate or voter.

If the foregoing pre-conditions are satisfied, then the court has discretion to do the following:

(a)   In the case of a political party, make an order cancelling the right of such party to participate in the election concerned either in addition to or in substitution of any sanction that were issued by the Commission.

(b)   In case of the leader, any office bearer or member of a political party or person who supports the political party or of any candidate, make an order disqualifying in the case of a person who is a candidate, that person from being a candidate or deleting the name of that candidate from the list or lists of candidates concerned.

The confirmation requirement by the High Court is significant as it ideally would ensure that sanctions are not imposed arbitrarily by the Commission.

The second power of ECZ is that of suspending campaigns. The controversy about ECZ's power to suspend election campaigns came to the fore in the run to the 2016 general elections when the Commission on 9 July 2016 issued a directive suspending election campaigns in Lusaka and Namwala Districts. The statement in part read:

In exercise of its powers under section 28(2) of the Electoral Process Act No. 35 of 2016, the Commission has decided to suspend campaigns in the whole of Lusaka and Namwala Districts for ten (10) days, with effect from today, 9th July, 2016 to 18th July, 2016 (Electoral Commission of Zambia News, 2016).

Section 28(2), which ECZ relied on to issue the directive, states:

(2) The Commission may amend the election timetable by notice in the Gazette if-
    (a)   It considers it necessary for a free and fair election; or
    (b)   The polling day is postponed under section fifty-six.

A careful reading of the law, however, shows that the basis for the decision by ECZ to suspend campaigns was spurious and not supported by law. Section 28(2) of the Act in relation to the campaign period empowers the Commission to amend the election timetable only if it is necessary for a free and fair election and where the polling day has been postponed. With regard to the campaign period, section 28(1)(a)(v) provides that the ECZ can only provide for the opening and closing dates of the campaign and not for a suspension of campaigns.

Where this applies, ECZ can, therefore, only amend the opening and closing dates of the campaigns. It has no power to suspend the period for campaigns. It should also be noted that Article 56(1) of the Constitution fixes a permanent date for holding elections. The Constitution does not give ECZ any power to temper with that date of holding elections. Further, section 2 of the Electoral Process Act defines a campaign period as 'a period of three months before the holding of an election'. When this definition is taken into mind, there is clearly no power assigned to the ECZ to suspend campaign periods. Moreover, Article 60(1) of the Constitution entitles all political powers to campaign across the country without inhibitions. Subordinate legislation cannot purport to subvert this Constitutional provision. It is submitted that the provision ECZ claims to give it power to suspend campaigns does not vest ECZ with such powers.

5   Financing of the Commission

In addition to its technical capacity, the character and integrity of any electoral management body is determined by its political neutrality. Apart from advanced democracies where democratic cultures are entrenched, and electoral management bodies are objectively autonomous and staffed without partisan political involvement, financial control of electoral management bodies (EMBs) is a significant variable in determining the political neutrality of EMBs. This subsection discusses the Electoral Commission of Zambia's (ECZ) (i) financial autonomy and (ii) political implications of its financial sources.

5.1   *ECZ's Financial Autonomy*
According to Articles 238 and 239 of the Constitution that establish commissions, including the ECZ, commissions are self-accounting institutions that deal directly with the Ministry of Finance. The ECZ is funded by parliamentary appropriations, donations and income from investments it has made. Its acceptance of donations and the raising of loans are subject to the approval of the President[1] (Electoral Commission of Zambia Act 2016, 13(1), (2)). These provisions do not deviate from the initial 1996 constitutional provisions that created the ECZ. Although by law the ECZ could source funding from cooperating partners and from its investments, *ceteris paribus*, it is the primary responsibility of the Ministry of Finance to meet the Commission's budgetary needs.

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1   Note: subject to the presidential approval and not to the commissioners' autonomous decision.

Procedurally, the ECZ presents its budget to government for parliamentary allocation of funds in the budget. Perennially, however, Ministry of Finance actual disbursements do not match parliamentary budgetary appropriations. For example, between 1996 and 2000, parliament approved a total of 67 million[2] kwacha as allocated in the annual national budget. Only 47 million Kwacha of the amount was released (Rakner and Svåsand, 2010). Similarly, the ECZ only received 22 million Kwacha of its total allocation of 64 million kwacha for the 2001 general elections. The international donor community contributed 47 million kwacha that year (Ibid.). In subsequent elections between 2006 and 2016, the international donor community, through its basket funding contributed approximately US$45.5 million. In 2016, ECZ suspended the third phase of the voter registration exercise because the government did not release the funds for the scheduled programmes. From these data, two deductions follow. First, that the ECZ's capacity to efficiently carry out its mandate – to conduct ongoing voter registration, conduct elections, along with other broader areas such as campaign regulation and the implementation of electoral reforms – is inherently contingent to government funding. As evidenced from the discrepancies between appropriations and actual disbursements, ECZ's dependence on government funding plunges it into uncertainty due to funding unpredictability. Second, this financial dependence is inherently a power-relations issue. The next section delves into the dynamics of this power-relationship.

5.2   *Political Implications of Sources of Finance*

The financing of the ECZ is an integral variable in understanding its political neutrality or its challenges in attaining political neutrality. In developed democracies where the rule of law is entrenched, and public institutions operate within a political culture that sanctions abuse, matters of EMBs' neutrality are taken for granted and suspicions that incumbent political governments would sway the EMB one way or the other due to leverage from public financing is a non-issue. This is not the same with transitional democracies, particularly in Sub-Saharan Africa. Like many countries in the sub-Saharan Africa where the integrity of EMBs has been questioned, the ECZ's inextricable financial dependence on the government has historically raised neutrality contentions. During a public discussion organized by the Forum for Democratic Processes (FODEP) on electoral reforms on 25–26 July 2002, the chairman of the ECZ

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2   All values are harmonized to reflect rebased Kwacha values. The Currency Rebasing exercise in 2013 entailed dividing all denominational values by a denominator (1,000).

Justice B.M. Bwalya cited the mode of funding as the main impediment to the ECZ's independence (Ikpe, 2009). In a long-term observation report of the 2001 electoral process, the European Union's Chief Observer Michael Meadowcroft observed that the ECZ conspicuously identified itself as a government agency rather than an independent electoral body (Ibid.). He further observed that the Commission's chairman, Justice Bwalya, attempted on several occasions to obstruct international observers. Warning election monitors, Bwalya threatened that the 'government would not be happy with observers who do more than observe' (Ibid.: 305).

As attested by Justice Bwalya, and by frequent civil society and opposition political party observations since the creation of the ECZ, the ECZ's lack of financial autonomy impedes its independence and quality. With its financial roots so entrenched in the Executive which seldom distinguishes government from party and is strongly controlled by the president who is also a contender in the electoral process, the commission could at best be characterized as semiautonomous. The biggest problem with this characterization, *ceteris paribus*, is that ECZ's management of the electoral process will always bear marks of suspicion by those that do not feel they have as much leverage on the commission. Perceptions, as much as the actual, are important in any electoral process. Because of this, it becomes difficult to distinguish ECZ's actual technical challenges and politically-motivated inefficiencies that manifest as technical, especially if those assumed inefficiencies persistently only disadvantage the opposition. Although there is certainly no electoral management system that is free from blemish, the question about electoral management in a democracy is whether electoral management bodies are impartial enough to give confidence to all stakeholders that instances of technical error are not predetermined skirmishes to disadvantage targeted participants. There are several examples we could cite about the ECZ to answer this question. In general, the application of electoral regulations and rules has frequently been cited as biased and disfavoring opposition political parties. Some opposition political parties, for example, boycotted the 1996 elections due to disagreements on electoral rules and their uneven application (Rakner and Svåsand, 2010). For illustration purposes, we cite two historically controversial issues in the Zambian electoral process that are not unrelated to the ECZ-Executive power dynamics. The first example is voter registration.

Since the reintroduction of multiparty democracy in 1991, the registration of voters has been a heinous problem in Zambia. Whether this could be attributed to the ECZ's genuine technical capacity or to political bias is a hermeneutic issue. Suffice to say the legitimacy of the electoral process hinges on the

electorates' and candidates' perception that the process has been conducted transparently without raising suspicions that a particular outcome was planned (Bland, Green and Moore, 2013; Bogaards, 2007; Rakner and Svåsand, 2010). In a functional democracy, there should be certainty about the process, but uncertainty about the results. Two examples are instructive to augment this point. In 1996, the Movement for Multiparty Democracy (MMD) government contracted an Israeli company NIKUV Computers to update the Zambian voter register at the cost of US$18.7 million. Constitutionally, the Elections Commission, ECZ's predecessor was responsible for updating the voter register. Zambian civil society organizations and opposition political parties unanimously opposed the contract calling for the delay in the elections, so the 1991 voter register could be used instead. Despite the High Court and the Supreme Court determining that the contract was unconstitutional and that due tender processes had not been followed, the government proceeded to engage NIKUV Computers to update the register. At the end of the exercise, 30,000 voters from Eastern Province, opposition United National Independence Party's (UNIP) stronghold, were omitted. The Israeli company later admitted to entering 52,703 duplicate National Registration Cards into the data base. In addition, although a total of 2,162,907 had registered, only 1,348,616 had collected their voter cards. Cumulatively, the government's heavy-handedness manifested through the insistence on NIKUV, the failure to comply with judicial outcomes, the refusal to accept other participants' concerns, and the subsequent serious discrepancies in the register caused anxiety, mistrust and doubts about the integrity of the Elections Commission and its neutrality.

In almost a patterned manner, the 1996 ECZ-Executive power dynamic repeated itself in the 2016 elections preparatory stages. The voter registration exercise, though significantly improved, exhibited serious flaws falling short of transparency: duplicate voters, the secrecy with the voter registry auditing processes, delays in releasing of the voter registry, allegations of foreign voters *et cetera*. A few weeks before the elections, the ECZ controversially awarded the ballot-printing contract to a previously unknown Dubai-based firm, Algurair. All efforts by opposition political parties and civil society groups to convince the ECZ to use a collectively agreed printer failed. Additionally, the ruling Patriotic Front-controlled parliament hastily enacted legislation conferring immunity from prosecution on ECZ officials for any decisions taken in exercise of their duties. The legislation also criminalized disclosure or publication of ECZ documents to unauthorized persons. It further provided for unfettered presidential powers to remove ECZ commissioners. At the same time, alleged registration of thousands of foreign nationals on the voter registry busied the press, both print and electronic. Ironically, frequent complaints from civil j192

society organizations and from opposition political parties about all these irregularities and allegations were seldom rebutted by the ECZ commissioners but by the ruling party and by government officials, further blurring the autonomous individuality of the commission and the level of its accountability to the public.

During stakeholders' meetings at the Mulungushi International Conference Center before the 2016 elections, the ECZ cited lack of funding as the reason it could not carry out ongoing registration and only managed periodic registration events. The ECZ also justified its failure to capture certain parts of the country according to its schedule on its dependence on the Department of National Registration (DNR) to issue citizen National Registration Cards before covering specific regions for voter registration. During the 2015 registration period, the ECZ cited DNR's delayed card issuance to North Western Province, for example, for its failure to conduct a scheduled second voter registration exercise in the province.

Such developments have continued to undermine the ECZ's democratic autonomy to inspire political neutrality to civil society, opposition political parties, and to international observers. Arguably, the neutrality of any electoral management body is determined by its responsiveness to all stakeholders' concerns so that an election is a source of peaceful change and not a cause for instability, conflict, and national division (Bland et al., 2013; Bogaards, 2007; Elklit, 1999; Ikpe, 2009; Wahman, 2014). Judged against this yardstick, the ECZ hardly passes the test. If not manifestations of government control of the Elections Commission and its successor the ECZ, no other variable would explain these actions. An electoral management body less entangled in executive financial control would be more responsive to participants' concerns and distinguish technical errors from politically motivated actions.

The second point to reinforce the ECZ's challenge with autonomy due to its intricate financial dependence on the presidency is that the president appoints ECZ's commissioners. Although the president's appointments require parliamentary ratification, as the case has almost always been, except for 2006, the president's political party maintains a parliamentary majority.

Finally, with the ECZ structures existing only at the national level in Lusaka, it is contestable whether the continued engagement of civil servants to conduct elections at the local level is because of genuine lack of financial capacity by the ECZ or a convenient arrangement for the government to maintain its leash on the Commission.

In conclusion, the financial source of the ECZ is an important variable in understanding its power allegiances. Tied to this financial control is the legislative appointing power of the incumbent government. As observed above, financial

dependence of an electoral body on public funding should not be a source of political control as evidenced in advanced democracies. But because in Sub-Saharan Africa in general, and in Zambia in particular, incumbent governments are politically positioned to hire and fire, the relationship between ECZ and the government is practically no different from one of employer and employee although the founding legislation posits ECZ as an independent body.

6 ECZ Relations with Stakeholders

Political scientists are agreeable that the administration of elections is a crucial variable in the democratization process (Elklit, 1999; Elklit and Reynolds, 2005; Rakner and Svåsand, 2010). The ultimate goal of any electoral management system is to allow fair play among competitors so that the electorate could freely choose a leadership of their choice. In so doing, an electoral system strives to rid the electoral process of an undue advantage by the incumbent political party so that those in the opposition do not perceive the electoral outcome as predetermined. In analysing the fairness of an electoral process, many political scientists are shifting the measure for a free and fair election from linear benchmarks often highlighted in observers' reports (e.g. voting procedure on election day, availability of voting material, etc.) to including perception and satisfaction of parties involved, especially political parties and civil society organizations, about the entire electoral process. As famously held, an election is a process and not an event and its outcome are primarily determined by events preceding the poll day. An Electoral Management Body (EMB) plays a key role in managing interactions among political, international, media, and civil society stakeholders in ensuring a fair and transparent process. An EMB is a referee that ensures both competitors and general participants adhere to electoral rules and procedures. Below we examine the ECZ's contextual relations with specific actors.

6.1 Political Parties

Since plurality is the hallmark of participatory democracy, participating political parties must have equal access to the electorate to persuade them that their agenda is the best available option. As Bogaards argues, 'elections indicate approval of voters for candidates, parties and their programmes, while re-elections express satisfaction with the level of accountability, responsiveness and performances of governments generally' (Bogaards, 2007). It is only when an election is won through fair competition that a government is legitimate. Some scholars who have studied Zambian elections since the reintroduction of the multiparty system categorize the Zambian electoral process as

'semi-democratic' (Ishiyama and Fox, 2006), 'hybrid regime' Rocha Menocal, Fritz, and Rakner, 2008), 'transitional democracy' (Rakner and Svåsand, 2010) and even 'competitive authoritarianism' (Levitsky and Way, 2002). These categorizations are lenses through which we weigh the democratic quality of the Zambian electoral process. The common thread that runs through these observations is the limited space for real inter-political party competitiveness. Opposition political parties, even when they have won elections since 1991, have campaigned in significantly prohibitive political environments that are skewed in favour of the incumbent. As Bogaards argues, 'constitutional political opposition is the *sine qua non* of contemporary democracies [...] and [...] its institutionalization in some form or another is required before a regime can be called 'democratic' with any real meaning' (Bogaards, 2007). There are several factors that have persistently characterized the unfair and skewed political competition in Zambia, all of which are within the ECZ's reach to sanction:

6.1.1   Constricted Space for Opposition Mobilization

The most important resource any political contender has is the electorate. In a functional democracy, regardless of how well or poorly financed, an electoral competitor ought to have equal opportunities to reach and influence voters. In the Zambian electoral process, however, every election has been characterized by restrictions on the opposition. Several reasons have been advanced for restriction of opposition political parties' gatherings, especially when they are the main opposition for that election. Often, the Public Order Act has been cited for 'security' concerns, often only for opposition gatherings. In some instances, the police suggest they have no manpower to police opposition events only to show up in large numbers to forcefully disperse 'defiant' opposition gatherers. On other occasions, opposition political party gatherings are inconsequentially disrupted by the ruling party supporters without any meaningful intervention from the ECZ or the police. Sometimes, the military has denied airspace to the opposition. All these are matters that the ECZ should intervene in as the referee in a political game to ensure fairness, particularly during designated campaign periods.

6.1.2   The Use of Government Resources in Campaigns

Constitutionally, the president and the vice president are permitted to use state resources during campaigns. However, ministers and lower government functionaries have habitually used their official vehicles during political campaigns in their constituencies. The practice has its roots in the post-colonial one-party-system when there was no separation between party and state. During campaigns, the United National Independence Party (UNIP) took over the state welfare function of issuing mealie meal coupons with preference given

to party supporters (Elklit, 1999). When the Movement for Multiparty Democracy (MMD) won the 1991 elections, the level of use of government resources, along with vote buying, actually increased markedly (Rakner and Svåsand, 2010). The MMD adopted the use of government vehicles as well as the Zambia Information Services (ZANIS) for political campaigns. Agricultural inputs and 'development funds' were distributed in rural areas. In 1999, President Chiluba created a presidential discretionary fund which was subsequently used in the 2001 elections to champion his third term campaign. Electoral observers, local and international, found that the president used the fund to finance his bid to amend the constitution for his third term and to support party operations (Rakner and Svåsand, 2010). President Chiluba also created the office of District Commissioner who, despite being civil servants, have heinously remained active ruling party functionaries. This is despite a 2001 High Court ruling that prohibits District Commissioners to engage in political activity since they are civil servants. When the Patriotic Front (PF) founder Michael Sata won the elections in 2011, the courts nullified several MMD parliamentary seats largely citing the use of government resources during campaigns. The ECZ, as the referee during political contestations through campaigns, has the legislative obligation to enforce the Electoral Code of Conduct and to prevent such abuses to guarantee a fair electoral process to all participants.

6.1.3 Access to Public Media

Access to voters entails access to all available means of communication, including mass media. Although the private media offers varied platforms for all political players in Zambia, the public media has irreconcilably remained pro-incumbent party and pro-government and conspicuously hostile to the perceived main opposition political party of the day. Almost without variance, the national broadcaster and the two largest daily newspapers controlled by the government positively cover the incumbent political party and black out the main opposition political party except for negative publicity. In a democracy, public media serves the interests of the public and not partisan interests. The ECZ Electoral Code of Conduct requires that all electoral contestants have equal access to the press. The requirement should be binding, particularly to public media and an impartial ECZ should enforce the rules, sanctioning violators, to facilitate fair play.

6.1.4 Access to ECZ Spaces

During the 2016 general elections, supporters of the incumbent political party, including named presidential aides, reportedly gained access to sensitive ECZ spaces where other stakeholders were disallowed. If access to the ECZ information processing rooms, for example, the computer room, is restricted,

it must be restricted to all political parties. Involvement of civil servants and partisan presidential appointees in handling sensitive electoral material where opposition representatives do not have similar access constitutes a breach of democratic transparency and mars the integrity of an election in a democracy.

6.2   *Donors*

As seen in the preceding subsection, donors play a crucial role in meeting the ECZ's budgetary needs. Since the reintroduction of multiparty democracy in Zambia in 1991, the international community has spent over US$70 million in financial support to the ECZ and the Zambian electoral process. In addition to financial support, donors play two extra roles: provision of technical support and the internationally accepted democratic model. The international community frequently provides technical support to the ECZ through the United Nations Development Plan (UNDP). Prior to the 2016 general elections, UNDP hired an elections expert who was physically stationed at the ECZ headquarters in Lusaka for several weeks guiding ECZ but also representing the views of the donor community to ECZ. On the other hand, by providing technical oversight, the donor community is simultaneously reminding and urging the Commission to adhere to internationally accepted norms and standards. There are two undesired extremes to this role. The first is forcing exogenous expectations that potentially violate a given political context and the people's entrenched practices. The second is siding with an establishment that has masterfully defied collective aspirations of the people or has institutionalized pro-government support to the disadvantage of opposition political parties.

Both demand that international actors understand the local context to meaningfully make their contributions without erring on either extreme. In the run-up to the highly contentious 2016 general election, UNDP special advisor for elections Richard Escott Cox made remarks during a heated stakeholders' meeting that ambiguously discredited opposition and civil society concerns over a myriad of procedural issues. He vouched for the ECZ's credibility and asked political parties to trust the Commission to stop casting aspersions of doubt. Confronting him, Forum for Democracy and Development (FDD) President Edith Nawakwi remarked:

> You as the UN don't ever stand up in a meeting like this and say I vouch for the system because at the end of it, the consequences of disputes will fall squarely on you. You were persuaded, and I know…your job is to advise them and your role ends there. That is why professionally, you should have not stood up here and said, 'I am the only foreigner; if they were not transparent I wouldn't be here'. They (ECZ) have failed to persuade us

[opposition] that they are transparent; they are recruiting someone who is supposed to be impartial because you have to be. You are a technician. Your standing here diplomatically, professionally is unacceptable and is actually a breach of the terms and conditions of your support to us […].

> *The Post*, 1 June 2016

Nawakwi's concern is an illustration of how donors could fall into one extreme and be 'used' to legitimate a process that has failed to win public confidence and trust.

6.3   *Civil Society Organizations*

Civil society organizations (CSOS) play a key role in a democratic electoral process. Although not holding elective positions, they speak for established interest communities and represent significant sections of society that might individually be unable to speak out. While it is the responsibility of the electoral authorities to conduct voter education and registration (Elklit and Reynolds, 2005), CSOS could supplement ECZ's efforts since they have greater outreach to the citizenry than the Commission. For example, Zambian CSOS ran overlapping voter education programs throughout the voter registration period prior to the 2016 general elections. Similarly, from 2014 to 2016, CSOS helped the government disseminate contents of the draft constitution to places where the government's Ministry of Justice had failed to reach. In a democratic electoral process, CSOS should be seen as allies in voter education and in enhancing civic responsibility. In Zambia, where more than 40 per cent of citizens are illiterate, and where successive voter participation has been low, CSOS could be harnessed to supplement ECZ's voter education efforts.

At the same time, CSOS serve as a critical voice for accountability during the electoral process. Political accountability, which can only be achieved through continuous citizen participation, is a necessary precondition for democracy. In Zambia, CSOS have historically constituted the largest portion of electoral monitors and observers. For any existing trace of autonomy the ECZ has, CSOS have played a key watchdog role to stave off government 'take-over'. In 2001, it was the OASIS Forum, a coalition of CSOS, that vehemently mobilized citizenly opposition to and fought incumbent president Fredrick Chiluba's unconstitutional third term skirmishes.

The ECZ-CSOS relationship since the reintroduction of multiparty democracy in 1991 has fluctuated depending on the Commission's composition. During the reign of Justice Irene Mambilima, for example, the ECZ-CSOS relationship was more collaborative and less antagonistic. The ECZ frequently consulted

with CSOs in the electoral processes. Before the 2011 general elections, the ECZ engaged CSOs in the entire process. The result was mutual trust and a generally positive public perception of the ECZ. On the contrary, the pre-2016 general election ECZ-CSOs relationship was less collaborative and frequently antagonistic. The ECZ was more guarded about the process and seemed to have predetermined responses to CSOs' concerns regarding voter registration, nomination fees, poll-day procedures, new constitutional provisions, *et cetera*. The relationship between the ECZ and CSOs ought to be collaborative and be based on agreement that CSOs occupy an important space in democratic electoral processes. Like political parties, CSOs should be engaged in the process without ECZ stifling their participation. Where inter-party politics is acrimonious, CSOs could serve as an important intermediary for dialogue. For instance, the Zambia Council for Interparty Dialogue has played an important role in brokering inter-party dialogue to enhance a democratic environment suitable for participatory elections. The ECZ should view CSOs as resources it could harness to promote voter education, diffuse electoral conflict, and to create an environment that promotes free participation for voters. Table 7.1 below summarizes the key elements that have historically characterized contentions between ECZ and the stakeholders and the general electoral process. It is important to note that the last point (acceptance of results) is a cumulative outcome of preceding observations and not a stand-alone point. If ECZ and other players upheld these democratic elements, the Zambian electoral process would be less acrimonious.

7   Conclusion

The main objective of this chapter is to historically situate the creation of the ECZ and to examine how it has administered elections since its creation. This chapter has identified several legal and structural challenges that prevent meaningful autonomous existence and function of the ECZ. First, the chapter illustrates the dangers to democratic electoral management posed by an ECZ so embedded in the executive that its autonomy is literary illusory. It exposes how the legal provisions guiding the appointment of commissioners are so discretionary and open to abuse by the incumbent president and, subsequently, potentially skewing the operations and fairness of the Commission in electoral management. Second, the chapter highlights contradictions between the constitutional provisions that create the ECZ and the subsequent subordinate legislation, the Electoral Commission Act of 2016 that purports to extend unconstitutional powers to the Commission. Further, the chapter illustrates how the financial

TABLE 7.1   Key elements in an acceptable electoral process

'Free'	'Fair'
Before Polling Day	
o Freedom of speech	o A transparent electoral process
o Freedom of assembly	o An independent and impartial electoral commission (and administration)
o Freedom of association	
o Freedom from fear in	o Impartial voter education programs
o Connection with elections	o Absence of impediments to inclusion in the electoral register
o Freedom of movement	
o Absence of impediments to standing for election	o Adequate possibilities for checking the provisional voter register
	o An orderly election campaign
	o Equal access to public mass media
	o No misuse of government facilities for campaign purposes
On Polling Day	
o Opportunity to participate in the election	o Access to polling stations for accredited parties
o Absence of intimidation of voters	o Representatives and election observers
	o Impartial assistance to incapacitated voters
o Secrecy of the ballot	o Proper treatment of void ballot papers
o Adequate provisions to ensure that voters vote only once	
o Well-designed ballot papers without serial numbers	
After Polling Day	
o Legal possibilities of complaint	
o Adequate possibilities of resolution of election related conflict	
o Proper counting and reporting procedures	
o Proper precautionary measure when transporting election material and securing polling stations	
o Impartial reports by the media of election results	
o Impartial treatment of election complaints	
o Acceptance of the election result by all involved	

SOURCE: ELKLIT, J., AND P. SVENSSON, 'WHAT MAKES ELECTIONS FREE AND FAIR',
JOURNAL OF DEMOCRACY, VOL. 8. NO. 3 (1997), P. 37.

dependence of the ECZ on the executive compromises both its operational efficiency and its statutory autonomy. Without mechanisms ensuring financial autonomy, the independence of the ECZ is precarious. The chapter concludes with a discussion of the ECZ's relations with stakeholders and how these relations are important for guaranteeing electoral fairness and peaceful elections. The ECZ relationship with critical civil society has at times been confrontational than collaborative. Considering all legal, structural, and operational factors discussed, the chapter concludes that ECZ, in its current form, is indisposed to administer truly credible, democratic and unbiased elections. As observed in the chapter, even when an opposition political party has won the presidential election, victory came despite inhibitive attempts and electoral conditions. To reflect a genuinely democratic electoral management body, there is an implacable need to overhaul the ECZ's constitutional, legislative, and structural foundations to remove partisan political influence on its composition, powers, financing, and control.

References

Bland, G., Green, A., and T. Moore (2013), 'Measuring the Quality of Election Administration', *Democratization*, 20(2), 358–377.

Bogaards, M. (2007). 'Elections, Election Outcomes, and Democracy in Southern Africa', *Democratization*, 14(1), 73–91.

The Electoral Commission of Zambia Act No. 25, 2016.

Elklit, J. (1999). 'Electoral Institutional Change and Democratization: You Can Lead a Horse to Water, but You Can't Make it Drink', *Democratization*, 6(4), 28–51.

Elklit, J., and A. Reynolds (2005). 'A Framework for the Systematic Study of Election Quality', *Democratization*, 12(2), 147–162.

Elklit, J., and P. Svensson (1997), 'What Makes Elections Free and Fair?', *Journal of Democracy*, 8(3), 32–46.

Ikpe, U. (2009). 'The Impact of Manipulated Re-elections on Accountability and Legitimacy of Democratic Regimes in Africa: Observations from Nigeria, Zambia and Kenya', *African Journal of Political Science and International Relations*, 3(7), 300.

Ishiyama, J., and K. Fox (2006). 'What Affects the Strength of Partisan Identity in Sub-Saharan Africa?', *Politics & Policy*, 34(4), 748–773.

Levitsky, S., and L. Way (2002). 'The Rise of Competitive Authoritarianism', *Journal of Democracy*, 13(2), 51–65.

Nwabueze, B. (2003). Constitutional Democracy in Africa Vol. 1–Vol. 5. Spectrum Books, Nigeria.

O'Donovan, M. (2004). 'The Administration of Elections in Zambia' in Claude Kabemba (ed), Elections and Democracy in Zambia (EISA Research Report No. 06).

Rakner, L., and L. Svåsand (2010). 'In Search of the Impact of International Support for Political Parties in New Democracies: Malawi and Zambia Compared', *Democratization*, 17(6), 1250–1274.

Republic of South Africa. (1996). Constitution of the Republic of South Africa, act 108 of 1996. Government Gazette, 378.

Rocha Menocal, A., Fritz, V., and L. Rakner (2008). 'Hybrid Regimes and the Challenges of Deepening and Sustaining Democracy in Developing Countries 1', *South African Journal of International Affairs*, 15(1), 29–40.

Seventh Schedule to the Official Oaths Act, Chapter 5 of the Laws of Zambia, 1990.

The Post, 'MPs Oppose Judge Chulu, Professor Mvunga Appointments', 27 November 2009.

Wahman, M. (2014). 'Democratization and Electoral Turnovers in Sub-Saharan Africa and Beyond', *Democratization*, 21(2), 220–243.

Zambia. (1973). Constitution of Zambia Government Printer.

Zambia. (1996). Constitution of Zambia (amendment) Government Printer.

Zambia. (1991). Constitution of Zambia (amendment), Government Printer.

Zambia (2016). Constitution of Zambia (amendment), Government Printer.

Party Funding: A Crisis of Zambia's Multiparty Politics: From 1991 to 2016

Aaron W. Siwale and Jotham C. Momba

1   Introduction

The Third Wave of Democratization as conceptualized by Huntington (1991) brought with it strong ideals of representative democracy, which resulted in the formation of various multiparty political systems around the world. Subsequently, political parties have been created as vehicles of electoral democracies to serve as a platform through which people with shared political values and interests associate. Following this political shift, many countries in the sub-Sahara held competitive multiparty elections in the early 1990s. However, of the many countries that had these elections, only a few managed to oust the parties that won independence from colonial powers. Zambia stands out as one of a few cases in Southern Africa; she managed to remove from office the party that led Zambia to her independence through competitive elections in 1991. The period that followed has been characterized by the formation of numerous political parties, some of which have been serious power contenders while others have practically been inactive. Zambia has witnessed three political parties form governments (UNIP 1964–1991, MMD 1991–2011, and Patriotic Front 2011 to date) but the parties that lose power rapidly also lose their strength and presence in the country once out of office. The trend in Zambia's multiparty politics is one in which a number of parties have been formed but have been unable to consistently participate in all the electoral processes. In all six general elections, excluding the two presidential by-elections (2008 and 2015), a total of 41 political parties participated. Of these, 31 have only participated in one presidential, parliamentary and/or local government. Four have participated only twice and six have participated more than three times (NDI/FODEP, 2003; Tobolka, 2013; ECZ, 2016).

Ordinarily, political parties that exhibit strong characteristics of party stability at their inception, such as intra-party democracy, signs of stable source of funds as well as strong and charismatic leaders, are expected to survive in all environments (i.e. both in opposition and in government) (Brasher, 2009). However, the situation regarding political parties in Zambia presents different

features, over time their stability seems to decline while others fail to meet the costs of all electoral processes and eventually become defunct. What role therefore, does funding play in political parties' survival in Zambia's multiparty political system? The chapter employs secondary data, such as published and unpublished research articles, country reports, and official documents such as party constitutions. Interviews with the political parties' leadership at national level were conducted although the response rate was very low. Only three party officials openly agreed to be interviewed due to the perceived sensitive nature of the topic. As a result, this chapter leans towards a conceptual discussion on party funding. This chapter restricts itself to exploring the role of party funding and how it has affected Zambia's multiparty politics since the country's return to multiparty politics.

2   The Nature of Political Party Funding

Party funding is a responsibility of political parties in Zambia. This means that parties should solely be responsible for crafting appropriate strategies for raising funds. Political parties must undertake a number of activities and strategies to generate party funds (EISA, 2016). These activities range from collection of donations from the general party leadership to contributions from well-wishers from the international community, permitted as there are no restrictions on the sources of funds. In most cases, the party president is the party's chief fundraiser and is the main source of funds for party activities. In practice, the president links the party membership to all potential funders and must approve the sources of all the funds. Political parties also get funds from selling party membership cards. These are renewable every year, though some parties such as the PF do not subscribe to the notion of mandatory membership card status. Some parties have attracted the attention of partners from other countries; these range from individuals and non-governmental organizations to political parties that share similar political ideas.

Within all political parties in Zambia, leaders are responsible for mobilizing funding. To some extent, it can be assumed that the party in power ceases to be driven by the founder's pocket by the time the party takes the helm of a country's political leadership and, in doing so, gains direct access to state resources. Nevertheless, presented as the main architect of the election victory, the party leader continues to control the direction of government. State machinery becomes synonymous with the party in power; indeed, it is difficult for an ordinary citizen to distinguish between party and state machinery (Tobolka, 2013). This will be explained in detail as the chapter unfolds.

Generally, there seems to be a commonly held position amongst political parties regarding public disclosure of the sources of funds. Almost all political parties are uncomfortable with the idea of revealing names of organizations or individuals that assist them with funds for their respective party activities. The common response from all parties is that they get funds from annual general membership cards, which are renewed for a fee. Regarding assistance from well-wishers from within and outside the country, the terms that define the relationships of these well-wishers remain a secret that almost all the parties are unwilling to disclose. This is presumably because the parties are careful not to expose funders to possible harassment, especially those businesses operating within the country. Any funders who develop an intimate relationship with opposition parties, for example, are likely to face serious victimization from the party in power. In the case of external funders, political parties are cautious and avoid attracting too much public scrutiny, which may disadvantage them should the voters cultivate a negative perception of such sources of funding (Pottie, 2003; Sokomani, 2005)

3   The Party Funding Playing Field

A level playing field demands an environment where all political parties can freely campaign and meet all the parties' organizational costs without being disadvantaged by any individual or institutions. In this case, organizational costs can only be met successfully by a party that is adequately funded. Party funding is a focal point for meaningful participation of a political party in any electoral democracy. As such, party funding serves as a key explanatory factor in explaining how adequately parties are prepared to fairly compete in their quest to form a government. The importance of campaign funds in creating meaningful elections in democratic societies has been fully recognized in all democratic societies the world over (The Electoral Knowledge Network, 2013).

Funding challenges within political parties in Zambia are common, especially within a number of parties in opposition. Some of the notable characteristics of these challenges observed in Zambia show that there is an absence of public funding for all political parties and this creates the conditions for the persistence of a 'Big-Man Syndrome', that is, where the party is beholden to the few wealthy individuals who fund it. In advanced liberal democracies, party fundraising is considered an integral part of the campaign process. Legal donations to political parties in advanced political systems are considered legitimate and do not invite reprisals from the party in power as is sometimes feared by the business community in Zambia. The fear of reprisals for organizations

and individuals that contribute funds to opposition political parties are not without justification. There are many instances in which businesses who have contributed donations to opposition parties in public face victimization from the party in power. For instance, during the time of the MMD government, business organizations were expected to contribute in some way to the MMD, such as via the 'Meet the President' fundraising dinners, whilst those that were seen assisting or associating with the opposition parties in any way were looked at with extreme disfavour. A case in point is Kafue Textiles during the 1993 by-election, when the then Home Affairs Minister took the company to task for the campaign posters printed by the company on behalf of an opposition party. In a number of ways business organizations are even apprehensive about carrying out purely business transactions with the opposition parties for fear of incurring the wrath of the government and some overzealous party cadres (Ihonvbere and Mbaku, 2003).

Fundraising activities in multi-party political systems are a central activity of parties in their preparations for elections. Because political parties are compelled to undertake this activity, a number have collapsed due to a lack of resources. In most cases, particularly in by-elections, the opposition parties fail to offer meaningful competition to the ruling party, for not only does the latter have access to donations but they also have unlimited access to state resources.

State funding for political parties is provided for in almost all advanced liberal democratic political systems. However, in Zambia, it does not exist. There was optimism that the party funding problems would be dealt with as part of the proposed amendment of the Constitution in 2016. The amendment provided for article 60(4), which mandated the adoption of an enabling environment that provided for public funding of political parties, regulation of funding from private sources, and the enactment of a cap on campaign spending. However, The Political Parties Bill, drafted in 2017 and intended to implement the constitutional provisions, is yet to be enacted.

Furthermore, legislation governing the formation of political parties in Zambia highlights the challenges that parties have to endure if they are to stay afloat and active in all electoral processes. The country has not enacted any specific law that governs the formation of political parties and, as mentioned above, there are no laws governing party funding.

Even at the organizational level, accountability and transparency of party funds in relation to campaigns is weak for both opposition parties and the party in power. In addition, the financial standing of a party is unpredictable as donations are made by well-wishers who do not consistently fund parties and sometimes opt to remain anonymous, arguably because they want to avoid conflict with the sitting government. This is common among prominent businesses

who feel their business environment may be affected if they fund rivals to the ruling party (Burnell, 2001; Safu, 2003). Weak accountability and transparency in party funding can be seen in the aftermath of the 2015 presidential by-elections in which a campaign committee member of the ruling party was dismissed from his position for allegedly receiving and concealing donations made to the party by the business community (*Zambia Daily Mail*, 2 June 2015).

Furthermore, due to a lack of proper funding strategies, opposition parties have failed to acquire permanent structures to use as offices and accommodate the administrative staff needed for day-to-day party activities. This now leaves parties with little choice but to rely on wealthy individual party members who are able to provide their personal homes and other equipment. This approach has never proved sustainable and many parties still fail to be sufficiently funded.

4   Uneven Financial Strength in the Electoral Process

The success of any political party in an election is dependent on a party's ability to mobilize and reach out to all voters. As in the case of fundraising activities, the absence of state funding has greatly disadvantaged opposition political parties participating in elections. Along with the ruling party enjoying un-matched advantages in terms of donations from private and quasi-government companies, the ruling party also has an unmatched (to some extent unlimited) access to the use of state resources. These include government employees available to provide logistical support such as transport for both party officials and supporters during campaigns.

Overwhelming evidence shows that during the four general elections under the MMD regime, there was extensive use of state resources for campaign purposes. For example, in the case of *Anderson Kambela Mazoka and Others v Levy Patrick Mwanawasa and Others (2005) ZR 140*, although the Supreme Court declined to annul the election, it acknowledged that public resources were widely used by the ruling party to fund its campaigns.

The opposition parties have on a number of occasions raised numerous complaints regarding the extent to which state resources were used in elections. The issue of how to reduce or stop the use of state resources such as state vehicles, funds, and other items was also raised by petitioners to the Mwa-nakatwe Constitution Review Commission, which led to provisions in the draft constitution requiring ministers to be appointed outside the National Assembly, party funding regulation, and restrictions on the use of public resources during campaigns. These proposals were ignored by the government. Thus, by

the time it came to the 1996 campaign period the practice of using state resources by government leaders for party activities was widespread. Resource use included that of the presidential aircrafts, which were extensively used in President Chiluba's countrywide campaign tours. The Zambia Democratic Congress (ZDC) complained about the practice and suggested that the state vehicles should be unavailable to them after Parliament was dissolved 'because it would be unfair for the ministers to use state property for election campaigning' (*Times of Zambia*, 17 August 1996; *Times of Zambia*, 21 October 1996).

Besides the use of state vehicles, as campaigns progressed, government leaders began a series of donations to schools, community projects, and charitable organizations and other causes. President Chiluba was donating money to schools and charitable organizations while the Party Chairman donated 100 million Kwacha to the Chililabombwe district council where he was contesting one of the parliamentary seats. Even the President's wife, Vera Chiluba, was also involved in donations during the 1996 elections, donating clothes, fertilizers to farmers, and other items to various communities through her Hope Foundation. Some opposition politicians and civic organizations suspected that the resources used by the government leaders and used to fund the activities of the Hope Foundation came from state resources (*The Post*, 4 November 1996). Furthermore, widespread use of state funds by the ruling party was observed by Weston Mafuleka in his study of the 1996 elections in the Northern and Luapula Provinces (Mafuleka, 1997, 12–15).

The use of state resources for campaign activities creates inequalities among competing parties who are clearly outcompeted even before other democratic processes such as elections start. Perhaps the most outstanding case of how state resources were used to the advantage of the ruling party in the 1996 elections was the cabinet decision to get councils to sell their houses to sitting tenants. Most of the houses were sold below their market value. Houses that the council had fixed at K4 million were slashed to K920,000[1] ($709) following the presidential directives (*Zambia Daily Mail*, 29 September 1996). The cabinet also decided that houses built before 1958 should be given away for free. Sitting tenants were only required to pay the legal fee of K23,750 ($17.50) (*Times of Zambia*, 7 June 1996). The decision to sell houses was very popular and it is possible to assert that such a decision would create an environment that favours clientelism. People would now be attached to the party that has given them something of value, especially considering that other parties did not support such a move.

Other groups, such as civil servants and mine employees, also began to agitate, requesting the opportunity to buy houses. In September 1996, employees

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1   Value of kwacha at the time, the kwacha was rebased in 2013 (see footnote 2 in Chapter 7).

of Zambia Consolidated Copper Mines threatened to boycott the elections if the government did not order management to sell them some company houses. On 13 November, i.e. five days before the elections, President Chiluba announced that miners would also be allowed to buy some houses. The reaction of the Mine Workers Union of Zambia (MUZ) General Secretary to the announcement perhaps gives a clear indication of the impact of this programme in the elections. Welcoming Chiluba's decision, the *Zambia Daily Mail* published the following report of his address to his members:

> MUZ General Secretary Paul Kafumbe said his members were cheered by Chiluba's assurance at a public meeting in Chingola at the weekend [...] Referring to the voters' cards collection by UNIP cadres, Kafumbe appealed to miners who have already surrendered their cards to apply for replacement. He said miners should not allow themselves to be misled by disgruntled politicians and surrender their cards to UNIP cadres who have boycotted the elections. He said miners should not sink so low as to stay away from the polls with a view to disrupting the electoral process.
>
> *Zambia Daily Mail*, 13 November 1996

This was the first clear indication of the stance of the miner's union on the elections and election boycott and their strongest statement over the issue, a position that coincided with the announcement of the government decision on the sale of houses to miners. As it turned out, the miners voted in large numbers. With a score of 81.94 per cent of the valid votes, the Copperbelt province gave President Chiluba the second largest percentage score in the country, second only to his home province of Luapula that gave him 82.44 per cent (ECZ, 1996).

The 2001 presidential and parliamentary elections were also irked by the use of state resources by MMD leaders for election campaign purposes. In its critical report on the conduct of these elections, the European Union Observer Group made specific reference to the use of government vehicles for campaign purposes. The Group thus observed:

> The State resources have been openly used in support of the MMD, with, for instance, Government vehicles showing GRZ number plates noted in use in MMD campaigns [...]. The MMD has at times failed to maintain a distinction between government and the party; at its opening rally in Kitwe, for instance, its published agenda showed (1) speech by President Chiluba; (2) speech by Levy Mwanawasa, the MMD presidential candidate; (3) distribution of leases on houses in the Copperbelt.
>
> EU Observer Mission, 2001

Evidence that came from the petition against the election of President Mwanawasaas suggested massive use of state resources by the ruling party during the 2001 elections contrary to the electoral code of conduct.

As indicated earlier, all political parties require funding to publicize their political party programmes at election times. As in the case of other aspects of campaign resources, the ruling party – starting with UNIP in 1991, then MMD, up to the PF – has almost exclusive use of the public media. This includes the Zambia National Broadcasting Corporation and the two daily national newspapers *The Times of Zambia* and *Zambia Daily Mail.* A case in point is the behaviour of the public media during the 1996 elections. As elections were drawing nearer, the opposition parties made persistent complaints against state control of the public media, forcing the then president to state in an address to the country that mechanisms would be put in place to ensure that the opposition would have access to the government-owned press. One such mechanism was: 'Subject to availability of funds, the electoral commission may arrange for some broadcasting for the media space at its own cost, to allocate equally to all political parties' (*Times of Zambia*, 12 September 1996).

As it turned out, there was very little evidence of any participation by the Electoral Commission to ensure that equal time was allocated to all parties participating in the election or to ensure that the state-owned mass media did not display an obvious bias towards the ruling party. Indeed, evidence shows that the state-owned mass media exhibited heavy bias towards the ruling party as the content analysis of the state-owned mass media made by the Committee for Clean Campaign (CCC) indicates.

The Foundation for Democratic Process (FODEP) also undertook analysis of state-owned media and reached a similar conclusion. The study of ZNBC television and radio found that MMD was featured 95 times while all the opposition parties combined were featured only 50 times. Of the times the MMD was featured, 30 instances were accompanied by either visuals or sound bites while the time for all of the opposition combined was nine. Drawing their conclusion on the role of the state, FODEP summarizes the feeling of most observer groups when they note that: 'Clearly, then, of the media, particularly state-owned ones seemed to exhibit time and spatial bias for the MMD in relation to opposition. Whether this bias was intended or not, it gave undue advantage to the MMD' (FODEP, 1996).

What this bias in media coverage during election campaigns indicates is that those parties excluded from utilizing publicly funded media have to secure alternative means of communicating their political messages to the public. These alternative sources will definitely require money and, as noted, acquiring money has its own challenges. This supports the assertion that other parties who may have better messages than the party in power would fail to survive and exist in the political arena.

Although the republican constitution provides for freedoms of expression and assembly, the research demonstrates that opposition parties rarely receive fair coverage from publicly financed media. Moreover, the Public Order Act (POA) acts as a hindrance to opposition parties' quest to directly send out campaign messages to the masses (albeit the POA equally disadvantages all opposition parties in their quest to disseminate their campaign messages to the public). On many occasions the Zambia Police has denied opposition parties the permission to hold public rallies, usually citing reasons of inadequate human resources to offer the necessary security during such events. This necessitates parties to seek alternative means of reaching out to the general population. Accessing airtime on radio and television as well as coverage in the print media (both public and private), requires a lot of money. This has proved difficult for many parties as most of them rely on donations from a few wealthy individuals who may not be able to meet all the advertising costs (NIMD, 2004; Randall and Svasand, 2001; NDI/FODEP 2003).

In the 2001 general election, observer groups also reported on the role of the public media and their reporting in favour of the ruling party. This media bias was also observed in the 2016 general elections. For instance, the European Union Election Observer Mission for Zambia's general elections and referendum observed that elections dominated the broadcast and print media during campaign (EU EOM, 2016). However, the imbalanced coverage provided by public media, the absence of real political discussion across public and private print and broadcast media, and a lack of original editorial content limited the independent and analytical reporting. This decreased the possibility of voters making an informed choice. The ruling PF dominated public media coverage of the elections in the state-owned media. This was inconsistent with Zambian laws and regional and international provisions on free and equal access to the media during elections. Key programming such as news bulletins of the state-controlled Zambia National Broadcasting Corporation (ZNBC) was biased in favour of the PF and largely excluded other parties, or only covered them negatively (EISA, 2016). The problem is aggravated by a political atmosphere that prioritizes fundraising for effective adverts to counter the free coverage that the party in power receives, regardless of the channels employed to do so.

The above challenges are an affirmation that institutions are still not embedded in Zambia and therefore stakeholders can disregard them whenever it is necessary. For instance, airtime allocation to political parties during election campaigns: in the Electoral Code of Conduct annexed to the Electoral Process Act 2016, regulations still state that the public media must allocate equal airtime to all political parties and candidates. We have seen how this does not reflect the reality and that the party in power dominates coverage in the public

media during election campaigns. The private media tends to be dominated by parties in opposition, mainly because they are profit-oriented media houses and they agree to cover whoever is willing to buy airtime. Although the ruling party is covered in the private media, it is usually in news bulletins as it rarely buys advertising time. The main challenge still remains the continuous reliance on expensive airtime by opposition parties in order for their messages to reach the masses (EISA, 2016; EU EOM, 2016). The next sections discuss the consequences of the above findings.

5   Big-Man Syndrome and Problems of Party Ownership

Mainwaring and Mariano (2006) write that intra-party democracy is a key component of party organization in any political system. It allows every party member to be actively involved in the programme of the party. Intra-party democracy requires that parties should be owned by every member and that they should be impersonal; everyone must respect the laid down party rules and regulations regardless of position or economic status. All leadership positions within party structures must be assumed through democratic procedures such as transparent elections. The composition of party leadership positions should reflect the inclusive characteristics of the population, meaning all the voices of party members should be heard. This is in harmony with what Basedau and Stroh (2008) have written; respecting different opinions among party members is a strong indicator of the existence of intra-party democracy and this makes the party stable and able to survive all environments. However, in practice, the qualities of Zambian political parties suggest that they have not created the *political will* that encourages a bottom-up approach to party organization, i.e. party decisions and programmes do not emanate from the membership base to top party leadership.

The observation seen in the political episode of the UNIP shows that the party was directed and led by one figure, President Kenneth Kaunda. Throughout his entire time at the helm of the UNIP, fundraising was not a challenge since the party had direct access to state resources. However, with regard to UNIP's loss of power in 1991, one can argue that party funds alone are clearly not enough to win an election and stabilize the party, as UNIP had an unmatched advantage in terms of resources. It can, therefore, be argued that there is also an element of fatigue among the general population when a party has overstayed in power, especially if it is led by one person for a long time.

The general presence of a political party countrywide is not possible without a considerable amount of money to meet all the electoral costs and

requirements, such as financing radio and television adverts, campaign posters, nomination fees for candidates, etc.. Furthermore, the political environment at the time allowed for a multiparty system; for the first time, voters had an opportunity to freely vote for candidates of their choice, which had not been the case from 1972 to 1991 (Simutanyi, 2005; Rakner and Svåsand, 2005).

Furthermore, the advent of multiparty politics saw the creation of mass support for MMD before many political parties emerged. The MMD received nationwide and international support, which, to a great extent, removes the issue of dominance by 'big-men' (a few wealthy individuals) in party affairs. The situation was not the same for those parties formed after MMD and indeed for MMD itself after its first term in office (NDI/FODEP, 2003; Tobolka, 2013).

Intra-party democracy appears to be well attended to in the constitution of Zambia's political parties, although the efforts seem to be effective only on paper. In reality, certain individuals (big-men) who seem to be economically advantaged have dominated political party leadership and, to a certain extent, crafted and executed party programmes. For example, the UPND has been dominated by one president for over ten years; PF had the same leader for 13 years until he died, and the UNIP has had the same leader since 2001. The main observation is that these individuals seem to have invested a lot of their financial resources and party members believe party organization can only succeed with these people at the helm. Party survival is considered highly dependent on these individuals, and party survival is equally challenged when unforeseen occurrences, such as the death of a leader, befall these parties, since they have all depended on the individual's finances to run their parties (Randall and Svasand, 2001; Matlosa, 2007; Simutanyi, 2005).

Table 8.1 below shows some of the notable parties that have been heavily dominated by individuals and have faced setbacks when these founding leaders are no longer in the party. One fascinating feature of the departure of a party's figurehead has been the similar effect such an event has on all political parties. The cases of the UPND and PF stand out as exceptional in that although these two parties experienced reduced electoral results, they survived, unlike other parties, such as ZADECO, National Party, Agenda for Zambia and many others that became defunct following the departure of founding party presidents. The other examples present cases where leaders leave with their members, in order to join another party seemingly with a stronger financial base than their own. This occurred in the case of the Alliance for a Better Zambia, which disbanded within just a year of its formation and joined the ruling PF in 2015. Similarly, the National Citizen Coalition (NCC) disbanded when the party leader was given a government job by the MMD in 2002 (NDI/FODEP, 2003).

TABLE 8.1   Relationship between party founders and party leadership

Names of Party Founder	Political Party	National Elections Contested and Period of Leadership
Anderson Mazoka	UPND	2001 until his death
Dean Mung'omba	ZADECO	1996 until his death
Michael Sata	PF	2001 until his death
Humphrey Mulemba	NP	1996 until his death
Nevers Mumba	NCC	1997 until he joined MMD in 2001

SOURCE: AUTHORS' COMPILATION

6   Inadequate Party Funding and Clientelism

With the First-Past-The-Post system and the more than 50 per cent presidential electoral threshold, many politicians have heavily invested in rent-seeking, clientelism, and vote buying. This has been made possible because of the vulnerabilities of poor populations that form the majority group of voters. These issues are usually visible during electoral processes as some political parties (politicians) with inadequate resources to impress voters fail to stay afloat during such processes. Zambian democracy presents a form of deep-rooted patronage based on a system where party leaders are supported by a network of 'clients' who have put them there in exchange for personal rewards (food, clothes, money, etc.), usually given out during election campaigns. Political parties with leaders that are able to provide such goods and services such as constructing health centres or even roads will 'own' voters for a period as long as they can satisfy them. Such acts also contribute to the survival and successes of political parties (NIMD, 2004; Randall and Svasand, 2001).

  Although one could argue that there ought to be a difference between personal resources of individual candidates and the resources of political parties, the general trend is that most parties are dominated by the resources of individual candidates at various structures of the party. Even when it comes to adoption of candidates to represent parties in national elections, it seems preference is given to candidates with sufficient resources. The extent to which parties meet the electoral costs for individuals is low. For instance, prior to the 2016 general election, the Electoral Commission of Zambia had fixed the nomination fee for presidential candidates at K75,000 (approximately 7,500 US

dollars)[2] although this was later revised and reduced to K60, 000 ($ 6, 000). This resulted in delays in the filling in of nomination forms as some parties had faced difficulties in paying on time. The UPND secretary general had made it clear that the party does not provide funds for the presidential candidate to pay for nominations; rather, it is the candidate themselves who is responsible for nomination fees. This gives the candidate the power to control the party as often the amount of money paid on behalf of the party is quite beyond the reach of many party members. Furthermore, this shows that in the event that a candidate decided against fighting an election it is likely that the whole party would follow suit (lusakatimes.com, 2016).

When politicians that control such voters defect from their parties, they are very likely to carry their clients (voters) with them. Party members are willing to move with their leaders provided their economic needs are being met. This shift in allegiance by senior party leaders and their followers to other 'economically attractive' parties is probably one of the major reasons why political parties appear and disappear (*Zambia Daily Mail*, 13 January 2013).

7   Potential for Undesirable Funding

An uneven playing field during elections, mainly dominated by the party in government and the monopoly of public media and other institutions, and to some extent the abuse of the state's resources, motivates opposition political parties to strike deals with other potential funders (both local and external). Moreover, in the absence of legislation that regulates how political parties are financed, many parties tend to exhaust all available means to ensure they acquire the needed resources regardless of who and where the resources come from (Lupu and Riedi, 2012; Mafuleka, 1997).

The absence of public funding for all political parties for campaign activities serves as a catalyst for the unregulated involvement of wealthy individuals and organizations in the electoral outcomes. Large corporations and rich individuals are able to buy greater influence through huge campaign donations that eventually marginalize other parties in all political processes. This further contributes to the alienation of people from participating in politics. The leaders of political parties take the sole responsibility of negotiating the terms of funding with donors, completed without the input of the general membership of the party. A classic example is the fundraising expedition to Malawi undertaken by Patriotic Front president Michael Sata in 2006, while PF was in opposition. The

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2   The Kwacha was rebased in 2013 (see footnote 2 in Chapter 7).

party leader had gone to solicit funding from Taiwanese businessmen for the 2006 tripartite elections. The terms of the funding were kept between the two of course. This was a dangerous move as Zambia risked disturbing the relationship she enjoys with China and the rest of the world that do not recognize Taiwan as an independent state. One could assert that had the PF won the 2006 General Elections with the help of Taiwan, Zambia's relationship with China could have taken a different form. This suggests that in addition to the unfair advantage given to some parties, a lack of transparency in party funding also plays a negative role in shaping the foreign policy of the country (*The Post*, 25 August, 2006; Lupu and Riedi, 2012).

While the funding of electoral campaigns plays an important role in the success of political parties in all electoral democracies, unregulated money in politics creates an uneven political playing field. The explosive growth in campaign expenditure fuels the perception that wealth buys political influence and threatens political equality. The perceived abuse of state resources by parties in power, which places them in an advantageous position, also remains a problem that questions the integrity of Zambia's electoral process. The lack of equity seen in Zambian politics excludes the equal participation of all political parties in electoral processes. As a result, only parties with stronger financial muscle stay active in the political system (Sokomani, 2005; Safu, 2003).

Furthermore, due to a lack of transparency in party funding, there is a higher likelihood of growing penetration of transnational organized crime and illicit funds into politics. Although there is no clear evidence of political parties in Zambia being funded by criminal organizations such as drug cartels, opaque party finances and a lack of transparency offer adequate opportunities for organized crime to gain influence over elected party officials and hold them to ransom in the event that they form a government (EISA, 2016).

8   Political Tension and Inadequate Party Funding

The poor funding of political parties has consequences. One such effect is that it produces a highly tense atmosphere. The differences in resource acquisition create an imbalance in the participation of political parties in the electoral process. It is common for parties in power to have an easy ride during elections mainly because they have traditionally exercised absolute control over public resources. This has raised much controversy in terms of the tactics that parties in opposition have resorted to in order to meet the costs of the electoral process. When opposition parties manage to acquire enough resources to challenge the party in government, there is an atmosphere of friction and tension,

not least because the parties in opposition perceive they have what it takes to challenge the party in government (Lupu and Riedi, 2012; Pottie, 2003). It could even be suggested that opposition parties tend to be loyal to candidates who can fund themselves and not candidates showing allegiance.

Furthermore, due to the perceived heavy hand of the ruling party in controlling the editorial policies of public media houses, opposition parties are motivated to exhaust all alternative sources of coverage such as private media and door-to-door campaigns, which are generally costly alternatives, resulting in many parties failing to meet the necessary expenses.

9   Conclusion

The chapter has shown that party funding has been crucial in the survival of parties in Zambia from 1991 to date. Due to the inadequate finances of many political parties, there is no progressive discussion of the possibilities of institutionalizing a competitive multiparty political system. There is a clear need to spearhead the enactment of the legislation that regulates political party financing, arguably one of the most important components in creating an enabling environment for all political parties to compete fairly. If enforcement of this legislation (Political Parties Bill 2017) curbed the abuse of state resources by the ruling parties, it would be a great achievement for Zambia's party system.

References

Basedau, M and A. Stroh (2008). 'Measuring Party Institutionalization in Developing Countries: A New Research Instrument Applied to 28 African Political Parties'. GIGA Working Paper No. 69.

Burnell, P. (2001). *'The Party System and Party Politics in Zambia: Continuities Past, Present and Future'.* ECPR workshop 'party, party systems and democratic consolidation in the third world', Grenoble, 6–11 April.

Brasher, H (2009). 'The Dynamic Character of Political Party Evaluations', *Party Politics*, (15) 1: 69–92.

Committee for Clean Campaign (1996) *Interim Report on the 1996 Zambian Presidential and Parliamentary Elections*, Lusaka.

EISA (2016) Zambia: The Situation in 2008 http://www.eisa.org.za/wep/zammedia .htm (last accessed 14 June 2017).

Electoral Commission of Zambia, (2018). *Election Results 1996*. https://www.elections .org.zm/past_election_results.php (last accessed on 14 April 2018).

European Union Election Observer Mission. (2001) *Final Statement on the 2001 Zambian Elections*. <http://www.eueu-zambia.org>, <http://www.eueu@coppernet.zm>. (last accessed on 14 April 2018).

Electoral Commission of Zambia (2016). *2016 Presidential Results.* www.elections.org .zm/results/2016_presidential_election (last accessed 14 March 2018).

European Union Observer Mission (EU EOM) (2016). 'Zambia General Elections and Referendum 2016', Final Report.

Foundation for Democratic Process (FODEP) (1996). 'Zambia's 18 November 1996 Presidential and Parliamentary Elections'. Final Election Monitoring Report. Lusaka.

Huntington, S.P. (1991). *The Third Wave: Democratization in the Late Twentieth Century*. Norman, OH: University of Oklahoma Press.

Lupu, N. and B.R. Riedi (2012). 'Political Parties and Uncertainty in Developing Democracies', *Comparative Political Studies* 46 (11): 1339–1365.

Lusakatimes.com (2016). '*Presidential Candidates Who Fail to Pay by Tuesday to be Disqualified from 2016 Elections-ECZ*', (16 May 2016). https://www.lusakatimes .com/2016/05/16/presidential-candidates-fail-pay-tuesday-disqualified-2016-elec tions-ecz/ (last accessed on 15 April 2018).

Mafuleka, W (1997). 'Resources and their Effect on Political Participation and Election Results: The Case of Northern and Luapula Provinces'. Paper presented at the 1996 Election Workshop, Pamodzi Hotel, Lusaka Zambia, 7–8 August.

Matlosa, K. (2007). *Political Parties in Southern Africa*. Stockholm: International IDEA.

NDI/FODEP (2003). 'The State of Political Parties in Zambia', Final Report. Lusaka. NDI/FODEP, <http://www.ndi.org/files/The_State_of_Political_parties_in_Zambia _2003_Final_Report.pdf> (last accessed 4 May 2017).

Netherlands Institute for Multiparty Democracy (NIMD) (2004). *A Framework for Democratic Party-Building*. The Hague: Institute for Multiparty Democracy (IMD).

Post Newspaper, 4th November, 1996 '*MMD's Source of Cash Questioned*'.

Post Newspaper, 25th August, 2006 '*Sata Solicits for funds from Taiwan*'.

Pottie, D. (2003). 'Party Finance and the Politics of Money in Southern Africa', *Journal of Contemporary African Studies*, 21 (1), pp. 5–26.

Rakner, L. and L. Svåsand (2005). 'From dominant to competitive party system: The Zambian experience 1991–2001', *Party Politics* 11(4): 49–68.

Randall, V. and L. Svasand (2001). 'Political Parties and Democratic Consolidation in Africa'. Paper presented at the ECPR joint sessions of workshops, Grenoble, April 6–11.

Safu, Y. (2003). *The Funding of Political Parties and Election Campaigns in Africa*, IDEA Handbook Series, Washington D.C.

Simutanyi, N. (2005). 'Parties in Parliament: The Relationship between Members of Parliament and their Parties in Zambia'. EISA Occasional Paper No. 36 Johannesburg: EISA.

Siwale, A.W. (2015). 'The Survival of Political Parties in Consolidating Democracies: A Qualitative Case Study of Zambian Political Parties 1991–2015'. Master's thesis, University of Gothenburg.

Societies Act (Cap 119 of the Laws of Zambia) http://www.zamlii.org/zm/legislation/consolidated-act/119 (last accessed 14th May 2017).

Sokomani, A. (2005). 'Money in Southern African Politics; The Party Funding Challenge in Southern Africa', African Security Review, 14 (4), pp. 81–90.

The Electoral Knowledge Network (2013). aceproject.org/ace-en/topics/pc/onepage. Available on 4 April 2018.

Times of Zambia, 7th June, 1996 'Houses row looms'.

Times of Zambia, 17th August, 1996 'I'm not MMD-Dean'.

Times of Zambia, 12th September, 1996 'National Address by President FJT Chiluba on Inter-Party dialogue made on Tuesday 10th September, 1996'.

Times of Zambia, 21 October, 1996 'Poll date cheers FODEP'.

Tobolka, R. (2013). 'Political Parties in Contemporary Zambia: A View from Within', Modern Africa: Politics, History and Society, 1 (1), pp. 11–39.

UNIP (2001). Constitution of the United National Independence Party, https://sadcblog.files.wordpress.com/2011/04/unip-2001-constitution-zambia.pdf (last accessed on 16 April 2017).

UPND (2011) Constitution of the United Party for National Development, <http://www.hakainde.com> (last accessed 7 June 2017).

Zambia Daily Mail, 4th July, 2016 'MMD, PF alliance based on 5 principles'.

Zambia Daily Mail, 13th November, 1996 'Housing offer cheers miners'.

Zambia Daily Mail, 2nd June, 2015 'PF fires Brian Hapunda'.

Statutory Instruments

Electoral Act (2006).
Electoral Act (2016).
Societies Act (Cap 119 of the Laws of Zambia).
The Political Parties Bill (2017).

Ethnic Mobilization, Horizontal Inequalities, and Electoral Conflict

Robby Kapesa, Owen Sichone and John Bwalya

1   Introduction

> It is *perceptions* as much as reality that is relevant to outcomes, both with respect to what differences actually are, as well as how much group members mind about the differences.
>
> STEWART (2002, p.12)

Zambia is a stable, illiberal democracy and although recent Zambian elections have appeared to many to be more violent than normal, interparty violence has been a feature of Zambian politics since the ZANC/UNIP broke away from the ANC in 1958. The Commission of Inquiry appointed by President Lungu to try and explain this development was mandated to study the period 2006–2016. This may have given the impression that all was well until 2006. There are two key drivers of political violence: the first is a nationalist habit of considering opponents as enemies working for foreign interests and the second is a tribal version of the first. In recent elections, the two exclusionist tendencies have both become commonly used tactics and winning elections now requires the mobilization of both imagined communities national and tribal, most notably by presidential candidates. As the number of potential candidates keeps rising and as it becomes obvious to all that there is no better job in town, even for millionaire businessmen, than getting into high political office, desperate measures have become the normal rather than the exceptional mobilization strategy.

But as Bahgat et al. (2017) stressed, 'it is not absolute deprivation that matters for generating conflict, but how people believe that their group is faring in society – their perceptions'. Thus, while many studies (see e.g. Cederman, Gleditsch and Buhaug 2013; Stewart 2002) that link inequality to conflict assume that objective and perceived inequalities overlap, prominent studies by Ukiwo (2008), Brown and Langer (2010), Langer and Smedts (2013), Rustad (2016), and Must and Rustad (2017) show that the two actually do not always coincide. Ordinary people know little about the extent of inequality in their society, its

rate and direction of change, and where they and/or their groups fit into the distribution, reveal Gimpelson and Treisman (2015).

This chapter draws on empirical Zambian evidence to help resolve the matter and argues in line with recent literature (Cederman, Weidmann and Gleditsch, 2011; Cederman, Gleditsch and Buhaug, 2013; Miodownik and Nir, 2016; Must 2016; Must and Rustad, 2017; Rustad, 2016), that it is not actual inequality per se that triggers violent conflict in multi-ethnic developing countries, but rather the perceptions thereof and the grievances they express. And in Zambia, the recent spread of cellular telephony and the internet to all corners of the country has made possible like never before the transmission and exchange of vivid drivers of grievances based on both real and fake inequalities. It is in this regard that the perception of rising levels of electoral violence may be justified.

2   Horizontal Inequalities and Violent Conflict: A Review

The argument that conflict is an inevitable consequence of the elite competition over resources and power; the greed hypothesis most notably promoted by Paul Collier and Anke Hoeffler (1998, 2000, 2004) showed that there is no robust relationship between inequality and conflict, and argued that the grievances that motivate rebellion may be substantially disconnected from the large social concerns of inequality (see also, Hardy, 1979; Weede, 1981). Subsequent scholars built on this view to show that it is diminished state capacity in the context of poverty, and not inequality that makes conflict most likely in multi-ethnic developing countries (e.g. Fearon and Laitin, 2003). In short, the underlying argument of the greed hypothesis is that civil war is a business of the corrupt and inept regimes. In fact, it is the greed of the *elite*, not the grievances of the *masses,* that increases the risk of civil war (Collier and Hoeffler, 2004). As such, group grievances only provide a rhetoric cover to greedy elites pursuing their own political and economic ends.

Another influential conflict narrative gaining popularity over the few years is 'horizontal inequality hypothesis' or 'grievances hypothesis', which seeks to explain the role of horizontal inequalities in affecting conflict likelihood and dynamics. Stewart (2008, p. 3) defines horizontal Inequalities as 'inequalities in economic, social or political dimensions or cultural status between culturally defined groups.' She differentiates horizontal inequalities (HIs) from vertical inequalities (VIs) in scope; by pointing out that HIs include measurements of inequalities among groups of people in many dimensions which include economic, social, political and cultural, while VIs narrowly measure inequality

between individuals or households in relation to income or consumption. Drawing on this definition, Østby (2008, p. 143) stress that, 'horizontal inequalities may enhance both grievances and group cohesion among relatively deprived and thus facilitate mobilization for conflict.' Stewart, however, suggests that: 'horizontal inequalities are most likely to lead to conflict where they are substantial, consistent, and increasing over time' (Stewart 2002, p. 343).

While the two conflict narratives discussed above may, indeed, notwithstanding contestations, help to explain the link between inequality and conflict, we argue that they both suffer from serious conceptual and methodological inadequacies. In particular, the econometric large-N studies, such as the classical works of Collier and Hoeffler, and Fearon and Laitin (quoted above), which form the nucleus of the literature that advance the greed hypothesis, typically focus on economic (income) inequality between individuals or households (VIs), while ignoring inter-group socio-economic welfare (HIs), which is a critical phenomenon to the understanding of violent conflict. Van Staveren and Pervaiz (2017) contend that HI creates not merely differences in economic benefits, as is the case for VI, but exclusion from important parts of the economy, which makes co-existence between groups inevitably conflicting. Moreover, many of these studies do not adequately account for variations in conflict intensity and duration within and across developing countries, with similar socio-economic and political conditions.

Most relevant to our concerns here, however, both hypotheses, almost exclusively, focus on objective inequalities. They depend on the assumption that key actors (i.e. the elite, ethnic groups, among others) have accurate perception of inequality in their society. Yet, the recent literature has pointed out inconsistencies in people's perceptions of inequality (e.g. Chambers, Swan and Heesacker 2014; Gimpelson and Treisman 2015; Norton and Ariely 2011). 'People may fail to respond to inequality in the ways posited because, quite simply, they do not know how high it is,' write Gimpelson and Treisman (2015, p. 5). Must and Rustad (2017) also show that it is *perceptions* (or *misperceptions*) of inequality rather than the actual phenomenon that influences the risk of violent conflict. With these weaknesses, it is quite clear that the stylized conclusion by many radical political scientists that inequality does not influence the risk of civil conflict may be unfounded and premature. To this end, we propose a conflict narrative that would take greed and grievances, in the context of perceived and objectives inequalities as complementary; not as competing theories. Thus, we argue that, it is where greed and grievances coincide that conflict becomes most likely.

Langer and Stewart (2013, p. 2) support this assertion by stating that, 'the different conflict narratives and explanations [...] are [...] complementary and

overlap in important ways.' Østby (2008, p. 145) however, is being too careful by suggesting that, 'inequality is not necessarily unrelated to conflict but the relationship depends on whether we focus on an individual or groups, and what dimensions of inequality we try to measure.' Østby et al. (2011) have shown that conflict cannot proceed without the presence of palpable perceived group differences, or grievances. Disagreements notwithstanding, the common thread that holds together the two conflict narratives discussed above, is the view that inequality does affect the risk of violent conflict. Drawing on this belief, we argue that the question whether there is a link between inequality and conflict is long settled in the literature, but what remains, are the questions, when and under what conditions do objective and perceived horizontal inequalities give rise to violent conflict?

Case study literature has been elaborate on the link between objective horizontal inequality and the onset of violent conflict. A study of Ivory Coast shows that 'the simultaneous presence of severe political horizontal inequalities at *elite* level and socio-economic horizontal inequalities at the *mass* level forms an extremely explosive socio-political situation' (Langer 2005, p. 44), which makes the onset of violent conflict most likely. A study of Kenya, confirms the observation, 'it is where political and socio-economic horizontal inequalities move in the same direction that countries are particularly likely to erupt in violence' (Stewart 2010, p. 156). In a study of Nigeria however, Onwuzuruigbo (2011) shows that when objective and perceived horizontal inequalities coincide, violent conflict becomes most likely. In their study of Tanzania, Must and Rustad (2017) also show that the discovery of huge and variable natural resources such as oil triggers violent conflict due to perceptions of lack of benefit by local population, mostly in source areas.

Along similar lines, other case studies have been able to link inequality to the onset of violent civil conflict. In their study of Indonesia, Østby et al. (2011) show that when horizontal inequalities combine with population pressures, it leads to the eruption of violent conflict. The underlying argument is intuitive. The marginalisation (whether objective or perceived) of large populations in society makes conflict inevitable. Examples are there to that effect. The Rwanda genocide of 1994, which claimed about 800,000 lives, was partly as a result of the majority Hutu feeling marginalized at the hands of the minority Tutsi (Hintjens, 2001). A study of Nepal also shows that popular perceptions of worsening economic inequality play a greater role in heightening civil conflict than do changes in actual inequality (Deraniyagala, 2005). Even more striking, many recent large-N studies, contrary to the above reviewed classical works, seem to support the assertion that indeed, inequality does influence the risk of

civil conflict (e.g. Deiwiks et al. 2012; Buhaug et al. 2014; Cederman et al. 2010, 2011, 2013, 2015; Lessmann, 2011; Østby, 2008; Østby et al. 2009).

3   Civil Conflict, Ethnic Mobilization and Political Violence in Zambia

Zambia is a multiethnic country with over 90 per cent of the population grouped into the four larger socio-cultural or ethno-linguistic groups: Bemba, Nyanja, Tonga and Lozi. The remainder can be categorized along the three fairly small distinct ethnic groups: Kaonde-Lunda-Luvale in the northwest, Tumbuka in the Northeast, and Mambwe-Namwanga-Nyika-Lambya in the North. While, outsiders consider Tumbuka and Mambwe-Namwanga groups as part of the Nyanja and Bemba linguistic groups respectively their cultural identities and voting records show that they are different. The Kaonde-Lunda-Luvale group is likewise lumped together because they are located in the North-Western province and thus equally marginalized. They, however, have major internal differences of their own and are very heterogeneous culturally and politically.

   In the rural areas, each ethnic group is concentrated in a particular geographical region (province for the bigger groups and districts for the smaller ones) while in the two most urbanized provinces, the Copperbelt and Lusaka, all groups are represented, to some extent. However, particular ethno-linguistic groups came to dominate the two regions, which today have not changed so much. The Bemba-speaking labour migrants came to dominate the Copperbelt while the Nyanja-speaking settled in Lusaka and its environs on the old line of rail (Posner, 2003). The two languages became the *lingua franca* in the two areas respectively. This was also in part due to the use of Nyanja on farms and as a military language and Lusaka was a garrison town while Bemba was, as Kashoki (1975) noted, the language of mining. Table 9.1 shows Zambia's five ethno-linguistic blocs and their proportional sizes in relation to the national population. Figure 9.1 presents the ethnic power relations (EPR) map to highlight the geographic location of all the politically relevant ethno-linguistic groups in Zambia.

   Linguistic prominence, however, should not be taken to mean political dominance. Most *lingua franca* emerge out of commerce or political necessity. Thus, while the ethnic group remains the predominant means of social identity in the context of traditional rulers and customary law in Zambia, there are always many other identities to navigate. A survey conducted among Copperbelt University students revealed that when parents are from different ethnic groups, the children automatically take the father's surname and ethnic iden-

TABLE 9.1 Ethno-Linguistic Blocs in Zambia

Ethno-Linguistic Bloc	Size in Population (%)	Regional Location
Bemba (Luapula, Northern, Muchinga, Copperbelt, part of Central)	43.0	Northern, Luapula, Muchinga, Copperbelt, part of Central
Nyanja (Eastern and part of Lusaka)	30.0	Eastern, part of Lusaka and Southern
Tonga (Southern, part of Central, Lusaka and Mpongwe)	12.0	Southern, part of Central and Lusaka
Lozi (Western)	8.0	Western
Kaonde, Lunda, Luvale (North-Western)	5.0	North-Western
Others	0.2	National

SOURCE: DRAWN FROM CSO (2011, 2014); CSO ET AL. (2015)

tity irrespective of their cultural capital, competencies or even loyalty (see Simusa and Roberts survey results 2016). Ethnicity therefore is ascribed whereas political association is voluntary.

During the 2015 and 2016 presidential elections, the country appeared to be polarized between the Bemba-Nyanja PF camp and the Tonga-Lozi-North-Westerners camp of the UPND (see ECZ 2015, 2016, for presidential elections results). The 2016 presidential election was accompanied by violent pre and post-election attacks on political rivals in several constituencies across the country. Most notable were attacks on PF supporters by suspected UPND supporters, in Southern, North-Western and Western Provinces, the party's heartlands.

These expressions of anger and frustration at yet another failure to win the presidency took on an ethnic form as the Bemba, Nyanja, and other 'foreigners' were severely attacked and their property extensively damaged. By the end of the riots, over 250 families were affected (*Times of Zambia*, 2016). It seems, the underlying cause of the violence was the perceived perpetuation of the Bemba-Nyanja political dominance at the national level, which the Tonga-Lozi-North-Westerners, could not stand anymore. A closer look however shows that even Lozi fishermen were attacked in Namwala where the conflict between pastoralists and fishers has also been brewing for many years. The simplistic perception that Zambian leaders reward their co-ethnics sufficiently
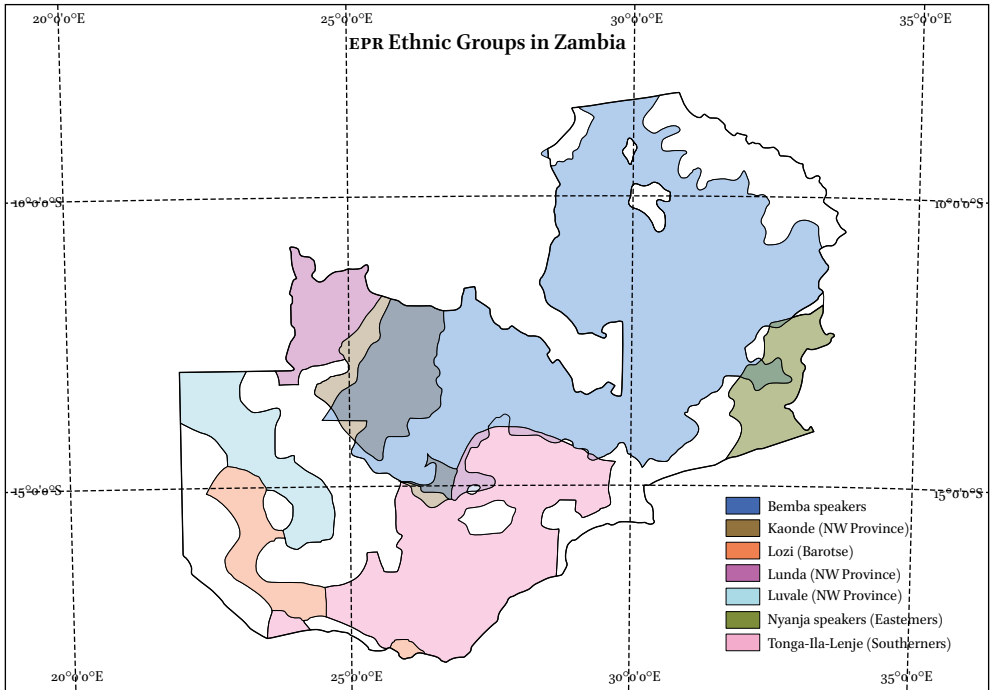
FIGURE 9.1 EPR Ethnic and linguistic groups in Zambia
Note: The data can be downloaded from Dataverse, http://dvn.iq.harvard.edu/
dvn/dv/epr.
SOURCE: EPR DATASET (CEDERMAN ET AL. 2010)

well through patronage (see Bwalya, 2016; Posner, 2005), make electoral competition most fierce even though power and wealth are concentrated in Lusaka and not in presidents' home areas. However, the political dominance, especially the presidency, by the two largest ethno-linguistic groups (Bemba north and Nyanja east), which also dominated the two most urbanized regions (Lusaka and Copperbelt respectively), has, over the past few years, threatened to lead to a situation which political and socio-economic horizontal inequalities move in the same direction.

The picture is much more complex than the EPR map suggests. Whereas all the Kaonde, Tonga, and Lozi speakers are subjects of Kaonde Tonga and chiefs respectively, most Bemba and Nyanja speakers do not identify themselves as Bemba people. Nevertheless, the Lozi, a relatively small minority group, has in the recent past articulated radical nationalist sentiments even threatening secession. They complain of political and economic marginalization at national level (Maundeni, Bwalya, and Kwerepe, 2015) even though, strictly speaking

they (or at least their traditional rulers) have enjoyed a uniquely favoured position since the beginning of British South Africa Company colonial rule. The paradox of a wealthy Litunga lording it over impoverished subjects dates back to the colonial agreements between British imperialism and Barotse feudalism but it, in many ways, mirrors that of a mineral rich Zambia whose people are generally poverty stricken. It would be simplistic to reduce the rising xenophobia in both rural and urban Zambia to scapegoating of the outsider, but it would be foolhardy to totally disregard this explanation. Unless the real reasons for the persistent poverty are seriously investigated, it will be easier for the rural poor to blame other tribes for their poverty and the urban workers to blame the Chinese, Senegalese, or Lebanese for their own unemployment and low standard of living.

In the mineral rich North-Western province, the demand for increased political representation at national level as a way of increasing its stake in the mineral wealth generated from the area has become louder. They claim the central state exports the mineral wealth to other regions, mostly the original home of the majority ruling political elites – the Bemba region (see Kapesa, Mwitwa, and Chikumbi, 2015). Consequently, tension between economic migrants, mostly Bemba speakers from the Copperbelt and the local unemployed youth has been on the rise. Similarly, the Tonga in the south, have also over the last decade advanced claims that they have been excluded from the state power, which has forced them to vote as a bloc for their own (co-ethnic) since 2001, against candidates from other ethno-regions. Indeed, the combination of all these divisive claims gives Zambia the appearance of a fragile state albeit a stable one in which the central government still has control over its territory. How long can the centre continue to hold? We need to know whether the significant interregional political and socio-economic inequalities (objective and perceived) can threaten this stability.

4 Data and Research Design

Countries are arguably the most relevant units of observation for risk profile as well as forecasting, as available projected input data on core features such as economic development, democratization, and demographic changes almost exclusively pertain to countries. Buhaug, Cederman, and Gleditsch (2014: 422–423)

Based on the observation above, we adopted a case study design to analyse ethnic mobilization, horizontal inequalities and civil conflict in Zambia, from 1991, when the country reverted to multiparty parliamentary democracy, to

2016. The first 20 years represent the period that the Movement for Multiparty Democracy (MMD) ruled (1991–2011), the country's second political party. The remaining five years is the first term (five years) for the current ruling party, the Patriotic Front (PF), which assumed power in 2011. The period was adopted partly to ascertain whether change in government and party could result in change in ethno-regional power and economic bases. To the best of our knowledge, no study of this kind has been done on Zambia, although a similar study was done on Ivory Coast (Langer, 2005) and Kenya (Stewart, 2010), but the perceived inequality perspective.

Political inequalities during 1991–2016 were analysed based on data from official reports on government positions and appointments. However, due to the bulkiness of the data involved, the political power examined was restricted to cabinet appointments and the presidency. The 1991, 1999, 2002, 2008, 2012, and 2015 presidents and cabinet members were examined and their ethnic backgrounds were inferred on the basis of name recognition and, where possible, interviews were conducted with the members to ascertain their ethnicity. We focus on the executive branch, the cabinet, because in African comparative politics that this is where power, both political and economic, resides (Posner, 2005). We also focus on ethnicity, because Africanists suggest that 'it is the cornerstone of political organisation in sub-Saharan Africa' (Francois, Rainer, and Frebbi 2015: 466). To this end, each cabinet member was placed a particular ethnic group or ethno-linguistic region. The terminology itself shows how messy this labelling exercise is because there are in reality no neat boundaries between overlapping identities. The aim was to establish disparities in access to power among ethno-regions. By so doing, each politically relevant ethno-linguistic group's *relative representation* (RR) was calculated by dividing an ethno-linguistic group's relative proportion in government by its relative size at national level. Thus, a unit in this case refers to a proportional representation while a figure higher than one point indicates overrepresentation. Likewise, a figure less than one shows underrepresentation.

To measure socio-economic disparities among ethno-regions, we used Demographic and Health Survey (DHS) data, collected after every five to six years; an initiative of the United States Agency for International Development (US-AID). We collected a sample of all the five national DHS (1992, 1996, 2001–2002, 2007, and 2013–2014) available for Zambia, which contained information on household characteristics, health and education matters, employment, and wealth status, segregated along ethno-regions (provinces). The intension of this approach was to systematically compare the trend in socio-economic status of different ethno-linguistic regions in Zambia from 1991 and 2014.

Based on the data, we computed a Socio-Economic Prosperity Index (henceforth SPI). The SPI consisted of six socio-economic indicators: (i) primary school enrolment rate; (ii) infant (less than 1 year) mortality rate; (iii) access to flushable toilets; (iv) access to safe drinking water; (v) household assets (car); and (vi) housing characteristics (flooring material) (concrete cement/ceramic or terrazzo tiles). For each indicator included in the index, an ethno-regional's standardised score was obtained by dividing it by the national average. Consequently, the SPI is computed by averaging the standardised scores, which ranked provinces according to their performance in socio-economic issues. In his analysis of the horizontal inequalities in Kenya, Frances Stewart, observed that socio-economic inequality data there is sparse and missing in prominent national survey reports due to its political sensitivity (Stewart 2010). Luckily, for Zambia such data can be inferred from DHS and CSO survey reports.

Finally, a survey of 1700 respondents was conducted in all the five ethnolinguistic regions to capture people's perceptions of horizontal inequalities. Langer, Mustapha, and Stewart (2009) note that any assessment based on measured inequalities must be supplemented by people's own perceptions, since people act on perceptions rather than some known facts. Based on that, the survey centred on the two questions: how do you [respondent] perceive the economic changes in Zambia over the past five years? And, how do you [respondent] perceive the political representation of your ethno-linguistic group[s] in Zambia? Respondents were apportioned according to their proportional share in the national population. Thus, 790 were Bemba speakers, 362 were Nyanja speakers, 330 were Tonga speakers, while 120 were Lozi speakers, and 100 were from North-Western province (mainly Kaonde, Lunda, Luvale). Cederman et al. (2015, p. 819) note 'theoretically justified mixes of data generate stronger evidence for the link between economic horizontal inequality and internal conflict than does analysis based on any one component.' This was our motivation.

5   Empirical Findings

Zambia has been a relatively peaceful and horizontally egalitarian country. However, the unprecedented electoral violence the country has witnessed over the past few years, as indicated above, suggest that objective interethnic/regional inequalities or perceptions thereof may be widening. In this section, we present some evidence on the evolution of the political and socio-economic objective and perceived horizontal inequalities in Zambia from 1991 to 2016.

6   Political Horizontal Inequalities, 1991–2015

As set out above, Table 9.2 shows cabinet appointments for Zambia from 1991 to 2015, measured along ethno-linguistic lines. In Table 9.3, we switch the focus from mere cabinet appointments to members of the core executive, which we call in this article the *inner circle.* The inner circle in the Zambian context consists of key cabinet positions, which are at the core of political decision making in the governance of the country. We included positions: the President, Vice President, and Minister without portfolio, Ministers of Defence, Home Affairs, Foreign Affairs, Finance, Information and Broadcasting Services, Presidential Affairs, Office of the Vice President, National Planning, Mines, Energy, Justice, Local Government and Housing, and Attorney General, as an ex-official member of the cabinet. The list, however, does not indicate total membership of the executive, as some ministerial positions existed in one political term and missed altogether or changed title in another. Thus, the total membership of the cabinet and the inner circle varied from one political term to the other.

Tables 9.2 and 9.3 evidently show that political power in Zambia has been shared, though not equally, among all politically relevant ethno-linguistic groups. Most strikingly, however, are the persistent underrepresentation of the Nyanja east in both cabinet and the inner circle, and their dominance of the presidency, an epitome of the political power struggle in Zambia. It seems they benefit greatly from ethno-political coalitions. Out of the six presidents Zambia has recorded since independence, two are Bemba-north, while the other two are Nyanja-east. The remaining two, Dr. Kenneth Kaunda, the country's first president, was linked to both Bemba- (by birth and upbringing) and Nyanja- (through marriage) speakers although his parents were of Lakeside Tonga (Malawian) origin, while, Mr. Levy Mwanawasa was a Lamba (with a Lenje mother but, as has been noted, ethnic identity is ascribed patrilineally even among people who follow matrilineal descent as most Zambians traditionally did in the past). The Lenje are one of the three close allies in the Tonga group, while the Lamba are a small indigenous group on the Copperbelt, with a dialect similar to Bemba. All are of the corridor group linguistically and one can map the overlapping mutual intelligibility as Tonga turns into Lenje, which turns into Soli, which turns into Lamba, etc.

Table 9.2 shows that President Chiluba's cabinet in 1991 was relatively balanced in terms of ethno-regional representation; indeed, it was even multiracial. In his second term, however, Chiluba changed as the Luapula-Bemba bias emerged out of the many splits and internal wrangles that engulfed the MMD during Chiluba's second term. Literally, the number of Bemba-speaking ministers in the cabinet increased from eight in his first term to thirteen in the

TABLE 9.2   Ethno-regional representation in government (Cabinet) in Zambia, 1991–2015

Ethno-Linguistic Bloc	Government (Cabinet)					
	Nov 1991 RR	Apr 1999 RR	Jan 2002 RR	Nov 2008 RR	Nov 2012 RR	Nov 2015 RR
Bemba	0.78	1.20	1.21	0.81	1.42	1.21
Nyanja	0.56	0.37	0.29	0.51	0.29	0.49
Tonga	1.39	1.23	0.72	1.60	1.45	0.93
Lozi	1.56	1.39	1.63	2.40	1.09	1.85
Kaonde, Lunda, Luvale	2.50	1.48	3.48	2.31	0.00	1.48
Others	4.17	3.70	0.00	0.00	2.17	0.00
Cabinet Size (N)	N=24	N=27	N=23	N=26	N=23	N=27

second term. Although this caused discontentment among the elites from other ethno-regional camps their departure from the MMD had been blamed on president Chiluba's alleged corruption more than his tribalism. However, despite presiding over a mainly Bemba-speaking cabinet, President Chiluba chose a non-tribesman (Mwanawasa) as his successor and MMD's candidate for the 2001 election. The decision was contentious to the extent that some of the apparently most loyal Chiluba followers resigned. Mr. Michael Chilufya Sata, the party secretary general who had supported Chiluba's bid for a third term and in the process presided over the expulsion of leaders that opposed the third term himself left the MMD to start his PF rather than serve under Levy Mwanawasa whom he accused of 'hating the Bemba' (*alipata aba Bemba* – Radio Mano, Kasama, 2008 by-election interview).

Indeed, despite the favour from Chiluba, President Mwanawasa worked to reduce the Bemba dominance in cabinet and even launched an anti-corruption crusade that devastated Chiluba and his Luapula province cohorts. Tables 9.2 and 9.3 show that by his second term (2008) the Bemba representation in cabinet and the inner circle had reduced to merely 0.81 and 0.78 respectively. Literally, the Bemba representation was reduced from twelve ministers in 2002 to nine in 2008, while four Bemba ministers out of seven were returned in the inner circle during the same period. Although, in fact the Bemba representation

was still reasonable, the move sent waves of discontentment and frustration among the Bemba political elites who feel entitled to positions of power and now blamed Chiluba for the earlier decision to anoint Mwanawasa as his successor. Early on, even Chiluba himself seemed to regret his decision, as he privately supported Michael Sata of the Patriotic Front (PF), a fellow Bemba speaker, in the subsequent election in 2006, against his own party candidate and successor, Mwanawasa. While many reasons could be advanced to explain Chiluba's support for Sata, ethnicity remains one of them (cf. Scarritt 2012). The puzzle then is why ethnicity was not a factor when Chiluba chose Mwanawasa over Sata and the other Bemba speakers in 2001. Clearly, Zambian politics cannot be explained by the tribalism factor alone.

Elsewhere, the Tonga-Lozi-North-Westerner political elites voiced concerns over their perceived exclusion from state power, and started to articulate radical sentiments such as, 'it is our turn, the Bemba and the Nyanja have already each produced a president.' As a result, in the 2001 presidential election the region voted as a bloc for a Tonga candidate, the UPND president, Mr. Anderson Mazoka, against Mwanawasa, even though he was ethnically closer to the Tonga (as a Lenje), partly because of his association with President Chiluba, a Bemba from Luapula. Again, this example shows that a consistent tribal explanation for the choices political leaders make cannot contribute much to the study of Zambian politics. However, it seemed the anti-Bemba stance that Mwanawasa took after he assumed power might have won him the confidence and support of the Tonga-Lozi-North-Westerner elites, which saw him amass majority votes in Western and North-Western in the 2006 election (see ECZ 2006 for presidential election results). Moreover, the elites were well catered for in government. Tables 9.2 and 9.3, show that in 2008, the Tonga were overrepresented in cabinet by 0.60 and in the inner circle by 1.08 respectively, while North-Westerners were overrepresented in cabinet by 1.31 and in the inner circle by 4.0 during the same period. The Lozi, on the other hand, as Table 9.2 shows, were overrepresented in cabinet by 1.40 in 2008, but had no representation in the inner circle. This may explain the fragile, Tonga-Lozi-North-Westerner elite coalition, experienced during President Levy Mwanawasa's reign. It should be noted, however, that development projects tend to be shared out between the ministers closest to the president who are thereby able to lobby more effectively for funds. It was during this period that roads in North-Western province were upgraded.

Meanwhile, Michael Sata and his new PF offered relentless and fearless opposition to Mwanawasa's government (and later Rupiah's). He was seen by the Bemba community as a person to fill the void left by Chiluba. As an outspoken politician, he manipulated Mwanawasa's stance against unmatched Bemba

dominance in the cabinet, for his political support among co-ethnics. During election campaigns, he referred to the reduced number of the Bemba cabinet ministers as a hidden agenda by Mwanawasa (and later Rupiah Banda's) to sideline the Bemba north in the governance of the country. Indeed, the growing perception of Bemba exclusion during President Mwanawasa's regime could have given Michael Sata a rapid growth of popularity from 2001 to 2008 in the Bemba bloc; the Copperbelt, Northern and Luapula regions. Against all odds however, Mwanawasa won the 2006 election for the second term, which he unfortunately could not finish, as he died two years later.

In the following by-election, in 2008, Sata and the PF amassed majority votes from Luapula, Northern, Copperbelt and Lusaka (see ECZ 2008, for the 2008 presidential election results), but failure to secure enough support across ethno-regions once more saw him lose the election to Mr. Rupiah Banda, the Vice President in Mwanawasa's government and the acting President at the time. He however, continued with his divisive ethnic appeals and populist promises (cf. Larmer and Fraser, 2007). And in 2011, he won the landmark election, as the first opposition party leader to achieve that in 20 years. While, Sata chiefly mobilized his co-ethnics through ethnic appeals, which were rooted in perceived political and socio-economic horizontal inequalities, he could not have won the presidential contest without tactfully mobilizing the urban support by capitalizing on the deteriorating urban living conditions, especially on the Copperbelt (cf. Larmer and Fraser, 2007; Cheeseman and Hinfelaar, 2009) and even convincing Barotseland activists that he sympathized with their cause. The low international copper prices, mass redundancy, and casualization in the aftermath of the 2008 world economic meltdown, did much to exacerbate the MMD's deteriorating popularity among the urban dwellers. Sata's stance against the Chinese investors in Zambia and the alleged poor conditions for the Zambian workers in Chinese firms also helped him to win the majority of urban votes, especially among the youth (see Larmer and Fraser, 2007). By 2011, the copper prices had recovered and the economy was experiencing impressive growth but still failing to create jobs for the youth.

Sata's main objective as a president was to correct his mistaken perception of the political and economic injustices that the Bemba north had suffered during the MMD government, especially under President Mwanawasa. So, after assuming power in 2011, he started by dividing Northern, a Bemba heartland into two (Northern and Muchinga) and embarked on massive infrastructure development there (as discussed in detail in the next section). To be fair, he created new districts in all parts of the country not only to enable him to appoint more District Commissioners but also to invest in remote areas by

building new roads, schools, and hospitals. Unfortunately, he died three years later and was unable to complete his growth plan.

Before his death, however, he had managed to completely rearrange the complexion of the cabinet and the inner circle. Table 9.3 shows that the Tonga dominance in the inner circle reduced from 2.08 in 2008 to 0.83 in 2012, while North-Westerners' representation in the inner circle crumbled from a generous 5.0 in 2008 to nil in 2012. By contrast, Table 9.3 shows that during the same period, the Bemba dominance soared from 0.81 to 1.42 in the cabinet and from 0.78 to 1.63 in the inner circle. The Lozi, on the other hand, remained unrepresented in the inner circle for the entire 2008–2015 period. The Tonga representation in the inner circle fall from three in 2008 to one in 2012, while Bemba membership during the same period increased from four to seven.

In 2012, under President Sata, North-Westerners were not even represented in cabinet, which expectedly provoked tension in the region. The local population felt side-lined and duped by the new PF government especially because it coincided with the consolidation of the region as the country's new mining hub, with immense contribution to the national treasury. Consequently, North-Western, beginning in the same period, started to experience heightened communal violence, especially between economic migrants, mostly Copperbelt Bemba speakers, who were accused of getting jobs in the mines meant for the 'forgotten' and 'marginalized' local people. The violent clash between economic migrants, mostly Copperbelt Bemba speakers at Kisasa, near Kalumbila mine, which left over 20 migrants severely injured and 18 locals arrested, is a case in point (Kandimba, 2015). It seems the violence was provoked by the mistaken belief among the local population that other ethno-linguistic groups, such as the Copperbelt Bemba, benefit more from the mineral resources than the local population, because of the literal Bemba dominance in the cabinet. However, due to sustained pressure on the ruling party and the government from the North-Western traditional chiefs, the region was accorded an overrepresentation (1.48) in the 2015 cabinet, despite voting as a bloc against the ruling PF in the preceding election (see ECZ 2015 for presidential election results).

Political dominance of some ethno-linguistic groups in cabinet notwithstanding, Tables 9.2 and 9.3 show that the Zambian political arena is open to every ethno-region. However, as we observed, party support, political mobilization strategies, and the voting behaviour, to a large extent determined the level of representation accorded to different ethno-regions in cabinet and the inner circle. To that effect, perceptions of some ethno-regions capturing state power at the expense of others exist. It seems the perception that the ethno-region that controls state power also controls access to the socio-economic resources and continues to shape political behaviour in Zambia. It is to this we turn next.

TABLE 9.3   Ethno-regional representation in Cabinet (Inner Circle) in Zambia, 1991–2015

Ethno-Linguistic Bloc	Government (Inner Circle)					
	Nov 1991	Apr 1999	Jan 2002	Nov 2008	Nov 2012	Nov 2015
	RR	RR	RR	RR	RR	RR
Bemba	1.16	1.32	1.47	0.78	1.63	1.36
Nyanja	0.56	0.48	0.30	0.56	0.33	0.56
Tonga	1.39	1.79	0.75	2.08	0.83	0.69
Lozi	0.00	0.89	1.14	0.00	0.00	2.08
Kaonde, Lunda, Luvale	1.67	0.00	1.82	5.00	0.00	0.00
Others	4.17	0.00	0.00	0.00	5.00	0.00
Total	N=12	N=14	N=11	N=12	N=10	N=12

SOURCE: DRAWN FROM REPUBLIC OF ZAMBIA (GRZ) (1991, 1999, 2002, 2010, 2012, 2015, 2017)

7   Socio-Economic Horizontal Inequalities, 1996–2014

Political elites are more concerned with political horizontal inequalities, which motivate them to initiate mobilization along group identities such as ethnicity and geographical regions. However, it is the socio-economic horizontal inequalities that ease their task of mobilizing many constituents and followers because socio-economic issues affect people's daily survival and livelihoods. Figure 9.2 presents indices of the socio-economic horizontal inequalities for Zambia (1996–2014) measured along ethno-regions (provinces), which were calculated from DHS data.

Zambia has ten provinces, but for the present purposes nine were considered, because the tenth, Muchinga, was only established in 2011 by President Sata. The move by the late President to establish Muchinga was misconstrued by many Zambians (especially non-Bemba) as merely a strategy to channel more resources to his ethno-region. Moreover, the infrastructure development, such as the construction of two universities, housing, office spaces, and a good road network, which commenced right after the region was declared a province, confirmed the assertion.

From Figure 9.2, it is apparent that between 1996 and 2014 Zambia experienced minimal interregional socio-economic inequalities among rural regions, which
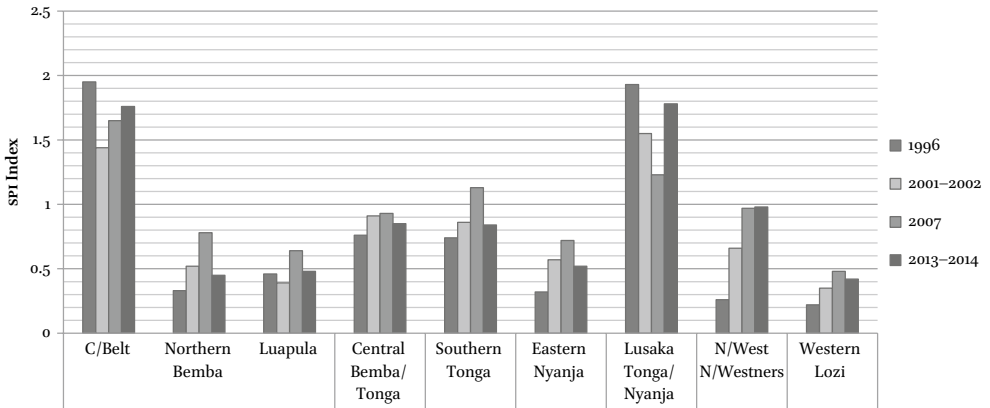
FIGURE 9.2   Indices of socio-economic horizontal inequalities in Zambia, 1996–2014,
             calculated from CSO et al. 1997, 2003, 2008, 2015

all performed below the national average. Yet, the urban-rural socio-economic divide during the same period was significant and consistent, ranking the two most urbanized provinces way above the national average. The origin of this divide could be located in the colonial bifurcated state and the development of the mines on the Copperbelt, which exclusively supported infrastructure development and social service delivery in urban and mining areas, respectively. The post-colonial state, unfortunately, continued with the same agenda of promoting socio-economic development in urban areas, while suffocating the growth in the countryside. This could also be seen from the two partially urbanized provinces, Southern and Central, along the colonial line of rail, which performed relatively better, with Southern performing above the national average in 2007. Interestingly, the two most urbanized provinces (Lusaka and Copperbelt) are not ethnically neutral; as earlier shown, they are linked to particular ethno-linguistic regions in terms of party support whereas the resources concentrated in Lusaka are accessed by all ethnic groups. Thus, while there seems to be no significant socio-economic inequalities among ethno-regions in Zambia, the persistence of the socio-economic urban-rural divide indicates the presence of such inequalities, at least as perceived. This may explain the entrenched perceptions of the socio-economic horizontal inequalities in Zambia, which, as we have shown, tend to fluctuate depending on who is in the cabinet and have not become monopolized by one group. Expressed in terms of exclusion, however, the rallying cry of the Lozi, Tonga, and North-Westerner groups is that they have been prevented from having one of their own as President, except, reluctantly, President Mwanawasa.

In 2007, under President Levy Mwanawasa (see Figure 9.1), the country generally witnessed significant socio-economic development. The prosperity could be attributed to the good agricultural policies that the government introduced, such as the farmers input support programme (FISP) and the booming of the mining industry (see IMF, 2013). Figure 9.1 shows that significant improvement in the socio-economic standing was witnessed in the farming blocs (Southern, Central and Eastern) as well as in the emerging mining region (North-Western), where two new mines (Kansanshi and Lumwana) were developed. At most, Mwanawasa's reign, suffice to say, aimed at reducing the long standing urban-rural gap by embarking on the construction of educational, health, and water and sanitation facilities in the countryside (see AfriMAP and Open Society Initiative for Southern Africa, 2013). Many development plans, it must be said, are generic, tend to follow World Bank/UNDP templates and are rarely the original ideas of the presidents. Where they tend to be original is in their methods of implementation.

Figure 9.1 shows that in 2007, rural regions such as Western Province and the Luapula-Northern areas also recorded significant gains in their socio-economic standing. Western province, for instance, saw school enrolment rise from 58 per cent in 2001–2002 to 70.6 per cent in 2007, while in Luapula the enrolment rose from 56.3 per cent to 71.8 per cent during the same period. The infant mortality rate in Luapula also dropped from 154 per every 1000 births in 2001–2002 to 97 in 2007, while in Western Province it dropped from 139 to 97 during the same period, against the national average of 81. By contrast, during the same period, the infant mortality rate for the two most urbanized provinces, Copperbelt and Lusaka, rose from 68 to 79 and 70 to 85, respectively. The gap between the urban and rural areas was indeed narrowing, at least in this sense. However, the reduced Luapula-Bemba representation in cabinet during this period gave PF leader Michael Sata the opportunity to mobilize the Bemba political elites and voters around this perceived marginalization. Although poverty levels in Luapula and Northern (73 and 78 per cent poverty levels in 2006, respectively, were high compared to the national rate of 64 per cent) they were comparable to those in other rural areas. Sata was able to combine ethnic and populist rhetoric to gain support in the rural north, and the deteriorating urban living conditions to gain support in Lusaka and the Copperbelt (Larmer and Fraser, 2007).

Meanwhile, President Rupiah Banda, who won the 2008 presidential by-election, continued with the policies initiated by his predecessor. In fact, it was during his period in office that the economy responded to Mwanawasa's debt relief and rural development policies. The Western province, however, even in

the period of 'economic boom', at least for rural provinces, remained at the bottom of the socio-economic ranking with a SPI of 0.48, against, for example, the Copperbelt's 1.65. This may help to explain the violent secessionist conflict in the province, which became overt during President Rupiah Banda's reign. The violence claimed over nineteen lives (Human Rights Watch 2013). Coincidentally, it was during this period that safari camps, diamonds, and oil exploration activities in Western province were scaled up by a less conservative Litunga willing to allow foreign investors into his kingdom. In 2008, for example, parliament repealed and replaced the Mines and Mineral Act of 1995 with the Mines and Minerals Development Act No. 7 of 2008, in order to cater for the impending diamond and oil exploration and subsequent extraction in Western province (see MMMD, 2010). In the 2011 elections, the Luapula-Northern provinces and the urban Lusaka and Copperbelt as well as the aggrieved Western province gave the PF victory over the MMD even as the economic fundamentals were bearing fruit.

The Luapula-Bemba dominated PF administration led by Michael Sata, MPs from the party's Luapula and Northern strongholds held most of the cabinet appointments, but these rural provinces remained economic backwaters, despite the tremendous improvement in roads and other infrastructure. This is because political power in Zambia, although widely seen as a group phenomenon, is largely a personal resource that benefits the 'power holder' and his or her close relatives and friends. The ethnic group as such rarely benefits from the nepotism. Tables 9.2 and 9.3, show that in 2012 and 2015 cabinets, Luapula-Bemba dominance was unmatched and yet Figure 9.1 demonstrates that during the same period, the socio-economic standing of the Bemba-dominated regions, Luapula and Northern, actually deteriorated significantly. Luapula dropped from a SPI of 0.64 in 2007 to 0.48 in 2013–2014, while Northern Province dropped from a SPI of 0.78 to 0.45. It seems lack of access to flushable toilets, safe drinking water, assets, and quality housing by the growing population in the region significantly affected its socio-economic prosperity. This may help to explain the mistaken notion that the power and wealth held by cabinet ministers, inner circle members, and the president trickle down to their home areas. In fact, they make most of their investments in the most profitable areas at home and abroad. Even President Sata's attempts to develop the new Muchinga province collapsed after his death, although the Luapula-Bemba dominance in cabinet remained significant. The perception from North-Western province was that their copper wealth was being used to build two universities in Sata's home area while they were left out. The Girls Secondary School that bears Michael Sata's name, however, remained incomplete halfway through the PF's second term.

Despite feeling neglected, over the years, North-Western province has post-ed significant improvement in socio-economic standing at the national level. Figure 9.1 shows that since 1996, the region has recorded significant socio-economic progress, rising from a SPI of 0.26 in 1996 to 0.98 in 2013–2014. In fact, in terms of Human Development Indext (HDI), the province is ranked second with a score of 0.601, second only to Lusaka's 0.603, and significantly higher than the national average of 0.586. During the same period, Northern and Western, with an HDI of 0.353 and 0.347 respectively, were ranked last (UNDP, 2016). While other factors could be cited for the improvement in the North-Western ranking, it seems increased investment in mining there is paying off. Between 2000 and 2013, for instance, Zambia received a total investment of more than US$10 billion in the mining sector (see IMF 2015), the majority of which was invested in Solwezi district in North-Western Province, where three large-scale copper mines (Kansanshi, Lumwana, and Kalumbila) have been developed between 2003 and 2012. However, local perception suggests that the wealth generated from the region is exported to other ethno-regions (cf. Ka-pesa, Mwitwa and Chikumbi, 2015; Kandimba, 2015).

8   Perceived Horizontal Inequalities

Zambia, as earlier noted, has moderate but consistent socio-economic ine-qualities among its provinces. This colonial legacy of a rural-urban divide has, however, culminated in simplistic yet powerful ethnic grievances. Table 9.4 presents percentage distribution of the national population along provinces by wealth quintiles. It is observable that Lusaka (1/9) and Copperbelt (2/9), the two most urbanized provinces, had large percentages of their households above middle income status, 73.2 and 88.3, respectively, while Luapula had the lowest percentage; 12.3 per cent of households in the higher income category and Western had the second lowest of 13.5 per cent. In fact, Western was the lowest ranked province on the income distribution scale with 70.1 per cent of its households trapped in the lower income category, while Northern, Luapula, and Eastern followed with equally large percentages of their households in the lower income category. In particular, Northern had 66.9 per cent of the house-holds in the lower income bracket, while Luapula had 65.5 per cent in the same category.

In short, based on an income distribution model, the Lozi-dominated West-ern Province is the poorest province in Zambia, while the Bemba-dominated Northern and Luapula followed, as second and third poorest provinces, res-pectively. Eastern is in position six, as the fourth poorest province. The most

TABLE 9.4   Percentage distribution of population by Wealth Quintiles

Province	Lower	Middle	Higher	Position at National level
Copperbelt	10.7	16.1	73.2	2
Luapula	65.5	22.2	12.3	7
Northern	66.9	17.5	15.4	8
Eastern	58.3	22.6	19.1	6
Lusaka	03.7	8.00	88.3	1
Central	42.4	29.0	28.6	4
Southern	35.4	33.4	31.2	3
North-Western	57.0	22.9	20.1	5
Western	70.9	15.6	13.5	9
National	47.8	20.5	31.7	9

SOURCE: ADAPTED FROM ZDHS (2015: 20)

aggrieved Southern, Central, and North-Western Provinces, together with Lusaka and Copperbelt, complete the list of the top five provinces with the best household income levels in Zambia.

Table 9.5 shows households' perception of the change in economic conditions in Zambia. It hardly correlates with the actual economic conditions prevailing in the different ethno-regions (provinces). The Bemba-dominated regions (Copperbelt, Luapula, and Northern) perceived their economic conditions largely as improving. In household income, for instance, 50 per cent of the households in the area felt their income had improved in the last five years, while 56.5 per cent felt their regions had performed relatively better economically during the same period. In fact, 55.8 per cent of the households in the area described their living standards as improving. The population, however, bemoaned lack of employment opportunities, with 66.6 per cent of the households describing employment opportunities in the area as deteriorating. In Eastern and Lusaka, the Nyanja-dominated provinces, the picture was similar; 51 per cent of the population felt their household income had improved in the last five years, while 49 per cent said their region had performed relatively better compared to other regions in the country over the same period. The majority of the population (56.4% of households) in the area also described their living standards as improving, while 65.6 per cent of the households felt the area had no meaningful employment opportunities.

TABLE 9.5   Households' perception of changes in economic conditions

Ethno-Linguistic Region		Household Income (%)	Employment Opportunity (%)	Living Standards (%)	Ethno-Regional Economic Performance (%)
Bemba (Copperbelt, Luapula & Northern)	Best	14.7	13.6	24.2	24.2
	Average	35.3	19.8	31.6	32.3
	Poor	27.6	29.9	24.8	20.4
	Worst	22.4	36.7	19.4	23.1
Nyanja (Eastern & Lusaka)	Best	16.7	11.1	19.6	12.7
	Average	34.3	23.3	29.8	36.3
	Poor	21.6	31.2	28.9	21.6
	Worst	27.4	34.4	21.7	29.4
Tonga (Central and Southern)	Best	01.7	01.8	03.3	4.10
	Average	14.6	17.3	11.2	14.6
	Poor	28.9	33.2	31.6	26.8
	Worst	54.8	47.7	53.9	54.5
Lozi (Western)	Best	01.3	02.2	01.1	00.2
	Average	04.9	06.1	08.2	03.9
	Poor	30.3	28.1	26.3	32.7
	Worst	63.5	63.6	64.4	63.2
Kaonde, Lunda & Luvale (North-Western)	Best	02.1	02.3	04.1	03.1
	Average	07.6	10.2	18.2	12.2
	Poor	31.2	34.6	32.2	26.3
	Worst	59.1	53.1	45.5	58.4

SOURCE: AUTHORS' FIELD SURVEY, 2015 AND 2016

The picture was different in the regions dominated by Tonga-Lozi-North-Westerners. In the Tonga-dominated Southern and Central Provinces, for instance, a mere 16.3 per cent of the population felt their household income had improved in the last five years, while only 6.2 per cent of the households in the Lozi-dominated Western Provinces and 9.7 per cent of the households in North-Western had a similar belief. In fact, 81.3 per cent of the households in the Tonga-dominated south, 95.9 per cent of the households in the Lozi-dominated west, and 84.7 per cent of households in North-Western, felt their

regions had performed relatively worse economically than other provinces, mostly Bemba- and Nyanja-dominated regions, in the last five years. Most notably, 85.5 per cent of the Tonga south, 90.7 per cent of the Lozi in the west, and 77.7 per cent of North-Westerners perceived their living standards as deteriorating in the last five years. Moreover, 80.9 per cent of the Tonga, 91.7 per cent of Lozi, and 87.7 per cent of North-Westerners believed the employment opportunities in their area had dwindled in the last five years. In short, while the Bemba-Nyanja group perceived their economic conditions as improving in the last five years, the Tonga-Lozi-North-Westerners group felt its economic conditions had worsened during the same period. It seems political representation had a significant bearing on the households' perception of changes in economic conditions.

Table 9.6 shows households' perception of political representation at national level. It is evident that the Bemba north and the Nyanja east acknowledge their political dominance at a national level. As expected, 87.4 per cent of households in the Bemba-dominated Copperbelt, Luapula, and Northern provinces and 84.4 per cent of households in the Nyanja-dominated Eastern and Lusaka provinces believed they had adequate political representation at the national level. By contrast, 89.3 per cent of households in the Tonga-dominated south felt excluded from state power. North-Westerners, on the other hand, believed they had insufficient political representation (79.8 per cent). By the same token, 80.1 per cent of households in the Lozi-dominated Western Province felt politically marginalized at the national level. Interestingly, the Vice President, Justice Minister, and Attorney General positions in the 2015 and 2017 cabinets, all of which are key cabinet positions, were all occupied by the Lozi. It is small wonder therefore that the Lozi did not see themselves as excluded from state power and felt that they are adequately represented.

Based on perceived inequalities, Zambia is polarized between Bemba-Nyanja, on the one hand, and Tonga-Lozi-North-Westerners, on the other. It seems there are high levels of mistrust between these groups, something that may have roots in the colonial state. The classic work by Clyde Mitchell, *The Kalela Dance*, on the Northern Rhodesian Copperbelt suggests that the widely established ethnic stereotypes in Zambia have two possible foundations: an ethnic group pre-colonial military reputation; and/or its occupational niche in the colonial industrial order (Mitchell 1956). Indeed, the two foundations favoured the Bemba which, for instance, dominated the more secure underground mining sector. By the early 1950s, it was the most dominant group in the towns, but seen by other ethno-groups as treacherous and unreliable, mostly because of its interactions with Europeans as well as fellow Africans (Mitchell, 1956;

TABLE 9.6 Households' perception of political representation at the national level

Ethno-Linguistic Region		Ethnic-Regional/ Linguistic Representation (%)
Bemba (Copperbelt, Luapula & Northern)	Abundant	02.1
	Adequate	85.3
	Insufficient	12.6
	No representation	00.0
Nyanja (Eastern & Lusaka)	Abundant	01.7
	Adequate	82.7
	Insufficient	15.6
	No representation	00.0
Tonga (Central & Southern)	Abundant	00.0
	Adequate	00.0
	Insufficient	10.7
	No representation	89.3
Lozi (Western)	Abundant	00.0
	Adequate	18.3
	Insufficient	80.1
	No representation	01.6
Kaonde, Lunda & Luvale (North-Western)	Abundant	00.0
	Adequate	16.2
	Insufficient	79.8
	No representation	04.0

SOURCE: AUTHORS' FIELD SURVEY, 2015 AND 2016

Siegel, 1989). By contrast, the negative attitude of the Tonga, Lozi, and North-Westerners to wage labour and town life in general in the early colonial era, earned them the stereotype of being 'wild', 'lazy', and village 'bumpkins'. While these stereotypes represent generalized urban prejudices against rural folk, they have an undertone related to African advancement and the struggle for power and social prestige in the European-dominated social order, which in Zambia, as in many other African states, sowed seeds of mistrust between the seemingly 'backward', i.e. reluctant to pay taxes and serve the colonial economy, and 'advanced' groups favoured by colonial administrators.

Today, unfortunately, various groups have internalized these stereotypes, upon which political coalitions and support are based, while portraying one's

own group as 'honest, hardworking, and peace-loving'. Indeed, when two or more ethnic groups are in the same society, concludes Donald L. Horowitz: 'stereotypes crystallize, and intergroup comparisons emerge' (1985, p. 143). It is small wonder, therefore that the perceived horizontal inequalities in Zambia do not match the actual inequality because they are rooted in historical misunderstandings and stereotypes. However, it is such *perceptions* (or *misperceptions*) of inequality that fuel electoral violence in Zambia as the politicians seek to portray a temporary political alliance as natural and permanent.

9   Conclusion

The chapter has demonstrated that, although Zambia is a relatively peaceful and horizontally egalitarian country, it harbours growing horizontal inequalities, especially between rural and urban areas. Even more striking. however, is the unrivalled relationship between the objective and perceived horizontal inequalities in the country. While the perceived horizontal inequalities in Western province may match, to some extent, with the measured socio-economic injustices there, in North-Western and Southern provinces, they are exaggerated. By the same token, the socio-economic situation in the Bemba- and Nyanja-dominated regions is more romanticized. The findings, however, run contrary to the recent literature, which suggests perceived inequality plays an intermediary (supportive) role in the objective inequality-conflict nexus. In North-Western and Southern provinces in Zambia, it is objective, not perceived, inequality that plays a supportive role (intermediary) in legitimizing preconceived and persistent perceptions of inequality. Thus, supporting the other strand of literature, we suggest that it is *perceptions* (or *misperceptions*) of horizontal inequalities that influence the risk of civil conflict.

Furthermore, our findings show that the ethno-regions that seem to dominate political power in Zambia, at least in terms of the numbers of leadership positions they hold, have, surprisingly, remained relatively poor compared to other regions in the country, and they are comfortable with it. This contrast could explain the relative peace in Zambia since independence: it has not had a politically dominant ethnic group that has prospered and deliberately excluded others, despite the existence of perceptions to the contrary.

To generalize beyond the Zambian case requires extending the analysis to other relatively peaceful and horizontally egalitarian developing countries. The move would help to understand and later resolve the iridescent civil conflict in many multiethnic developing countries before they could erupt into full-fledged civil war. Moreover, to fully understand the Zambian case, we

need a more disaggregated study of the Zambian provinces, especially those experiencing significant civil violence.

References

AfriMAP and Open Society Initiative for Southern Africa. (2013). 'Zambia: Effective Delivery of Public Education Services. A Discussion Paper'. Retrieved May 22, 2017, from http://www.osisa.org/sites/default/files/afrimap_zambia_education_main_report_web_5july.pdf.

Bahgat, Karim; Kendra Dupuy; Scott Gates; Håvard Mokleiv Nygård; Siri Aas Rustad; Håvard Strand; Henrik Urdal; Gudrun Østby; Gray Barrett; & Solveig Hillesund (2017), 'Inequality and Armed Conflict: Evidence and Data', *PRIO Working Paper*. (Oslo: Peace Research Institute Oslo).

Brown, Graham K. and Arnim. Langer (2010), 'Horizontal Inequalities and Conflict: A Critical Review and Research Agenda', *Conflict, Security and Development, 10*(1), 27–55.

Buhaug, Halvard, Lars-Erik Cederman and Kristian S. Gleditsch (2014), 'Square Pegs in Round Holes: Inequalities, Grievances and Civil War', *International Studies Quarterly, 58*, 418–431.

Bwalya, John (2016). 'Unraveling Clientelism in the Zambian Electoral Campaign', *Third World Quarterly, 10*, 1–15.

Cederman, Lars-Erik, Andreas Wimmer and Brian Min (2010), 'Why Do Ethnic Groups Rebel? New Data and Analysis', *World Politics, 62*(10), 87–119.

Cederman, Lars-Erik, Kristian S. Gleditsch and Halvard Buhaug (2013), *Inequality, Grievances and Civil War*. New York: Cambridge University Press.

Cederman, Lars-Erik, Nils, B. Weidmann. and Nils-Christian Bormann (2015), 'Triangulating Horizontal Inequality: Toward Improved Conflict Analysis', *Journal of Peace Research, 52*(6), 806–821.

Cederman, Lars-Erik, Nils, B. Weidmann, and Nils-Cristian Bormann (2011), 'Horizontal Inequalities and Ethno-nationalist Civil War: A Global Comparison', *American Political Science Review, 105*(3), 478–495.

Central Statistical Office (CSO) [Zambia]. (2011). *2010 Census of Population and Housing for Zambia*. Republic of Zambia. Lusaka: Central Statistical Office.

Central Statistical Office (CSO) [Zambia], Central Board of Health [Zambia], and ORC Macro International Inc. (2003). *Zambia Demographic and Health Survey 2001–2002*. Calverton, MD: Central Statistical Office, Central Board of Health, and ORC Macro.

Central Statistical Office (CSO) [Zambia], Ministry of Health (MOH) [Zambia] and ICF International. (2015). *Zambia Demographic and Health Survey 2013–14.* Rockville, MD: Central Statistical Office, Ministry of Health, and ICF International.

Central Statistical Office (CSO) [Zambia], Ministry of Health (MOH) [Zambia], and Macro International Inc. (1997). *Zambia Demographic and Health Survey 1996.*

Central Statistical Office (CSO) [Zambia], Ministry of Health (MOH) [Zambia], Tropical Diseases Research Centre (TDRC) [Zambia], University of Zambia, and Macro International Inc. (2008). *Zambia Demographic and Health Survey 2007.* Rockville, MD: Central Statistical Office, and Macro Inc. International.

Chambers, John Swan, K. Lawton and Martin Heesacker (2014), 'Better Off Than We Know: Distorted Perceptions of Incomes and Income Inequality in America', *Psychological Science, 25*(2), 613–618.

Cheeseman, Nic, and Marja Hinfelaar (2009), 'Parties, Platforms, and Political Mobilization: The Zambian Presidential Election of 2008', *African Affairs, 109*(434), 51–76.

Collier, Paul and Anke Hoeffler (1998), 'On Economic Causes of Civil War', *Oxford Economic Papers, 50*(4), 563–573.

Collier, Paul and Anke Hoeffler (2000), 'Greed and Grievance in Civil War', *World Bank Policy Research Working Paper* (2355).

Collier, Paul and Anke Hoeffler (2004), 'Greed and Grievance in Civil War', *Oxford Economic Paper, 56*(4), 563–595.

Deiwiks, Christa, Lars-Erik, Cederman, and Kristian S. Gleditsch (2012), 'Inequality and Conflict in Federations', *Journal of Peace Research, 49*(2), 289–304.

Deraniyagala, Sonali (2005). 'The Political Economy of Civil Conflict in Nepal', *Oxford Development Studies, 33*(1), 47–62.

Electoral Commission of Zambia (ECZ). (2006). '*2006 Presidential Election Results'.* Retrieved January 25, 2015, from http://www.elections.org.zm.

Electoral Commission of Zambia (ECZ). (2008). '*2008 Presidential Election Results'.* Retrieved January 25, 2015, from http://www.elections.org.zm.

Electoral Commission of Zambia (ECZ). (2011). '*2011 Presidential Election Results'.* Retrieved January 25, 2015, from http://www.elections.org.zm.

Electoral Commission of Zambia (ECZ). (2015). '*2015 Presidential Election Results'.* Retrieved January 25, 2015, from http://www.elections.org.zm.

Electoral Commission of Zambia (ECZ). (2016). '*2016 Presidential Election Results'.* Retrieved July 15, 2017, from http://www.elections.org.zm.

Fearon, James D., and David D. Laitin (2003), 'Ethnicity, Insurgency and Civil War', *American Political Science Review, 97*(1), pp. 75–90.

Francois, Patrick, Ilia Rainer and Francesco Trebbi (2015), 'How is Power Shared in Africa?', *Econometrica, 83*(2), pp. 465–503.

Gimpelson, Vladimir and Daniel Treisman (2015), 'Misperceiving Inequality', *IZA Discussion Paper* (9100). (Institute for the Study of Labor).

Gubler, Joshua R. and Joel S. Selway (2012), 'Horizontal Inequalities, Crosscutting Cleavages, and Civil War', *The Journal of Conflict Resolution, 56*(2) 206–232.

Hardy, Melissa (1979). 'Economic Growth, Distributional Inequality, and Political Conflict in Industrial Societies', *Journal of Political and Military Sociology, 7*(2) 209–227.

Hegre, Havard, Gudrun, Ø. and C. Raleigh (2009), 'Poverty and Civil War Events: A Disaggregated Study of Liberia', *Journal of Conflict Resolution, 53*(4), 598–623.

Hintjens, M. Helen (2001), 'When Identity Becomes a Knife: Reflecting on the Genocide in Rwanda', *Ethnicities, 1*(1), pp. 25–55.

Horowitz, L. Donald (1985), *Ethnic Groups in Conflict*. Berkeley, CA: University of California Press.

Human Rights Watch. (2013). *Zambia 2013 Human Right Report*. Lusaka: Human Rights Watch.

International Monitory Fund (IMF). (2015). IMF Country Report. *Zambia: Selected Issues, 15*(153). Washington, D.C: IMF.

Kandimba, Buttyson (2015, March 31). 'Kalumbila Mine Clashes: Police Arrest, Charge 18', *The Zambia Daily Mail*. Retrieved May 20, 2017, from https://www.daily-mail.co.zm/kalumbila-mine-clashes-police-arrest-charge-18/.

Kapesa, Robby, Jacob Mwitwa, and Donald C. Chikumbi (2015), 'Social Conflict in the Context of the Development of New Mining Concessions in Zambia', *Southern African Peace and Security Studies, 4*(2), 41–62.

Kashoki, E. Mubanga (1975). 'Migration and Language Change: The Interaction of Town and Country', *Journal of Developing Areas, 10*(1), 151–156.

Langer, Arnim (2005). 'Horizontal Inequality and Violent Conflict: The Case of Côte d'Ivoire', *Oxford Development Studies, 33*(1), 25–45.

Langer, Arnim and Frances Stewart (2013), 'Horizontal Inequalities and Violent Conflict: Conceptual and Empirical Linkages', *CRISE Working Paper* (14). (Oxford: CRISE, University of Oxford).

Langer, Arnim and Kristien Smedts (2013). 'Seeing is not Believing: Perceptions of Horizontal Inequalities in Africa', *CRPD Working Paper* (16). (Centre for Research in Peace and Development).

Langer, Arnim, Abdul R. Mustapha and Frances Stewart (2009). 'Diversity and Discord: Ethnicity, Horizontal Inequalities and Conflict in Ghana and Nigeria', *Journal of International Development, 21*(4), 477–482.

Larmer, Miles and Alastair Fraser (2007). 'Of Cabbages and King Cobra: Populist Politics and Zambia's 2006 Election', *African Affairs, 106* (425), 611–637.

Lessmann, Christian (2011). 'Spatial Inequality and Development: Is there an Inverted-U Relationship?', *CESifo Working Paper Series* (3622). (CESifo Group Munich).

Mamdani, Mahmood (1976). *Politics and Class Formation in Uganda.* New York and London: Monthly Review Press, Pen Press, University of Pennsylvania.

Maundeni, Zibani, Edgar Bwalya, and Phana Kwerepe (2015), 'The Rise of Barotseland Separatist Nationalism in Zambia: Can its Associated Violence be Prevented?', *Journal of Politics and Law, 8*(4), 263–276.

Ministry of Information and Broadcasting Services. Republic of Zambia (GRZ). (2015). *The Republic of Zambia Cabinet, November 2015*. ZANIS, Lusaka: Republic of Zambia.

Ministry of Information and Broadcasting Services. Republic of Zambia (GRZ). (1991). *The Republic of Zambia Cabinet, November 1991*. ZANIS, Lusaka: Republic of Zambia.

Ministry of Information and Broadcasting Services. Republic of Zambia (GRZ). (2002). *The Republic of Zambia Cabinet, January 2002*. ZANIS, Lusaka: Republic of Zambia.

Ministry of Information and Broadcasting Services. Republic of Zambia (GRZ). (2008). *The Republic of Zambia Cabinet, November 2008*. ZANIS, Lusaka: Republic of Zambia.

Ministry of Information and Broadcasting Services. Republic of Zambia (GRZ). (2012). *The Republic of Zambia Cabinet, November 2012*. ZANIS, Lusaka: Republic of Zambia.

Ministry of Mines Mineral Development, Republic of Zambia. (2010). 'Ministrial Statement on the Status of Petroleum Exploration in Zambia'. Lusaka: Republic of Zambia.

Miodownik, Dan, and Lilach Nir (2016). 'Receptivity to Violence in Ethnically Divided Societies: A Micro-Level Mechanism of Perceived Horizontal Inequalities', *Studies in Conflict and Terrorism, 39*(1), 22–45.

Mitchell, J. Clyde (1956). *The Kalela Dance*, Manchester: Manchester University Press.

Must, Elise (2016). 'When and How Does Inequality Cause Conflict? Group Dynamics, Perceptions and Natural Resources', *PRIO Working Paper*. (Department of Government, London School of Economics).

Must, Elise and Siri A. Rustad (2017), 'Mtwarra will be the new Dubai: Dashed Expectations, Grievances and Civil Unrest in Tanzania', *PRIO Working Paper*. (Oslo: Peace Research Institute Oslo).

Norton, I. Michael, and Dan Ariely (2011), 'Building a Better America-One Wealth Quintile at a Time', *Perspectives on Psychological Science, 6*, 9–12.

Onwuzuruigbo, Ifeanyi (2011). 'Horizontal Inequalities and Communal Conflict: The Case of Aguleri and Umuleri Communities of South-Eastern Nigeria', *Journal of International African Institute, 81*(4), 567–587.

Østby, Gudrun (2008). 'Polarization, Horizontal Inequalities, and Violent Civil Conflict', *Journal of Peace Research, 45*(2), 143–62.

Østby, Gudrun, Henrik, Urdal, Mohammad, Zulfan Tadjoeddin, Murshed, S. Mansoob, and Havard Strand (2011), 'Population Pressure, Horizontal Inequalities and Political Violence: A Disaggregated Study of Indonesian Provinces, 1990–2003', *The Journal of Development Studies, 47*(3), 377–398.

Østby, Gudrun, Ragnhild Nordås and Jan R. Rød (2009), 'Regional Inequalities and Civil Conflict in Sub-Saharan Africa', *International Studies Quarterly, 53*(2), 301–324.

Posner, N. Daniel (2003). 'The Colonial Origins of Ethnic Cleavages: The Case of Linguistic Divisions in Zambia', *Comparative Politics, 35*(2), 127–146.

Posner, N. Daniel (2005). *Institutions and Ethnic Politics in Africa*. New York: Cambridge University Press.

Russet, M. Bruce (1964). 'Inequality and Instability: The Relation of Land Tenure to Politics', *World Politics, 16*(3), 442–454.

Rustad, A. Siri (2016). 'Socioeconomic Inequalities and Attitudes toward Violence: A Test with New Survey Data in the Niger Delta', *International Interactions, 42*(1), 106–139.

Scarritt, R. James (2012). 'The Explanation of Change and Continuity in Zambian Presidential Selection and Power: Leaders' Strategic Interaction, Institution, and Social Structure', *Working Paper Series*: INST2012–07, IBS.

Siegel, Brian (1989). 'The "Wild" and "Lazy" Lamba: Ethnic Stereotypes on the Central African Copperbelt', *Anthropology Publications Paper* (5), 1–16.

Stewart, Frances (2002). 'Root Causes Of Violent Conflict In Developing Countries', *BMJ: British Medical Journal, 324* (2002), 342–345.

Stewart, Frances (2008). '*Horizontal Inequalities and Conflict: Understanding Group Violence in Multiethnic Societies,*' Houndmills: Palgrave Macmillan.

Stewart, Frances (2010). 'Horizontal Inequalities in Kenya and Political Disturbances of 2008: Some Implications for Aid Policy', *Conflict, Security and Development, 10*(1), 133–159.

The Times of Zambia. (2016, August 22). 'Ethnic cleansing alert: UPND cadres displace hundreds in South'.

Ukiwo, Ukoha (2008), 'Horizontal Inequalities and Ethnic Violence: Evidence from Calabar and Warri, Nigeria', S. Frances (ed.), in: *Horizontal Inequalities and Conflict: Understanding Group Violence in Multiethnic Societies*, pp. 190–204. Basingstoke: Palgrave.

United Nations Development Programme. (2016). *Zambian Human Development Report 2016*. (Lusaka: UNDP).

Van-Staveren, Iren, and Zahid Pervaiz (2017), 'Is it Ethnic Fractionalization or Social Exclusion, Which Affects Social Cohesion?', *Sociology Indic Research, 130*, 711–731.

Weede, Erich (1981). 'Income Inequality, Average Income, and Demestic Violence', *Journal of Conflict Resolution, 25*(4), 639–654.

Re-enacting Zambia's Democracy through the Practice of Journalism on Facebook

Chanda Mfula

1 Introduction

Facebook has become an important subject of inquiry among scholars and researchers across different academic and several other fields globally. With around two billion subscribers worldwide as of June 2017 (Internet World Stats, 2017), Facebook goes beyond just provoking academic interrogation in such schools as humanities and social sciences. While psychologists are interested in its impact on attitudes and behaviour of individuals (Greitemeyer and Kunz, 2013; Steers, Wickham and Acitelli, 2014; Blease, 2015), sociologists on its influence on social relationships (Bartholomew et al., 2012; Wang et al., 2014; Hofstra et al., 2017), and political scientists on its ramifications for democracy and politics in general (Friedland, 2010; Danju, Maasoglu and Maasoglu, 2013; Kassam, 2013; Gayo-Avello, 2015; Tucker et al., 2017), Facebook is a multimillion-dollar business affair that is generating as much interest, if not even more, in the world of economics, business, marketing, and advertising. Governments can no longer ignore its impact on institutions as well as several other aspects of life including the body politic. It is not surprising, therefore, that in just twelve years of its existence, Facebook has been a 3subject of a myriad of studies already. The diversity in the types of research topics covered can only reflect, as well as confirm, the multiplicity of uses and functions to which the world's most popular social networking site has been deployed to date, as well as its impact and its ongoing evolution.

Media and communication scholars, meanwhile, have noted the increasing importance of Facebook in the production, dissemination, and consumption of news and information, and its impact on the relationship between media, communication, information, and journalism, on one hand, and democracy and politics on the other (see, for example, studies by O'Connor, 2009; Carpenter, 2010; Johnson and Perlmutter, 2010; Auger, 2013; Halpern and Gibbs, 2013; Benzinger, 2014; Ellison and Hardey, 2014; Bonsón, Royo, and Ratkai, 2015; Jacobi, Kleinen-Von Königslöw, and Ruigrok, 2015; Kamaruddin, Ghazali, and Muda, 2015; and Rowe, 2015). Ways in which Facebook has tended to transform

the traditional relationship between media corporations and audiences, its embroilment in issues of privacy and data security of users, its algorithmic control of information flows in its networks, and its sheer growth and acquisitions of other social networking platforms are but just a few other topics generating scholarly interest.

In relation to Zambia, research that tackles the role of Facebook or, generally, social media in in democracy is scanty. An interesting article by Parks and Mukherjee (2017) has described what the authors refer to as 'circumvention practices' employed by journalists, activists, and other social media users in order to get around censorship. Such practices include posting comments anonymously, switching from one platform to another, self-censorship, and negotiation. Wyche and Baumer (2017) have focused on how non-users perceive Facebook. No study to date has examined the use of Facebook in relation to the performance of the democratic roles of journalism and the media in Zambia. It is the purpose of this chapter to explore some of the aspects of this gap in the literature. The chapter explores, firstly, the extent to which news articles of Facebook pages of online media outlets in Zambia provide news and information that, judged against normative standards of journalism, can contribute towards informing citizens' judgements, debates, and participation in the democratic process and, secondly, the quality of democratic deliberations hosted on these news Facebook pages.

Content analysis is applied to assess the quality of information and deliberations on the news Facebook pages of three of the popular online media outlets that use Facebook as their primary channel for publishing their content. The three outlets are *Mwebantu New Media, Zambia Reports*, and *Zambian Watchdog*. The findings reveal agenda-setting and framing tendencies in the content posted on Facebook by the three media outlets. There is also evidence that the quality of deliberations by users of these Facebook pages falls short on several dimensions of the criteria adopted to measure these deliberations. Admittedly, journalism and media can play many roles in a democracy, but this chapter narrows its focus on just two: information dissemination (minus the watchdog/investigative roles) and deliberations.

2 The Rise of Facebook-based News Media in Zambia

In Zambia, Facebook took an unexpected route to becoming a very, if not most, popular platform for disseminating and accessing news and information. In 2013, the government of Zambia was accused of blocking the news website of a popular online publication, *Zambian Watchdog* (see *Committee to Protect*

Journalists, 2013; *Lusaka Times*, 2013). To get around this, the online publication decided to shift its content to Facebook, where it could not be shut down unless the government decided to block the entire Facebook site in the country, a politically risky (and therefore unlikely) decision given the growing popularity of Facebook among citizens. Previously, *Zambian Watchdog* had been using its Facebook page to only post links to news articles published on its website and had few followers on the social networking site. Left with no option after its news site was blocked, the online publication was now posting its full content on its Facebook page.

Once on Facebook full-time, *Zambian Watchdog*'s popularity increased rapidly as more and more Zambians signed up to the social networking site and as news of the blocking of the news outlet's website continued to receive public attention. Before long, other online publications emerged on Facebook and, like the *Zambian Watchdog*, adopted the practice of posting their entire content on Facebook (rather than just posting links to the content on their websites), making the social networking platform their primary channel for distributing their content. Today, the most popular news Facebook pages in Zambia are *Zambia Reports*, *Mwebantu New Media*, and *Zambian Watchdog*.[1]

By 2015, there were 1.3 million Zambians on Facebook out of a population of about 15 million citizens (Internet World Stats, 2015). This figure grew to 1.6 million users by December 2017. This means that over nine per cent of the country's population are potentially exposed to news and information via Facebook. With a growing number of users in Zambia, and features that enable interactivity and networking, receiving and sharing content, posting comments on stories or dialoguing around particular content, Facebook's place in the democratic life of the country is obvious. The long-standing concerns about media freedom, proclivity by government to shut down critical media spaces, and absence of truly public service media (Matibini, 2006) have meant that Facebook is one of few – increasingly important – spaces where media can escape restrictions in their effort to serve public interest, particularly in relation to democracy. Democracy, as many scholars have observed, cannot function without a free media that is able to facilitate the free flow of information on whose basis citizens should be free to debate, vote, make individual choices, and participate in making a range of other decisions within the democratic process.

In the absence of a free mainstream media space, can these Facebook-based media effectively perform the aforementioned democratic functions? Drawing

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1 Popularity was measured by the number of regular followers a Facebook page has, as indicated by the number of users who 'like' the page by clicking on the 'like' icon.

on Jürgen Habermas' concept of the public sphere (see Habermas and Burger, 1989; Habermas, 1995), and on electoral and deliberative theories of democracy, two types of content from the three news Facebook pages (*Mwebantu*, *Zambia Reports* and *Zambian Watchdog*) are selected for analysis. The types of content are news articles and user comments. News articles, chiefly on political issues, are assessed through criteria based on key principles of the electoral democracy theory, which are also reflected in (more or less) universally accepted ethics of journalism seen as critical in ensuring the media perform their democratic roles; that is, in line with public interest rather than partisan leanings (see, for instance, McQuail, 2010). The criteria include balance, impartiality, fairness, among others. On the other hand, user comments, which are a means of conducting public democratic debates, are assessed against a set of criteria drawn from the work of Stromer-Galley (2007), Rowe (2015), and Stroud et al. (2015) centred mainly around user-to-user interactions, ability to argue, use evidence and ask questions, civility, and diversity of opinion.

3 The Quality of News and Information on Facebook

Analysed in terms of values consistent with the electoral theory of democracy – access, diversity, impartiality, among others – a sample of news articles published in 2016 on the news Facebook pages of *Mwebantu*, *Zambia Reports* and *Zambian Watchdog* from 2016 shows patterns of preferential accessing of sources and referents and a selective emphasis of issues, depending on whether they reflected positively or negatively on a particular source or referent.

The research shows that access of sources across the three media outlets' Facebook pages was concentrated on government and the main opposition party. Figure 10.1 shows that 53.2 per cent of the sources cited on the three news Facebook pages represented only four political parties (the party in government (PF) and three opposition parties, UPND, MMD and FDD). Other sources accessed were independent public institutions such as the police and the elections body with a 14.29 per cent share. Independent voices and civil society had 14.29 per cent and 6.49 per cent respectively. 11.69 per cent of the sources had unclear affiliation, mainly because many of them were anonymous. Given that it may be unrealistic, as expostulated in McQuail (2010), to expect equal access since sources differ, the distribution of access shown in Figure 10.1 may appear realistic. However, several political parties were excluded from access. This study was conducted three months before general elections in Zambia in which several political parties where participating, with nine of these parties participating in the presidential vote (Electoral Commission of Zambia, 2016).
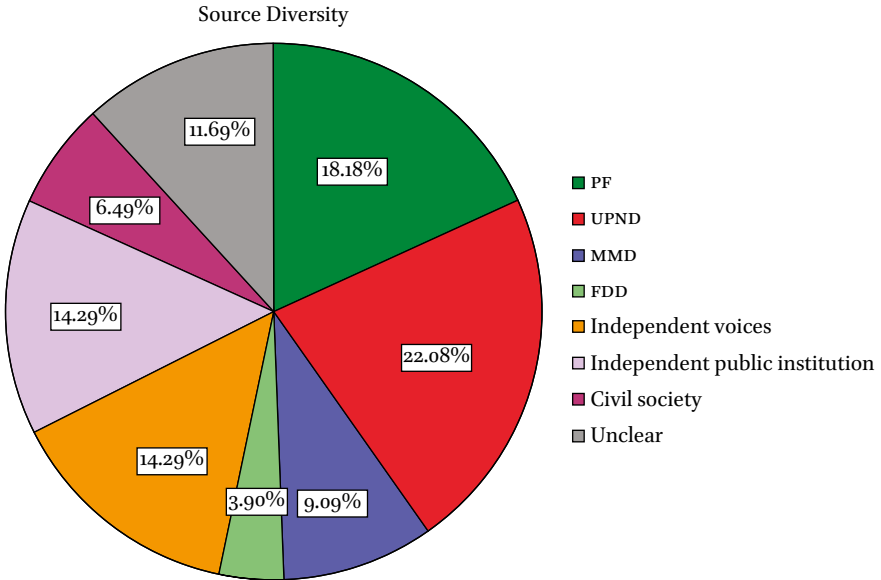
Also of concern in this finding is, overall, the limited space for civil society on these media platforms. Civil society's role in mobilizing marginalized voices is vital for the inclusiveness of the democratic process

However, when controlled for individual media outlets, as shown in Figure 10.2, differences can be seen in the distribution of access on each platform. *Mwebantu* cited more sources from civil society than from any other section of society (37.5 per cent) while 12.5 per cent of its sources were from government, and 25 per cent from the opposition MMD. *Zambia Reports* showed bias towards government and ruling party sources (28.7 per cent), citing them twice as much as either of the two main opposition parties (UPND and MMD). *Zambia Reports* also gave more voice to independent institutions such as police and the elections management body at 25.7 per cent compared to *Mwebantu* (0 per cent) and *Zambian Watchdog* (5.9 per cent). *Zambian Watchdog* was inclined towards sources from the opposition UPND (35.3%) who were accessed about four times more than the PF/government sources.[2] Nevertheless, the media outlet also gave a higher proportion of access to independent

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2 Since there is no clear separation in Zambia between the government and the party in government, this study refers to the ruling PF party and the government collectively as 'PF/ government' or just as 'government'.
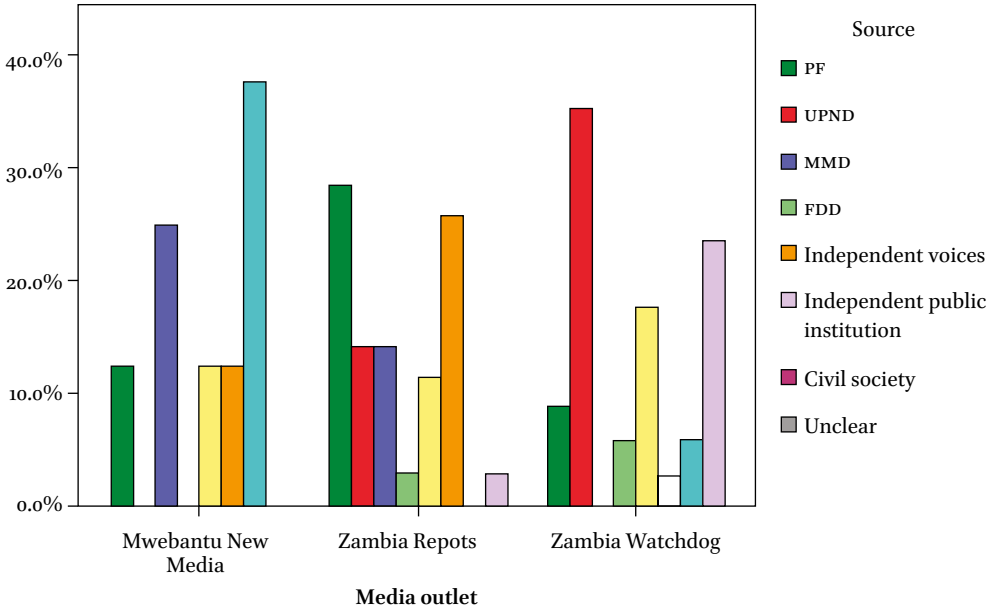
FIGURE 10.2   Sources accessed by each Facebook page

voices, mainly through letters to the editor, at 17.6 per cent, but it also had the highest percentage of sources with unknown affiliation (23.5 per cent).

Another important observation from the data is the very low total number of sources quoted by *Mwebantu* (only eight in 50 news articles) compared to 35 in 50 articles for *Zambia Reports* and 34 in 50 for *Zambian Watchdog*. Across all three outlets, 48.7 per cent of the articles in the sample did not quote any sources, as shown in Figure 10.3, and about 58 per cent of these articles came from *Mwebantu.*

A closer look at the three news Facebook pages shows that the absence of sources in such a large number of articles (Figure 10.3) can be explained by the increase in the use of picture-and-caption-only type of stories. Some of these picture-and-caption-only formats could well fit the description of public relations or advertising. An example is when, during the run-up to the 2016 elections, the news Facebook pages portrayed certain politicians or political parties as 'popular' by publishing pictures which showed them addressing 'huge' crowds of supporters. Such portrayals, whether intended to or coincidental, obviously work in favour of the referents or subjects of the coverage without them even ever saying a word in the story. Therefore, when investigating issues of access, concentration should not just be on what the subject says in the news, but also on what the news says about the subject. Relying only on cited sources
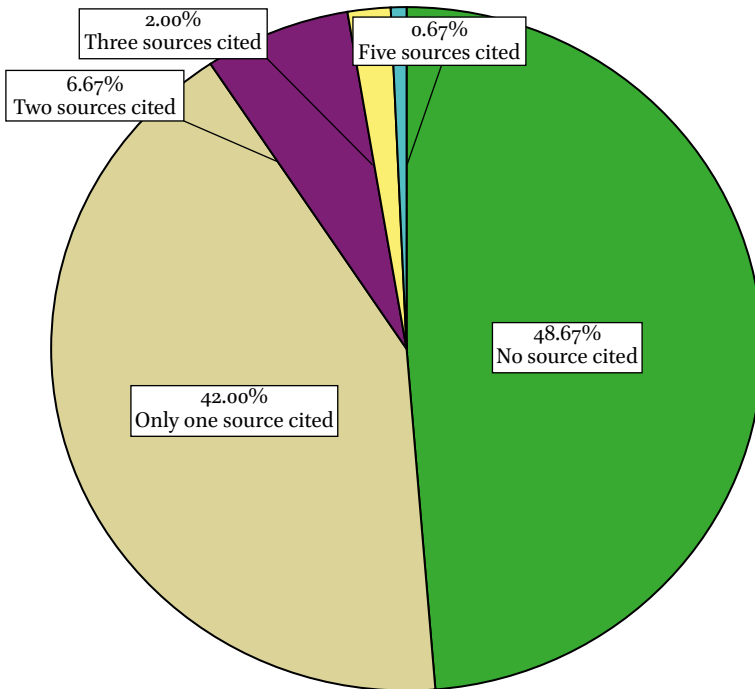
FIGURE 10.3   Number of sources cited in articles across all three pages. 48.7% of articles did not cite any source

may obscure the true picture of the extent of media 'attention' or access enjoyed by certain individuals and groups. In any case, a good picture may well be more persuasive than several good words spoken by a source about themselves.

Additionally, there is also a prevalence on these news Facebook pages of a style in which individuals or groups are reported about without being spoken to (without letting them tell their side of the story), and as such they are not cited in the news reports despite being the main focus or referents in a story. Of course, many of such stories usually claim to have got their information about their referents from 'anonymous sources'.

For example, *Zambia Reports* reported in one of its articles that the opposition UPND was experiencing difficulties in picking a presidential running mate because there were many contenders interested and the issue threatened the unity of the political party (*Zambia Reports*, 16 May 2016). The article never cited any source but mentioned a number of individuals reportedly interested in running for the position of vice president. While the UPND and its leaders were the main referents, their voices were absent in the news report. That is, their side of the story was not covered.

TABLE 10.1 Distribution of access in terms of different sources and referents or objects of coverage

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Government/ Patriotic Front (PF)	67	44.7	44.7	44.7
	United Party for National Development (UPND)	46	30.7	30.7	75.3
	Movement for Multiparty Democracy (MMD)	15	10.0	10.0	85.3
	Forum for Democracy and Development (FDD)	3	2.0	2.0	87.3
	Other political parties	2	1.3	1.3	88.7
	Independent voice	2	1.3	1.3	90.0
	Independent public institution	10	6.7	6.7	96.7
	Civil Society	4	2.7	2.7	99.3
	None	1	.7	.7	100.0
	Total	150	100.0	100.0	

Table 10.1 and Figure 10.4 show the distribution of access in terms of main referents or objects of coverage in the content of the three news Facebook pages.

As seen from Table 10.1 and Figure 10.4 above, the picture that emerges when we examine diversity of access in relation to referents, and not just sources, is different from the one in Figure 10.3, which focused only on sources cited. In Figure 10.4, 75 per cent of access to media coverage across all three Facebook

Referent/Object of coverage
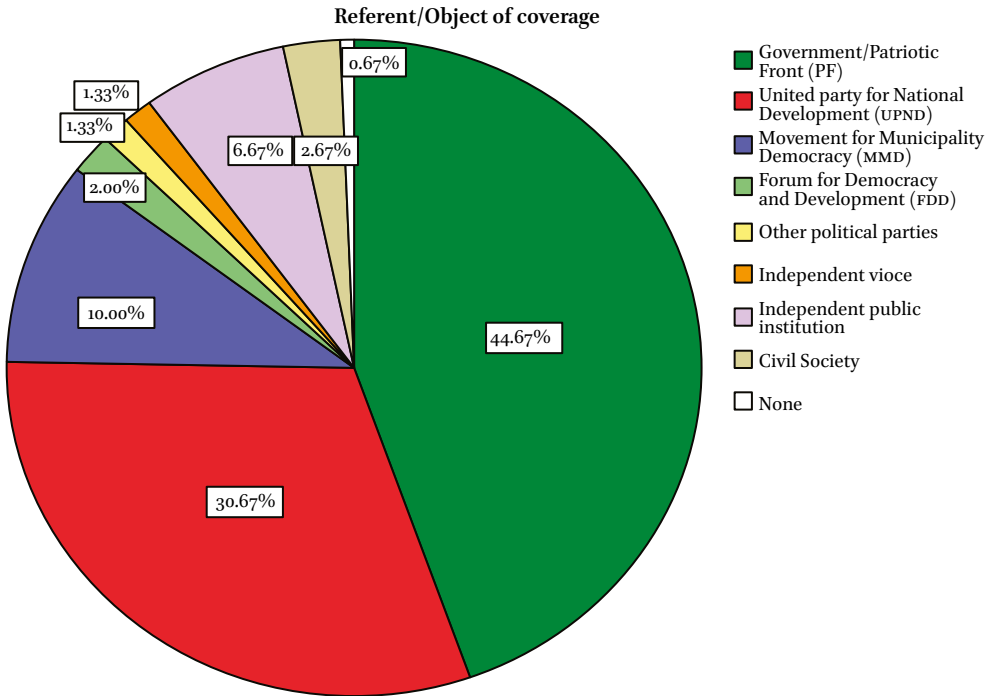
FIGURE 10.4   Distribution of access by sources and referents/objects of coverage

pages is concentrated on only two political organizations, namely PF/government at 44.7 per cent and the opposition UPND at 30.7 per cent. The frequency distribution in Table 10.1 shows that almost 90 per cent of total access goes to four political parties, severely restricting the rest of the stakeholders to just around 10 per cent of access. Of this, only 2.7 per cent goes to civil society. This scenario has the potential to undermine the role that civil society plays in most African democracies including Zambia, by speaking for marginalized groups such as women, youth, people living with HIV and AIDS or with disabilities, and many other social groups who sit at the margins of socio-economic development. Civil society is also effective in raising the alarm where there are political abuses and has also been instrumental in the mediation of political conflicts especially during elections (UNECA, 2013: 163–164). That said, even among political parties, only two of them dominate the news agenda in a country in which several political parties are active participants in the democratic process.

Figure 10.5 shows differences in the pattern of distribution of coverage among the three media outlets, with government being the most covered on

Mwebantu New Media   **Zambia Reports**   Referent/Object of
                                                                   coverage

- ■ Government/Patriotic
      Front (PF)
- ■ United party for National
      Development (UPND)
- ■ Movement for Multiparty
      Democracy (MMD)
- ■ Forum for Democracy
      and Development (FDD)
- ■ Other political parties

- ■ Independent voice

- ■ Independent public
      institution
- ■ Civil Society

- □ None
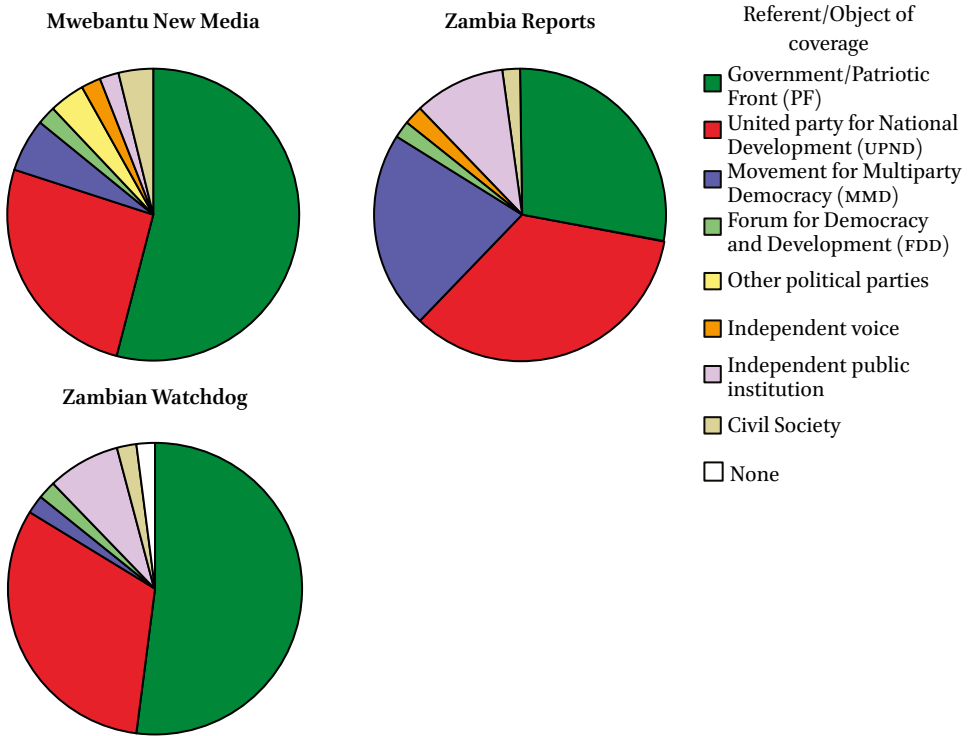
Zambian Watchdog

FIGURE 10.5   Distribution of coverage according to Facebook pages of individual media
                        outlets

Mwebantu (54 per cent) and *Zambian Watchdog* (52 per cent). *Zambia Reports* provided 28 per cent of its coverage to government and 34 per cent to opposition UPND. An interesting observation is that *Zambia Reports* cited government sources more than it did any other; yet, in terms of overall coverage, it covered more of the opposition UPND, while *Zambian Watchdog* cited opposition UPND sources by far the most despite its overall media attention being focused more on the government. One possible explanation for this is that the media outlets enjoyed a closer relationship, and hence ease of access, to the source they cited more, implying some kind of bias in favour of such a source. It could also mean that the motives for the predominant coverage given to the opponent of their most cited sources was most likely to generate negative publicity against such an opponent. These biases appear to be confirmed in a later discussion on objectivity.

The over-accessing of dominant voices shown by the analysis above is a replica of the established patterns of access and power relations in the definition of reality typical of mainstream media. Of course, an argument can be

advanced that diversity of access in the age of the internet should be seen in terms of the openness of the online space, which allows for a wide range of divergent voices to be heard. According to this line of argument, then, those whose access to the three news Facebook pages is restricted or denied could simply create 'alternative media' pages on Facebook – since it is 'free' – and get their voices heard. However, advancing such arguments would be ignoring the realities of the political economy around Facebook. For example, Facebook's business strategy is predicated on algorithmic and other curation designs that tie the visibility of Facebook pages and posts in users' newsfeeds to expenditure on the promotion of these pages and posts. As Tufekci (2015: 11) observes, '[…] companies with money can pay-to-play and force themselves into your [Facebook news] feed'. This, in effect, disadvantages voices on the economic margins further as they are bereft of the resources required to build and mobilize attention to their issues of interest. Ultimately, this serves to reinforce the dominant position of the same elite voices and their media, who have more resources at their disposal. This resource variable can, in fact, motivate the dominant voices to invest in the Facebook news platforms to assure their privileged access. Whether or not this does actually happen in relation to the three platforms in question here cannot be ascertained within the scope of this chapter, needless to say that access and source power on Facebook, at least in relation to news and information, is differently distributed and the role played by economic imperatives and power cannot be ignored.

Some theoretical perspectives have been used to explain additional dimensions to this preferential access granted to the powerful sources by the media. The concept of 'primary definition' attributed to Hall (1978) can best be summarized in the words of Cottle (2001: 14) that 'the organization of news is not geared up to the needs of the socially powerless'. According to Hall (1978), the routines of newsgathering present time and resource constraints that result in news organizations relying on information subsidies provided by powerful institutions such as government and big political parties, who have the resources, organizational capacity, and a full complement of media relations staff to provide the media with news releases, pictures, and other material, and are also able to choreograph news events. Indeed, the reliance on information subsidies by news Facebook pages is in evidence. For example, the picture below shows the president of Zambia with his daughter as published by *Mwebantu New Media* on their Facebook page, but the picture was supplied to the news outlet by the president's press team. During the 2016 general election, *Mwebantu New Media* usually published picture-and-caption-only content supplied to them by their sources, mainly PF/government.

Other than deadline and resource pressures, Hall (1978) also attributes the over-accessing of government and other dominant voices to the media's desire to render credence to their content by quoting sources seen as 'authoritative'. If this perspective can explain why *Mwebantu* provides more coverage to government and why *Zambia Reports* accesses government and ruling party sources more than it does any other, the conclusion by Cottle (2001, citing Eliasoph, 1988), that the selection of sources may depend on 'the informing political ethos of the organization and its managers' (Ibid.: 15), could, on the other hand, apply to the *Zambian Watchdog*, given its predominant accessing of the opposition and its 'adversarial' coverage of government (discussed later).

The concentration of coverage on only a few dominant sources or referents result in citizens being denied access to a full range of information about political contenders, and a diverse array of perspectives on various issues, which are crucial in informing their electoral and other choices, as well as their participation in public debates. As pointed out by Jacobi et al. (2015), whose study found more diversity of access in online as compared to offline newspapers, 'The more an outlet focuses on some political parties over others, the greater the chance for some kind of bias, and the lower the diversity' (Ibid.: 2). In addition, the democratic process cannot be said to be participatory enough if access to channels of communication and interaction – through which participating political parties and election candidates can articulate their ideas and persuade citizens to vote for them – are limited to only a few powerful players.

4 Objectivity

Objectivity, seen as crucial in getting to the truth, which is the end goal of journalism (O'Neill, 1992), is a much-contested term in media scholarship, especially by cultural relativists, who deny the existence of a single absolute truth, but rather see multiple versions of reality (Franklin et al., 2005). These see objectivity – that is, cordoning off the truth from biases – as unrealistic because they see information and events as milled into news through the subjective interpretations of journalists and the resulting news, one might argue, is consumed by the end-user through a process of further subjective interpretation.

A more savage attack on objectivity can be found in Hartley (2011), who describes it simply as 'an invention of American journalism' (Ibid.: 191) and that it 'has never been a defining feature of the press in Europe, especially the United Kingdom, where a partisan model of the press has remained in place' (ibid).

TABLE 10.2   Media stance across all three Facebook platforms to show the extent to which
             they were neutral or biased in their content

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Favourable/positive	11	7.3	7.3	7.3
	Critical/negative	34	22.7	22.7	30.0
	Neutral	105	70.0	70.0	100.0
	Total	150	100.0	100.0	

Hartley (2011) further points out that broadcast media in Europe have, however, historically been required to be objective due to spectrum scarcity which limited people's choices, but this soon changed with the advent of cable television and, now more than ever, the explosion of digital media. This begs the question as to whether *Mwebantu*, *Zambia Reports*, *Zambian Watchdog*, and other online news platforms, particularly on social media, can be held to the standards of objectivity by which mainstream media have been judged. As Hartley (2011) asserts, objectivity online is 'elusive' because 'Internet news is the most varied of all forms' (Ibid.: 192).

Nonetheless, the need for objectivity has continued to be hailed by many other media scholars. McNair (1998) appears to recognize the existence of alternative readings of events. Following McNair (1998), therefore, ascribing for objectivity in this chapter includes non-partisanship, bringing out all possible divergent interpretations in a story, separating editorial comment from news reports (or opinion from facts), not taking sides, and giving people named in the news the right of reply.

These standards were applied in the assessment of *Mwebantu*, *Zambia Reports* and *Zambian Watchdog* with interesting findings emerging. Table 10.2 below shows that 30 per cent of the articles in the sample from the three outlets exhibited partisanship during the run-up to the 2016 general elections.

When the stance of each media outlet is analysed separately, the results shown in Figures 10.6, 10.7, and 10.8 indicate that while *Mwebantu New Media* and *Zambia Reports* showed bias in favour of the government in some of their content, *Zambian Watchdog* was slanted towards the opposition UPND in a number of its articles. *Mwebantu* sided with PF/government in four of the 27 articles in which they covered government. *Zambia Reports* published twelve articles about the PF/government. two of which were biased in favour of

government. *Zambian Watchdog* did not show bias in favour of PF/government in any of their content, but instead was critical in fourteen of the 26 articles it wrote about the government. However, *Zambian Watchdog* were partisan in favour of UPND in four of sixteen articles and never criticised this opposition party in any article. In all, therefore, the *Zambian Watchdog* exhibited an anti-government but pro-opposition stance, while *Zambia Reports* showed anti-opposition tendencies but was both critical and supportive of government in equal measure. *Mwebantu New Media* was not critical of any of its sources or referents, despite a small minority of its content exhibiting a pro-government stance.

There were many ways in which the three media outlets revealed their stance. For example, in one of the articles, *Mwebantu* described the incumbent president as 'frontrunner in the August 2016 elections' while the same candidate was described as 'outgoing president' by *Zambian Watchdog*. The incidence of partisanship at 30 per cent of all articles in the sample may be significant to some people, yet tolerable to others. In the absence of comparable figures, there is no way of telling. However, even a single occurrence of a characteristic in content can register in the minds of the audience. As Hansen and Machin (2013) stress in their critique of content analysis:

> The relationship between the frequency with which some activity or phenomenon is portrayed and its wider social impact is, as long recognised in communication research, far more complex [...] it points to the need for placing what is counted in content analysis within a theoretical framework which articulates, in the form of a model of communication influence, the social significance and meaning of what is being counted.
>
> HANSEN and MACHIN, 2013: 89

What should rather be acknowledged is that any show of partisanship can undermine debates (Franklin et al., 2005: 77), and during democratic processes such as elections, such bias can result in the distortion of reality and thus interfere with citizens' ability to make fair and informed decisions. Curran (2010) cautions that partisanship can fragment society into 'social enclaves' (Ibid.: 55) There are, of course, arguments in addition to those explained above in relation to objectivity, that are pushed in favour of partisan media. Partisanship could be viewed as evidence of media freedom and plurality or can be seen in terms of encouraging robust debates and active participation in politics (Franklin et al., 2005: 77; Curran, 2010: 55). However, Curran (2010: 55) points out the need for 'media that reach out to a more extensive audience, report the news in a neutral way and sustain debate in a form that is oriented
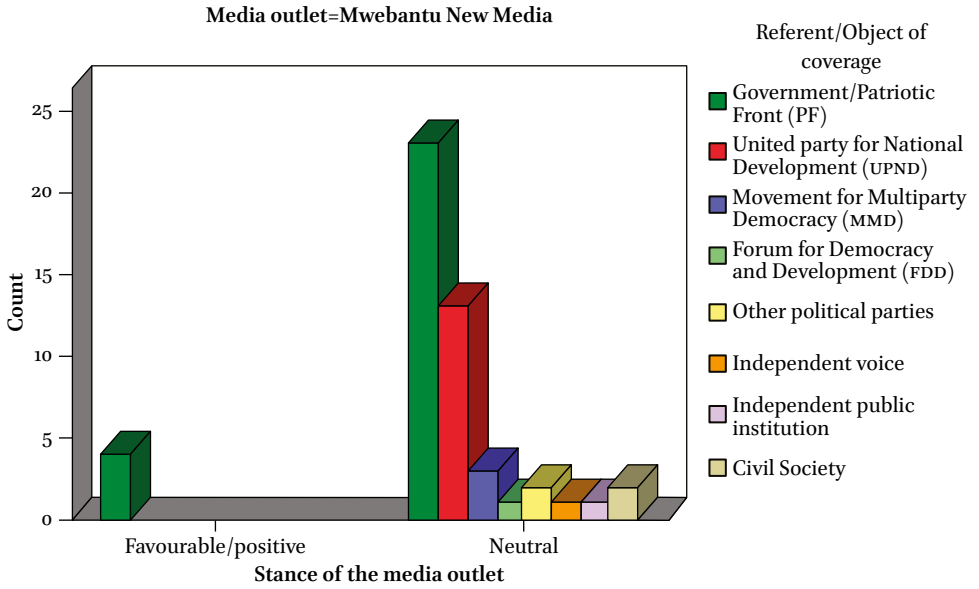
FIGURE 10.6   Stance by Mwebantu New Media towards its sources/referents
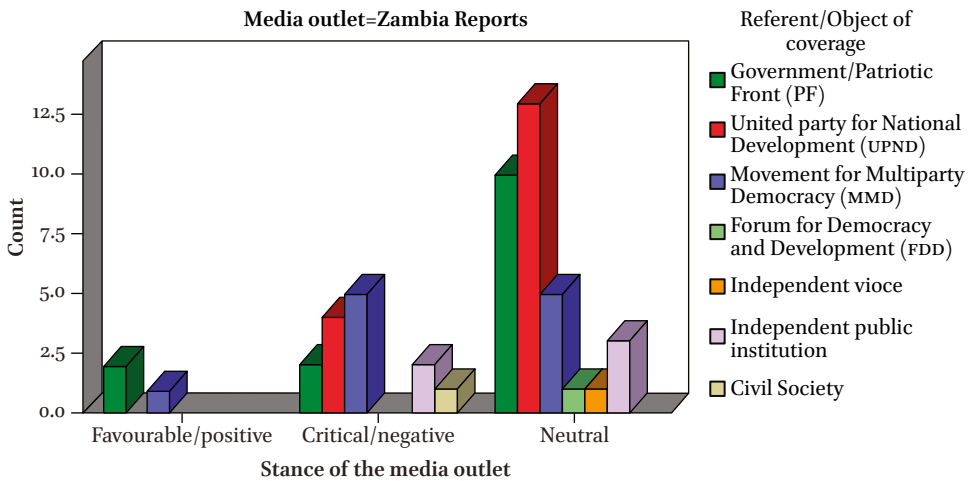
FIGURE 10.7   Stance by Zambia Reports towards its sources/referents
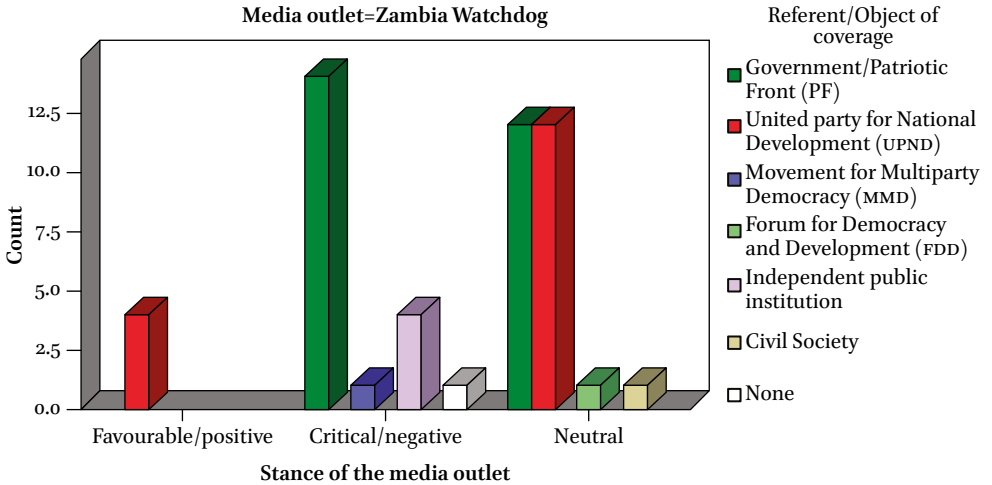
FIGURE 10.8   Stance by the Zambian Watchdog towards its sources/referents

towards the public good'. On the whole, though, it should be mentioned that much of the bias exhibited by the three online media outlets was latent rather than manifest.

In another measure of objectivity, it is worth examining the extent to which the news outlets are able to maintain a clear separation between news reports and editorial comment. As McQuail (2010) states, objectivity requires that editorial opinion is separated from news. If a report is mixed with views of the authors or news organization, it falls short on objectivity. Figure 10.9 shows that 22 per cent of the articles published by *Zambian Watchdog* during the study period mixed editorial comment and news reports, which was by far the highest compared to only two per cent for *Zambia Reports* and none for *Mwebantu*.

In terms of impartiality, the findings show that 92 per cent of the articles in the sample were not balanced in terms of views represented and 93 per cent were not balanced in terms of sources. Articles citing government sources did not generally seek the opposition's comment and vice versa. These findings are depicted in Figures 10.10–10.12 below. There were similarities across all three media outlets with at least 90 per cent of content on each platform showing a lack of balance in views and sources (see Tables 10.3 and 10.4 below). It can be observed from Table 10.3 that one media outlet (*Mwebantu*) contributed more than half of the articles that did not cite any source (84 per cent of all its content). This is because *Mwebantu's* content is mainly in form of pictures rather than text. Nevertheless, the lack of balance in such a great majority of content means that the audiences (users) of these news Facebook pages are denied

Media Outlet

Mwebantu New Media

8.00%

2.00%

90.00%

Zambian Reports

2.00%

18.00%

2.00%

78.00%

Zambian Watchdog

2.00%

22.00%

16.00%

60.00%

Type of Article

- News report
- Opinion/Editorial
- Mix of report and opinion
- Feature/analysis
- Active promotion
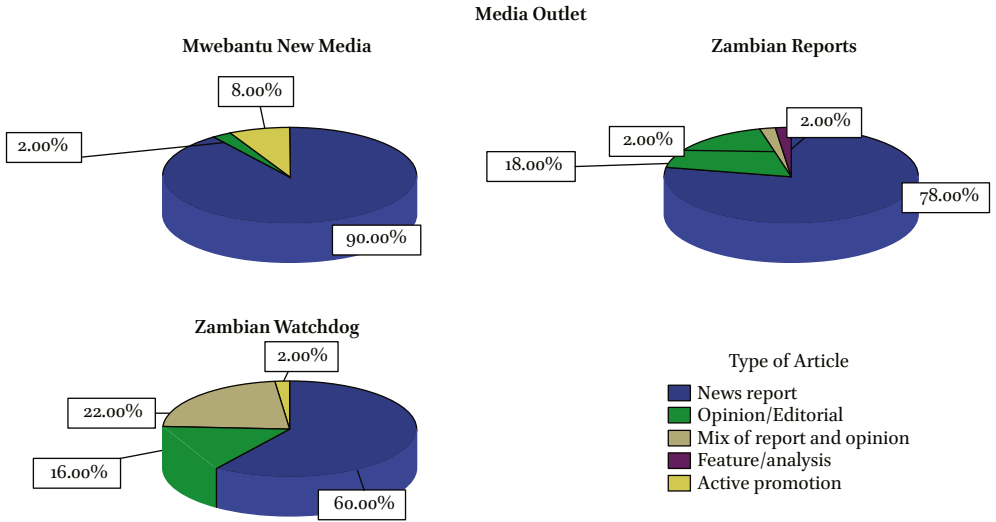
FIGURE 10.9   Separation of news reports from editorial comments

7.84%

92.16%

Balance in terms of
viewpoints

- Contains different
  viewpoints or competing
  arguments
- Contains only one viewpoint
  or agreeing viewpoints
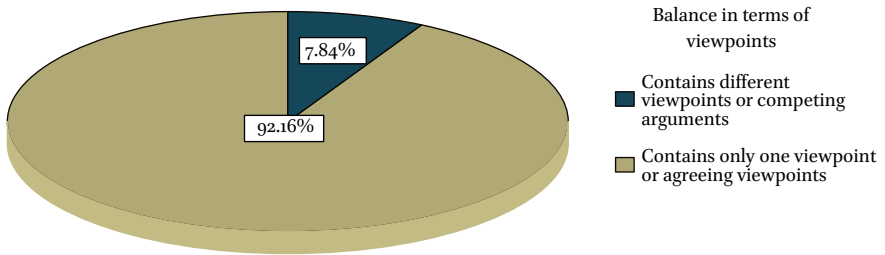
FIGURE 10.10   Balance of views across the political content on the Facebook pages of the
three media outlets

6.67%

48.00%

44.67%

0.67%

Balance of sources

- Two or more sources
- One source
- Unclear
- No source
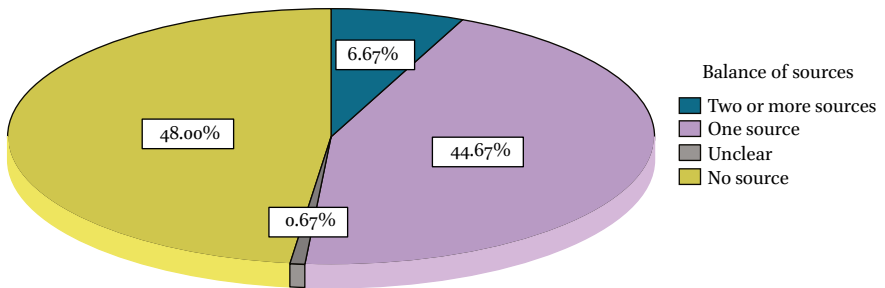
FIGURE 10.11   Balance in terms of sources across all three Facebook pages
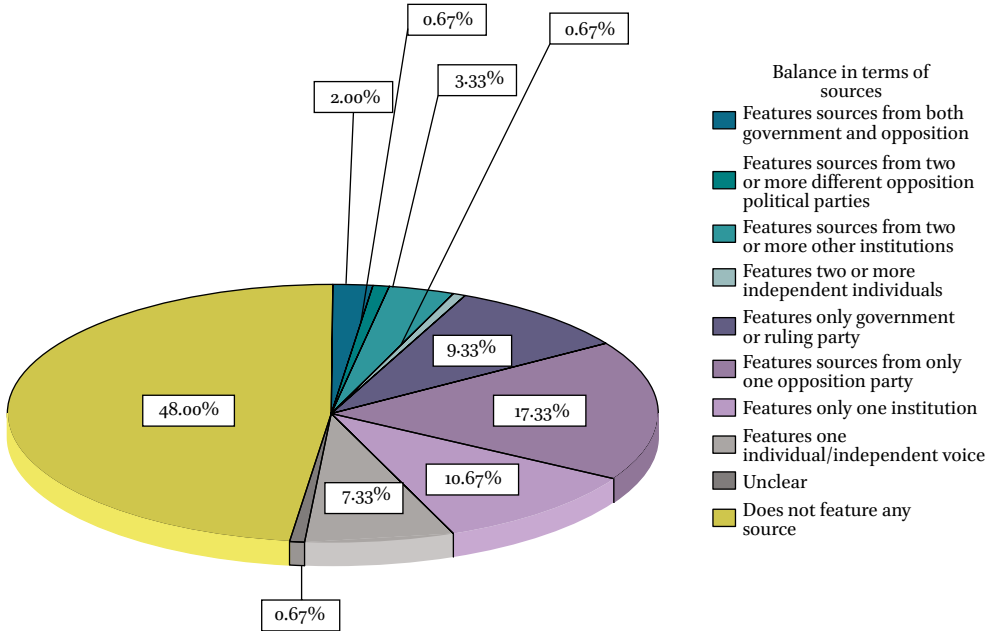
FIGURE 10.12   Balancing of various sources across three Facebook pages

access to competing perspectives or sources within a single platform at least. Even a check across content on the three news Facebook pages did not reveal any articles outside the sample that were aimed at balancing the information in earlier articles.

Perhaps most importantly, this research also investigated latent bias. Even when the reporting appeared impartial, how was a source or referent portrayed? Following this line of inquiry, it was observed that 100 per cent of the coverage by the three media outlets on Facebook reflected positively on FDD and 76 per cent of the articles published about the UPND were positive. PF/ government received a positive reflection in 57 per cent out of all articles in which it received coverage. However, it should be noted that in absolute terms, the 100 per cent for FDD means very little as it only represents two per cent of the total sample compared to 25 per cent for PF/government and 23 per cent for UPND. So, this figure for FDD is undermined by the low access the party gets from the three publications. Further, 43 per cent of all articles about PF/government (representing nineteen per cent of the total sample) were negative, while the opposition UPND enjoyed far less negative coverage overall at only five per cent of the total sample. The rest of the sources or referents received very low coverage with negative or positive coverage accounting for less than five per cent of the total sample.

TABLE 10.3   Balance of sources according to each media outlet's Facebook page

			Media outlet			
			Mwebantu New Media	Zambia Reports	Zambian Watchdog	Total
Balance of sources	Two or more sources	Count	2	5	3	10
		% within Media outlet	4.0%	10.0%	6.0%	6.7%
	One source	Count	6	31	30	67
		% within Media outlet	12.0%	62.0%	60.0%	44.7%
	Unclear	Count	0	1	0	1
		% within Media outlet	0.0%	2.0%	0.0%	0.7%
	No source	Count	42	13	17	72
		% within Media outlet	84.0%	26.0%	34.0%	48.0%
Total		Count	50	50	50	150
		% within Media outlet	100.0%	100.0%	100.0%	100.0%

In instances when the media appear to merely disseminate both positive and negative news impartially, it is tempting to conclude that the media is being objective, since they may seem to only narrate events as they occurred or convey statements as they were issued. However, one must scratch beneath the surface to uncover what appears to be evidence of latent bias deployed through such strategies as agenda setting and framing. While agenda setting entails the media providing coverage of certain issues in order to draw public attention to those issues (Iyengar, 2010), framing has more to do with the media deciding what issues to emphasize, downplay or obscure, and the interpretations they give to issues, for example in terms of what they project as the main controversy, or what they highlight as the causes of particular events (Hartley, 2011; Iyengar, 2010). Agenda-setting and framing are closely related to each other and to the third concept, priming (McQuail, 2010), which refers to the audience's tendency to give weight or focus to issues relative to their prominence in the media (this prominence basically arising from the agenda setting and framing of those issues).

TABLE 10.4   Balance in views according to each media outlet's Facebook page

| | | | Media outlet | | | |
			Mwebantu New Media	Zambia Reports	Zambian Watchdog	Total
Balance in terms of viewpoints	Contains different viewpoints or competing arguments	Count % within Media outlet	1 10.0%	4 9.3%	3 6.1%	8 7.8%
	Contains only one viewpoint or agreeing viewpoints	Count % within Media outlet	9 90.0%	39 90.7%	46 93.9%	94 92.2%
Total		Count % within Media outlet	10 100.0%	43 100.0%	49 100.0%	102 100.0%

There are a number of observations from the data that signal agenda setting and framing. For instance, the news agenda on *Mwebantu* was dominated by content that reflected positively on all its sources and referents. Despite a number of negative events such as the arrest of a prominent opposition figure during the period of the study, *Mwebantu* avoided content that reflected negatively on any source or referent. Through this kind of selectivity, the media outlet framed the news in positive terms. This 'positive news' orientation of *Mwebantu*, at least in terms of political content, can be observed even in the absence of criticism in its editorial comments or in its content in general as highlighted in Figure 10.6 above. It can be observed from Figure 10.9 also that *Mwebantu* published very little editorial comment compared to the other two outlets. However, a look at Figure 10.13 below reveals that the greatest beneficiary of *Mwebantu*'s 'positive' news frame was PF/government, which got more than half of all the coverage provided on its Facebook page (54 per cent). This was followed by opposition UPND at 26 per cent of all coverage in the sample. This means that for every article published about UPND, there were two articles about PF/government. This reveals the bias towards the PF/government. *Zambia Reports* appear to balance negative and positive content across many

of its sources and referents (see Figure 10.14) but a closer look reveals a situation in which the net effect is that the outlet emphasizes positive coverage of PF/government more than that of the opposition, while emphasizing negative coverage of opposition more than that of government. A qualitative analysis of the content reveals a pattern in which government programmes and leaders are framed as a 'success' and the opposition as a 'problem'. *Zambian Watchdog*, on the other hand, appear to emphasize 'positives' but obscures 'negatives' in their coverage of the opposition UPND, while it emphasizes negatives and obscures positives in its coverage of PF/ government. Figure 10.15 shows that 32 per cent of coverage on *Zambian Watchdog* reflected positively on UPND and none reflected negatively, but half of all its content in the sample gave negative coverage to PF/government, mostly framing government as performing poorly in addressing socioeconomic and governance issues.

On the whole, each of the three outlets had different agenda setting and framing tactics which produced latent biases in source access and coverage. In general, *Mwebantu* and *Zambia Reports* framed their news agenda in favour of government while *Zambian Watchdog* was biased in favour of the opposition UPND.

With regards to the 'right to reply', Figure 10.16 shows the extent to which this right was respected. This right enables those against whom allegations have been raised in news reports to respond to the allegations. Only thirteen per cent of the sampled articles in which this right to reply was required appeared to have honoured it. There were differences between media outlets. Figure 10.17 shows *Mwebantu* did not provide any space for reply in 100 per cent of the articles in the sample in which they were required to do so, while *Zambian Watchdog* only granted the right to reply in slightly over three per cent of the content requiring them to do so. Of the three outlets, *Zambia Reports* honoured this right the most, with 26 per cent (even though this figure was still very low). These relative figures need to be checked against the absolute ones provided in Table 10.5, so as to understand the prevalence of content requiring a reply from those named in the news. *Zambian Watchdog* had the highest number at 29, while *Zambia Reports* had 23 and *Mwebantu* only one. It shows that *Mwebantu* rarely raised allegations against its news subjects. Given the sample size of 50, it can be calculated that almost 60 per cent of the news articles in the sample from *Zambian Watchdog* made allegations against individuals or institutions compared with 46 per cent of articles on *Zambia Reports* and two per cent on *Mwebantu*. The disregard for the right to reply signals unfairness because it means people were generally not given space to defend themselves against allegations.
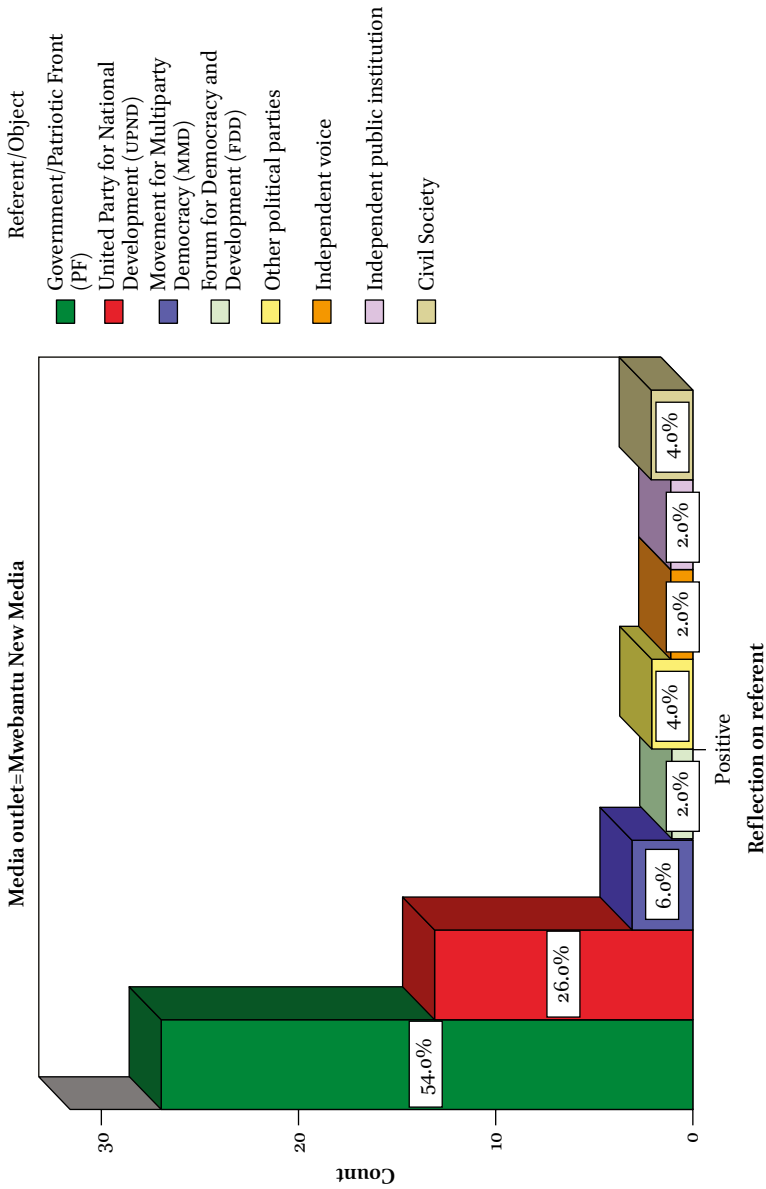
FIGURE 10.13   How content reflected on sources on Mwebantu New Media
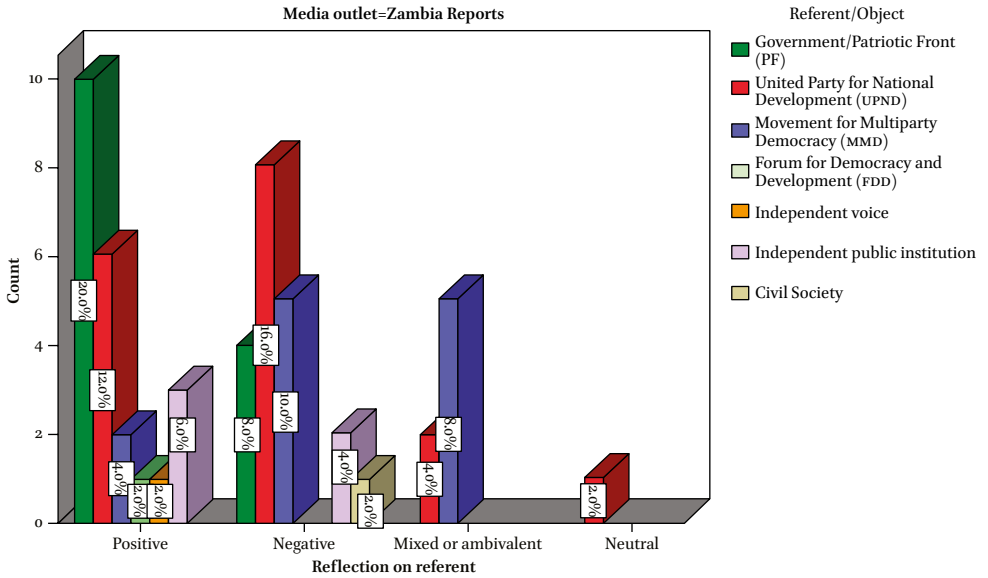
FIGURE 10.14   How content on Zambia Reports reflect on its sources/referents
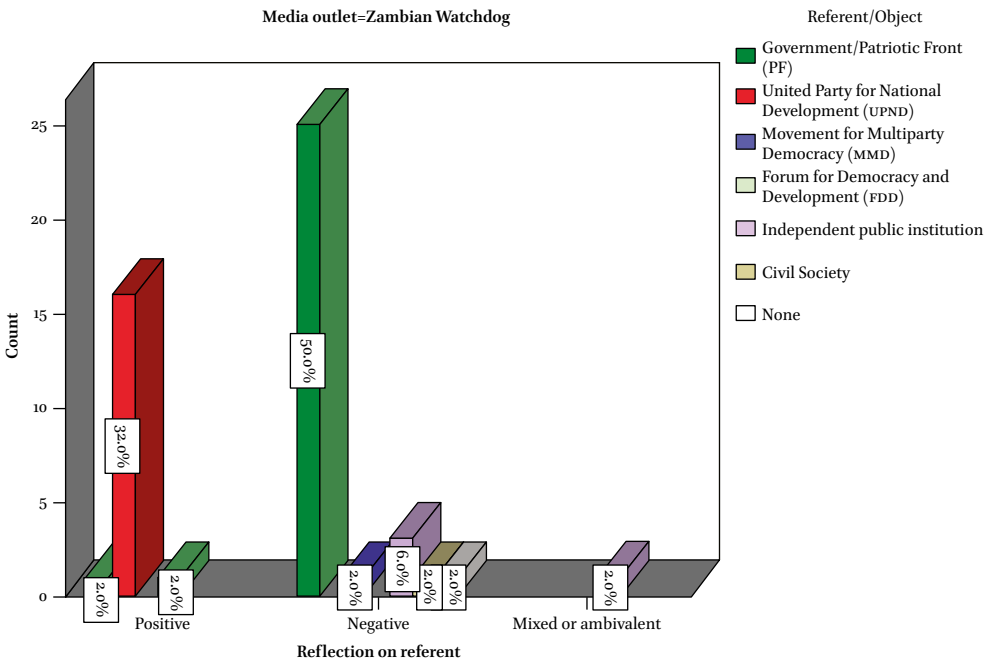
FIGURE 10.15   How articles on the Zambian Watchdog reflect on sources/referents
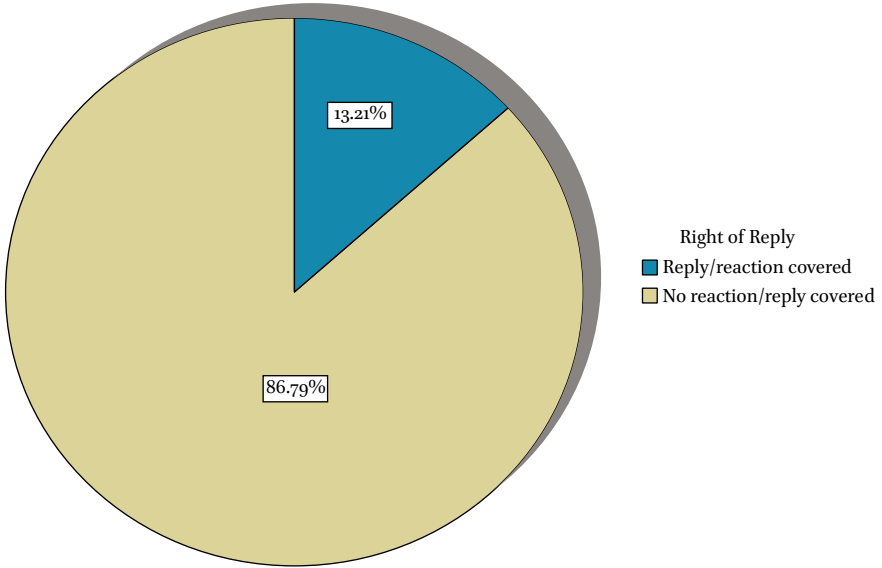
FIGURE 10.16   Extent to which the three outlets provided for the right to reply on their
                Facebook pages
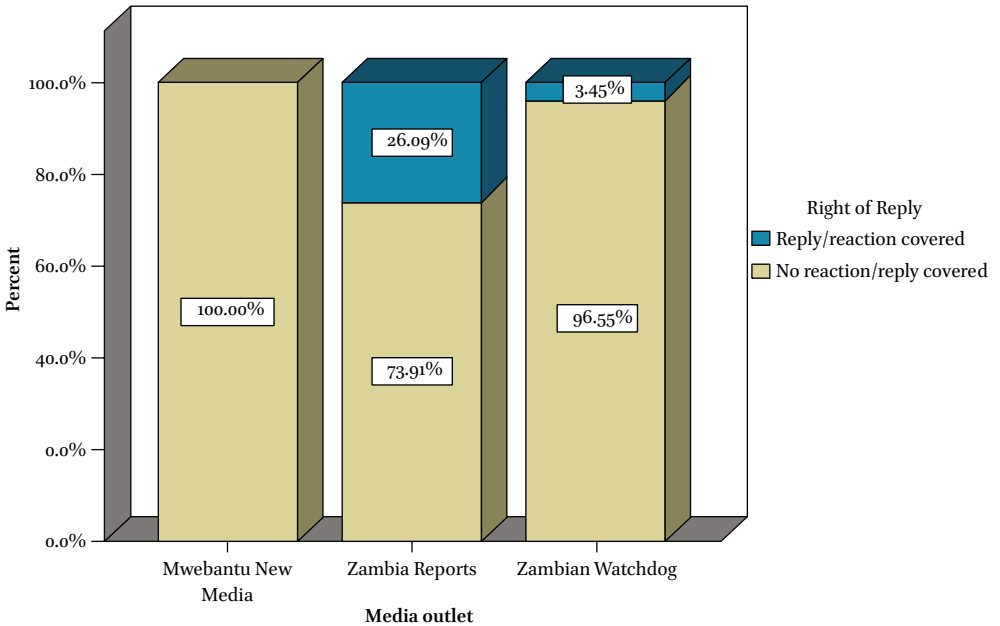
FIGURE 10.17   Respect for the 'Right to Reply' by each outlet's Facebook page

TABLE 10.5   Respect for the 'Right to Reply' by each media outlet's Facebook page

			Media outlet			
			Mwebantu New Media	Zambia Reports	Zambian Watchdog	Total
Right of Reply	Reply/reaction covered	Count	0	6	1	7
		% within Media outlet	0.0%	26.1%	3.4%	13.2%
	No reaction/ reply covered	Count	1	17	28	46
		% within Media outlet	100.0%	73.9%	96.6%	86.8%
Total		Count	1	23	29	53
		% within Media outlet	100.0%	100.0%	100.0%	100.0%

5   Extent of Focus on Issues

As far as the performance of democratic roles, the media is also judged in relation to the extent to which their content focuses on topical issues as compared to, say, personalities. It is what others call 'issue-based journalism'. The research conducted for this chapter found that almost 55 per cent of the content in the sample across the news Facebook pages of *Mwebantu*, *Zambia Reports*, and *Zambian Watchdog* focused on issues rather than personalities. Almost 30 per cent of the content focused on personalities while the rest focused on a mix of issues and personalities (see Figure 10.18 below). A focus on personalities encourages competing sides to focus on personal attacks at the expense of articulating important issues as they try to water down each other's image building efforts. In addition, 'it leads to personalized voting – voters who weigh evaluations of political leaders more heavily than issue positions […] which goes against the ideals of the electoral democratic model which holds both as important' (Jacobi et al., 2015: 6).

When viewed separately, differences were noted in the extent to which each media outlet focused on issues or personalities as shown in Figure 10.19 below. *Zambian Watchdog* was the most issue focused with 74 per cent of their articles oriented towards an issue rather than personalities. *Mwebantu* had the highest
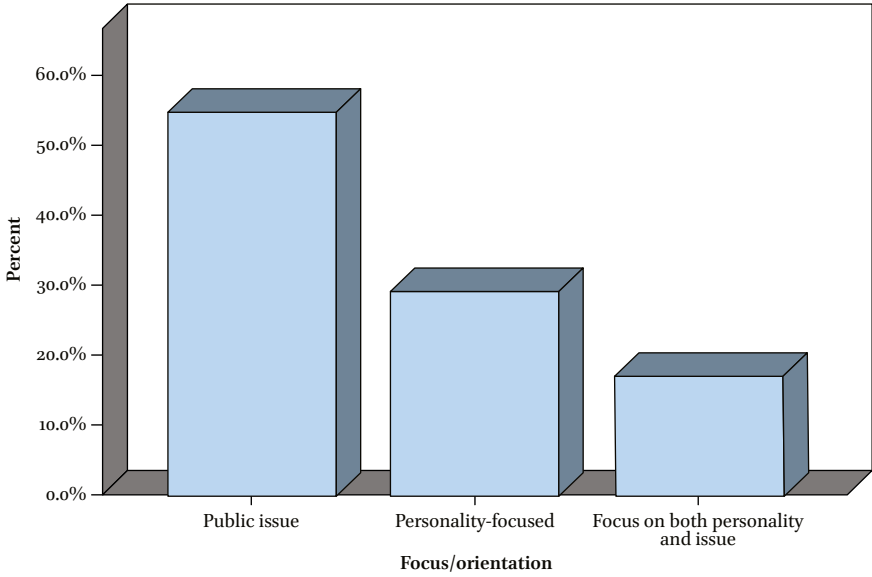
FIGURE 10.18   Issue focus across all three Facebook platforms
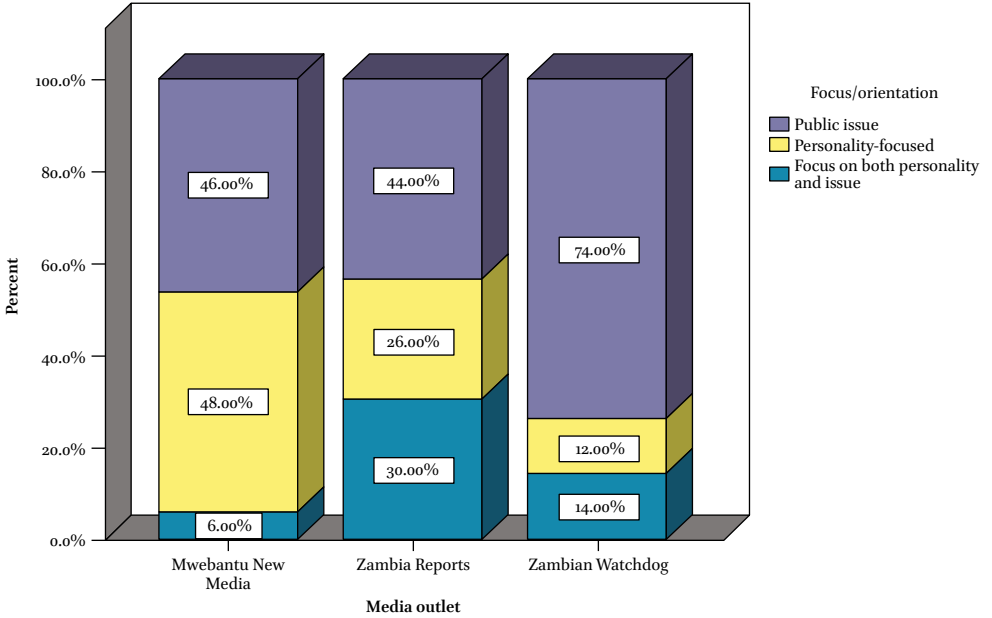
FIGURE 10.19   Issue focus according to each media outlet's Facebook page

focus on personalities (48 per cent of sampled content, mostly picture-and-captions of individual political leaders).

6   Content Formats

The rise of social media as a platform for journalism practice has also had an impact on news formats. The study of the news Facebook pages of *Mwebantu*, *Zambia Reports*, and *Zambian Watchdog* shows, however, that the conventional text-based news reports found in traditional newspapers has continued to dominate, although other formats such as picture-and-caption, videos and live streaming were increasingly being used. Figure 10.20 shows that text is the most predominant format online, as is the case with offline newspapers. 67 per cent of all content from the sample taken during the 2016 general elections was predominantly text. Next were pictures at 27 per cent, while video and live streaming were not in much use. Figure 10.21 shows that *Mwebantu* had a different mix of content formats with the highest share of its content being in form of pictures at 64 per cent, then text at 20 per cent. Video formats were not
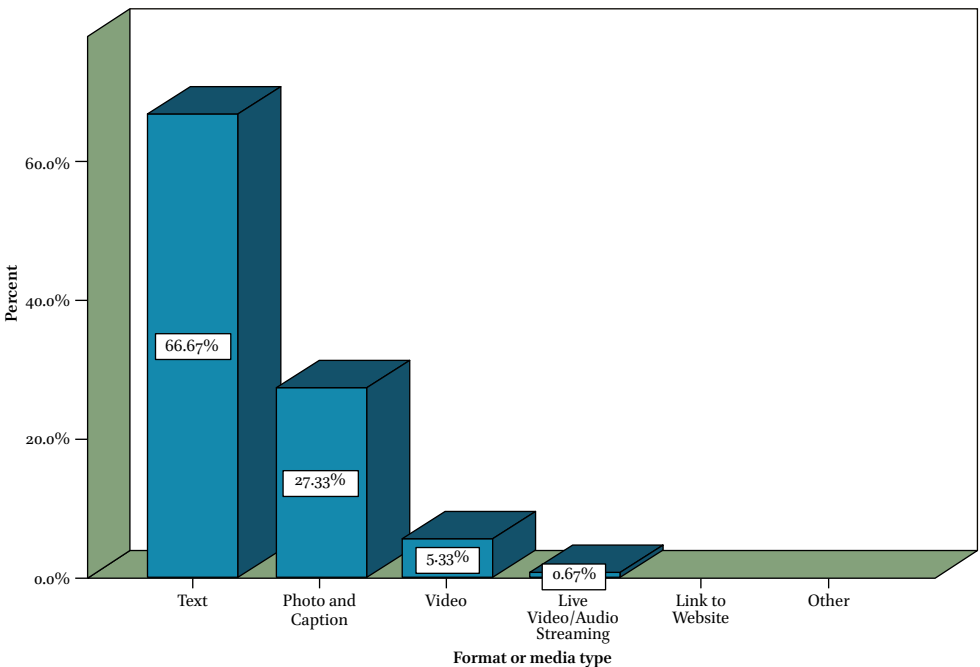
FIGURE 10.20   Media formats used across the three Facebook pages
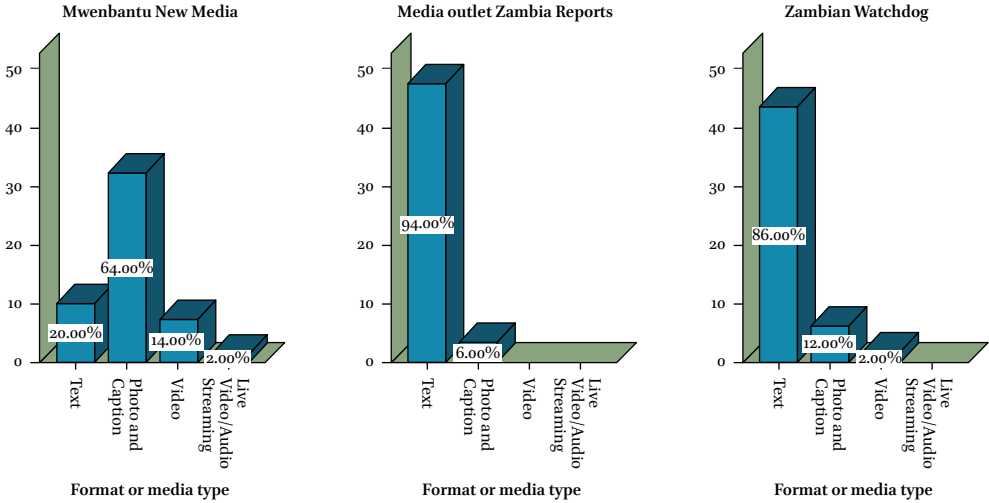
FIGURE 10.21   Media formats according to each Facebook page

very far off from text at fourteen per cent and streaming was still quite low at two per cent. *Zambia Reports* and *Zambian Watchdog* used more text content although *Zambian Watchdog* posted more picture formats, at twelve per cent, than *Zambia Reports* (six per cent). In total, *Mwebantu*'s use of newer formats (pictures, video and streaming) constituted 80 per cent of all its content, making it the most cutting-edge of the three. Carpenter (2010: 1069 cited Graber, 2001) points to one benefit of this by suggesting that 'in order to encourage younger people to become politically involved, information must be presented in a diversity of formats' because 'younger people prefer to experience their media through visuals and interactive features' (Ibid.). Bonsón et al. (2015: 59) found in their research that photos promoted the highest levels of engagement among all existing media types. At the time of the study, *Mwebantu* was the most popular news Facebook page (measured by the number of followers or people who 'liked' their page).[3]

7   The Quality of Deliberations on News Facebook Pages

Democracy is as much about informing people's democratic participation as it is about facilitating public debates. Thus, when media deliver news and

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3   By July 2016, *Mwebantu New Media* had 588,901 followers (people who have liked the page by clicking on the 'like' button). *Zambia Reports* had 433,483 and *Zambian Watchdog* 406,295.

information to the highest democratic standards, they perform but only part of the democratic roles expected of them. One of the single-most important roles of the media in democracy, which, regrettably, has not been considered in this research is the investigative role of the media, which enables the media to expose malfeasance in public office and hold powerholders to account. Another critical role of the media in democracy is to facilitate debates among citizens, both as a matter of fundamental right and as a means to forming public opinion and holding powerholders to account. This section discusses findings in relation to the quality of these debates or deliberations on the news Facebook pages of *Mwebantu*, *Zambia Reports* and *Zambian Watchdog*. The analysis is based on a number of variables applied to user 'comments' on the Facebook pages as discussed below. Table 10.6 shows that an average score of 41 per cent indicated the low quality of deliberations on nine of the ten variables, which means that only a minority of comments met the standards of deliberations set by the criteria applied here, when all variables were weighted equally. In sum, the deliberations across all three media outlets' Facebook pages were found to be mostly on-topic, high in opinion, and civil. However, majority of the commenters did not back up the claims they made about issues with some justification or evidence. They also did not reference any source, and neither did they provide any narrative or alternative solution to the issues they criticised. In addition, few of the commenters asked questions and few were involved in user-to-user interactions with other commenters. As such, it appears deliberations on the three online media outlets' Facebook pages had plenty of room for improvement, at least going by the sample of comments taken during the run-up to the 2016 elections in Zambia.

When the findings are considered in relation to individual news Facebook pages, majority of the commenters in the sample stayed on-topic for all three outlets (96 per cent for *Mwebantu*, 100 per cent for *Zambia Reports*, and 98 per cent for *Zambian Watchdog*). This is an encouraging result, given the importance of relevance of comments in focusing discussions towards addressing an issue in greater depth (Rowe, 2015). Most of the comments were also found to contain an opinion, but this was differently distributed for each media outlet. *Mwebantu* had 71 per cent of comments containing an opinion while *Zambia Reports* and *Zambian Watchdog* had 95 per cent and 90 per cent, respectively. This result is consistent with findings by Rowe (2015) in a study which showed that Facebook comments contained a higher number of opinions than those posted directly on the news website of an outlet.

However, in terms of justification of opinions, it was found that majority of the commenters (60 per cent) made unsubstantiated claims. This was especially true for *Mwebantu* and *Zambian Watchdog*, where only 33 per cent and

TABLE 10.6   Summary of findings for dichotomous variables across the three Facebook pages
            assuming equal weighting of each variable

Variable	Yes	No
	%	
Is the comment on-topic (that is, relevant to the topic in the news article)?	98	2
Does the comment contain an opinion?	85	15
Does the comment contain a justification for the opinion expressed?	40	60
Does the comment reference other sources to support claims made?	2	98
Does the comment contain any narrative to support claims?	3	97
Does the comment suggest any alternative solution to the issue being discussion?	11	89
Does the comment ask any question?	17	83
Is there user-to-user interactivity among comments?	33	67
Is the comment civil/polite?	83	17
Average score: Is the quality of deliberation good?	41	59

37 per cent of the commenters respectively gave reasons for their views. On *Zambia Reports*, 50 per cent of the commenters substantiated their claims. Overall, the deliberations did not live up to the principle of 'rational-critical' discussions (itself subject to contestation, nevertheless) on which Habermas' public sphere is anchored, and through which 'the authority of the better argument' could be asserted (Habermas, 1995: 238). Another way to support an argument is by referencing other sources to enhance the 'authority, quality and validity' of arguments 'particularly when disagreements occur' (Rowe, 2015: 548). 98 per cent of the comments across all three outlets did not reference any source. None of the comments on *Mwebantu* referenced other sources and only one per cent on *Zambia Reports* and five per cent on *Zambian Watchdog* did so. The prevalence of unfounded claims is therefore high in the sample of comments. Perhaps the online publications or their reporters could adopt a strategy of engaging commenters in discussions, which, according to Stroud et al.'s (2015) study, encourages users to support their arguments with evidence. Additionally, the comments were found to be lacking in narratives, which are

another way of justifying an opinion through expressing personal experiences or eyewitness accounts. Only three per cent of the comments on *Mwebantu*, four per cent on *Zambia Reports,* and one per cent on *Zambian Watchdog* contained narratives.

Furthermore, in terms of alternatives, only 13 per cent of the comments on *Mwebantu* suggested alternative solutions to the issue at hand. *Zambia Reports* and *Zambian Watchdog* had even lower figures of ten per cent and nine per cent, respectively. 'Given that deliberation ought to help identify solutions that meet the needs of participants to a greater degree than the current set of alternatives' (Rowe, 2015: 549, cited Burkhalter et al., 2002), the comments were generally not useful in this regard.

In addition, the study shows that only seventeen per cent of the commenters asked questions. *Zambia Reports* had the highest number of comments that asked questions (23 per cent) followed by *Zambian Watchdog* (20 per cent) while *Mwebantu* had eight per cent. Given the assertion that asking questions is a sign of engagement among commenters with each other and with the topic at hand (Stromer-Galley, 2007, in Rowe, 2015), a relationship was explored between questions in comments and interactivity among commenters. As shown in Table 10.11 below, the results show that there was a higher number of comments containing questions within interactive comments (21 per cent) compared to comments with no interaction (fourteen per cent). The results also showed that of the comments that asked questions, the proportion of interactive comments was higher at 41 per cent compared to 30 per cent of interactive comments out of all those that did not ask questions. There was therefore a likelihood of a relationship between interactivity and asking questions although the direction of causality could not be determined. It would seem that when commenters ask questions, it triggers interactions in the process of other commenters responding to those questions. Similarly, as commenters interact, they are likely to ask each other questions in the process of clarifying the issues under discussion.

In terms of interactivity among commenters, the findings show that only 33 per cent of the comments were interactive. 39 per cent of comments on *Zambia Reports*, 37 per cent on *Mwebantu*, and 22 per cent on *Zambian Watchdog*. According to Rowe, if commenters do not interact, that is, if they 'fail to take into account the views, opinions, and arguments of other participants, the discussion can hardly be labelled deliberative' (2015: 549). These findings seem to point to such a scenario.

In terms of civility, it was found that comments were generally civil. 87 per cent of comments posted *on Zambian Watchdog* were civil and 86 per cent of those posted on *Zambia Reports* exhibited civility. *Mwebantu* had 77 per cent

TABLE 10.7 Relationship between asking questions and interaction among commenters

			User to user interactivity		
			Interaction present	No interaction	Total
Asking of questions	Question asked	Count	21	30	51
		% within Asking of questions	41.2%	58.8%	100.0%
		% within User to user interactivity	21.4%	14.9%	17.0%
	No question asked	Count	77	172	249
		% within Asking of questions	30.9%	69.1%	100.0%
		% within User to user interactivity	78.6%	85.1%	83.0%
Total		Count	98	202	300
		% within Asking of questions	32.7%	67.3%	100.0%
		% within User to user interactivity	100.0%	100.0%	100.0%

of the comments that could be described as civil (i.e. not offensive, rude, insulting, threatening, etc.). Curran (2010: 57) points out that mediated discussions should encourage civility in order to foster public rationality. The high civility found in comments confirms findings of an earlier study by Halpern and Gibbs (2013), which found comments on Facebook to be civil as a result of the publicness of the platform. While comments on *Mwebantu* were mostly civil, its score was lower than the other outlets. To interrogate the issue further, a relationship was explored between civility and the issue focus of the article on which the comments were based. Table 10.8 below shows that articles that focused on personalities (whether positive or negative portrayals of such personalities) had the lowest percentage of civil comments at 77 per cent, while those that focused on public issues had the highest at 95 per cent. It can be seen from Figure 10.19 that *Mwebantu* had the highest percentage of content that covered personalities rather than issues mainly in form of picture-and-captions of individual personalities. Figure 10.22 below corroborates this

TABLE 10.8   Relationship between civility and content focus

			Orientation/focus of article				
			Public / issues	Political issues	Personality	Mix	Total
Civility of comment	Civil	Count	19	54	77	100	250
		% within Orientation/ focus of article	95.0%	90.0%	77.0%	83.3%	83.3%
	Uncivil	Count	1	6	23	20	50
		% within Orientation/ focus of article	5.0%	10.0%	23.0%	16.7%	16.7%
Total		Count	20	60	100	120	300
		% within Orientation/ focus of article	100.0%	100.0%	100.0%	100.0%	100.0%

evidence by showing that the highest number of uncivil comments on each Facebook page came from articles that focused on personalities or those that mixed personalities and issues.

The last set of findings relates to the diversity of views in comments. The overall results, demonstrated in Figure 10.23 below, show reasonable diversity. Thirty per cent of the comments were neutral but the biggest slice of the rest showed an inclination towards the PF/government (28.7 per cent) followed distantly by the opposition UPND (17.3 per cent). When analysed separately, the three Facebook pages reflected differences in the diversity of comments as Figure 10.24 demonstrates. On *Zambian Watchdog*, the largest share of comments was anti-government at 30 per cent. There was a small difference between commenters who supported government and those who supported the main opposition party (seventeen per cent and fourteen per cent, respectively). Comments on *Zambia Reports* were almost torn between the PF/government and the opposition UPND (45 per cent for government and 40 per cent for the opposition party). The remaining fifteen per cent were either against government or against the opposition but without clearly supporting either.
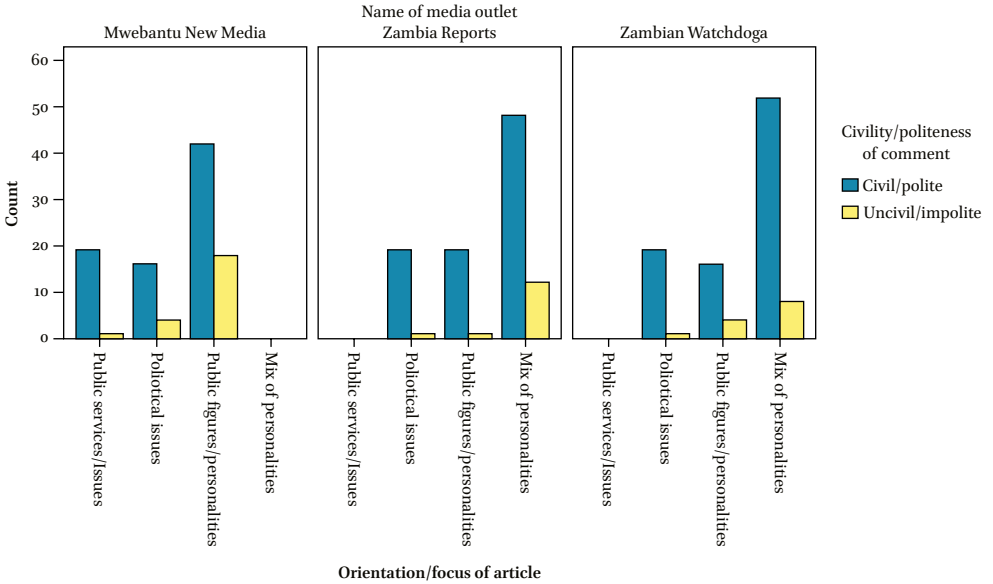
FIGURE 10.22   The relationship between civility and content focus for each media outlet's Facebook page
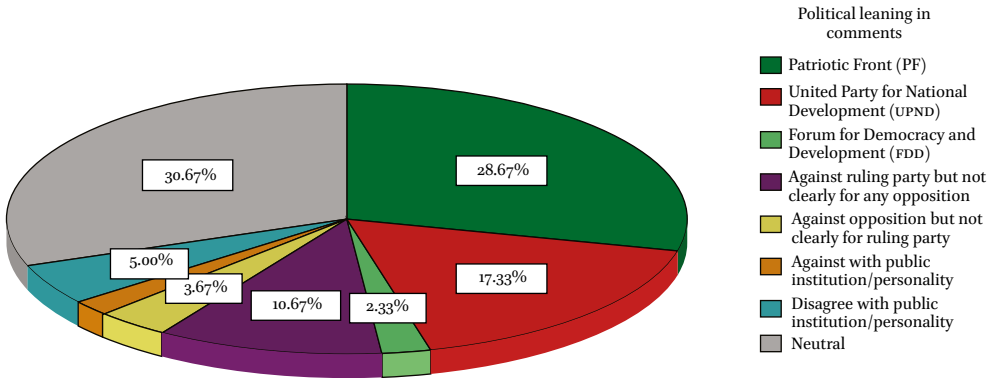
FIGURE 10.23   Diversity of views in comments

However, if stance against government could be taken to imply support for the opposition and vice versa, then the comments could be said to be heavily polarized with 51 per cent being pro-PF/government and 49 per cent anti-government or pro-opposition. On *Mwebantu*, 74 per cent of all comments tended to be in agreement in their support for the PF/government and only

Mwebantu New Media

Zambia Reports

Zambian Watchdog

Political leaning in comments

- ■ Patriotic Front (PF)
- ■ United Party for National Development (UPND)
- ■ Forum for Democracy and Development (FDD)
- ■ Against ruling party but not clearly for any opposition
- ■ Against opposition but not clearly for ruling party
- ■ Against with public institution/personality
- ■ Disagree with public institution/personality

FIGURE 10.24   Diversity of views according to each Media outlet

fifteen per cent of the comments were in favour of the opposition UPND. The remaining comments were nine per cent against the opposition and two per cent against the government. If those against one party are taken to imply support for the other, then 83 per cent of the comments can be said to be pro-PF/ government as against seventeen per cent pro-opposition or anti-government. The homogeneity exhibited on *Mwebantu* is consistent with Rowe's (2015) findings that Facebook platforms tend to have homogeneous views in debate. However, these findings are contradicted by the heterogeneity found in comments on *Zambia Reports* and *Zambian Watchdog*, implying that the echo chamber theory is not a given on Facebook.

8   Conclusion

This chapter has used empirical data to explore the extent to which the news Facebook pages of three leading exclusively online media outlets (*Mwebantu*, *Zambia Reports*, and *Zambian Watchdog*) fulfil two important democratic roles of journalism: disseminating quality information needed for citizens' democratic participation and facilitating public debates. The analysis of the sample of content taken from during the runup to the 2016 elections in Zambia – though not exactly representative – showed a lack of diversity in terms of access, and a proclivity towards dominant elite sources, an issue that has always been associated with mainstream media. The findings also show that the three outlets were not completely objective: they exhibited open partisanship in some cases, did not balance their content in terms of sources and views and did not honour the right of reply. However, the lack of objectivity was mainly latent, with the deployment of agenda-setting, priming, and framing strategies in evidence on the news Facebook pages.

Deliberations on the three Facebook pages were generally diverse in opinion, but there were marked differences between individual Facebook pages, with *Zambian Watchdog*'s Facebook page hosting the most diverse views. The debates on *Zambia Reports*' Facebook page were polarized between progovernment and pro-opposition views, while *Mwebantu New Media* tended towards an echo chamber with three quarters of the views being pro-government. While commenters mostly stayed on-topic, readily expressed their opinions, and were mainly civil, their comments were very low on narratives and source referencing. Additionally, very few comments suggested alternative solutions to the issues being debated upon and few asked questions. The deliberations also lacked sufficient supporting evidence to arguments and the user-to-user interaction was minimal. Meanwhile, it was found that asking questions during deliberations tended to encourage user-to-user interactions and that comments were more civil when deliberations were based on content which focused on issues rather than personalities.

However, many have argued that Facebook is not a natural habitat for journalism and, as such, assessing the three news Facebook pages on the basis of journalistic norms is working against the odds right from the start of the research effort. Similarly, deliberative democracy predates social media, so standards for assessing the quality of debate were not set with platforms such as Facebook in mind. In any case, democracy on Facebook goes beyond news media outlets. Any organization or individual, not just media, can create a Facebook page, post content, and host debates in ways that defy journalistic standards. Besides, others argue that 'Internet use is predominantly for

consumption and entertainment rather than for political activity' (Davies, 2010: 93).

Future studies could look at the different democratic uses of communication on Facebook in Zambia. Research could also investigate the possibility of a new theoretical framework and revised norms to inform the practice of Facebook based journalism. Research that incorporates content analysis with ethnographic studies of online media organizations, studies of media production, and audience research would be useful in illuminating the relationship between structure and performance of the media and the implications of these for audiences' role as democratic citizens. There is also a need for future research focused on the relationship between content posted on Facebook by media outlets and the user deliberations that follow such content as well as the influence of different content formats on deliberations and user engagement. Lastly, there is a need to investigate strategies for improving deliberative quality and to examine how democratic processes on Facebook can influence political and social action. As Livingstone (2010: 134) observes, 'it remains a particular challenge to link the outcome of public deliberations (on or offline) to political action or community consequences'. There seems to be more studies focusing on political processes than on political outcomes.

In sum, this study has shown how near or far the practice of journalism on Facebook has come in relation to democracy and in terms of the normative standards that facilitate this relationship. In the final analysis, there is a long road ahead before journalism on Facebook can arrive at a place where it can live up to mainstream journalistic normative expectations and standards of deliberation, if, indeed, it ever gets there. After all, one can argue that even mainstream media, for whom these norms were crafted, have never arrived.

References

Auger, G.A. (2013), 'Fostering Democracy through Social Media: Evaluating Diametrically Opposed Non-Profit Advocacy Organisations' Use of Facebook, Twitter and YouTube', *Public Relations Review*, 39(4), 369–376. Available at: http://ac.els-cdn.com.ezproxy3.lib.le.ac.uk/S0363811113001021/1-s2.0-S0363811113001021-main.pdf?_tid=3d5e8a4e-32c1-11e6-aa7b-00000aacb362&acdnat=1465971802_55873cd15febf5ed30f13304ae73e656; last accessed 12 May 2016.

Bartholomew, M., Schoppe-Sullivan, S., Glassman, M., Dush, C., and J. Sullivan, J. (2012), 'New Parents' Facebook Use at the Transition to Parenthood', *Family Relations*, *61*(3), 455–469. DOI: https://doi.org/10.1111/j.1741-3729.2012.00708.x.

Benzinger, B. (2014), 'A Dialogue for Social Change on Facebook: A South African Case Study', *Global Media Journal – African Edition*, 8(2), 275–300. Available at: http://globalmedia.journals.ac.za/pub/article/view/178; last accessed 27 May 2016.

Blease, C.R. (2015), 'Too Many "Friends", Too Few "Likes"? Evolutionary Psychology and "Facebook Depression"', *Review of General Psychology*, 19(1), 1–13. DOI: https://doi.org/10.1037/gpr0000030.

Bonsón, E., Royo, S. and M. Ratkai, M. (2015), 'Citizens' Engagement on Local Governments' Facebook sites: An Empirical Analysis: The Impact of Different Media and Content Types in Western Europe', *Government Information Quarterly*, 32(1), 52–62. Available at: http://www.sciencedirect.com/science/article/pii/S0740624X14001567; last accessed 12 May 2016.

Carpenter, S. (2010), 'A Study of Content Diversity in Online Citizen Journalism and Online Newspaper Articles', *New Media & Society*, 12(7), 1064–1084. Available at: http://nms.sagepub.com.ezproxy3.lib.le.ac.uk/content/12/7/1064.full.pdf+html; last accessed 11 May 2016.

Committee to Protect Journalists (2013), 'Critical Website Blocked for Four Days in Zambia'. Available at: https://www.cpj.org/2013/06/critical-website-blocked-for-four-days-in-zambia.php; last accessed 12 May 2016.

Cottle, S. (2001), 'News Access and Source Power: Paradigms and Problems', Unit 67 of the *MA in Media and Communications*. Department of Media and Communication, University of Leicester, United Kingdom.

Curran, J. (2010), 'Entertaining Democracy'. In J. Curran (ed.), *Media and Society*, London: Bloomsbury, pp. 38–62.

Danju, I., Maasoglu, Y. and N. Maasoglu (2013), 'From Autocracy to Democracy: The Impact of Social Media on the Transformation Process in North Africa and Middle East', *Procedia – Social and Behavioral Sciences*, 81, 678–681. DOI: https://doi.org/10.1016/j.sbspro.2013.06.495.

Davies, A. (2010), 'Media and Politics'. In J. Curran (ed.), *Media and Society*, London: Bloomsbury, pp. 83–102.

Electoral Commission of Zambia (ECZ) (2016) *Declaration of Validly Nominated Candidates for the 2016 Presidential Elections*. Available at: https://www.elections.org.zm/media/zambian_presidential_candidates_2016.pdf; last accessed 16 June 2016.

Ellison, N. and M. Hardey (2014), 'Social Media and Local Government: Citizenship, Consumption and Democracy', *Local Government Studies*, 40(1), 21–40. Available at: http://www.tandfonline.com.ezproxy3.lib.le.ac.uk/doi/abs/10.1080/03003930.2013.799066; last accessed 22 May 2016.

Franklin, B., Hamer, M., Hanna, M., Kinsey, M. and J.E. Richardson (2005). *Key Concepts in Journalism Studies*, London: Sage.

Friedland, L.A. (2010), 'Communication and Democracy in a Networked Society: Review Essay of Media and Political Engagement and The Internet and Democratic

Citizenship', *The International Journal of Press/Politics*, 15(3), 362–370. DOI: 10.1177/1940161210369646.

Gayo-Avello, D. (2015), 'Social Media, Democracy, and Democratization', *IEEE Multi-Media*, 22(2), 10–16. DOI: 10.1109/MMUL.2015.47.

Greitemeyer, T. and I. Kunz (2013), 'Name-Valence and Physical Attractiveness in Facebook: Their Compensatory Effects on Friendship Acceptance', *The Journal of Social Psychology*, *153*(3), 257–260. DOI: https://doi.org/10.1080/00224545.2012.741629.

Habermas, J. and T. Burger (1989), *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society* (reprinted). Cambridge: Polity Press.

Habermas, J. (1995), 'Institutions of the Public Sphere'. In: O. Boyd-Barrett and C. Newbold (eds), *Approaches to Media*, London: Bloomsbury, pp. 235–244.

Hall, S. (1978). *Policing the crisis: Mugging, the state, and law and order*. London: Macmillan.

Halpern, D. and J. Gibbs (2013), 'Social Media as a Catalyst for Online Deliberation? Exploring the Affordances of Facebook and YouTube for Political Expression', *Computers in Human Behaviour*, 29(3), 1159–1168. Available at: http://www.sciencedirect.com.ezproxy3.lib.le.ac.uk/science/article/pii/S0747563212002762; last accessed 19 May 2016.

Hansen, A. and D. Machin (2013), *Media and Communication Research Methods*, London: Palgrave Macmillan.

Hartley, J. (2011). *Communication, Cultural and Media Studies: Key Concepts*, New York: Routledge.

Hofstra, B., Corten, R., Van Tubergen, F. and N.B. Ellison (2017), 'Sources of Segregation in Social Networks: A Novel Approach Using Facebook', *American Sociological Review*, *82*(3), 625–656. DOI: https://doi.org/10.1177/0003122417705656.

Internet World Stats (2015), 'Facebook Growth Stats'. Available at: http://www.internetworldstats.com/facebook.htm; last accessed 14 June 2016.

Iyengar, S. (2010), 'The State of Media-Effects Research'. In: J. Curran (ed.), *Media and Society*, London: Bloomsbury, pp. 273–289.

Jacobi, C., Kleinen-von Königslöw, K., & Ruigrok, N. (2015). Political News in Online and Print Newspapers: Are online editions better by electoral democratic standards? *Digital Journalism*, *4*(6), 723–742. https://doi.org/10.1080/21670811.2015.1087810, last accessed 11 June 2016.

Johnson, T.J. and D.D. Perlmutter (2010), 'Introduction: The Facebook Election', *Mass Communication and Society*, 13(5), 554–559. Available at: http://www.tandfonline.com.ezproxy3.lib.le.ac.uk/doi/abs/10.1080/15205436.2010.517490; last accessed 19 May 2016.

Kamaruddin, A., Ghazali, R. and M. Muda (2015), 'Social Implications of Using Online Alternative Media towards Participatory Democracy in Malaysia', *Arts and Social*

Sciences Journal, 6(2), pp. 1–6. Available at: http://astonjournals.com/manuscripts/ Vol_6_2015/ASSJ_Vol6_2_social-implications-of-using-online-alternative-media- towards-participatory-democracy-in-malaysia-2151-6200-1000101.pdf; last accessed 15 May 2016.

Kassam, A. (2013), 'Changing Society Using New Technologies: Youth Participation in the Social Media Revolution and Its Implications for the Development of Democracy in Sub-Saharan Africa', *Education and Information Technologies*, 18, 253–263. DOI: 10.1007/s10639-012-9229-5.

Livingstone, S. (2010), 'Interactive, Engaging but Unequal: Critical Conclusions from Internet Studies'. In: J. Curran (ed.), *Media and Society*, London: Bloomsbury, pp. 122–143.

Lusaka Times (2013), 'Blocking of Zambian Watchdog Website Worrying – MISA', Available at: https://www.lusakatimes.com/2013/06/29/blocking-of-zambian-watchdog- website-worrying-misa; last accessed 12 June 2016.

Matibini, P. (2006), *The Struggle for Media Law Reforms in Zambia*, Lusaka: MISA.

McNair, B. (1998), *The Sociology of Journalism*. London: Arnold.

McQuail, D. (2010), *Mass Communication Theory* (6th edition), London: Sage.

O'Connor, R. (2009), 'Facebook and Twitter Are Reshaping Journalism as We Know It', *Media Culture.* Available at: http://www.alternet.org/mediaculture/121211/ facebook_and_twitter_are_reshaping_journalism_as_we_know_it/; last accessed 8 May 2016.

O'Neill, J. (1992), 'Journalism in the Market Place'. In: A. Belsey and R. Chadwick (eds), *Ethical Issues in Journalism and the Media*, London: Routledge. pp. 15–32.

Parks, L., and R. Mukherjee (2017), 'From Platform Jumping to Self-Censorship: Internet Freedom, Social Media, and Circumvention Practices in Zambia', *Communication and Critical/Cultural Studies*, *14*(3), 221–237. DOI: https://doi.org/10.1080/147914 20.2017.1290262.

Rowe, I. (2015), 'Deliberation 2.0: Comparing the Deliberative Quality of Online News User Comments Across Platforms', *Journal of Broadcasting and Electronic Media*, 59(4), 539–555. Available at: http://www.tandfonline.com.ezproxy3.lib.le.ac.uk/doi/ pdf/10.1080/08838151.2015.1093482; last accessed 11 May 2016.

Steers, M.-L., Wickham, R. and L. Acitelli (2014), 'Seeing Everyone Else's Highlight Reels: How Facebook Usage is Linked to Depressive Symptoms', *Journal of Social and Clinical Psychology*, *33*(8), 701–731. DOI: https://doi.org/10.1521/jscp.2014.33.8.701.

Stromer-Galley, J. (2007), 'Measuring Deliberation's Content: A Coding Scheme', *Journal of Public Deliberation*, *3* (2)(1), 1–35.

Stroud, N.J, Scacco, J.M., Muddiman, A. and A.L. Curry (2015), 'Changing Deliberative Norms on News Organizations' Facebook Sites', *Journal of Computer-Mediated Communication,* 20 (2015), 188–203.

Tucker, J.A., Theocharis, Y., Roberts, M.E. and P. Barberá (2017), 'From Liberation to Turmoil: Social Media and Democracy', *Journal of Democracy*, *28*(4), 46–59. DOI: https://doi.org/10.1353/jod.2017.0064.

Tufekci, Z. (2015), 'Facebook Said Its Algorithms Do Help Form Echo Chambers, and the Tech Press Missed It', *New Perspectives Quarterly*, *32*(3), 9–12. Available at: http://onlinelibrary.wiley.com.ezproxy4.lib.le.ac.uk/doi/10.1111/npqu.11519/epdf; last accessed 14 June 2016.

UNECA [United Nations Economic Commission for Africa] (2013), *African Governance Report III: Elections and the Management of Diversity*, Oxford: Oxford University Press.

Wang, N., Kosinski, M., Stillwell, D.J. and J. Rust (2014), 'Can Well-Being be Measured Using Facebook Status Updates? Validation of Facebook's Gross National Happiness Index', *Social Indicators Research*, *115*(1), 483–491. DOI: https://doi.org/10.1007/s11205-012-9996-9.

Wyche, S. and E.P. Baumer (2017), 'Imagined Facebook: An exploratory study of non-users' perceptions of social media in Rural Zambia', *New Media & Society*, *19*(7), 1092–1108. DOI: https://doi.org/10.1177/1461444815625948.

Violence and Money: A Constituency-level Survey of Pre-electoral Manipulation

Michael Wahman

The 2016 Zambian election process was mired in controversy from beginning to end. Central stakeholders raised concerns about the nomination of candidates, the nature of the campaign, and the violence that so severely affected it. They were concerned with the tabulation of the vote and the violence that affected Southern province after the announcement of the results. Ultimately, the 2016 election became a hugely divisive affair. To this day, the opposition claim that the election was fraudulent and the incumbent president was unlawfully elected. The best opportunity to handle the grievances created in the electoral process was lost on 5 September 2016, when the Constitutional Court decided to dismiss the opposition's presidential petition based on a legal technicality. A judgement that has been heavily criticized by many Zambian legal scholars (Ndulo, 2016).

Much of the debate after the election revolved around the issue of fraud. The opposition claimed that there were more than 14,000 missing ballots in Kanyama constituency. They also noted that, across the country, a large number of G12 sheets containing the official election results had gone missing and questioned how an unaccredited man could have gained access to the ECZ server room on election day (*Lusaka Times*, 15 August 2016; Mukela, 2016).

Most claims of systematic and large-scale fraud in the tabulation of the vote are still unverified. However, the ultimate focus on the tallying of the vote has served to obscure a much more evident and easily observable deficiency in the Zambian election: the uneven and violent campaign environment that led up to the polls on 11 August. When campaign environments fail to provide a level playing field for political parties or when voters feel intimidated and reluctant to participate in the electoral process, the counting of the vote has little importance. When electoral misconduct is systemic throughout the campaign period, elections lose their credibility even before a single vote is cast. Although the media was filled with reports on violence, vote buying, and misuse of government funds in the campaign, we still lack a comprehensive empirical overview of manipulation of the campaign environment. This chapter aims to provide such an overview by presenting the results from the

Zambian Election Monitor Survey (ZEMS), a unique survey of more than 450 domestic election observers from every constituency in the country. The survey data are complemented with qualitative data from additional focus groups with domestic election observers performed in Lusaka, Southern, and North-Western province.

I will focus on two particular forms of manipulation: the illegal use of money and violence and intimidation. These forms of campaign manipulation are arguably the most common forms of manipulation during election periods in new democracies (Collier and Vicente, 2012). The findings from ZEMS allow a systematic mapping of different forms of manipulation across all Zambian constituencies. From this mapping I attempt to provide a detailed description of how different forms of manipulation varied across the different provinces, urban and rural areas, competitive and non-competitive constituencies. I will also study how different forms of manipulation co-varied at the constituency level. The ambitions in this chapter are descriptive rather than explanatory, but such description is vital for further theorizing about the causes of persistent electoral deficiencies in the Zambian context.

The chapter adds to a growing literature in political science on sub-national variations in election quality. However, rather than studying the campaign environment, most of the existing literature has concentrated on analysing official election results to detect instances of vote fraud (e.g. Bader and Van Ham, 2015; Goodnow et al., 2014; Lankina and Skovoroda, 2017). Some research has looked at sub-national variations in vote buying (e.g. Nyblade and Reed, 2008; Ziblatt, 2009) and some has looked at sub-national variations in violence (e.g. Dercon and Gutiérrez-Romero, 2012; Ishiyama et al., 2016). However, most research has not looked at both. The few studies that have looked at both vote buying and violence have been mostly confined to the individual rather than the sub-national level (e.g. Bratton, 2008). Most research on sub-national variations in election quality has studied either historical cases (e.g. Ziblatt, 2009; Kuo and Teorell, 2017; Teorell, 2017) or cases in the Post-Soviet region (e.g. Bader and Van Ham, 2015; Goodnow et al., 2014; Lankina and Skovoroda, 2017), with only a few studies in Africa (e.g. Bratton, 2008; Dercon and Gutiérrez-Romero, 2012; Ishiyama et al., 2016). None of this research has been carried out in Zambia. More importantly, existing research has primarily made use of three forms of data: (i) election petition data (e.g. Ziblatt, 2009; Kuo and Teorell, 2017; Teorell, 2017), which suffers from political bias; (ii) popular opinion survey data, which is not possible to disaggregate to the constituency level (e.g. the Afrobarometer); and (iii) event data, based on media coverage (e.g. the Armed Conflict Location and Event Data Project), which tends to under-report events occurring in rural, more remote, areas (Wiedmann, 2016; Von Borzyskowski and Wahman, forthcoming). The methodological approach promoted in this

chapter assures nation-wide and systematic coverage across space and offers an important methodological innovation to the field of electoral studies.

The data presented in this chapter show interesting patterns of manipulation and paints a rather bleak picture of the state of Zambian democracy. Violence was observed in 44 per cent of all constituencies, use of state resources in campaigning in 27 per cent of all constituencies, and vote buying in 20 per cent. Much of the media reports on election manipulation were concentrated on events in Lusaka. Our survey shows that Lusaka indeed had high levels of violence. However, other provinces such as North-Western and Western stand out in relation to vote buying and use of state resources in campaigning. I also show that the frequency of different forms of manipulation varies between urban and rural constituencies and constituencies with low and high levels of electoral competition.

The chapter proceeds as follows: I will first give a brief overview of the concept of electoral manipulation more broadly, followed by a discussion on the two particular forms of manipulation under study in this chapter: violence and the illegal use of money. The following section will present the data. I will then turn to the empirical results. I will first map incidents of manipulation and also provide qualitative accounts from my focus group data. The following section will show how manipulation correlates with population density and competitiveness at the constituency level. The final section will conclude the findings and provide a summary of what this section tells us about the current state of Zambian democracy.

1   Electoral Manipulation

Traditionally, the term 'election manipulation' has been associated with fraud in connection to the counting of the vote. However, at this point, most of the political science literature acknowledges that manipulation can happen at different stages of the electoral process and take many forms. In fact, with new technical innovations and increased presence of international election monitors, political actors have increasingly moved attempts to manipulate elections from the election day to earlier phases in the electoral cycle. Arguably, manipulation of elections during the campaign period has become more important than manipulation of the actual vote (Sjoberg, 2012). Birch (2011) separates between three different types of manipulation: (i) manipulation of the law; (ii) manipulation of the voter; and (iii) manipulation of the vote. In this paper, I will focus on the second of these types of manipulation. Different authors within the electoral manipulation literature have listed slightly different activities that may fall under the category of 'manipulation of the voter' (see e.g.

Elklit and Reynolds, 2005; Simpser, 2013). I will here focus on forms of manipulation that Birch (2011) describes as the most important forms during the campaign period. These types of manipulation can be sorted into two general categories: violence and intimidation and the illegal use of money.

The definition of manipulation provided here, makes clear that elections can be manipulated in different ways. However, how different forms of manipulation are related to each other is still a largely unsettled question. Some scholars have argued that the use of one tool of manipulation enhances the risks of other forms of manipulation. For instance, when parties engage in vote buying this undermines electoral legitimacy and increases the risks of voters and parties resorting to violence (Norris, 2013). According to this *perpetuating theory*, we would be likely to see vote buying and violence taking place in the same constituencies. Others have argued that parties choose from a 'menu of manipulation' and pick one manipulation tool over another based on electoral conditions (Van Ham and Lindberg, 2015). Notably, Collier and Vicente (2012) argued that parties would be likely to use violence in their rivalling parties' strongholds to deter voter turnout, but vote buying in competitive constituencies to win swing voters.[1] According to this *substitutional theory*, we would expect vote buying and violence to appear in different constituencies.

There are also different theories about what kind of sub-national locations that would be most conducive to violence and vote buying respectively. Nugent (2007) has questioned whether resource poor African parties actually have the capacity to engage in large-scale vote buying, let alone have the resources to effectively monitor vote choice. However, literature from Latin America has suggested that parties are likely to target poorer voters that can more cheaply be persuaded by vote buying (Brusco et al., 2004). Also, rural voters in small voting districts can more easily be monitored to assure compliance (Magaloni, 2006). Election violence, on the other hand, has been associated with urban areas. Violence has often been executed by young under-employed men in cities that can easily be mobilized by urban party bosses (Laakso, 2007; Bob-Milliar, 2014). Similarly, the multi-ethnic and competitive nature of cities have often been conducive to violent clashes between parties (Wilkinson, 2004; Straus, 2011).

Manipulation in this study is not defined in relation to national legislation. National legislation may in itself be tailored to create undue advantage for particular political actors (Norris, 2013). However, it is important to remark that all the types of manipulation discussed in this chapter are illegal according to Zambian law. The Zambian electoral legislation is regulated in the Constitution of Zambia (Amendment) Act No. 2 of 2016, the 2016 Electoral Process Act,

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1 Collier and Vicente (2012), however, never tested their theory at the sub-national level.

and the 2016 Electoral Commission Act. According to Section 110(2) of the Electoral Process Act, the ECZ has the power to disqualify parties or candidates in breach of the electoral code of conduct. However, the ECZ did not choose to disqualify any candidates in the 2016 election.

2 Violence and Intimidation

There is an emerging consensus that violence should be regarded as a form of electoral manipulation (e.g. Schedler, 2002: Collier and Vicente, 2012). The literature has questioned whether violence has the potential to change vote choice, particularly as research in the African context has shown that voters find electoral violence morally apprehensible (Bratton, 2008). Nevertheless, violence can be used as a de-mobilization strategy to deter supporters and candidates of rivaling parties to actively partake in the electoral process (Laakso, 2007; Collier and Vicente, 2012). Election violence can be defined as a type of political violence aimed at influencing the electoral process or outcome. It can be directed against people (candidates, voters, or election officials) or objects (election facilities, infrastructure, party offices, material) (Von Borzyskowski 2014). However, sometimes violence can also be latent in that perpetrators actually do not need to execute violence, intimidation (financial or physical) may be enough to affect political behaviour (Höglund, 2009).

   In African comparison, Zambia has not been known for conducting particularly violent elections. Whereas elections in countries like Cote D'Ivoire, Kenya, and Zimbabwe have featured systemic violence during elections, Zambia has mostly experienced isolated incidents from violence (Straus and Taylor, 2012). This is not to say that earlier Zambian elections have been free from violence. Violence has featured to some extent in every Zambian election and previous literature has suggested that there might be spatial patterns in the occurrence of Zambian election violence. For instance, writing about multiparty elections in the 1960s, Macola (2008: 39) notes that:

> "[t]he regionalization of the ANC [(Zambian African National Congress)] influenced the pattern of inter-party warfare. If UNIP was responsible for the bulk of the violence in the Copperbelt and other Bemba-speaking areas – a conclusion which the joint Whelan Commission of July-August 1963 very clearly refused to draw, but which numerous internal ANC records forcefully suggest – the ANC made sure that in their Southern and Central strongholds Kaunda's party [UNIP] was 'treated with the same medicine' that [it] treat[ed] others within other parts of the territory".
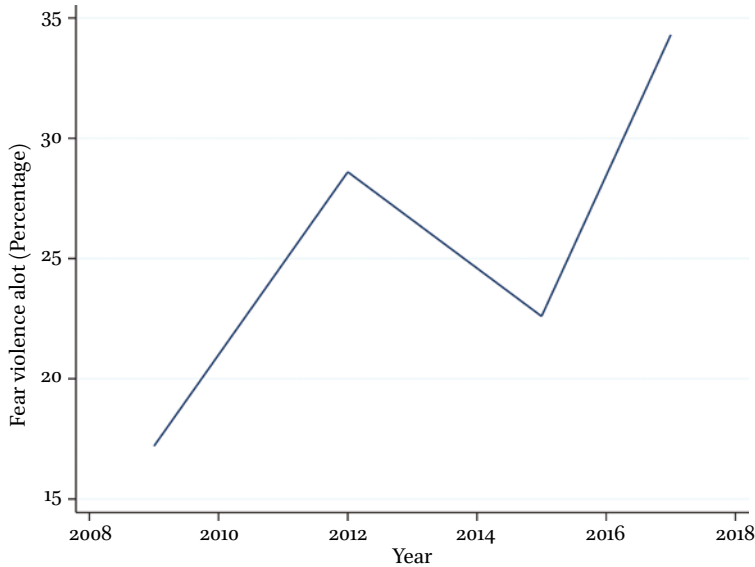
FIGURE 11.1   Zambians very fearful of pre-electoral violence
SOURCE: AFROBAROMETER ROUNDS 4, 5, 6, AND 7. QUESTION: 'DURING
ELECTION CAMPAIGNS IN THIS COUNTRY, HOW MUCH DO YOU PERSON-
ALLY FEAR BECOMING THE VICTIM OF POLITICAL VIOLENCE OR
INTIMIDATION?'

Similarly, writing about contemporary Zambia, Fraser (2017) notes that vio-
lence, particularly urban violence, was a central part of the Patriotic Front (PF)
campaign even before the party won power in 2011. He particularly notes how
'territorial behaviour' has been central to the PF strategy in their attempt to
win dominance in the urban centers. Violence has been used to control central
urban markets and bus stations.

   Although election violence is not new to the Zambian context, the 2016
election saw notably high levels of violence (at least with modern standards).
The severity of the situation was most visibly manifested by the ten-day sus-
pension of the electoral campaign in Lusaka and Namwala enacted by the ECZ.
The suspension was put in place in reaction to two particularly serious violent
events in these respective districts. The conclusion that Zambian elections
have become increasingly violent is further supported by Afrobarometer data.
Figure 11.1 shows the share of Zambians who answer the question 'During elec-
tion campaigns in this country, how much do you personally fear becoming
the victim of political violence or intimidation?' with 'A lot'. Since the Afroba-
rometer started asking this question in 2009, the share of Zambians that fear
election violence has increased markedly. In 2017, 35 per cent of Zambians

stated that they fear violence 'A lot', an additional fifteen per cent state that they fear violence 'somewhat'. It stands without doubt that violence clearly affected the Zambian election campaign if as many as 50 per cent of Zambians reported to be fearful of violence. However, the surge of violence is not due to the lack of formal legislation. Zambian legislation is clear in relation to electoral violence and intimidation. Article 60(3)(b) of the Zambian Constitution stipulates that a political party shall not engage in violence or intimidation against its members, supporters, opponents, or other persons.

3   The Illegal Use of Money

It is hardly surprising that countries, such as Zambia, with considerable levels of corruption experience problems with vote buying and illegitimate use of state funds during the course of election campaigns. In the 2017 edition of the Afrobarometer, seventeen per cent of Zambians stated that they had been offered something in exchange for a vote at least once (Afrobarometer, 2017).

A considerable literature on African politics has dealt with the issue of vote buying and electoral clientelism. Research has focused on issues such as the effectiveness of vote buying (Lindberg, 2013; Vicente, 2014), what voters are likely to be targeted by vote buying (Jensen and Justesen, 2014), and the use of intermediaries in complex patronage systems (Koter, 2013). Indeed, it has been argued that the considerable incumbent advantage in most African electoral systems can be explained to a large degree by a significant resource asymmetry between African incumbent parties, with access to state resources, and a resource poor opposition relying on mostly private limited resources (Bratton and Van de Walle, 1997; Arriola, 2013). The opposition's weak financial status also restricts their ability to conduct national campaigns outside the party strongholds and major urban areas (Resnick, 2013; Wahman, 2017). Scholars have argued that clientelism in Zambia, particularly during the long rule of MMD, has been particularly targeted towards rural areas. As a consequence, incumbent parties in Zambia have often been able to protect their rural strongholds. Urban voters, on the other hand, have been harder to buy-off and effectively monitor (Larmer and Fraser, 2007; Cheeseman and Hinfelaar, 2010; Resnick, 2013).

The Electoral Process Act Section 81(1) clearly prohibits any individual to offer any indictment, reward or bribe to any person in order for that person to join a political party, vote or not to vote, withdraw his/her candidacy in an election, or surrender his/her voter's card or national registration card. Similarly, the Electoral Process Act Section 3(b) puts the ECZ in charge of ensuring that

state resources are not used to campaign for any particular candidate or party. A major controversy in the 2016 Zambian election was the status of government ministers during the election campaign. President Lungu decided to keep his ministers in office after dissolving parliament. While remaining in office, ministers continued to enjoy benefits such as government vehicles, fuel, and assistance. The Law Association of Zambia (LAZ) and the opposition United Part for National Development (UPND) decided to challenge the President's decision to keep his ministers in office citing Article 116(1) and 72(1) of the constitution. In a ruling on 8 August, the Constitutional Court ruled in favor of LAZ and UPND. Although the court ordered ministers to repay salaries and allowances, ministers were able to contest most of the election campaign with a significant advantage from their use of state resources.

4   Sub-national Variations in Campaign Manipulation

Most research on election manipulation has been concerned with national aggregates without paying sufficient attention to subnational variations. This is concerning for many reasons: First, national level aggregates rarely reflect local conditions. Problems like violence and intimidation are often clustered in space (e.g. Kanyinga, 2009; Boone, 2011; Straus, 2011). Most areas of a country can be perfectly peaceful although national levels of violence are high. For cross-national research, the focus on national aggregates may hence have led to serious ecological fallacies.

Second, in order to prevent manipulation, we need to know not only if manipulation occurs, but also where. Domestic civil society actors, as well as international democracy development programmes are actively attempting to improve the quality of elections in Africa's new democracies. However, resources are scarce and preventive activities have to be prioritized. Empirical research is needed to predict hotspots for different types of electoral manipulation.

Third, manipulation is often local rather than national and may feed into local political dynamics. Most existing research assume that manipulation is organized by central political actors as a top-down process. However, manipulation may also be much more local in its organization.

Lastly, systematic data on manipulation at the local level have great potential to widen our understanding of electoral manipulation generally. The subnational research design increases the number of observations in empirical research and allows for controlled comparison (Snyder, 2001). Sub-national electoral units differ widely in political economy and political competition, creating varying capacity and demand for manipulation across space. A new literature on sub-national authoritarianism has argued that the structural

underpinnings to create functioning democratic institutions vary greatly between sub-national units (e.g. McMann, 2006; Gibson, 2013; Sidel, 2014; Giraudy, 2015).

5   Methods

This chapter will present original data from the Zambia Election Monitor Survey (ZEMS). ZEMS is a post-election survey conducted with 464 domestic election observers active in the 2016 general election. The respondents in the survey were recruited from the networks of two of Zambian's largest and oldest election monitoring organizations, the Foundation for Democratic Process (FODEP) and the Southern African Centre for Resolution of Disputed (SACCORD). FODEP and SACCORD were deeply involved in monitoring the entire electoral process throughout the country. The two organizations together covered all constituencies by dividing the 156 constituencies between them, with FODEP organizing monitoring in 96 constituencies and SACCORD in 60 constituencies.

ZEMS survey respondents were recruited from the wide FODEP and SACCORD networks as unbiased experts. FODEP's and SACCORD's Executive Directors tasked constituency coordinators with identifying three suitable respondents in each of the 156 constituencies. We liaised with FODEP and SACCORD to secure respondents with relevant monitoring training, a clear awareness of the entire electoral cycle in their respective constituency, and no known partisan bias. Respondents were intentionally not a random sample, and comprised a sample of experts, similar to other expert surveys on election integrity (Norris, 2013).

Interviews with respondents were conducted via phone by seven trained research assistants Interviews were conducted in English or one of the main local languages: Bemba, Tonga, Nyanja, and Lozi. Interviews generally lasted between fifteen to 25 minutes. We conducted 464 interviews.[2] The survey explicitly asked respondents to concentrate only on the parliamentary and presidential election in their particular constituency.[3]

The approach used here has many advantages compared to alternative approaches. Earlier research on sub-national variations in campaign manipulation

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2   We surveyed three for monitors for each constituency except Dundumwezi, Namwala, and Zambezi West. In Dundumwezi, phone signal is non-existent but we managed to interview one observer, while in Namwala and Zambezi West we could only get hold of two respondents per constituency.

3   To ensure respondents did not answer the questionnaire with regard to the national election, interviewers repeatedly mentioned the name of the constituency.

have primarily used three different data sources. First, electoral petitions have been used to measure electoral manipulation, particularly in historical research (e.g. Alvarez and Boehmke, 2008; Ziblatt, 2009; Teorell, 2017). However, electoral petitions filed with the High Court serve political purposes and are not neutral representations of actual manipulation. For instance, in the 2011 Zambian election the PF decided to file a petition in every single seat they lost in the hope to trigger more by-elections and enhance their parliamentary position. Second, some research has made use of data from popular opinion surveys, such as the Afrobarometer (e.g. Bratton, 2008; Dercon and Gutiérrez-Romero, 2012). However, surveys such as the Afrobarometer are not statistically representative at the constituency level (in fact, the Afrobarometer will not even survey voters in every constituency). Lastly, particularly for research on election violence, scholars have made use of freely available conflict event datasets such as ACLED (Raleigh et al., 2010). Although event data can be very useful in sub-national conflict research, such data also introduces certain forms of bias. Event data is based on newspaper reports of violence, but newspapers do not have even coverage across the country. Empirical research has shown that event data seems to under-report events in rural areas (Wiedmann, 2016; Von Borzyskowski and Wahman, forthcoming). An empirical overview of violence in the Zambian election based on event data would perpetuate the biased representation of violence that Zambian media consumers would have received from newspaper coverage, rather than offer a more systematic depiction of the election across the country. In comparison to these three main strategies used in the literature, ZEMS offers a more systematic, deep, and compressive empirical overview of campaign manipulation in the 2016 Zambian election.

6   Different Forms of Campaign Manipulation

ZEMS probed election observers about sixteen different forms of manipulation throughout the entire electoral process. This chapter will concentrate on particular forms of manipulation that fall into two broad categories of campaign manipulation: violence and intimidation and the illegal use of money. The questions listed below taps into different dimension of these categories:

Violence and intimidation:
   – 	To what extent have you personally experienced or received *credible* reports of intimidation of voters (financial or physical)?

- – To what extent have you personally experienced or received *credible* reports of intimidation of candidates or party activists (financial or physical)?
- – To what extent have you personally experienced or received *credible* reports of pre-electoral violence during general election campaign (i.e. physical violence targeted at voters, party officials, candidates, monitors or election officials)?
- – Did [Name of constituency] experience any post-election violence (i.e. instances of violent clashes between political opponents in connection with or in the direct aftermath of the polls)?

The illegal use of money and state resources:
- – To what extent have you personally experienced or received *credible* reports of vote buying (i.e. distribution of cash or other material goods in exchange for votes either directly to voters or to intermediaries such as chiefs)?
- – To what extent have you personally experienced or received *credible* reports of misuse of state resources (e.g. use of government vehicles, offices or employees in campaigning for a particular candidate)?

For all these questions respondents had a choice of three response categories: no such reports/observations, some limited reports/observations, and serious reports/observations. For most of these questions respondents also reported on manipulation in relation to the parliamentary and presidential elections separately.[4] However, for simplicity and for the purpose of this chapter, I have merged the two response categories (some and serious reports).[5] I have also not reported the differentiation between parliamentary and presidential elections. Instead, I will report a dichotomous response for any constituency where observations were made (limited or serious) in either (or both) the parliamentary and presidential election. I will report an incident whenever any (or several) of the monitors in the constituency indicated that such an incident had taken place. The surveys also contain a wealth of qualitative narratives of specific incidents. Additionally, I conducted three focus groups, containing six to eight election observers each, in Lusaka, North-Western Province, and Southern Province in December 2016-January 2017. The narratives in the surveys together with the narratives from the focus groups will be used to illustrate specific forms of manipulation.

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4 With the expception of pre-electoral violence, where the seperation is hard to make.
5 I also collapsed the answers from the two intimidation questions (voters and candidates).

7   Mapping Campaign Manipulation

Below, I map the occurrence of the two types of election manipulation: violence and intimidation and illegitimate use of money. The aim with this mapping is to observe regional clustering of different forms of manipulation.

Before mapping the forms of manipulation, it is helpful to provide the national aggregates to see the relative frequencies of the different forms of manipulation studied in this chapter. Figure 11.2 shows the number of constituencies with reported incidents of different forms of manipulation.

Figure 11.2 shows that the most common form of manipulation was violence, with incidents reported in 66/156 (42 per cent) of all constituencies. The high frequency of violence illustrates the fact that violence was not at all an isolated phenomenon restricted to a few predominantly urban constituencies. Given that almost half of all constituencies experienced violence it is fair to say that violence is becoming an integral part of the Zambian electoral process and a serious problem for electoral integrity. The second most common form of manipulation was the use of state resources, with reported events in 27 per cent of all constituencies. The high frequency of this type of manipulation clearly shows that the problem of state resources used for campaigning was not restricted to the highly controversial issue of minister staying in office after
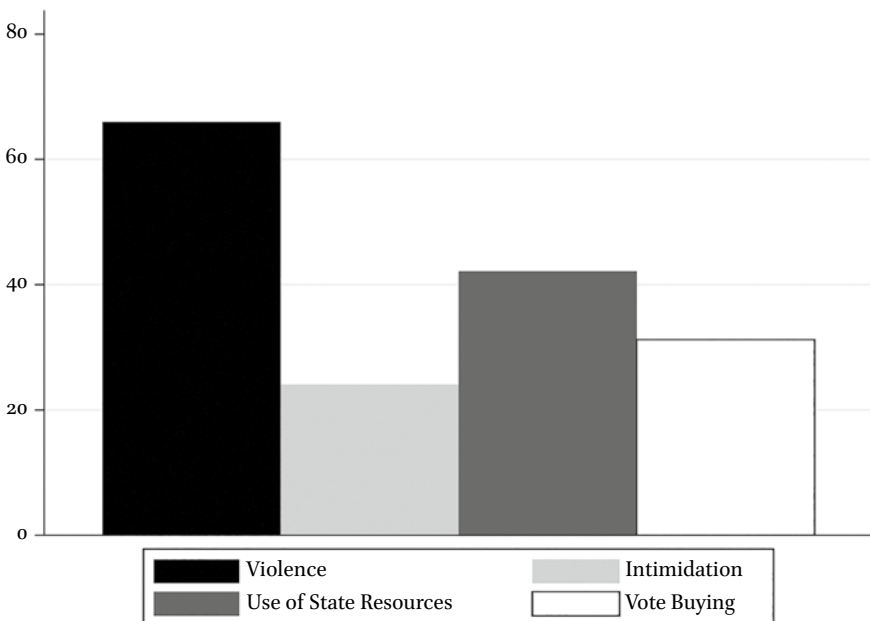
FIGURE 11.2   Number of constituencies with different forms of manipulation
             SOURCE: ZEMS 2016

the parliament was dissolved. Vote buying was reported in 20 per cent of constituencies and intimidation in fifteen per cent.

8   Violence and Intimidation

The 2016 election was a clear break with the peaceful tradition of Zambian elections. Violence occurred as political parties were conducting nominations (Goldring and Wahman, 2018), in the general election, and after the elections. ZEMS recorded violence in 66 out of 156 constituencies. Some of the events were widely reported, like the police shooting of a UPND supporter in Chawama, Lusaka, or the violence perpetrated by UPND supporters against supporters and the parliamentary candidate for FDD in Namwala constituency. Both these attacks led to a 10-day suspension of campaigns in Lusaka and Namwala respectively. Also, the High Court petition in relation to parliamentary elections in Munali, Lusaka, documented a severe incident of violence where PF supporters attacked UPND supporters, including the UPND candidate for parliament, on a UPND campaign bus. However, our surveys also gather information on some much less reported incidents of violence.

In the three focus groups carried out in relation to this study – in Lusaka, Southern, and North-Western province – violence was a major theme. The monitors described how much of the violence originated in cities and how cadres were recruited in poorer areas of Lusaka such as Kanyama, Matero, and Mandevu. When discussing party 'foot soldiers' in Ghana, Bob-Milliar (2014) argued that it is a mistake to think about perpetrators of violence as paid soldiers solely acting on the behalf of powerful political patrons. Instead, even lower level urban party activists have their own economic interests tied to the ultimate result of elections. The monitors in Lusaka described a very similar situation where cadres saw the electoral contests as a high-stake game determining their access to future income. One monitor offered a particularly interesting observation regarding the urban violence in Lusaka:

> One observation I made about the violence in the town areas is that we have bus stations, we have the markets. You know these bus stations are run by cadres. If these cadres would relax and give the chance for the opposition to come in, they are definitely guaranteed that they would not be in those stations. They will not be in the bus stations. They will not be in the market. Sometimes there might not even be a leader there to incite violence. There could just be a single cadre who wants to defend that bus stop that belongs to him. He collects K1 here and there, in the end of the day he goes home with K100. That's enough for that person. Now, if you

allow an opposition person to get into government, it means that they are definitely moving them out from those stations and markets (Focus Group, Lusaka).

Although many violent perpetrators were recruited in the major cities, it does not mean that violence was an exclusively urban phenomenon. In fact, many of the most serious violent events described in our data occurred in regional centres outside the major urban areas, particularly in opposition dominated areas. Participants in our focus groups in North-Western and Southern Province in particular described how violence often happened in relation to presidential rallies. Most of this violence was between local cadres supporting the opposition and cadres from outside the constituency that were transported to the constituency to support the locally weak incumbent party. In Southern Province most of these cadres were transported on busses from Lusaka. In North-Western most of the cadres were transported from the Copperbelt. For instance, Monze Central constituency experienced repeated incidents of violence between supporters of the PF and the UPND. One of the more serious incidents was in Bwenga, during a campaign visit by President Edgar Lungu. Clashes between the UPND and PF resulted in several injuries and damage to government vehicles. In Solwezi, the UPND and PF were fighting over a campaign venue resulting in several injuries.

It is hardly surprising that the likelihood of violence increased when cadres from outside the constituency were transported into 'foreign' constituencies. As one monitor in Southern province explained:

Southern province is known to be an opposition area, so when there was a campaign rally, we saw all these new faces. And they came prepared. They were going to a zone where they weren't wanted. People were being imported from one province to another, so that fueled violence. You see, when you're in another world, you can act violently. (Focus group, Choma).

It would, however, be incorrect to claim that it was always cadres from the outside who were the instigators of violence. A common theme in the focus groups was that parties declared so called 'no-go zones', were certain parties were not supposed to campaign. Cadres attempted to control these territories and utilized violence to maintain dominance in their own strongholds. This is an interesting pattern that diverge from much of the political science literature's hypothesizing about electoral violence. Election violence was not so much used to deter voter turnout as to project an image of local dominance. To some effect this strategy seems to have been successful. During the election, Lusaka was completely dominated by PF regalia and advertising. The famous
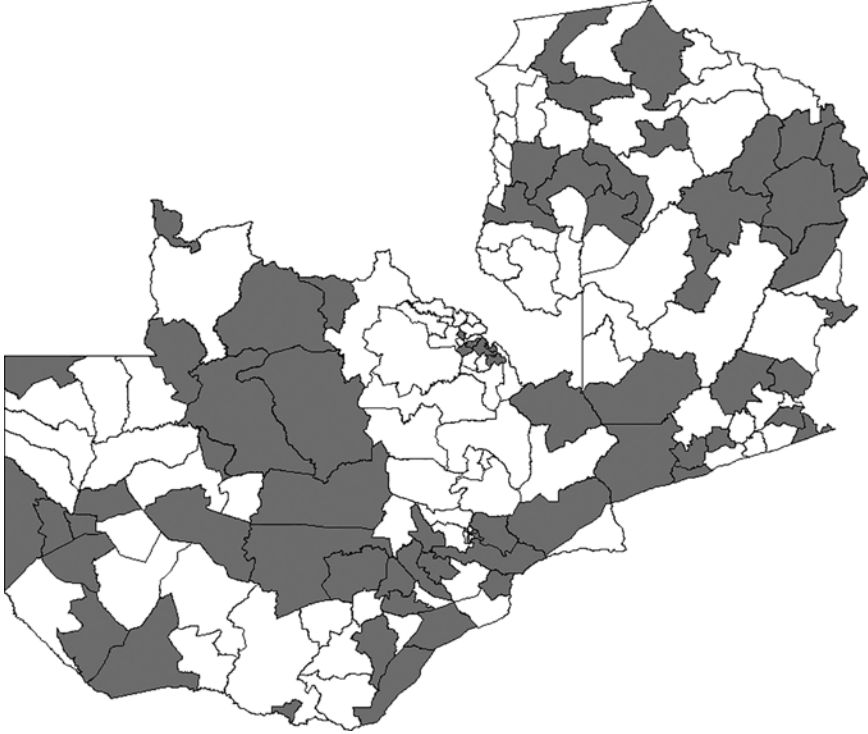
FIGURE 11.3   Pre-electoral violence
          NOTE: SOURCE: ZEMS 2016, GREY CONSTITUENCIES HAD REPORTS OF
          MANIPULATION

'watermelon' strategy adopted by the opposition, where opposition supporters were encouraged to wear green PF regalia on the outside and red UPND regalia underneath, clearly showed the way in which PF instigated violence in the capital had limited opposition supporters' ability to express their views freely. The opposition campaigned extensively in the 2016 election, even in government strongholds. However, such campaigns were often met with violence in places like the Copperbelt and Northern province. When HH tried to campaign in Shingwang'ndu (Luapula), a PF stronghold, PF cadres tried to bring down his helicopter by throwing stones.

   Figure 11.3 shows constituencies affected by pre-electoral violence. Confirming much of the reporting in the newspapers, ZEMS recorded high levels of violence in Lusaka. However, many readers will probably be surprised by the high levels of violence outside of Lusaka. Also, in accordance with many of the narratives from our focus groups we find significant levels of violence in opposition strongholds, such as North-Western and Southern province. We see particularly high levels of violence in constituencies with close proximity and
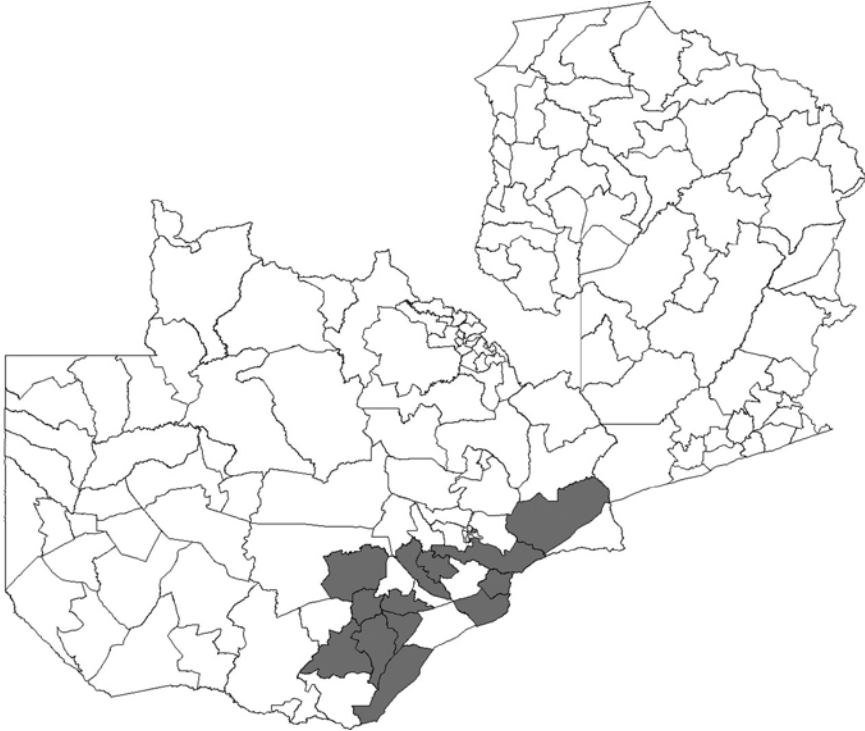
FIGURE 11.4   Post-electoral violence

great connectivity to Lusaka and Copperbelt. These are locations where the
government party could rather effortlessly transport their own supporters to
participate in campaign rallies.

   In 33 constituencies violence was reported on either election-day, during
voting or counting or after the election. Whereas violence was rather disbursed
on election-day, the concentration of violence after the election was remarka-
ble. Figure 11.4 below shows constituencies with post-election violence (i.e. vi-
olence after election day). Post-election violence was concentrated to two re-
gions, Lusaka and Southern Province. The violence in Lusaka was mostly
directed towards UPND supporters by PF supporters celebrating their victory.
In Southern province, the post-election violence was associated with rioters
protesting the elections. Ethnic outsiders were particularly targeted and shops
and houses belonging to suspected PF supporters were burned and vandal-
ized. The violence resulted in many arrests in southern province and protesters
also complained of police brutality and arbitrary arrests. The violent events
following the polls have become the focus of President Lungu's Commission of

Inquiry on Electoral Violence, but the post-election violence must be understood in connection to the generally violent election campaign. The campaign had most certainly already created significant grievances on behalf of the opposition. However, ZEMS data shows that pre- and post-electoral violence did not necessarily occur in the same locations.

Importantly, violence is not always materialized. Sometimes mere intimidation, either physical or financial, may be enough to influence elections. The monitors reported incidents of intimidation in 24 constituencies throughout the country. One example of financial intimidation was reported in Mbala, Northern Province, where certain supporters were warned that campaigning for a rivaling candidate would result in them losing their property. In Mandevu, Lusaka, the voting process was interrupted when voters were intimidated by PF cadres.

In respect to the possible relationship between vote buying and violence there are some data to suggest such a connection in a few rare cases. For instance, in Gwembe one candidate was beaten along with one of his cadres after he was found distributing money at the polling station. However, our survey data and the narratives from our focus groups do not suggest that vote buying was a major cause of violence.

9   Illegal Use of Money and State Resources

State resources were frequently used in campaigning in the 2016 election. Second only to election violence in terms of frequency, observers in 42 constituencies noted that state resources were used in the campaign. This finding may not be all too surprising given the widely observed abuse of state resources enabled by President Lungu's unconstitutional decision to keep his ministers in office throughout the campaign. Indeed, in 46 per cent of all constituencies with a minister, deputy minister, or provincial minister standing in parliamentary elections, state resources were reportedly used in campaigning. In constituencies without a minister, incumbent only 27 per cent had reported instances of state resourced being used in the campaign. Most importantly, candidates used government vehicles in campaigning. Such incidents were reported by monitors in Kabwata, Munali,[6] and Lusaka Central. Western region also stands out in the map with 10 constituencies with reported use of state resources. However, only two of these constituencies (Shangombo and

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6   Note that the High Court ruling in the petition for the Munali seat confirmed Professor Nkandu Luo's use of state resources in the election campaign.
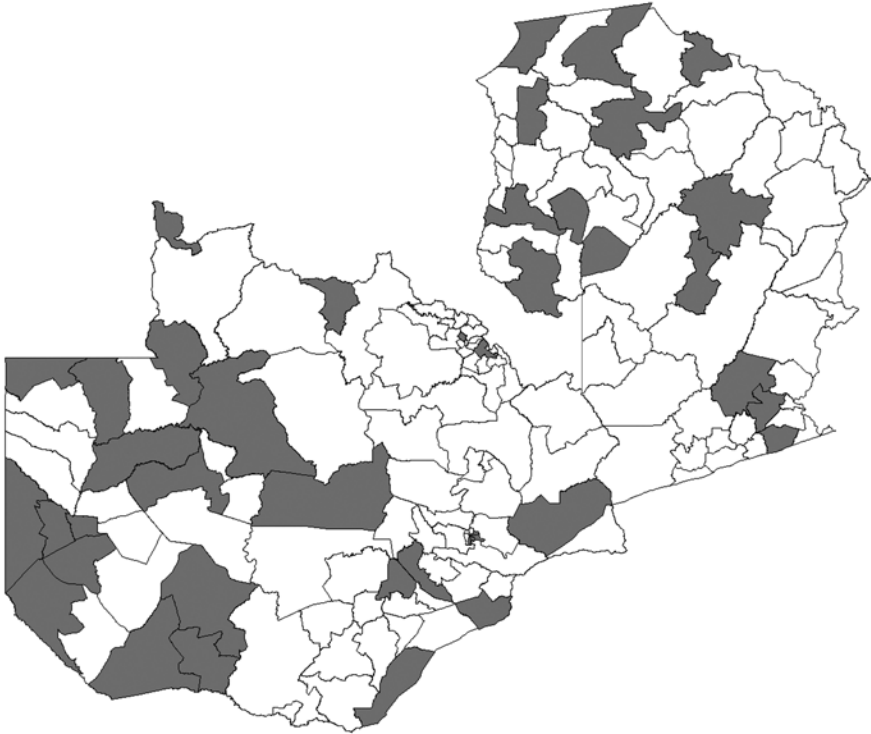
FIGURE 11.5   Use of state resources in campaigning
NOTE: SOURCE: ZEMS 2016, GREY CONSTITUENCIES HAD REPORTS OF
MANIPULATION

Lukulu East) had parliamentary candidates who were current ministers. Narra-
tives from Western province reports that District Commissioners in several
constituencies (and different districts) used government vehicles in campaign-
ing for the ruling party. Interestingly, Western province is an opposition strong-
hold where the government party can use the state infrastructure to compen-
sate for their weak party infrastructure. In North-Western, another opposition
party stronghold, participants in our focus groups noted that the government
party had removed the number plates of government vehicles and used them
in campaigning. Figure 11.5 shows constituencies where state resources were
reportedly used in campaigning.

   Figure 11.6 shows constituencies with reports of vote buying. Although vote
buying was less common than use of state resources, this form of manipula-
tion was also spread around the country. Vote buying was particularly com-
mon in Eastern and Western province. In Mongu central, Western province,
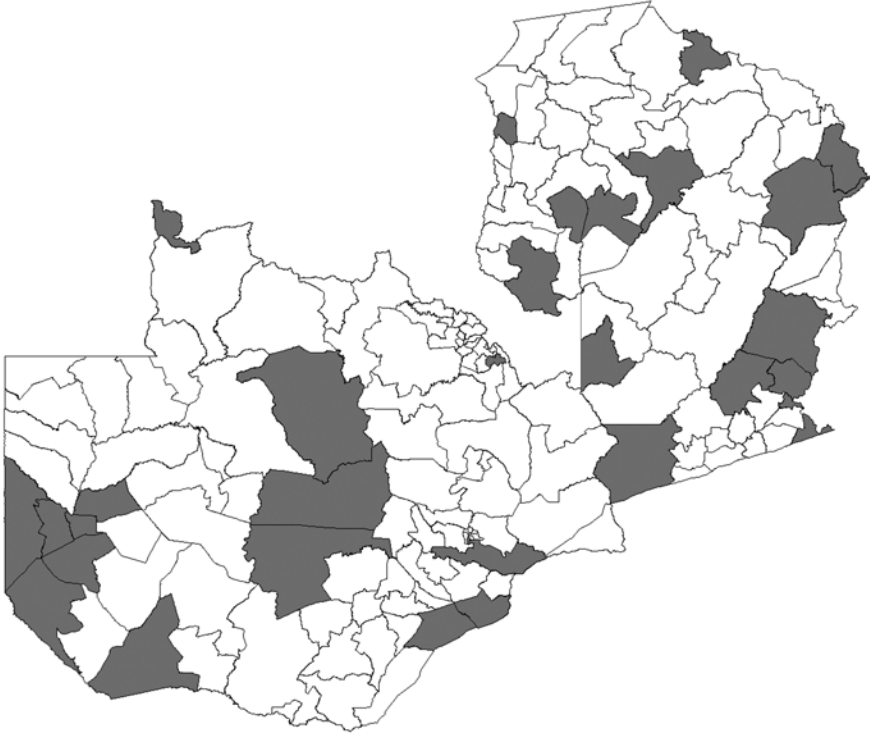
FIGURE 11.6   Vote buying
NOTE: SOURCE: ZEMS 2016, GREY CONSTITUENCIES HAD REPORTS OF
MANIPULATION

a parliamentary candidate toured the villages giving away bicycles. When the parliamentary candidate later lost, he went back to reclaim them. In Serenje, Central province, a parliamentary candidate was caught buying voter ID cards. In Mwansabombwe, Luapula, details on voter ID cards and National Registration Cards (NRCs) were taken in exchange for money. In Itezi-tezi one of the parliamentary candidates attempted to induce voters by distributing party regalia on election day. The candidate's opponent got angered by the breach of the electoral code, resulting in violence and injuries. Interestingly, the vote buying map looks rather different than the violence map. Whereas Lusaka had high levels of violence, we see more vote buying in rural areas. One participant in the Lusaka focus group questioned the viability of blatant vote buying strategies in Lusaka, such as buying NRC cards. He argued that such strategies would be more viable in the rural areas among poorer, less educated, voters. According to the monitor, illiterate voters can more easily be persuaded that the party offering the bribe can monitor actual vote choice.

10   Manipulation, Population Density, and Competitiveness

Many of the incidents of election manipulation reported in the 2016 election were from Lusaka. A frequent interpretation of the problems in Lusaka was that the capital was the primary battleground for this election and the locality that might ultimately decide who would win the national majority. Urban voters, particularly in Zambia, have been known to be more willing to reevaluate their vote choice than rural voters (Cheeseman and Hinfelaar, 2010; Wahman and Boone, 2018). While Zambia was generally divided into a solidly 'green' east and a predominantly 'red' west, Lusaka was still highly competitive. Table 11.1 below shows the share of all constituencies within a province that experienced the three different types of manipulation. Here, I collapse the categories above into the two main categories.[7]

   Table 11.1 shows some important variation between the provinces in terms of the prevalence of the different forms of manipulation. It also shows that a province with high levels of one type of manipulation does not necessarily have high levels of other forms of manipulation. Lusaka has the highest

TABLE 11.1   Frequency of manipulation type per region

	Violence or intimidation	Illegal use of money
Central	47%	20%
Copperbelt	32%	14%
Eastern	56%	44%
Luapula	13%	47%
Lusaka	71%	43%
Muchinga	70%	40%
North-Western	58%	58%
Northern	62%	38%
Southern	56%	28%
Western	47%	58%

SOURCE: ZEMS 2016

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7 Violence (both pre-electoral and post-electoral) and intimidation are merged into one category, vote buying and use of state resources are merged into one category, and media bias and prevention of campaigning is merged into one category.

prevalence violence and intimidation. However, Lusaka does not stand out in relation to the illegal use of money in the campaign. In the illegal use of money category, Western and North-Western region stands out with 58 per cent of all constituencies having reports of either vote buying or use of state resources in campaigning. This is not to say that there might be some correlation on the constituency-level between violence and intimidation and the illegal use of money. Table 11.2 shows that it was more common to either have both violence and intimidation or none of the two forms of manipulation, than to have only one of these forms of manipulation but not the other one. Most importantly, it was particularly rare to have reports of illegal use of money without reports of violence and intimidation. This observation does not lend support to substitutional theories of manipulation, where the hypothesis would be that the two forms of manipulation would be used in different constituencies. Indeed, we know from some highly publicized court cases, including the cases in Munali and Lusaka Central, that the same perpetrator was found to be involved in both violence and the illegal use of money. Still, the table does not show a one-to-one relationship between violence and intimidation and the illegal use of money. In 38 per cent of all constituencies, I find that one tool of manipulation was used, but not the other. It is, hence, interesting to see whether the constituencies that recorded violence and intimidation and the illegal use of money vary in relation to key characteristics. I will look at two particular characteristics: population density and competition.

Tables 11.3 and 11.4 below divides the 156 constituencies into four quartiles depending on their levels of population density (inh/km2) and level of competition. These data are extracted from the latest 2010 Zambian Housing and Population Census and the official electoral results released by the Electoral Commission of Zambia (ECZ). I measure competition using 2015 presidential election results, dividing the number of votes for the runner-up presidential candidate in the constituency with the number of votes received by the winner.

TABLE 11.2   Relationship between violence and intimidation and illegal use of money

		Violence and intimidation	
		Yes	*No*
Illegal use of money	Yes	24%	13%
	No	25%	37%

TABLE 11.3   Manipulation divided by population density

	Violence or intimidation	Illegal use of money
Low population density	46%	38%
Low-medium population density	46%	46%
Medium-high population density	49%	38%
High population density	56%	28%

SOURCE: ZEMS 2016

TABLE 11.4   Manipulation divided by level of competition

	Violence or intimidation	Illegal use of money
Low competition	49%	41%
Low-medium competition	54%	38%
Medium-high competition	49%	38%
High competition	44%	33%

SOURCE: ZEMS 2016

Table 11.3 and 11.4 show that there is no straightforward relationship between population density, competition, and manipulation. It is indeed true that more populous constituencies have more violence, but it is not the case that the more rural settings are free from violence. Even in the very least populous group, 46 per cent of constituencies experienced violence or intimidation in the 2016 election. The findings about competition and violence and intimidation may be even more surprising. In fact, the constituencies with the highest level of competition had the least constituencies with reported violence. In rural spaces where interpersonal bonds are strong, violence between locals is unlikely. Instead, as described above with reference from our focus groups in North-Western and Southern Province, violence can be used as a tool to protect party strongholds from rivaling parties' attempts to make inroads or deter

turnout in rivalling party strongholds. The ZEMS data in combination with the focus group data reveals patterns of violence where much of the violent infrastructure originates in cities, but spread to less competitive, more rural, locations in relation to campaigning.

Looking at the illegal use of money, the data show that this problem is a more common in rural constituencies and particularly prevalent in non-competitive constituencies. The differences are driven more by varying levels of vote buying than varying levels of use of state resources. This observation is in tune with the general vote buying literature that emphasizes that vote buying is more effective in rural settings where monitoring is easier and voters are cheaper to bribe (Stokes et al., 2013). Collier and Vicente (2012) also argues that parties would be more likely to use vote buying to entice their core voter groups. Importantly, this is not to say that vote buying does not occur in urban spaces. Indeed, cases of urban vote buying was documented in the court case related to Lusaka Central constituency. However, the more prevalent use of vote buying in low population areas is particularly interesting in relation to violence which was documented more often in urban constituencies.

11   Conclusion

This chapter used a unique survey of domestic election observers to establish frequencies and locations of electoral manipulation that threaten to distort electoral legitimacy. The findings of this chapter are clear: Zambia still has much room for improvement in relation to electoral integrity. Electoral manipulation in Zambia was not confined to one particular tool of manipulation, nor was it restricted to one particular location.

The systematic survey employed in this study established more precise data than any other available source. I would expect that observers of Zambian politics will be especially surprised to see the frequency of violence in the 2016 election. Violence was not confined to the capital and some isolated hotspots. Our survey shows violence to be present in almost half of all constituencies. To be clear, violence in the 2016 election was not isolated, it was systemic. Stakeholders need to seriously consider the drivers of election violence and address its causes to prevent further escalation of this cycle in future elections.

This chapter also shows that different forms of manipulation were present in different types of constituencies. Whereas vote buying was frequent in non-competitive and rural locations, violence was more common in more urban settings. For domestic and international actors, actively working to prevent

manipulation, this should be useful information. Given the media logic, where much attention is directed towards the well-connected cities, it is easy to forget about dynamics in the countryside. Manipulation is not confined to cities, but the forms of manipulation will somewhat vary between urban and rural spaces.

Lastly, I would like to remind readers that this study was enabled by the generous contributions of two domestic election observation organizations: FODEP and SACCORD. Was it not for these two organizations' well-established networks it would not have been possible to gather the data presented here. Domestic election observation and a robust civil society is vital for the consolidation of democracy. International monitoring organizations have the ability to provide outside opinions on the electoral process and asses the overall legitimacy of the process (Hyde 2011). However, they are not a substitute to domestic election observation. International monitoring organizations do not have the same coverage across space as domestic observation organizations and do not possess the same contextual understanding. Most importantly, they do not develop institutional memory specific to a particular national context. Domestic election observers should build on the experiences from the 2016 election and also further develop systems to collect and preserve data. An oft repeated truth about elections is that they represent a process, not an event. The electoral process of 2021 is already on the way. Hopefully, lessons learned in 2016 can serve to improve the quality of future elections.

References

Afrobarometer, (2009–2019) 'Zambia, Rounds 4, 5, 6, and 7', Available at: http://afroba rometer.org/data.

Alvarez, Michael R. and Frederick J. Boehmke. (2008), 'Correlates of Fraud: Studying State Election Fraud Allegations'. In: Michael R. Alvarez, Thad E. Hall, and Susan D. Hyde (eds), *Election Fraud: Detecting and Deterring Electoral Manipulation*. Washington D.C.: Brookings Institution Press.

Arriola, Leonardo (2013), *Multiethnic Coalitions in Africa: Business Financing of Opposition Election Campaigns*. New York: Cambridge University Press.

Bader, Max and Carolien van Ham (2015), 'What Explains Regional Variations in Election Fraud? Evidence from Russia: A Research Note', *Post-Soviet Affairs*, 31(6): 514–528.

Birch, Sarah (2011), *Electoral Malpractice*. Oxford: Oxford University Press.

Bob-Milliar, George M. (2014), 'Party Youth Activists in Low-Intensity Violence in Ghana: A Qualitative Study of Party Foot Soldiers' Activism', *African Studies Quarterly*, 15(1): 125–152.

Boone, Catherine (2011), 'Politically Allocated Land Rights and the Geography of Election Violence: The Case of Kenya in the 1990s', *Comparative Political Studies*, 48(2): 173–202.

Bratton, Michael (2008), 'Vote Buying and Violence in Nigerian Election Campaigns', *Electoral Studies*, 27(4): 621–632.

Bratton, Michael and Nicholas van de Walle (1997), *Democratic Experiences in Africa*. Cambridge: Cambridge University Press.

Brusco, Valeria, Nazareno, Marcelo and Susan Stokes (2004), 'Vote Buying in Argentina', *Latin American Research Review*, 39(2): 66–88.

Carter Center (2016), 'Limited Election Observation Mission to Zambia, September 2016 Statement'. Available at: https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/zambia-post-election-sept2016.pdf.

Cheeseman, Nicholas and Marja Hinfelaar (2010), 'Parties, Platforms, and Political Mobilization: The Zambian Presidential Election of 2008', *African Affairs*, 109(434): 51–76.

Collier, Paul and Pedro C. Vicente (2012), 'Violence, Bribery, and Fraud: The Political Economy of Elections in Sub-Saharan Africa', *Public Choice*, 153(1–2): 117–147.

Dercon, Stefan and Roxana Gutiérrez-Romero (2012), 'Triggers and Characteristics of the 2007 Kenyan Election Violence', *World Development*, 40(4): 731–744.

European Union Election Observation Mission (2016), 'Final Report: Republic of Zambia, General Election and Referendum, 11 August 2016'. Available at: https://eeas.europa.eu/sites/eeas/files/final_report_eu_eom_zambia.pdf.

Elklit Jørgen and Andrew Reynolds (2005), 'A Framework for the Systematic Study of Election Quality', *Democratization*, 12(2): 147–162.

Fraser, Alastair (2017), 'Post-Populism in Zambia: Michael Sata's Rise, Demise and Legacy', *International Political Science Review*, 38(4): 456–472.

Foundation for Democratic Process (FODEP), 16 June 2016, 'Press Statement- Chiefs and Partisan Politics'.

Giraudy, Agustina (2015), *Democrats and Autocrats*. Oxford: Oxford University Press.

Goldring, Edward and Michael Wahman (2018), 'Fighting for a Name on the Ballot: Constituency-Level Analysis of Nomination Violence in Zambia', *Democratization*, 25(6): 996–1015.

Goodnow, Regina, Moser, Robert G. and Tony Smith (2014), 'Ethnicity and Electoral Manipulation in Russia', *Electoral Studies*, 36(4): 15–27.

Höglund, Kristine (2009), 'Electoral Violence in Conflict-ridden Societies: Concepts, Causes, and Consequences' Terrorism and Political Violence, 21(3): 412–427.

Human Rights Commission and SACCORD. 2014. *Guidelines on Freedom of Peaceful Assembly and Application of the Public Order Act in Zambia*. Lusaka: Human Rights Commission.

Hyde, Susan (2011), *The Pseudo Democrats Dilemma: Why Election Monitoring Became an International Norm*. Ithaca, NY: Cornell University Press.

Ishiyama, John, Pulido Gomez, Amalia and Brandon Stewart (2016), 'Does Conflict Lead to Ethnic Particularis? Electoral Violence and Ethnicity in Kenya 2005–2008', *Nationalism and Ethnic Politics*, 22(3): 300–321.

Jensen, Peter Sandholt and Mogens K. Justesen (2014), 'Poverty and Vote Buying: Survey-based Evidence from Africa', *Electoral Studies*, 33: 220–232.

Kanyinga, Karuti (2009), 'The Legacies of the White Highlands: Land Rights, Ethnicity and the post-2007 Election Violence in Kenya', *Journal of Contemporary African Studies*, 27(3): 325–344.

Koter, Dominika (2013), 'Urban and Rural Voting Patterns in Senegal: the Spatial Aspects of Incumbency, c. 1978–2013', *The Journal of Modern Africa Studies*, 51(4): 653–679.

Kuo, Didi and Jan Teorell (2017), 'Illicit Strategies as Substitutes: Election Fraud, Ballot Reform, and Contested Congressional Elections in the United States, 1860–1930', *Comparative Political Studies*, 50(5): 665–695.

Laakso, Lisa (2007), 'Inside into Electoral Violence in Africa'. In: Matthias Basedau, Gero Erdmann, and Andreas Mehler (eds), *Violence, Money and Violence: Political Parties and Elections in Sub-Saharan Africa*. Uppsala: Nordiska Afrikainstitutet.

Lankina, Tomila and Rodion Skovoroda (2017), 'Fabricating Votes for Putin: New Tests of Fraud and Electoral Manipulation from Russia', *Post-Soviet Affairs*, 33(2): 100–123.

Larmer, Miles and Alastair Fraser (2007), 'Of Cabbage and King Cobra: Populist Politics and Zambia's 2006 Election', *African Affairs*, 106(425): 611–637.

Lindberg, Staffan I. (2013), 'Have the Cake and Eat it. The Rational Voter in Africa', *Party Politics*, 19(6): 1–17.

Macola, Giacomo (2008), 'Harry Mwaanga Nkumbula, UNIP and the Roots of Authoritarianism in Nationalist Zambia'. In: Jan-Bart Gewald, Marja Hinfelaar, and Giacomo Macola (eds), *One Zambia, Many Histories*. Leiden: Brill.

Magaloni, Beatriz (2006), *Voting for Autocracy: Hegemonic Party Survival and Its Demise in Mexico*. Cambridge: Cambridge University Press.

Mukela, John (2016), 'Zambia's Disputed Elections: on Claims of Binned Ballots and "Systemic Bias"', *African Arguments*. Available at: http://africanarguments.org/2016/08/17/zambias-disputed-elections-on-binned-ballots-and-systematic-bias/.

McMann, Kelly M. (2006), *Economic Autonomy and Democracy: Hybrid Regimes in Russia and Kyrgyzstan*. New York: Cambridge University Press.

Ndulo, Muna (2016), 'Professor Muna Ndulo Launches a Scratching Attack on the Three Constitutional Court Judges', *Lusaka Times*. Available at: https://www.lusakatimes.com/2016/09/11/professor-muna-ndulo-launches-scathing-attack-three-constitutional-court-judges/.

Norris, Pippa (2013), 'The New Research Agenda Studying Electoral Integrity', *Electoral Studies*, 32(4): 563–575.

Nugent, Paul (2007), 'Banknotes and Symbolic Capital: Ghana's Elections under the Forth Republic'. In: Matthias Basedau, Gero Erdmann, and Andreas Mehler (eds), *Violence, Money and Violence: Political Parties and Elections in Sub-Saharan Africa*. Uppsala: Nordiska Afrikainstitutet.

Nyblade, Benjamin and Steven R. Reed (2008), 'Who Cheats? Who Loots? Political Competition and Corruption in Japan, 1947–1993', *American Journal of Political Science*, 52(4): 927–941.

Raleigh, Clionadh, Linke, Andrew, Hegre, Hågvard and Joakim Karlsen (2010), 'Introducing ACLED: An Armed Conflict and Event Dataset', *Journal of Peace Research*, 47(5): 651–660.

Resnick, Danielle (2013), *Urban Poverty and Party Populism in African Democracies*. Cambridge: Cambridge University Press.

Schedler, Andreas (2002), 'Elections Without Democracy: The Menu of Manipulation', *Journal of Democracy*, 13(2): 36–50.

Sidel, John (2014), 'Economic Foundations of Subnational Authoritarianism: Insights and Evidence from Qualitative and Quantitative Research', *Democratization*, 21(1): 161–184.

Simpser, Alberto (2013), *Why Governments and Parties Manipulate Elections: Theory, Practice, and Implications*. New York: Cambridge University Press.

Snyder, Richard (2001), 'Scaling Down: The Subnational Comparative Method', *Studies in International Comparative Development*, 36(1): 93–110.

Sjoberg, Fredrik M. (2012), 'Making Voters Count: Evidence from Field Experiments about the Efficiency of Domestic Election Observation'. New York: Columbia University Harriman Working Paper, No 1.

Stokes, Susan C., Dunning, Thad, Nazareno, Marcelo and Veleria Brusco (2013), *Brokers, Voters, and Clientelism: The Puzzle of Distributive Politics*. New York: Cambridge University Press.

Straus, Scott (2011), 'It's Sheer Horror Here' Patterns of Violence During the First Four Months of Côte D'Ivoire's Post-Electoral Crisis', *African Affairs*, 110(440): 481–489.

Straus, Scott and Charlie Taylor (2012), 'Democratization and Election Violence in Sub-Saharan Africa, 1990–2008'. In: Dorina Berkoe (ed.), *Voting in Fear: Electoral Violence in Sub-Saharan Africa*. Washington D.C.: United States Institute of Peace Press. pp. 15–38.

Teorell, Jan (2017), 'Partisanship and Unreformed Bureaucracy: The Drivers of Election Fraud in Sweden, 1719–1908', *Social Science History*, 41(2): 201–225.

Van Ham, Carolien and Staffan I. Lindberg (2015), 'From Sticks to Carrots: Electoral Manipulation in Africa, 1986–2012', *Government and Opposition*, 50(3): 521–548.

Vicente, Pedro C. (2014), 'Is Vote Buying Effective? Evidence from a Field Experiment in West Africa', *The Economic Journal*, 124(574): 356–387.

Von Borzyskowski, Inken (2014), *A Double Edged Sword: The Effect of International Assistance on Election Violence*. Unpublished dissertation, University of Wisconsin.

Von Borzyskowski, Inken and Michael Wahman (Forthcoming), 'Systematic Measurement Error in Election Violence Data: Causes and Consequences', *British Journal of Political Science*.

Wahman, Michael (2017), 'Nationalized Incumbents and Regional Challengers: Opposition- and Incumbent-Party Nationalization in Africa', *Party Politics*, 23(3): 309–322.

Wahman, Michael and Catherine Boone (2018), 'Captured Countryside? Stability and Change in Sub-national Support for African Incumbent Parties', *Comparative Politics*, 50(2): 189–216.

Wiedmann, Nils B. (2016), 'A Closer Look at Reporting Bias in Conflict Event Data', *American Journal of Political Science,* 60(1): 206–218.

Wilkinson, Steven I. (2004), *Votes and Violence*. Cambridge: Cambridge University Press.

Ziblatt, Daniel (2009), 'Shaping Democratic Practice and the Causes of Electoral Fraud: The Case of Nineteenth-Century Germany', *American Political Science Review*, 103(1): 1–21.

PART 3

Aftermath of the Election

∵

International Observers, and the Monitoring of National Elections

Muna Ndulo and Dae Un Hong

Elections are a defining characteristic of a democracy, and therefore form an integral part of the democratization process. For elections to positively contribute to the democratization process, they must be free and fair; otherwise, they lead to conflict and fail to legitimize the ensuing political order. The international community, led by the United Nations and regional organizations such as the Southern African Development Community (SADC), the Economic Community for West African States (ECOWAS), the Commonwealth and African Union (AU) regularly take measures to promote the holding of free and fair elections in African countries. These measures include assisting in building capacity for election management and monitoring national elections to ensure that they are free and fair and that the results are not disputed, thus removing a potential source of conflict. Election monitoring has often meant participating in the entire election process – from the registration of voters to the counting of votes. In recent times, international election monitoring has become contested and instead of easing tensions by increasing confidence in the election process it is alleged, has become one of the sources of tension. International election observers are often accused of legitimizing flawed elections. In Africa, often the circumstances under which elections are held present special difficulties and challenges. They include the historical lack of political tolerance, the prevalence of political violence, government control of the media and political space and the likelihood of intimidation, bias, suspicion and outright opposition to the idea of democratic elections by those in power. This chapter discusses: (1) the history of international monitoring of national elections; (2) approaches adopted in monitoring elections; (3) impact of election observer missions; and (4) suggests ways election monitoring could be improved and made more effective.

1 Introduction

Elections are a defining characteristic of democracy, and thus form an integral part of the democratic process (Ndulo and Lulo, 2010). Although elections

alone cannot be equated with democracy, they are an intrinsic and important component of the consolidation of democracy (Reilly, 2002). Over the past three decades, electoral systems and processes have become centrepieces of democratization projects undertaken in many parts of the world by international and regional organizations such as the United Nations (UN), the European Union (EU), the Commonwealth, the Organization of American States, the Organization of African Unity, the Southern African Development Community (SADC), the Economic Community for West African States (ECOWAS), and non-governmental organizations (NGOs). The international community regularly participates in national elections by deploying monitoring teams to countries holding elections. Such participation has included giving electoral support to governments and political parties to building the capacity of election management bodies and monitoring national elections to ensure that they are free and fair. In post-conflict societies, international involvement in elections often provides a means for 'jump-starting' a new democratic political order; in other societies, it is a means for stimulating the development of democratic politics, for choosing representatives, for forming governments, and for conferring legitimacy upon a political order (Reilly, 2002). Recent elections in Zambia (2016) and Kenya (2017), which led to increased tension, violence, and disputed electoral results and yet were assessed by several international observers as free and fair, have led some to call for an interrogation of the role of international election observers and to question whether elections in Africa lead to stability, democracy, peace, and development (EU Report, 2018).

This chapter examines the role of international observers in African elections with specific reference to the 2016 Zambian general elections. It first considers the central role of elections in the democratization process. The chapter identifies some of the key challenges to holding elections in African countries, such as violence, intimidation, and denial of free space for opposition parties to freely campaign for votes. In conclusion, the chapter critiques the current approach to international observation of national elections as often too superficial and inadequate to give an accurate reflection of the quality of elections, and we conclude by offering suggestions about how to make observer missions more effective. We do this in the context of the realization that sustained attention to the quality of elections is needed to advance the establishment of democracy and the process of ensuring good governance in Africa. Since good governance and development are intertwined, this is an objective that must be shared by all concerned with the development of Africa.

2   Elections and Democratization

Elections represent an important dimension of the efforts towards democratic consolidation in any country (Mutasah, 2006). Stated differently, although elections are not synonymous with democracy, they are a central component of a functioning democratic system. Elections are a contest for power and are therefore inherently contentious; unless they are conducted fairly, they can lead to violence and conflict (Hatchard et al: 204). Political parties participating in an election may use violence, intimidation and conflict to influence the results or timing of an election. The challenge, therefore, is to ensure that elections are fair, credible and transparent. To achieve this objective, it is fundamental that the electoral process be governed by clear and fair rules so that even the losers of the contest can trust that the rules have been applied justly; otherwise, these actors are more likely to continue the contest by other means. As elections are part of democratic consolidation, clearly 'ill-timed, badly designed, or poorly run elections can actually undermine the broader process of democratization and the establishment of peace and good governance. In a free and fair election political parties must feel free to participate in political campaigns and be able to sell their programs to the electorate' (Ndulo, 1996).

In most African countries, governance institutions, are weak, including the election management bodies. Many of the countries have lacked the opportunity and the resources to establish a legacy of democratic institutions and good governance (Ndulo and Lulo, 2010). There is reliance on highly personalized and centralized systems of governance in which patronage and corruption are rampant, and civil servants, including electoral officials, are inadequately trained for their respective offices. In such circumstances, there is a general lack of accountability at all levels of government. The political systems, in their operations, have not fully incorporated the separation of powers doctrine in their governance and a system of 'checks and balances' is not ingrained; on the contrary, confusion over the allocation of power reigns among the executive, legislature and judicial branches of government with the executive acting as if it were above the other two arms of government – the legislature and the judiciary. There is also outright resistance to democratic elections from within the ruling party. Such factors make it difficult to hold free and fair elections, let alone longer-term democratic processes, to take root and function properly. The absence of institutional support or effective governance adds a layer of difficulty to conducting free and fair elections (Ibid., 2010).

Free and fair elections can be held only in an environment that seeks to provide popular participation; promotes human rights and guarantees

fundamental freedoms; ensures government accountability, freedom of the judiciary and freedom of the press; and protects and respects political pluralism (Ibid., 2010). Too often in African elections, the operating environment is one of suspicion and distrust, both at the governmental level and among the popular masses, who are largely illiterate. At the governmental level, there is a general lack of a sense of the government being accountable to the people (as well as a lack of a sense of accountability to the people on the part of individuals employed in the public service); more common is political violence, and high levels of intimidation instigated by political party cadres. (Reilly, 2004). In turn, there is widespread suspicion and little or no confidence in the governmental system. Such perceptions also stem from previous election experiences that were marred by violence and serious electoral irregularities, as well as the exclusion of marginalized groups. This absence of an underlying democratic culture poses a serious problem in many African countries, and underscores the need for an inclusive electoral process, voter education and measures to build confidence in the electoral system, without which the electoral system lacks integrity. In 2012, the blue ribbon Global Commission on Elections, Democracy and Security, chaired by Kofi Anan, defined an election with integrity as one that is 'based on the democratic principles of universal suffrage and political equality […] and is professional, impartial and transparent in its preparation and administration throughout the electoral cycle' (Global Commission, 2012).

A related challenge is the need for a functioning and effective police force. The presence and role of local police forces can impact not only the general security situation, but also how the election itself is conducted. Among other functions, police are needed to guard ballot boxes and election materials and maintain order and security at public meetings, campaign events and polling stations. As Andrew Graham (2006) observed, 'the electoral process is one that is governed by public policy and can only succeed with independent oversight of the process that establishes credibility with the population. Police serve a supportive role to that independent oversight'. In Zambia, the police have proven themselves partial in their approach to policing and are often used by the ruling party as a resource to frustrate opposition political activity and even intimidate voters at the time of voting (Ndulo and Lulo, 2010). In most African countries the police do not inspire confidence in the people. Distrust is heightened by an institutional culture that tolerates a profound disrespect for human rights. In such contexts, the local police are unsuitable for guarding the polling stations and performing other election-related functions such as transporting ballot papers and other election materials. Because distrusted and inadequately trained local police forces can add further roadblocks to elections and can even interfere with the electoral process, planning for elections and the work

of international observer missions should include appropriate police training and monitoring of the police that emphasizes the role of the police in elections. At a practical level, police training should be multi-dimensional, comprising both written materials and interactive, 'face-to-face' training from superiors or front-line officers and, at a minimum, should cover the nature of the electoral legislation and an overview of the electoral process, human rights issues in relation to the role of police, standards of police conduct and communication mechanisms between the police forces and the electoral commission (The United Nations Observation Mission in South Africa [UNOMSA], 1994). Further, the role of the police force must be clearly defined-for the benefit of the police forces themselves and the public – for each of the different phases of the electoral process (pre-election, election day and post-election).

One of the most vexing challenges of organizing elections in Africa is the degree of logistical planning involved, and the lack of basic infrastructure to facilitate seemingly simple tasks (Ndulo, 2003). This creates enormous practical and logistical hurdles that make elections difficult and cumbersome to organize and carry out. These factors require special consideration and extensive advance planning. For example, the condition and security of roadways, the availability of adequate transport/vehicles and electricity for counting centres must be assessed for, among other things, the secure transportation of ballot boxes both to the polling stations prior to voting and to the electoral commission (or other appropriate location) for counting the ballots after votes are cast. In some cases, air transportation is used to carry ballot boxes to and from very remote areas that are often not reachable by road. The transportation of ballots by air, often done by air force helicopter planes, can be problematic because the number of people they can carry is limited, making it difficult for observers to accompany the ballot boxes (Halff, 2017). Beyond infrastructure and transport, logistical planning must take into account and adapt to unreliable telecommunication services and the lack of locally available basic office supplies, two key factors that can frustrate day-to-day operations of the electoral planning process, as well as the management of the elections on voting day.

3   Conditions for Successful Elections

There is an absolute need to ensure that elections are free and fair. Much will depend on the design and implementation of an electoral process that takes into account the country-specific history and factors and that maximizes the transparency and security at all stages of the electoral process, including

pre-election planning and administration, certification of the results and freedom of the political parties to campaign without any hindrance from the state. Election administrators should emphasize the freedom of voters to make their choices and the secrecy of the vote (Minnie, 2006). The goal in any election should be to create a secure, level playing field for voters and candidates, as well as to provide voter education and civic involvement throughout the electoral process and to translate the will of the people into a representative government (Commonwealth, 1994). At the core of its purpose is integrity; the electoral process must be accessible to all citizens, irrespective of where they live and their political affiliations, and with respect to universal registration and access to polling stations. Likewise, a truly democratic election is predicated on political candidates themselves having a level playing field for campaigning; candidates should have access to all communities and not be limited by de facto 'no-go zones'. The existence of an uneven playing field for either voters or candidates runs contrary to the spirit and reality of free and fair elections and undermines the integrity of the elections. To foster conditions conducive to such a level playing field, election planners should pay particular attention to establishing (a) an effective electoral framework, including an independent electoral administration; (b) a comprehensive plan of administrative and procedural matters necessary for the organization of an election; (c) maintaining an accurate and accessible voter registration roll; and (d) a speedy elections dispute settlement mechanism that avoids delays that lead to election judgements being delivered too late to have any impact on the conduct of the elections. These conditions are essential to protecting election integrity; (International Institute for Democracy and Electoral Assistance [IDEA], 2002).

4   The History of International Observers' Involvement in National Elections

Although the process of international observation of national elections is now practiced by a number of international and regional bodies, it can be traced back to the UN. The UN has been involved in providing electoral assistance to member states since its early years, with roots as far back as the League of Nations and its involvement in plebiscites (referendums) in Europe in the 1920s and 1930s. The UN has been involved in the conduct of national elections and referenda since its official observation of the Korean elections of 1948 (UN, 1992). Participation in national elections has become a fundamental component of its decolonization, conflict resolution, and human rights programmes. The beneficiaries have included the people of some 30 trust and

non-self-governing territories, ranging from Togoland in 1956 to the Palau Trust Territory of the Pacific Islands in 1990 (UN, 1992). They have also included independent states involved in international conflicts and states seeking to resolve internal strife democratically and to broaden human rights. Although the UN did not engage in election monitoring in sovereign states until the late 1980s (Santa-Cruz, 2005), its involvement has contributed to the conduct of free and fair popular elections in Namibia (1989), Nicaragua (1990), Albania (1991), Romania (1992), Lesotho (1992), Cambodia (1993), Malawi (1993), South Africa (1994), Haiti (1996), and East Timor (1999 and 2000) as well as in several other countries. In Africa the first large-scale election observation was held in 1980, at the independence elections of Zimbabwe. The effort was led by the British Commonwealth and the United Kingdom as the decolonizing power.

With the end of the Cold War in 1991 and the appearance of a global trend toward democratization, interest in election standards has increased. Against that background, the international community has increased its efforts to support the principle of free and fair elections and to help countries seeking to conduct them. Moreover, governments whose legitimacy is questioned are increasingly turning to the international system for the validation that their national polity cannot yet give (Frack: 1992). They seek legitimation by a global standard monitored by an international body and hope thereby to avoid the persistent challenge to their authority by coups, rebellion, and instability. In many of the countries that request international monitoring, such involvement is imperative. The 1994 elections in South Africa and the 1989 elections in Namibia were the first democratic elections in which any citizen who was qualified to vote could actually participate (UN, 1994). The 1992 elections in Cambodia and Angola were held after protracted and bloody conflicts. Romania, Poland, and other former eastern bloc countries were engaged in their first-ever multiparty democratic elections. In Haiti the elections were to restore democracy after a period of military rule. In such situations, if the election is to be accepted by all political factions as well as the outside world, it must not only be free and fair but be seen to be free and fair.

Until 1991, the electoral activities of the UN took place in a largely decentralized manner, and without standardized policies. In 1991, the General Assembly established an institutional and normative framework to structure UN involvement in elections. General Assembly resolution 46/137 on 17 December 1991, defines the involvement of the UN in electoral verification as an exceptional activity of the organization. The resolution emphasizes that all states enjoy sovereign equality and that each state, in accordance with the will of its people, has the right to freely choose and develop its political, social, economic, and cultural systems. It also recognizes that no single political system or

electoral method is equally suited to all nations and their peoples. It recognizes that the efforts of the international community to enhance the effectiveness of the principles of periodic and genuine elections should not call into question each state's sovereign right, in accordance with the will of its people, to freely choose and develop its political, social, economic, and cultural systems, whether or not these conform to the preferences of other states.

The report of the secretary-general, submitted to the General Assembly at its 46th session, suggests four criteria that should be satisfied before a UN election observer mission is considered for deployment: (1) The UN does not get involved in national elections unless the country specifically requests its assistance, which should pertain primarily to situations that have a clear international dimension and that may relate to the maintenance of international peace and security; (2) monitoring provided by potential UN activity should cover – geographically and chronologically – the entire electoral process, from the initial stages of registration through the elections themselves; (3) there should be broad public and political support within the country asking for a UN role; and (4) approval should be provided by the competent UN body (the General Assembly for large-scale operations that do not involve military observation, the Security Council if there is such involvement, and, the UN Secretary-General when the mission is undertaken in the context of previous decisions of the General Assembly) (UN Res, 1991).

The concern was to avoid being seen as legitimizing a flawed election; hence, for instance, the insistence that the monitoring involve the entire electoral process. The requirement that a request be made by a government and that there be broad support within the country for UN involvement is intended to ensure that UN activity respects the sovereignty, territorial integrity, and political independence of states, as enunciated in the UN charter. There is also a realization that without broad support within the country for UN participation, monitoring elections is impossible. The success of any monitoring activity depends on the cooperation of the people and all contending parties.

The major focus of UN involvement in elections is to ensure that they are free and fair and are run in accordance with internationally accepted election norms (O'Malley, 1993). Free and fair means that the election voters must be free to make political choices, without intimidation, bribery, undue influence and fear of retribution for their vote. The electorate must believe that its choices will be accurately recorded and respected. And citizens must be free to exercise their rights of political expression, association, assembly and movement to assist those they support for office. Holding free elections injects substance into the principle with regard to elections established by Article 21 of the Universal Declaration of Human Rights (UDHR), which states, 'Everyone has the

right to take part in the government of his country, directly or through freely chosen representatives'. It adds, 'The will of the people shall be the basis of the authority of government: this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures' (UDHR, 1948). Free and fair elections can therefore be summed up as referring to those elections that are based on universal, equal and secret suffrage where every person has the right to choose their representatives freely without any form of intimidation or coercion. It must be realized that an election is a contest and in any contest parties to a contest will only accept the results when the rules of the game as fair. Suggestions that lesser criteria could be acceptable in the case of developing states is condescending and in the case of Africa flies in the face of the AU Charter on Democracy which in its preamble that state parties proclaims the objectives of the Charter as among others to (a) promote adherence, by each state party to the universal values and principles of democracy and respect for human rights; and (b) to promote best practices in the management of elections for purposes of political stability and good governance.

In Namibia in 1989 and in Angola in 1992, the UN developed and applied standards that moved beyond the definition of 'free and fair elections' above and developed norms that ensured that the elections occurred in a free environment and in the context of administratively fair rules necessary to ensure free and fair elections. The most important of those standards were (1) the right of all voters to participate in the electoral process without hindrance; (2) free campaigning for all political parties; (3) a secret ballot; (4) reasonable speed in counting the ballots; (5) accountability and openness of the electoral process to the competing parties; and (6) an acceptable electoral law (National Democratic Institute for International Affairs [NDI], 1990).

The norms developed by the UN have been adopted by other international and regional organizations. Many organizations such as the Carter Center and IDEA have elaborated on these norms and set up guidelines that outline international standards that govern elections (IDEA, 2002). The African Charter on Democracy, Elections and Governance (2007) embraces election monitoring. In its preamble, it states that:

> seeking to entrench in the continent a political culture of change of power based on the holding of regular, free and fair and transparent elections conducted by competent, independent and impartial national elections bodies; Determined to promote and strengthen good governance through the institutionalization of transparency, accountability and participatory democracy; Convinced of the need to enhance the election observation

missions in the role they play, particularly as they are an important contributory factor to ensuring the regulatory transparency and credibility of elections.

Electoral observation within the SADC region has been the norm and practice of SADC member states over the years. The SADC's observer missions are mandated to ensure adherence to the SADC Principles and Guidelines Governing Democratic Elections (2015) aiming at enhancing the holding of regular, free and fair, transparent, credible, and peaceful democratic elections.

Many international non-governmental organizations (INGOs) and intergovernmental organizations (IGOs) have sought to standardize principles on election monitoring. A notable example is the Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers that was adopted by 22 INGOs and IGOs on 27 October 2005. Despite criticism that the Declaration falls short of providing a truly uniform and specific set of regulations (Misk, 2010), the Declaration was promoted by Kofi Annan and Jimmy Carter and is now endorsed by 55 INGOs and IGOs (Carter Center, 2018).

5   Approaches to Monitoring Elections

Typically, an international observer mandate requires the mission to:
– observe the actions of the electoral commission and its organs in all aspects and stages of the electoral process and verify their compatibility with the legislation governing free and fair elections in the country;
– observe the extent of freedom of organization, movement, assembly, and expression during the electoral campaign and ascertain whether adequate measures are taken to ensure that political parties and alliances enjoy those freedoms without hindrance or intimidation;
– verify access to the media by all political parties contesting the elections;
– verify whether voter education efforts of the electoral authorities and other interested parties are sufficient and result in voters being adequately informed on both the meaning of the vote and its procedural aspects;
– verify the registration of voters to ensure that qualified voters are not denied the identification documents or cards that would allow them to exercise their right to vote;
– verify that voting occurs on election day in an environment free of intimidation and under conditions that ensure free access to voting stations and the secrecy of the vote;

– verify that adequate measures are taken to ensure the proper transport and custody of ballots and security of the vote count and that a timely announcement of election results is made (UNOMSA, 1994).

Viewed from the perspective of a well-established democracy, many of these matters may seem unproblematic and are taken for granted. However, in many countries that want internationally monitored elections, they are important issues. The situation is compounded by the governments' lack of experienced and well-trained election officers to administer the election. Furthermore, many voters have no faith in the integrity of their government to conduct free and fair elections.

A major part of the Observer Missions work is to engage the electoral agencies on the conduct of the election and ensure that the conditions described above are addressed. Typically, observer missions develop checklists to ensure that the above conditions are addressed. The observers get detailed instructions on how to observe the election and what to look for in their work (Commonwealth, 1994). In the campaign period, they report on voter education and registration. They interact with political parties, attend rallies and other public events, and investigate complaints. They ascertain the adequacy of the electoral infrastructure. They determine whether the media coverage of the electoral process is balanced. They offer their observations to electoral officials on the spot and demand that good electoral practices be followed and that electoral laws be obeyed. For each event observed, they complete a checklist, and they give the checklists and their reports to a central office, which analyses the information. The analyses form the basis of the final evaluation of the election.

There are two basic approaches to the observation of the actual voting (King, 1993). One is to have an observer at each polling station at all times during the election. That is referred to as 'total observation of an election'. The second is to have an observer at a sample of polling stations for short periods of time. The results observed or verified in a sample of adequate design are extrapolated to the rest of the polling stations. Total observation is expensive, as it usually involves a large number of observers, one for each polling station. Since adequate sampling can produce about the same level of certainty about the conduct of the polling, the option of total observation is essentially political, and its use is mainly symbolic.

Sample observation makes use of mobile units, usually with two observers in each unit. The units visit a variable number of polling stations throughout the polling day. The number of visits depends on the number of mobile units, the difficulties of travel between sites, and the length of time spent at each site. The size of the sample is not statistically significant. Fraud does not take place

during the short period when the observers are present but rather before their arrival or after their departure.

To be most effective, it is necessary that trained electoral officers, local monitors and party poll watchers be present at every polling station. Without them, even large numbers of international observers make little difference (Lynge Mangueira, 2012). When local poll watchers are present, however, a few international observers can make a huge impact. Therefore, political parties must be encouraged to train large numbers of election watchers to work with the international observers. Although the local watchers represent political parties, it is not necessarily a problem because the interests of the parties will balance each other out (Lidauer, Rabitsch, and O'Rourke, 2017). The aim of every political party should be to have election watchers at every polling station.

It is more effective for the international observer groups to encourage and sponsor the training of party poll-watchers than to engage in the total observation strategy. The party poll-watchers are the first line of observation, and they report any voting irregularities to international observers (Ndulo and Lulo, 2010).

At the end of the electoral process, the observer groups certify whether the elections were free and fair. There are, of course, problems with use of the phrase 'free and fair'. Is an election 'free and fair' only when it is free of any incidents? The critical consideration is not whether there were any incidents, but whether they were of a magnitude that undermined the integrity of the process (UNOMSA, 1994).

The final determination is made easier if the international observers have ensured that each stage of the election – the registration of voters, the campaign period, and the voting and counting of votes – was satisfactory, and they have pronounced their judgement at each stage. Each stage should be certified free and fair before the next stage occurs. In that way, the chances of a dispute in the election outcome are minimized. It is important to remember that elections are a process and not a one-day event. Comprehensive observation therefore requires a careful look at the entire pre-election period and post-election developments, as well as what happens on Election Day. To undertake comprehensive observation requires the assembling of an appropriate team. An appropriate team should include experts in: election administration; law; political affairs; human rights, including women's rights; media; statistics; and logistics.

6   The International Observation of the 2016 Zambian Elections

A number of international observer missions participated in the 2016 Zambian elections. The European Union Election Observation Mission was invited to

observe the elections by the Government of Zambia as well as the Electoral Commission of Zambia (ECZ). The Mission, led by Cecile Kyege, a member of the European Parliament, was in Zambia from 29 June to 12 September 2016, and deployed a total of 124 observers across the country. The Mission was mandated to assess the electoral process and to ensure it was done in accordance with international and regional commitments for genuine and transparent elections (EU, 2016). The Carter Center was invited by the Ministry of Foreign Affairs. The Mission had limited deployment of observers and hence focused on observing the political and electoral environment of the campaign period, the legal framework, and the electoral dispute resolution mechanisms that had been established for the elections. A team of four people arrived in Lusaka in mid-July and held regular meetings with key stakeholders, including political party candidates and civil society organizations. Another team of four observers was deployed to the Copperbelt and Southern Provinces ahead of the elections day in order to assess election preparations. The core team remained in Zambia through mid-September to observe the post-election period, and this included the observation of the Constitutional Court hearing of the petition filed by the leading opposition candidate challenging the election results (Carter Center, 2016). The Southern African Development Elections Observer Mission (SADCEOM) was led by Olderriro Julio Marques Baloi, the Minister of Foreign Affairs and Cooperation of the Republic of Mozambique. An invitation to observe the elections was extended to them by the ECZ and the Zambian government. The SADC deployment began on 31 July 2016, with a total of 49 observers deployed to Lusaka and the rest to the 10 provinces of Zambia. The Observer Mission was tasked to assess the level of preparedness of the country to hold the 2016 elections. The Observer Mission met with officials from the Electoral Commission, political parties and NGOs (SADC, 2016). The African Union Election Observer Mission (AUEOM 2016) was deployed at the invitation of the Government of Zambia. It comprised 45 short-term and ten long-term observers drawn from several African countries. It was composed of politicians, election management experts, civil society, and election experts. It assessed the elections in conformity with the 2007 African Charter on Democracy, Elections and Governance; as well as various other AU instruments and the legal framework governing the conduct of elections in Zambia. On Election Day, 24 teams of the AU observers were deployed to nine of Zambia's ten provinces (AU, 2016). A local monitoring organization – the Christian Churches Monitoring Group (CCMG), an alliance of four faith-based organizations, comprising of the Council of Churches in Zambia (CCZ), the Evangelical Fellowship of Zambia (EFZ), the Jesuit Centre for Theological Reflections (JCTR), and the Zambia Conference of Catholic Bishops (ZCCB) observed the elections

alongside the international observer groups (CCMG, 2016). The CCMG, the most visible local observer team, engaged in long-term observation of the political environment, preparation of the elections, nomination of the candidates, and campaigning by the political parties. This was intended to determine whether regional and international standards of the electoral process were being observed during the pre-election period and to assess the overall environment in which the electoral processes were taking place. The CCMG deployed a total of 108 long-term observers, who acted as mobile observers on elections day, and 1566 stationary observers. In terms of deployment, the numbers of observers deployed by international organizations was small for a country of sixteen million people and the size of Zambia. In the case of the AU and the SADC, the numbers included high-profile politicians, who, by all accounts, focused on public relations rather than going into the field, thereby effectively reducing the number of effective election observers.

The various groups of election observers had differing assessments of the freeness and fairness of the election. In a preliminary statement released on 13 August, the Carter Center found the pre-election period significantly flawed. It observed that the environment was characterized by interparty tensions and polarization. Widely reported incidents of violence increased tensions between political parties and their supporters, especially in the week preceding elections day. In addition, the Carter Center noted the absence of a level playing field, including the constant harassment of private media, the abuse of public office by government ministers, and the selective and unfair application of the Public Order Act to disadvantage the main opposition party, the United Party for National Development (UPND). The Carter Center noted that although voting was fine, following the polls, several factors served to weaken the confidence of a significant segment of the population in key institutions charged with administering the polls and addressing electoral disputes. Polling results were not posted at the polling stations in some instances. The Electoral Commission ineffectively managed the vote tabulation, verification, and declaration of results, as well as public expectations surrounding these processes. Contrary to international standards, election observers were not allowed to observe the results-verification process, undermining its transparency. The Carter Center criticized the Constitutional Court of Zambia's handling of the opposition party's United Party for National Development (UPND) election petition and observed that, contrary to international standards, the legal and judicial processes failed to meet Zambia's national and international obligations to ensure due process, a fair hearing and a timely and effective remedy. The verdict of the court on the petition was a shameless attempt 'legitimize' the

2016 elections and provide a veneer of legal authority and expertise to a fundamentally flawed electoral process.

The European Union Mission was critical of the legal framework of the elections, which it described as unclear and ambiguous. Additionally, it observed that provisions of the Public Order Act restricted the freedom of assembly, which was to the benefit of the incumbent party. The EU Mission further observed that the Electoral Commission of Zambia (ECZ) is not independent because it is subject to the executive branch of the government. All its members are appointed by the President. The ECZ's appointment system is inconsistent with best practices for recruiting election officials based on transparency, efficiency, and equity. It also violates Article 17 of the AU Charter on Democracy which states: 'State parties shall establish and strengthen independent and impartial national electoral bodies responsible for the management of elections' (AU Charter on Democracy 2007, s. 17(1)). The European Union mission also observed that the ECZ does not have decentralized structures, and that it is reliant on local government officials in the preparation and conduct of elections. It further stated that the ECZ did not allow international and domestic observers to access a number of important activities, such as verifying results at the national level. There were 132 national registration numbers that were shared by more than one voter and a very high number of deceased voters on the register. The campaign period was dented by systematic bias in both state and social media outlets, and there was no equitable and fair coverage of each party's campaign. The state broadcaster was biased in favour of the ruling party and covered other parties negatively or not at all. Private media were harassed and, in the case of The Post, were seized and closed during the campaign period on the pretext that it had not paid its taxes. The EU Mission was also critical of the Constitutional Court of Zambia's handling of the opposition's election petition. It noted that the court failed to provide clear, timely and authoritative directions to parties regarding the timeline of the trial of the presidential petition, and this resulted in the petitioners not being able to exercise their right to a fair hearing.

The manner in which the presidential petition was handled and finally dismissed undermined public confidence in the constitutional court and election complaints process. On the other hand, the SADC report inexplicably characterized stakeholders' concerns about inter-party violence as isolated acts. According to the SADC observer mission, generally, the country was calm. It further claimed that the ECZ played its role in curtailing violence by banning electoral campaigns in Namwala, Southern Province and in Lusaka Province for ten days to avert possible escalations of violence. They observed, however,

that the media was polarized and the ruling party controlled the public media. They noted the unfair manner in which the Public Order Act was used to restrict opposition rallies. The African Union Observer Mission assessed the 2016 elections in Zambia as being in conformity with the 2007 African Charter on Democracy, Elections and Governance as well as other AU instruments on governance. The AU Mission noted that the general political–electoral environment was largely calm and peaceful despite what they called isolated incidents of violence and political intolerance reported in Lusaka and Southern Province. They noted, however, that the media environment was highly polarized and partisan. The mission concluded that the elections were conducted in a peaceful atmosphere within a framework that satisfactorily met the contents and regional principles of democratic elections. The AU Mission's conclusion was in spite of its own statement that the public media was not open to the opposition and that being a clear violation of Article 17 of the AU's Charter on Democracy, which reads as follows: '17 (3) state parties shall ensure fair and equitable access by contesting parties and candidates to state controlled media during elections'. This should, at a minimum, have led them to give the elections qualified approval.

Of the observer missions, the predominantly local Christian Churches Monitoring Group (CCMG, 2017), which conducted the most complete observation and monitored all stages of the election, came to a different conclusion. In their report they noted that elections are not simply one-day events but are part of a longer process that encompasses the pre-election period through the resolution of any legal challenges to the elections day. This is a point that is completely missed by the AU observer team, whose assessment emphasized the peacefulness of the voters on voting day. Throughout the pre-election period and informed by their long-term observation, the CCMG raised serious concerns regarding issues of political violence, press freedom and bias in state media, and the lack of impartiality by the police, among others. Following the UPND's announcement of its intention to legally challenge the presidential results, the CCMG called for respect for judicial independence and for the court to provide all sides of the challenge with a fair and full hearing in accordance with the best practices of due process and for all parties to provide the court with evidence and to respect its process while pursuing a just result by peaceful means. The CCMG pointed out that as part of its effort to comprehensively monitor the 2016 presidential elections, it analysed results from the 7,000 polling stations for the presidential election as posted on the ECZ website on 15 and 16 August 2016. They reached two significant conclusions: electoral violence was a threat to the ability of candidates to campaign freely, and the police were biased in the implementation of the Public Order Act. They also con-

cluded that the ECZ is neither independent of the executive nor does it have sufficient funds to facilitate its independence. As part of its overall monitoring effort, the CCMG conducted a parallel vote tabulation (PVT) for the 2016 presidential election; while acknowledging the earlier challenges noted earlier in this chapter, it affirmed that the PVT estimates for the presidential elections were consistent with the ECZ's official results. Although PVTs are a useful mechanism for preventing interference with resulting while in transit to the central elections body which announces the results, it is worthwhile noting that the PVT mechanism does not cure wrongly or corruptly arrived at election results at polling stations. The PVT is based on results given by polling stations and does not interrogate the validity of the declared results, nor does it cure the lack of integrity in the electoral process. It assumes that the figures given by polling officers are accurate.

An evaluation of the reports shows that the African-based organizations – the SADC and the AU, which did the least coverage in terms of deploying observers – did not, in fact, observe the campaign period and were in the country for the least amount of time compared to the other observer groups, were the ones eager to pronounce the elections as free and fair. It is not farfetched to conclude that they saw their role as defending an African process regardless of the facts on the ground. It is also worth noting that the observer missions did not establish a coordinating mechanism where they could share observations. In the 1994 South African election, observer mission effectiveness was increased through the establishment of a forum where the observer missions met regularly, held consultations, shared experiences, and agreed on areas of focus in deployment and on how to avoid duplication of efforts, thereby maximizing the impact of the available election observers. It should also be noted that the observer groups, except for the EU Mission, did not issue reports on the various stages of the election.

There were other failings of the ECZ. In several Lusaka constituencies, the ECZ failed to issue the results declaration form (G12) to polling stations, leading returning officers to issue results on improvised documents. An evaluation of the 2016 Zambian election against the criteria elaborated earlier in the chapter reveals that it failed to meet the test of a free and fair election on the following grounds: (a) the electoral legislation was found by all the observer teams to be inadequate to protect and promote free and fair elections; (b) there was no free access to the media, and state media was decidedly biased against opposition parties; (c) there was no freedom of campaigning, and no measures were taken to ensure that political parties enjoyed the freedom to campaign without hindrance or intimidation; (d) the police selectively applied the Public Order Act to prevent opposition campaign meetings; and (e) the counting and

tabulation of election results were characterized by irregularities, thereby undermining the integrity of the process and eroding the confidence of the people in the process.

7   Conclusion

Election observation can be a valuable tool for improving the quality of elections and building confidence in the process. The effective monitoring of an election process requires the coverage of all stages of an election and the independence of the bodies created to administer the elections. Clearly, some observer missions have been successes, while others have been failures and have been used by the party in power to legitimize a flawed election process. The effectiveness of a mission can be explained to some extent by its mandate, which determines the scope of its ability to observe the elections, its resources, its capacity, and the extent to which it is comprehensive in the manner it carries out the observation. To create a foundation for lasting democracy, international support should focus on supporting and building capacity within key institutions, such as the electoral commission and local police forces, and on building the capacity of local observers. International involvement is likewise important to planning and overseeing the electoral process and lending economic assistance and expertise to further the development of sound electoral laws and processes. Election monitoring (including providing international monitors and training local monitors) is another crucial way for the international community to ensure and support free and fair elections. A distinct concern relating to international involvement is to avoid legitimizing a flawed election. This concern underscores the importance of effective monitoring throughout the entire electoral process and the need to attend to the structural problems in the electoral landscape that impede the holding of free and fair elections in a country like Zambia. In the absence of reform in this area, it is doubtful that the country can ever have a free and fair election.

Monitoring activity should cover the entire electoral process – geographically and chronologically – from the initial stages of voter registration through the elections themselves. Currently, there is over emphasis on election day; usually, only voting and counting processes are conducted on election day, yet the vast majority of observers – both international and domestic – are mobilized to witness these processes. To minimize the chance of a disputed outcome, each of the election stages (i.e. voter registration, campaigning, printing of election materials, storage and transportation of election materials, and casting and counting of votes) should be evaluated and be pronounced upon as

they occur. The use of local monitors should be encouraged. In addition to broader geographical coverage at lower expense, the use of local monitors brings enormous benefits, including greater understanding of the local languages and nuances (such as covert forms of intimidation that might elude international observers). Further, local monitors are an important way of involving the citizens in the electoral process and promoting a sense of ownership by the citizens of the process. Without local monitors, the international observation exercise will be superficial, and its conclusions will remain vague or empirically untenable. In encouraging the use of local monitors, we are not oblivious to the fact that they are often a mixed bag. The work of local monitors is constantly devalued through the establishment of government-sponsored NGOs that provide election observation reports that are favourable to the government and do not address real problems encountered during elections. This is a matter that confronts most jurisdictions. Part of the solution to this problem is insisting on transparency in the running of NGOs. There is also the need to lessen the dominance of former presidents and senior political leaders in observer teams. They often not prepared to go all over the country and tend to socialize with other political leaders in capital cities and doing no observation of elections. International observation includes oversight of the actions of the Electoral Commission and its organs to ensure that the Commission is complying with elections laws and international standards. It also requires monitoring: the extent of freedom of assembly, expression, and organization; voter education efforts; access to media by all political parties; registration of voters (to ensure, for example, that qualified voters are not denied identification documents that would allow them to exercise their right to vote); proper security measures for transport and custody of ballots; and timely announcement of election results. The electoral system should establish transparent and speedy dispute resolution mechanisms for the resolution of electoral disputes alleging irregularities, fraud and denial of access. Elections always entail such disputes, and it is important that disputes are settled in a timely manner and that an impartial and speedy system of electoral dispute settlement is in place. The training of local monitors is likewise important – and efficient – for achieving the 'total observation' that would otherwise extend beyond the reach and capacity (and funding) of strictly international efforts.

References

African Charter on Democracy, Elections and Governance, 2007.

African Union Election Observation Mission (AUEOM) (2016), 'Preliminary Statement to the 2016 General Elections in the Republic of Zambia, 13 August (Lusaka, Zambia).

Carter Center (2016), 'Declaration of Principles Working Group', https://electionstandards.cartercenter.org/at-work/collaborative-efforts-towards-standards.

Carter Center (2016), *Final Report: Carter Center's Experts Mission to Zambia's Presidential and Parliamentary*, https://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/zambia-final-rpt-2016.pdf.

Carter Center (2018), *Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers*, https://www.ndi.org/declaration_endorsing_orgs.

Christian Churches Monitoring Group (CCMG) for Free and Fair Elections (2016), 'Verification Statement on the Accuracy of the Results of the 2016 Presidential Elections', 15 August, https://www.eisa.org.za/pdf/zam2016ccmg.pdf.

Christian Churches Monitoring Group (CCMG) (2017), *2016 Election Report* (Lusaka, Zambia: CCMG).

European Union Election Observation Mission Kenya 2017 (2018), *Kenya 2017 Final Report*, https://eeas.europa.eu/sites/eeas/files/eu_eom_kenya_2017_final_report_0.pdf.

European Union Election Observation Mission Republic of Zambia 2016 (2017), *Final Report on 2016 Zambia General Elections*, https://eeas.europa.eu/sites/eeas/files/final_report_eu_eom_zambia_3.pdf.

Global Commission on Elections, Democracy and Security (2012). *Deepening Democracy: A Strategy for Improving the Integrity of Elections Worldwide* (Geneva: Kofi Annan Foundation/Stockholm: International IDEA).

Graham, Andrew (2006). *Preparing Police Services in Democratic Regimes to Support the Electoral Process: A Survey of Leading Practice*, http://aceproject.org/ero-en/topics/elections-security/police-forces-in-elections.doc.

Halff, Maarten (2017). 'The United Nations Approach to Electoral Management Support Paper', presented at the annual conference of the European Consortium for Political Research (ECPR).

International IDEA (2002). *International Standards: Guidelines for Reviewing the Legal Framework of Elections* (Stockholm: International IDEA).

King, Angela (1993). 'Remarks on the Role of International Observer Missions in South Africa', Financial Mail Convention on 'Election Countdown', World Trade Center, Kempton Park, Johannesburg.

Lidauer, Michael, Rabitsch, Armin, and O'Rourke, Iris (2017), Mapping Legislation for Citizen and International Election Observation in Europe: A comparative Analysis on the Basis of OSCE/OHIHR Reports, *Nordic Journal of Human Rights*, 35:4, November, 360–374.

Lynge-Mangueira, Halfdan (2012). 'Why "Professionalizing" International Election Observation Might Not be Enough to Ensure Effective Election Observation', Institute for Democracy and Electoral Assistance Discussion Paper.

Minnie, Jeanette (ed) (2006). *Outside the Ballot Box: Preconditions for Elections in Southern Africa (2004/2005)* (Windhoek, Namibia: Media Institute of Southern Africa).

Misk, Jonathan (2010), 'Standardizing the Principles of International Election Observation', *Vanderbilt Journal of Transnational Law*, 43:3, May, 763–821.

Mutasah, Tawanda (2006). 'Beyond Southern Africa: Electoral Politics and the New Pan-Africanism', in Minnie, Jeanette (ed), *Outside the Ballot Box: Preconditions for elections in Southern Africa 2005/2006* (Windhoek, Namibia: Media Institute of Southern Africa).

National Democratic Institute for International Affairs (1990). *National Building: UN and Namibia* (Washington, D.C.: National Democratic Institute for International Affairs).

Ndulo, Muna (1996). 'The United Nations and the Monitoring of National Elections', *Cornell Law Forum*, 23: 2, 13–17.

Ndulo, Muna (2003). 'The Democratization Process and Structural Adjustment in Africa', *Indiana Journal of Global Legal Studies*, 10: 1, 315-368.

Ndulo, Muna and Lulo, Sara (2010), 'Free and Fair Elections, Violence and Conflict', *Harvard International Law Journal Online*, 51, July, 155–171.

O'Malley, Padraig (1993). *Uneven Paths: Advancing Democracy in Southern Africa* (Windhoek, Namibia: New Namibia Books).

Reilly, Benjamin (2004). Elections in Post-Conflict Societies, in Edward Newman and Roland Rich (eds) *The United Nations Role in Promoting Democracy: between Ideals and Reality* (Tokyo; New York: United Nations University Press).

Reilly, Benjamin (2002). Post-conflict Elections: constraints and Dangers, *International Peacekeeping*, 9: 2, 118–139.

Santa-Cruz, Arturo (2005). International Election Monitoring, Sovereignty, and the Western Hemisphere Idea: the Emergence of an International Norm (New York: Routledge).

The Southern African Development Elections Observer Mission (SADCEOM) (2016), 'Preliminary Statement to the 2016 General Elections and Referendum Held in The Republic of Zambia', 13 August (Lusaka, Zambia).

The International Bill or Rights, Universal Declaration of Human Rights, adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948.

United Nations (1994), 'A Democratic, Nonracial and United South Africa: Final Report of the United Nations Observer Mission in South Africa (UNOMSA) to the Secretary General' (New York, United Nations).

United Nations Center for Human Rights (1992), *Human Rights and Elections, A Handbook on the Legal, Technical and Human Rights Aspects of Elections* (New York; Geneva: United Nations).

Adjudication of Presidential Election Disputes in Zambia

O'Brien Kaaba

> It is an open secret that the judiciary have let the country down by failing to stand up to political manipulation and corruption. How can one explain the failure of the Constitutional Court to hear and exhaustively conclude a presidential petition?
>
> Archbishop Telesphore G. MPUNDU, 2017

1 Introduction

Elections ideally should afford citizens an opportunity to freely choose leaders to preside over public affairs and run government. Through elections, the people have a mechanism for punishing leaders who may not perform to their expectations and rewarding those they perceive to have been responsive to their needs. Elections therefore allow people to select leaders and to hold those leaders accountable. But this can only be done in an environment that does not vitiate the people's free will and choice and in a political environment that is not lopsided and free of violence, corruption and cheating. Once these vices assail an election, there is always a possibility that the election result does not reflect the will of the people. Those aggrieved may wish to seek redress.

This chapter, therefore, looks at one form of redress, adjudication, available to a person aggrieved with presidential election results. The chapter sets out the legal framework for the adjudication of disputed presidential election results and then discusses how the courts have in concrete cases resolved the disputes. For this purpose, the petitions relating to the 1996, 2001, and 2016 elections are discussed to illustrate some of the challenges that have emerged in the resolution of disputed elections through the judicial process.

2   Legal Framework for Hearing and Determining Disputed Presidential Elections

The legal framework for hearing and determining disputed presidential elections in Zambia has not been static. Prior to 1991, there was no mechanism for settling disputed presidential elections. Instead, those aggrieved were provided with an administrative mechanism of seeking redress. The 1973 Constitution simply required that:

> Any question which may arise as to whether-
> (a)   Any provision of this Constitution or any law relating to the election of a President under Article 38 has been complied with; or
> (b)   Any person has been validly elected as President under that Article; Shall be referred to and determined by the returning officer, whose decision shall not be questioned by any Court.
>
> Constitution of Zambia 1973, article 45(2)

The returning officer was the Chief Justice. How he/she was to come to any decision with regard to a dispute referred to him cannot be ascertained as there was no prescribed procedure and no precedents were set. This is hardly surprising because from 1973 to 1991 Zambia was a one-party state and, as a result, the outcome of presidential elections was largely predetermined. The Constitution banned and prohibited the formation of political parties other than the ruling United National Independence Party (UNIP). Article 4(1) 1973 Constitution stated: '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")'.

The President of UNIP was elected by the party General Conference and once so elected, he/she was the sole candidate at the national elections to the office of the President (Constitution of Zambia 1973, article 38(3)). The pledge of the UNIP Constitution, which was annexed to the national Constitution, was revealing in this regard. It read: 'Forever the Common man will rule the Republic through humanism and the United National Independence Party'(Constitution of the United National Independence Party, 1973). Under this one party rule, it was inconceivable that a presidential election dispute would arise as the outcome was carefully controlled and predetermined and any dissent nipped in the bud.

The 1973 Constitution was repealed and replaced with a 'new' one in 1991, which allowed for multiparty democracy and therefore set the stage for

competitive presidential elections. The 1991 constitution anticipated the possibility of disputed presidential elections and provided for a contentious mechanism for their resolution by providing as follows:

> Any question which may arise as to whether:
> (a) Any provision of this Constitution or any law relating to the election of a President has been complied with; or
> (b) Any person has been validly elected as President under Article 34: Shall be referred to and determined by the Supreme Court.
> Constitution of Zambia 1996, article 41(2)

Although the Constitution was significantly amended in 1996, this provision was not touched. The provision makes a departure from the previous constitution under which a grievance relating to presidential elections could only be settled administratively and finally by the Chief Justice. Now the Supreme Court had to sit as a court of first and final instance to try the case and come to a conclusion.

Once the country reverted to multiparty elections and the adjudicatory mechanism replaced the administrative mechanism for resolving disputed presidential elections, election petitions began to characterize election disputes. Between 1996 and 2016, all but one (2011) presidential election was disputed and petitions filed (although in 2006 and 2008 the petitioner, Michael Sata, then main opposition candidate, withdrew the petitions citing lack of confidence in the judiciary).

The Constitution was extensively amended in 2016 (Constitution of Zambia (Amendment) Act No. 2 of 2016, for convenience referred to Constitution of Zambia 2016). The amended Constitution introduced changes to the electoral process as well as to the electoral dispute resolution mechanisms. Notable changes include having a fixed election date (Constitution of Zambia, 2016, article 56(1)); having the vice president elected as a running mate to the president (Constitution of Zambia, 2016, article 110(1)); and introducing a majoritarian system for electing the president by more than 50 per cent of valid votes (Constitution of Zambia, 2016, articles 47(1) and 101(2)).

More importantly, the constitution significantly revised the adjudicatory mechanism for the resolution of disputed presidential elections. Previously, the president-elect was sworn into office within 24 hours of the declaration of results. A presidential election petition could, therefore, only be filed against someone who had already assumed office, usually consigning the process to a predetermined outcome in favour of the incumbent. The petition itself was heard by the Supreme Court, which was not bound by any fixed timelines

within which to hear and determine the case. The presidential election petition that arose out of the 2001 elections, for example, took four years to determine. The amended constitution creates a Constitutional Court and vests it with exclusive and final jurisdiction over presidential election petitions, with a duty to 'hear' such disputes within fourteen days of the petition being filed (but strangely without stating how soon the case should be determined)(Constitution of Zambia, 2016, articles 101(5) and 103(2)). The president-elect does not assume office until the case is disposed of (Constitution of Zambia, 2016, articles 104 and 105). During the pendency of the petition the Speaker is to exercise executive power (Constitution of Zambia, article 104(3)).

3   How the Judiciary has Determined Disputed Presidential Elections

There have been three major election petitions in Zambia, that is, relating to the 1996, 2001, and 2016 presidential elections. This section will, therefore, discuss the jurisprudence of the judiciary in relation to those cases. In discussing the cases, more focus will be on the 2016 case, as it is the most recent.

3.1   *1996 Presidential Election Petition* (*Lewanika v Chiluba, 1998*)
This was a novel case as it was the first time the Supreme Court was called upon to exercise its jurisdiction as a court of first and last instance in resolving a presidential election dispute. The petition was filed following the 1996 general elections. Following the election, the incumbent, Fredrick Chiluba of the ruling MMD was declared winner having garnered 913,770 votes (68.9 per cent of valid votes cast) while his closest rival, Dean Mung'omba of the Zambia Democratic Congress got 160, 439 votes (12.11 per cent of the valid votes cast) (ECZ, 1996). Dissatisfied with the outcome of the election, the opposition leaders petitioned the Supreme Court seeking an annulment of the election of Chiluba.

There were, in essence, three major contentions on which the petitioners sought the Supreme Court to find in their favour and annul the election. The first was that the incumbent did not qualify to be a presidential candidate due to his parentage; the second that the government engaged in widespread corruption and abuse of public resources to buy popular support; and thirdly that there were several other malpractices which vitiated the election so as to render it a sham.

The contention about parentage arose as a result of an amendment to the Constitution in 1996 which, inter alia, inserted a clause conditioning qualification to presidential candidacy to one having both his parents as Zambians by birth or descent (Constitution of Zambia, 1996, article 34(3)(b)). The clause was

TABLE 13.1   1996 Presidential election results

Name of Candidate	Party	Votes Received	Percentage of Valid Votes Received
Chama Chakomboka	Movement for Democratic Process	41,471	3.13
Fredrick Chiluba	Movement for Multiparty Democracy	913,770	68.9
Akashambatwa Mbikusita-Lewanika	Agenda for Zambia	59,250	14.47
Humphrey Mulemba	National Party	83,875	6.33
Dean Mung'omba	Zambia Democratic Congress	160,439	12.11

SOURCE: COMPILED BY AUTHOR FROM ECZ DATA

undoubtedly introduced to bar former President Kenneth Kaunda from standing, as his parents hailed from Nyasaland (Malawi). The petitioners alleged that Chiluba's father was a foreigner and, therefore, he did not qualify to be a presidential candidate as required by the Constitution. Evidence was led to support this allegation. On the face of it, once petitioners demonstrated that either of Chiluba's parents was not Zambian, then the Supreme Court was bound to nullify his election. It was not to be the case. Ironically, the provision passed by the Chiluba's government to bar Kaunda was now being used against him!

To avoid that consequence, the Supreme Court interpreted the provision so as to render it nugatory. It pointed out that the provision presented 'apparently solutionless problems and difficulties as it was not clear if it referred to biological parents and whether it excluded non-marital children' (Lewanika v Chiluba, 1998). To avoid this seeming absurdity, the Supreme court construed the provision as meaning that 'the constitutional provision regarding parents or anyone born prior to independence who are or were Zambians by birth or descent can meaningfully only be construed as a reference to those who became Zambians on 24th October 1964 or who would, but for their prior death, have become Zambian on that day' (Ibid.: 199). In arriving at this position, the Supreme Court in part reasoned that since Zambia gained her independence in 1964, then there were no Zambians prior to 1964.

The second major contention was that there was corruption and widespread use of public resources to buy public support for the incumbent. The complaint particularly related to the sale of government houses to sitting tenants at massive discounts during the campaign period. The Supreme Court acknowledged that 'the exercise was clearly used to assist the campaign' (Ibid.: 203), as in some instances certificates of title were given by the president at political rallies. The Court, however, took the narrow view that this did not amount to any corrupt practice or bribery as proscribed by electoral laws. It passed the buck to the perpetrators, saying:

> The timing of such public philanthropic activity is not prohibited by the regulations and we can do no more than urge the authorities concerned to address this lacuna so that there can [be] a closed-season at election time for any activity suggestive of vote buying; including any public and official charitable activity involving public funds and not related to emergencies or any life-saving or life threatening situations.
>
> LEWANIKA V CHILUBA, 1998: 205

When the judiciary constrains itself from redressing acts of corruption in the electoral process, it can be said that it indirectly condones corruption and allows it to flourish with impunity.

Thirdly, the petitioners raised concerns about several other electoral malpractices such as multiple voting, some of which were proved. The Court ruled that there was no evidence that the respondent or his lawful agents were privy to these irregularities and malpractices. It further held that considering that the constituency for a presidential election was the whole nation, the proven irregularities were such that nationally the majority of the voters were not prevented from electing a candidate of their choice and that the proven irregularities did not affect the result in a substantial manner (Lewanika v Chiluba, 1998: 214).

The decision of the court was coloured by later revelations that the then Chief Justice who presided over the election petition had secretly received USD168,000 President Chiluba, including during the pendency of the election petition. The Chief Justice as a result was in 2002 forced to resign (Shezongo-MacMillan, 2013).

3.2 The 2001 Presidential Election Petition (*Mazoka v Mwanawasa, 2005*)

The 2001 general election was one of the most fraudulent political events in the history of the country. All election observer missions to Zambia's 2001 elections, both local and international, including those habitually lukewarm such as SADC, concluded that the elections were far from being free and fair (Coalition 2001; SADC, 2001; EU, 2001). The EU, in fact, took a rare stand to waive the

immunity of the head of the observer mission, Michael Meadowcroft, to testify for the opposition in the ensuing election petition (Mazoka v Mwanawasa, 2005: 138).

In the ensuing petition, the evidence of some who had been government insiders then but testified for the opposition was revealing. For example, both Michael Sata and Vernon Mwaanga, who served as the ruling Movement for Multiparty Democracy (MMD) Secretary Generals (or party chief executives) in the run to and during elections, respectively, testified that the ruling party had no resources and depended on the Office of the President (OP) – Special Division (which is the Zambian Intelligence organ) for campaign resources (Ibid.). Sata indicated that campaign vehicles and bicycles were bought by the OP using public resources, while Mwaanga indicated that the OP actually printed 20,000 copies of the MMD campaign manifesto (Mazoka v Mwanawasa, 2005).

These views were confirmed by the Xaviour Chungu, who at the time of the elections served as the Director General of the OP-Special Division. Chungu indicated that the then president instructed him to raise campaign funds of up to K22 billion but that he only managed to raise about K16 billion. He further indicated that using OP money they bought about 158 vehicles, 1,500 bicycles, 300 bales of *salaula* (second-hand clothes) and boats for the MMD to use during the elections (Mazoka v Mwanawasa, 2005). In such a case, the secret service was basically used to steal and launder public funds in order to support the ruling party to secure electoral victory.

The petition had alleged more than 30 electoral malpractices. The Supreme Court admitted that there were many flaws in the electoral process, which included the use of the national intelligence in a partisan way, the unlawful use of public resources by the incumbent party and abuse of resources from parastatal companies (Mazoka v Mwanawasa, 2005), but concluded that the majority were not proved and stated:

> We should also mention that from the evidence of the petitioners, they had a number of grievances which largely and clearly established some shortcomings in the management of elections. There is also no doubt that on some issues, the parties found it appropriate to vent their feelings in Court. Indeed, serious concerns were raised about ECZ's capacity to manage the tripartite elections, and concerns about the use of public media and the limited access to it by the opposition. There were also complaints concerning the misuse of public or government facilities and resources. In our judgement, we have found that some of the allegations have been partially proved, while some have been found not to have been proved as they were not supported by the evidence on the record.
>
> Mazoka v Mwanawasa, 2005

TABLE 13.2 2001 Presidential election results

Name of Candidate	Party	Number of Valid Votes Received	Percentage of Valid Votes Received (%)
Levy Mwanawasa	Movement for Multiparty Democracy	506,694	28.69
Anderson Mazoka	United Party for National Development	472,697	26.76
Christon Tembo	Forum for Democracy and Development	228,861	12.96
Tilyenji Kaunda	United National Independence Party	175,898	9.96
Godfrey Miyanda	Heritage Party	140,678	7.96
Benjamin Mwila	Zambia Republican Party	85,472	4.84
Michael Sata	Patriotic Front	59,172	3.35
Nevers Mumba	National Citizens Coalition	38,860	2.20
Gwendoline Konie	Social Democratic party	10253	0.58
Inonge Mbikusita Lewanika	Agenda for Zambia	9,882	0.56
Yobert Shamapande	National Leadership for Development	9,481	0.54

The Supreme Court held that it could not grant any remedy or interfere with the result of the election because, taking into account the national character of the presidential election 'where the whole country formed a single electoral college', it could not be said that the proven 'defects were such that the majority of the voters were prevented from electing the candidate whom they preferred' (Ibid.). In the view of the court, the petitioners were supposed to prove that the flaws 'seriously affected the result' to such an extent that it could no

longer be viewed as the true reflection of the majority of the voters (Ibid.). To demonstrate this, the petitioners should have proved 'electoral malpractices and violations of the electoral laws in at least a majority of the constituencies' (Mazoka v Mwanawasa, 2005).

However, the subjective and arbitrariness of the decision is made clear when one takes into account that the winner of the election and the runner-up were separated by less than two percentage points. It is, therefore, possible that any slight anomaly in even one isolated part of the country could have had an effect on the results. Considering that the election was very close, it seems that the court deliberately added the geographical spread element to the substantial effect rule, knowing that the numerical test would not be easy to sustain considering that the result was very close.

3.3 *The 2016 Presidential Election Petition* (*Hichilema v Lungu, 2016*)

Zambia held its general elections on 11 August, 2016 and on 15 August, 2016, the Electoral Commission of Zambia (ECZ) declared the incumbent, Edgar Lungu of the ruling Patriotic Front (PF) party, as the winner, beating his closest rival, Hakainde Hichilema, of the main opposition United Party for National Development (UPND). Official figures indicate that Lungu garnered 1,847,855 (50.35 per cent) of the votes while Hichilema got 1,760,347 (47.6 per cent) votes (ECZ, 2016). By getting more than 50 per cent, Lungu secured an outright victory, narrowly avoiding a runoff by a paltry 13,022 votes (ECZ News, 2016). The opposition UPND disputed the results, alleging, inter alia, that the ECZ colluded with the ruling PF to manipulate the results in favour of the incumbent.

The election itself was held in an environment inimical to the holding of credible elections. It was characterized by unprecedented political violence, police brutality and intimidation of the opposition, unabashedly biased coverage of the ruling party by the public media, and gagging and harassing of the independent media (CCMG, 2016). The Carter Center noted that the electoral process was significantly flawed, represented 'a significant step backward for Zambian' society, undermined the integrity of Zambia's electoral process and weakened public confidence in the country's democratic institutions (The Carter Center, 2016).

Following the declaration of election results on 15 August 2016, opposition UPND presidential candidate Hichilema and his running mate Geoffrey Bwalya Mwamba, filed their petition challenging the election of Lungu and his running mate Inonge Wina on 19 August 2016. This was within the constitutional requirement to file a presidential election petition within seven days of the declaration of results (Constitution of Zambia 2016, articles 101(4) and 103(1)).

TABLE 13.3   2016 Presidential election results

Name of Candidate	Party	Valid Votes Received
Edgar Lungu	Patriotic Front	1,860,877
Hakainde Hichilema	United Party for National Development	1,760,347
Edith Nawakwi	Forum for Democracy and Development	24,149
Andyford Banda	People's Alliance for Change	15,791
Wynter Kabimba	Rainbow	9,504
Saviour Chishimba	United Progressive Party	9,221
Tilyenji Kaunda	United National Independence Party	8,928
Peter Sinkamba	Green Party	4,515
Maxwell Mwamba	Democratic Assembly	2,378

SOURCE: COMPILED BY AUTHOR FROM ECZ DATA

But the manner the case was managed and 'determined' is something of an incredible tragicomedy.

On 24 August 2016, the Constitutional Court gave directions that the hearing of the petition would commence on 2 September 2016 and end on 8 September 2016 (Hichilema v Lungu, 2016, 9). However, after representations from respondents, the Court on 1 September 2016 informed the parties that the hearing would commence and end the following day, 2 September 2016.

On 2 September 2016, the Court informed the parties that the hearing will commence and conclude the same day at 23:45 hours. However, most of the time was consumed in hearing and determining preliminary motions, which were only concluded around 19:00hours, leaving just about four hours to hear the petition. The Court allocated each side two hours to present their case. At this time, lawyers for the petitioners walked out of the court, protesting that the manner the proceedings were had made it impossible to defend the constitution and effectively represent their clients (*The Post*, 2016). The petitioners were, therefore, left to address the Court by themselves. After hearing the petitioners, the full bench of the Court capitulated and unanimously ordered trial to commence the following Monday on 5 September 2016 and that each party will be given two days to present its case (Hichilema v Lungu, 2016, 4–5).

However, on 5 September 2016, instead of hearing the petition as ordered on 2 September 2016, the Court, by a majority of three to two judges, unmoved and without any representations from the petitioners, decided not to proceed with the petition. The majority were of the view that the time frame within which to hear the petition was rigid and allowed for no discretion to extend it. This was in view of Articles 101(5) and 103(2) of the Constitution which placed a duty on the Court to hear the petition within 14 days of the filing of the petition (Hichilema v Lungu, 2016, 15). They opined that the time limit was put in place to overcome the mischief where election petitions in the past took several years to be determined. But since under Article 104 the president-elect could not assume office until the matter was determined, the set time limit was unchangeable and therefore the Court could not hear the petition outside that period (Ibid.: 15). According to the majority, once the time limit set for the petition lapsed, then the petition stood dismissed on that technicality (Ibid.: 16).

In reaching that decision, the Court only cited one judicial precedent as authority for its construction of the time limit within which to hear the petition. This is the Judgement of the Kenyan Supreme Court in the 2013 presidential election petition (that is, the case of *Raila Odinga V The Independent Electoral and Boundaries Commission and others Supreme Court Petition No. 5,3 and 4 of 2013*). The judges passed the buck and vehemently placed blame on the petitioners' lawyers for raising several preliminary motions that consumed the Court's time and ensured there was no time left for hearing the petition within the set period.

It is contended that the construction of the constitutional provisions preferred by the majority is unconscionable and invariably leads to unsolvable absurdities. The court took a simplistic approach by simply isolating Articles 101(5) and 103(2), which prescribe the time limit within which to hear the petition, from other related provisions within the Constitution. But even then, a careful reading of the two provisions in an isolated manner still shows that the approach taken by the Court was wrong. Article 101(5) provides that, 'The Constitutional Court *shall hear* an election petition filed in accordance with clause (4) within fourteen days of the filing of the petition', while Article 103(2) reads: 'The Constitutional Court *shall hear* an election petition relating to the president-elect within fourteen days of the filing of the petition' (emphasis the author's). Isolated as they are, these provisions place a responsibility on the Court to hear the petition. It is the Court that 'shall hear' the petition. The behaviour of lawyers is immaterial. The Court has a Constitutional and inescapable duty to ensure the petition is heard.

The provisions do not clothe the Court with power to vacate a validly filed petition without hearing it. The Constitution in fact contemplates no other

way of concluding an election petition apart from hearing it and determining it on merits. It cannot even be withdrawn by a petitioner once filed. This is well illustrated by the decision of the Zimbabwean Constitutional Court in 2013 where opposition leader Morgan Tsvangirai sought to withdraw the petition. The Court held that:

> [...] once such an application or petition is launched it can only be finalized by determination of the Constitutional Court by either declaring the election valid, in which case the president is inaugurated within forty-eight hours of such determination, or alternatively by declaring the election invalid, in which case a fresh election must be held within sixty days. Without the said determination there can be neither an inauguration of the president nor the holding of a fresh election.
>
> TSVANGIRAI V MUGABE, 2013

It is submitted that the decision by the majority to 'dismiss' the petition without it being heard was an abdication of their Constitutional duty as provided under the same provisions they relied on to abandon the petition. The majority decision, as pointed out in Justice Munalula's dissenting judgement, not to hear the petition ostensibly due to the set time limit led to the absurdity of complying with a deadline but without the purpose or intended event having taken place (Hichilema v Lungu, 2016, dissenting judgement of Justice Munalula, 7). A judgement that purports to comply with a legal technique, dissociated from the intended substance of the law, to borrow Professor Ben Nwabueze's words, 'is like a person embarked upon a journey and yet with no clear direction as to which way to go and no idea where he is going [...] it is like a boat adrift in the sea' (Nwabueze, 2009).

 It is a well-established principle that a Constitution should be read as a whole and no provision should be read in isolation. The Nigerian Supreme Court has stressed this point as follows:

> It is settled law, that the court in interpreting the provisions of a statute or constitution, must read together related provisions of the constitution in order to discover the meaning of the provisions. The court ought not to interpret related provisions of a statute or constitution in isolation and destroy in the process the true meaning and effect of particular provisions.
>
> Amaechi v Independent National Electoral Commission, 2008: 21

The Constitutional Court ignored this approach and decided to abandon the petition on the basis of isolated provisions, without regard to other related

provisions which might have cast more light on those provisions. Article 8 of the Constitution lists national values and principles, which include democracy and constitutionalism as well as good governance and integrity. Article 9(1)(a) provides that the national values and principles shall apply to the interpretation of the Constitution. The majority decision never referred to this provision. Its decision certainly does not advance the constitutional values as required by the Constitution. Not hearing a validly filed petition does not advance democracy, constitutionalism, good governance and integrity.

The Constitution further requires that it shall be interpreted in accordance with the Bill of Rights and in a manner that, inter alia, promotes its purposes, values and principles, and contributes to good governance (Constitution of Zambia 2016, article 267(1)). The majority judgement, for example, nowhere relates its decision to the right to be heard and to fair trial as contained in the Bill of Rights. It goes without saying that the approach taken by the Court does not advance these values but negates them.

Article 118(1) makes it clear that judicial authority derives from the Zambian people and should be exercised in a just manner that shall promote accountability. The judiciary, in exercising its authority, is enjoined to ensure that 'justice shall be administered without undue regard to procedural technicalities' (Ibid.: article 118(2)(e)). The significance of this provision is undoubtedly that no one who approaches the Court should be prevented from stating their case and having the case determined on its merits. Justice must be dispensed without being inhibited by procedural technicalities, or as Justice Niki Tobi of Nigeria stated, 'the court must pursue the substance and not the shadow' (Atiku Abubakar and v Umaru Musa Yar'adua, 2008). The Nigerian Supreme Court forcefully stated this point when it reversed a decision of the Court of Appeal that declined petitioners in an election from administering interrogatories on the basis of the need for speedy trial:

> Gone are the days when courts of law were only concerned with doing technical and abstract justice based on arid legalism. We are now in days when courts of law do substantial justice in light of prevailing circumstances of the case. It is my hope that the days of the courts doing technical justice will not surface again.
>
> ATIKU ABUBAKAR and v UMARU MUSA YAR'ADUA, 2008

The Kenyan judgement cited by the majority recognized this and stated clearly that 'a court of law should not allow the prescriptions of procedure and form to trump the primary object of dispensing substantive justice to the parties' (Raila Odinga v The Independent Electoral and Boundaries

Commission, 2013: 218). As the Kenyan Supreme Court demonstrated, this can be achieved without ousting the provisions setting the time limits by judiciously managing the case and 'making orders that shape the course of the proceedings' to ensure that the hearing takes place (Ibid.). The Kenyan Supreme Court correctly emphasized that it is the Court's duty to adhere to the constitutional provisions and ensure that the proceedings achieve all of the following values: 'efficiency, expedition, fairness and finality' (Ibid.: 218). This responsibility falls on the Court and not the lawyers. The attempt by the Zambian Court to shift the blame to lawyers is without any Constitutional basis. The Zambian Court simply went for 'finality' without endeavouring to hear the petition efficiently, expeditiously and fairly. In the end, they failed to heed the compelling advice of Lord Atkin: 'Finality is good, but justice is better'. (Wade, 1980).

The decision not to hear the petition has generated some legal absurdities which are worthy pointing out here. Articles 101(6) and 103(3) indicate the outcomes of a validly filed petition. Article 101(6) states:

The Constitutional Court may, after hearing an election petition-

(a)   Declare the election of the presidential candidate valid;

(b)   Nullify the election of the presidential candidate; or

(c)   Disqualify the presidential candidate from being a candidate in the second ballot.

Article 103(3), in almost similar terms, states:

The Constitutional Court may, after hearing an election petition-

(a)   Declare the election of the president-elect valid; or

(b)   Nullify the election of the president-elect and vice president-elect.

These are the only outcomes of a validly filed petition contemplated under the Constitution. The Constitution has no provision entitling the Court to abandon a validly filed petition without coming to any of the above outcomes. This view is augmented by article 105(2)(b) which regulates the assumption of office by the president-elect where there has been a presidential election petition. It states: '(2)The President-elect shall be sworn into office on Tuesday following- (b)the seventh day after the date on which the Constitutional Court *declares the election to be valid*' (emphasis author's).

It is clear from this provision that a president-elect, whose election was challenged, cannot assume office without the court hearing the petition and making a finding that his/her election was valid. The Constitutional Court in this case did not do that. It simply abandoned the petition. The president-elect who has since been sworn in, it is submitted, was sworn into office in violation of the Constitution. The constitutional basis for inaugurating a president whose election was challenged through a petition was not met.

Finally, questions may be raised about the validity of the majority judgement. On 2 September 2016, the five judges of the Court made a unanimous decision to allow the petition to be heard starting from 5 September 2016 and allocated each side two days to present its case. On 5 September, however, three of the five judges capitulated without any new representations made to them, and issued a judgement to the effect that they had no jurisdiction to hear the case further. There was no Court sitting between 2 and 5 September 2016 as it was a weekend. At what stage did the judges reverse their unanimous decision to allow the petition? What were the circumstances? Were there external factors that led to the Judges reneging on their unanimous decision? Did the judges cave in to threats? Some senior government officials made open threats on the Court. One official condemned the 2 September decision to hear the petition, accused the Court of taking the ruling PF for granted and stated that their patience was running out (*Lusaka Times*, 2016). The dissenting judgement of the Court President, Justice Chibomba, is very revealing: 'I must also say from the outset that I have had very little time to read through the majority judgement which I was given this morning after 08:00hrs together with the judgement of Justice Munalula' (Hichilema v Lungu, 2016, Dissenting Opinion of Justice Chibomba, 3).

How could the Court president and presiding judge be unaware that her colleagues had written their judgements while she was herself coming to hear the petition? What transpired in the background? Only the judges themselves can answer these questions. But if the Court President was herself not even aware of the judgement of the majority until the morning of its rendering, this suggests the three (majority) judges separately conferred and contrived to subvert the unanimous decision of the Constitutional Court to allow the petition to be heard. It is established law in the common law tradition that the minority cannot subvert the decision of the full court. In this case the three judges could not legally reverse the unanimous decision of the whole Court ordering trial to proceed on 5 September 2016. The majority decision suggests judicial arbitrariness and complete disregard of the rule of law. Judges are considered the guardians of the rule of law. When they act inconsistent with established laws, practices and principles, that negates the rule of law. Justice Michael Kirby was correct in observing that: 'It would be corrosive of the rule of law, if judges did not themselves conform to and uphold, clearly settled rules of law' (Kirby, 1999, 132). The decision by the majority had no basis in law. Professor Ndulo has argued forcefully that the majority judgement is invalid as it was a subversion of the judicial process and the therefore the unanimous decision of the Court made on 2 September 2016 to hear the petition is still the valid decision of the

Court (Ndulo, 2016). The three judges cannot legally undo the collective decision of five judges.

4 Conclusion

Zambia's mechanism for resolving disputed presidential elections has revolved. Prior to 1991 any grievances relating to presidential elections could only be resolved administratively by the Chief Justice. The mechanism, however, does not seem to have been used. This is hardly surprising considering that Zambia was a one party state from 1973 until 1991, during which period the outcome of presidential elections was predetermined. In 1991, the new constitution, which reverted the country to multiparty democracy, introduced a contentious or adjudicatory mechanism for resolving disputed presidential elections and vested the power to resolve such disputes in the Supreme Court. Under this arrangement, the Supreme Court determined the petitions of 1998 and 2001. Both were determined in favour of the incumbent.

In 2016, the Constitution was extensively amended. The constitution created a Constitutional Court, which was vested with power to hear presidential election petitions. The 2016 election petition was 'heard' under this new arrangement. The court, however, abandoned the petition, without making a determination on merits, ostensibly because its jurisdiction had run out as it was required to hear and determine the case within fourteen days. The effect, like all other petitions, was that this too was determined in favour of the status quo. When judges churn out such jurisprudence which provides no consequence for electoral malpractices, they indirectly sanction electoral misbehaviour as there will be no consequences for electoral cheating. Judges become accomplices in lowering electoral standards and allow wrongdoing to thrive with impunity. It is for this reason that distinguished Nigerian law scholar Ben Nwabueze stated that the African courts 'must share with the politicians the blame for the evil' (Nwabueze, 2009).

References

Coalition 2001 (2002), 'December 27 2001 Tripartite Elections Preliminary Report' Lusaka.

Christian Churches Monitoring Group (CCMG) (9 August 2016), 'Pre-Election Day Statement on the 2016 General Elections', Lusaka.

EU Electoral Observation Mission to Zambia (2002), 'Final Report 27 December 2001 Presidential, Parliamentary and Local Elections', location: publisher.

Interim Statement by the SADC Parliamentary Forum Election Observation Mission on the Zambian Presidential, Parliamentary and Local Government Elections (2001).

Kirby, Michael (Justice), (1999), 'Lord Denning and Judicial Activism', *Denning Law journal*, volume 14 Issue 1: 127–146.

Mpundu, Telesphore G (Archbishop), (23 April 2017), 'If You Want Peace, Work for Justice: Statement on the Current Political Situation in Zambia', Lusaka.

Nwabueze, Ben, (2009). 'Strengthening the Foundations and Institutions of Democracy in Africa'. Lecture delivered in Lagos, Nigeria, on 10 December 2009.

Shezongo-Macmillan, Joyce (2013), *Zambia: Justice Sector and Rule of Law* (Johannesburg: Osisa).

The Carter Center Limited Election Observation Mission to Zambia September 2016 Statement.

As cited in H.W.R. Wade, *Constitutional Fundamentals* (Stevens and Sons, London: 1980) 66.

Legislation

Constitution of Zambia 1973.
Constitution of the United National Independence Party 1973.
Constitution of Zambia 1991.
Constitution of Zambia 1996.
Constitution of Zambia (Amendment) Act No. 2 of 2016.

Cases

Amaechi v Independent National Electoral Commission and others Supreme Court of Nigeria S.C.252/2007 (Judgement of 18 January 2008).

Atiku Abubakar and Others v Umaru Musa Yar'adua and Others SC 288/2007 Judgement of 25 January 2008.

Attorney General of Zambia for and on behalf of the republic of Zambia v Meer Care and Desai (a firm) and Others [2007] EWHC 952 (Ch).

Hakainde Hichilema and Another V Edgar Lungu and others 2016/CC/0031 Ruling No.33 of 2016.

Lewanika and Others v Chiluba (1998) ZR 79.

Mazoka and others v Mwanawasa and Others (2005) ZR 18.

Morgan Tsvangirai v Mugabe and Others Constitutional Application No. CCZ 71 of 2013.

Raila Odinga v The Independent Electoral and Boundaries Commission and others Supreme Court Petition No. 5, 3 and 4 of 2013.

Internet Sources

http://www.elections.org.zm/media/1996_national_totals-pdf.pdf

https://www.elections.org.zm/general_elections_2016.php

http://ecz-news.com/news/%22%80%8bguide-to-calculation-of-501-for-august-11th-2016-elections/

'Live petition updates: proceedings and discussions' http://postzambia.com/news.php?id=19946

https://www.lusakatimes.com/2016/09/03/dora-siliya-accuses-concourt-breaking-rules/ (Date accessed: 30 September 2016)

Ndulo Muna, 'The Judicial Crisis in Zambia and a Flawed Election' http://zambianeye.com/archives/51931

'Presidential election petition to start on Friday and conclude on Thursday next week' https://www.lusakatimes.com/2016/08/30/presidential-election-trial-to-start-on-friday-and-conclude-on-thursday-next-week/

CHAPTER 14

Inconsistent Jurisprudence: Parliamentary Election Petitions in Zambia and Materiality

Tinenenji Banda

1   Introduction

In the past two decades, post-election disputes have become a dominant feature of Zambia's democratic landscape. In the 2016 presidential and parliamentary election cycle, more than half of the parliamentary election results were challenged in the High Court. The challenge rate in the 2014 and 2011 election cycles was just as staggering. This high electoral challenge rate places the judiciary at the centre of post-election discourse. Despite the increased activity of the courts in these contests, there is a dearth of analysis on the emerging electoral jurisprudence in Zambia. While some attention has been paid to presidential petitions, virtually no literature addresses parliamentary election petitions. Very little is known about how petitioners attempt to discharge the burden of proof, or how the courts evaluate the evidence adduced. It is therefore quite difficult to predict how an electoral challenge in court may be decided and what, if any, emerging standards exist.

In Zambia, the staggering number of post-election disputes reveals a fundamental distrust in the country's electoral system and democratic institutions. In these premises, an Electoral Dispute Resolution System (EDRS) must do more than hear and determine electoral disputes, but must, in this environment, function in a legitimizing and cathartic way. Indeed, the high numbers of election petitions already point to a break down in the rule of law. As argued elsewhere, there is a clear correlation between the number of electoral disputes and the rule of law, to wit:

> An increase in the respect for the rule of law will trigger a decrease in the number of electoral disputes brought for resolution. A political culture that promotes lawful behaviour and civic respect for democratic norms helps to minimize the potential for electoral disputes, leaving only the most contentious and obvious disputes to be brought forward […].
>
> Institute for Democracy and Electoral Assistance, 2015

In many parliamentary electoral disputes, the success of the petition turns on the materiality of the alleged infraction. This chapter argues for a functioning jurisprudence on materiality that can ensure predictability in the electoral dispute process and thereby increase trust levels in the judicial system. As will be shown, decision-making in this area is contradictory, eclectic, and ad hoc. Should the emergence of an objective criterion on materiality obtain, this can provide a degree of predictability for litigants, keep the courts accountable, and caution would be offenders of the threshold of behaviour that falls foul of the electoral code. On the other hand, if the adjudication of electoral disputes, particularly around the key question of materiality, remains ad hoc and extemporized, the outcome of election petitions will remain difficult to predict, leaving courts vulnerable to accusations of bias and fuelling the already existing distrust in democratic institutions. Given the high volume of parliamentary election petitions making their way through the court system, there is a golden opportunity to establish a clear and functioning jurisprudence on materiality that can increase predictability in the electoral dispute process and hopefully reduce tension in the post-electoral landscape.

This chapter proceeds as follows: first, the concept of an EDRS will be briefly explored. Here, the various EDRS models, including Zambia's chosen model, will be described. Next, the purpose and rationale of materiality thresholds in election petition cases will be explained. Thereafter, the materiality thresholds in the Electoral Process Act (EPA) will be enunciated (Electoral process Act (ZMB), 2016). The chapter will then examine how the High Court has gone about determining materiality in parliamentary election petition disputes. In so doing, it will demonstrate that there is a general lack of consistency in the materiality threshold applied by different courts. Indeed, what a petitioner must show to establish materiality, remains rather unclear.

2   Electoral Dispute Resolution Systems: Concepts and Models

Electoral justice is a key component of the rule of law. An Electoral Justice System (EJS) concerns itself with the procedures, processes and decision-making of the electoral process. A just electoral system is one in which these procedures, processes and decisions conform to the legal framework, and one in which suspicions of non-compliance can be successfully determined by an independent and impartial forum. An indisputable constituent of electoral justice is therefore the existence of a competent and functioning EDRS that can afford those who suspect that their electoral rights have been impinged,

the ability to 'file a challenge, have their case heard and receive a ruling' (Institute for Democracy and Electoral Assistance, 2015). Indeed, 'by using corrective and/or punitive measures, the EDRS oversees the electoral process, ensuring that elections are held in keeping with the principles of the constitution and/ or statute law' (Ibid.).

There are, in the main, three EDRS models; legislative, judicial, and ad hoc. In terms of the prevalence of these various models, the use of ad hoc bodies is typically reserved for exceptional circumstances, usually post-conflict scenarios. In recent years, there has been a decided shift away from the use of legislative assemblies and a shift towards the 'judicialization' of electoral procedures (Ibid.). While some systems employ a mixed dispute resolution system (incorporating elements of various models),[1] most election dispute resolution systems employ the judicial model.

There are at least four sub-models of the judicial model. These are: regular courts of the judicial branch; (ii) constitutional courts; (iii) administrative courts; and (iv)specialized electoral courts. Zambia employs the judicial model, and its chosen sub-model in parliamentary election disputes is a hybrid between the regular courts and the Constitutional Court. Parliamentary election petitions are filed in the general registry of the High Court where they are heard and determined by generalist judges. Any appeal from the decision of the High Court lies with the Constitutional Court.

3   Materiality: Meaning and Rationale

The concept of materiality is nebulous and ill-defined. At its fundamental level, it refers to the magnitude of an act or omission, usually an act or omission of an injurious nature, within a certain factual matrix. Put simply, a materiality inquiry seeks to determine this question: when does bad behaviour become unacceptable? If the 'bad behaviour' in question is deemed material by a court, certain consequences and/or reliefs follow. As opined elsewhere, 'materiality is thus a toggle switch rather than a spectrum: the question is not whether the item considered is more material or less material, but instead whether it has reached a threshold level of significance, at which point a categorical change in the legal nature of the action or information is triggered' (Levitt, 2012).

In broad terms, the rationale behind the materiality requirement in election petition cases is to prevent an upset of the status quo on the basis of frivolous and/or relatively insignificant infractions. The status quo should only be upset,

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[1]   Argentina, the United States, Italy, and Switzerland are some examples.

as per the materiality requirement, where substantial error and injustice would obtain were the status quo to be maintained. Materiality is thus not primarily concerned with strict justice. The question is not whether the offending party has behaved unjustly per se, but rather whether such injustice had an injurious effect that meets a certain threshold.

4   Materiality Thresholds in the Electoral Processes Act

In the context of the Zambian parliamentary election system, the materiality question is eventuated at two levels. At level one, an election will be declared void if there has been 'non-compliance' with the provisions of the EPA, and, the election in question 'was not conducted in accordance with the principles laid down in such provisions and that such non-compliance affected the result of the election' (Section 97 (2) (b) Electoral Process Act (ZMB), 2016). The requirement that the non-compliance must affect the result of the election is the first prong of materiality.

Section 97(4) describes the second prong of materiality, providing that:

> an election shall not be declared void by reason of an act or omission by an election officer in breach of that officer's official duty in connection with an election if it appears to the High Court or a tribunal that the election was so conducted as to be substantially in accordance with the provisions of this Act, and that such act or omission did not affect the result of that election.

Section 97 (4) articulates what has come to be known as the principle of substantial compliance. The net effect of 97 (4) is that even where a petitioner has shown that the election did not comply with the EPA, and further that the non-compliance affected the election, if the court finds that (i) the offending action(or omission) was by an election officer; (ii) the conduct of the election was substantially in accordance with the EPA; and (iii) that the offending act or omission did not affect the result of the election, then the election should not be invalidated.

Based on this threshold, the materiality enquiry for the court at the second prong must occur in three stages. At stage one, the court must determine whether there was an act or omission by an election officer that breached provisions of the EPA. At stage two, the court must determine whether there was substantial compliance with the EPA. At stage three, the court must apply its mind to whether the offending act or omission affected the result of the election. Interestingly,

the substantial compliance requirement only applies to the general conduct of the election and not to the offending act or omission. Therefore, if the stage three inquiry eventuates a positive result, then the election must be voided. In other words, even a seemingly insignificant act or omission can invalidate an election if a court finds that such act affected the outcome of the election.

At level two, the behaviour of the candidate takes centre stage. Section 97 (2) (a) of the EPA provides that an election will be voided where 'a corrupt practice, illegal practice or other misconduct in connection with the election' was committed by the candidate, or, 'with the knowledge and consent or approval of a candidate or of that candidate's election agent or polling agent'. There is an important proviso; even when it has been proven that a corrupt or illegal practice has been committed by the candidate or with his/her consent, the election will not be voided unless 'the majority of voters in a constituency […] were or may have been prevented from electing the candidate in that constituency whom they preferred' (Section 97 (2) (a) (ii), Electoral Processes Act, 2016).

The materiality threshold in section 97 (2) (a) centres on disenfranchisement. If a purported electoral offence is significant enough to suggest significant disenfranchisement, the purported offence is material and the election result must not be allowed to stand. Section 97 (2) (a) takes something of a utilitarian approach. The relatively few voters that may have been disenfranchised by the offending act are sacrificed on the altar of the majority for whom the offending act had little or no effect. Thus, a judge faced with an alleged electoral offence by a candidate, must engage in a two-pronged enquiry. First, the judge must determine whether the alleged offence did in fact occur. Should the judge find that the offence occurred, the judge must then move on to the second prong of the inquiry and determine whether the offence is material. Both prongs of the inquiry are questions of fact. At the first prong, the question of whether the alleged conduct occurred is a factual enquiry. At the second prong, however, the question of whether the alleged conduct caused significant disenfranchisement, is both a factual and counterfactual enquiry. It requires the judge to first assess what effect the offending action had on voters and their decision-making processes. However, taking an ex ante view, the judge must then also assess what might have happened if the offending action did not occur.

It must be noted that the materiality standard enunciated here is not whether the electoral outcome would have been different had the illegality not occurred. Instead, what must be shown is that the majority (not just a significant number) of voters were by the illegal act, prevented or potentially prevented from electing a candidate of their choosing.

To illustrate with a hypothetical, say a losing parliamentary candidate obtains 49 per cent of the vote while the victorious candidate obtains 51 per cent of the vote. For the losing candidate to successfully overturn the electoral result on the grounds of malpractice by the victor, it is not enough for the losing candidate to show that but for the alleged malpractice, three per cent of the voting populace would have voted in her favour, thus changing the outcome of the election. In terms of the threshold established by section 97 (2) (a), the petitioning candidate would have to show that the majority of voters in that particular constituency were or may have been prevented, by the act/s of the victor (or his agents), from exercising their free will. In practical terms, the materiality threshold enunciated in the EPA is an extremely high threshold to meet. In the hypothetical example above, proof that the petitioner would have won the election had the illegality not occurred, would not be grounds to invalidate the election.

This high threshold raises several important questions that the courts seized of these matters, one would hope, are clarifying in their jurisprudence. First, what kind of actions would amount to the 'prevention' of the exercise of free will? Is the prevention envisaged here an overt physical bar (for example the use of force or coercion), or do more indirect actions count as well? If so, what form might these indirect actions take? And how in terms of evidence, would one show a causal link between these indirect forms of prevention and a voter's conduct or potential conduct in the voting booth? In terms of demonstrating that the 'majority' of voters in a constituency were, or might have been prevented from exercising their free will, what, in terms of evidence, would a petitioner have to adduce in court to demonstrate this?

5   The Materiality Jurisprudence

An examination of the 2016 electoral petition judgements that ruled or opined on the question of materiality, shows quite clearly that rather than clarifying these important questions, the courts are glossing over materiality in a superficial way. Indeed, there are major inconsistencies around the question of when the materiality threshold in the EPA is reached. In cases where the courts have found materiality to not have been established, there is no clear articulation of what evidence the unsuccessful litigant should have adduced in order to establish materiality.

In *Singwa v Kakubo* (2016), the petitioner accused the respondent of extensive acts of voter intimidation, violence, bribery, undue influence and other

illegalities. In dismissing the petition, the court found that the petitioner had not met the materiality threshold in the Act, holding that:

> It is not enough for the petitioner to prove that an illegal practice or other misconduct was committed by the respondent in connection with the election. It must also be shown that the effect of that misconduct was to prevent the majority of the voters from electing a person of their choice. In the present case the petitioner has not established that the majority of voters in Kapiri Mposhi constituency were prevented from voting for their preferred candidate. Thus, it cannot be said that this election was so flawed that the defects seriously affected the result which no longer can reasonably be said to represent the true and free choice of the majority of voters.
>
> *Singwa v Kakubo,* 2016

The court did not elaborate on how a petitioner might establish a significant enough disenfranchisement of the majority of voters in that particular constituency.

In *Milambo v Jamba* (2016), while the court did establish that the respondent was guilty of violating the electoral code by, among other things, defaming the petitioner on a radio programme, the court held that since it was not known how many people listened to the radio programme in question, and since the petitioner had not 'adduced sufficient evidence to show that the said false statements were made on a large scale in the constituency', the allegation did not meet the materiality threshold (*Milambo v Jamba*, 2016). The question of what would constitute 'a large scale' and how this evidence should be presented, was left unanswered by the court.

Nayunda v Lungwangwa (2016) concerned allegations of bribery, violence and intimidation. In considering the evidence, the court hypothesized the materiality question, stating that 'assuming the Court was to agree with this evidence, the question would be whether […] the majority of the voters were prevented from voting for their preferred candidate. To this the court simply responded, "I think not"' (*Nayunda v Lungwangwa,* 2016). The court did not elucidate.

In *Munaile v Yaluma* (2016) the court emphasized the need for materiality in respect to an allegation that the first respondent had used a government vehicle to campaign. Speaking of the alleged use of the vehicle, the court held that 'there is no evidence that was adduced to show that as a result of the use of this vehicle on that particular day, the 1st petitioner was disadvantaged and the majority of the voters were prevented from voting for their preferred candidate'

(*Munaile v Yaluma*, 2016). No insight was proffered by the court on how a causal link might be established between the illegal use of government resources and materiality.

So too in *Maluba v Mwewa* (2016), the petitioner accused the first respondent of settling the water bills of constituents and therefore unduly influencing the vote. While the court found no evidence of the alleged payments, it considered the materiality question, stating thus: 'assuming for one moment that the 1st Respondent did pay for the water bills as alleged, did that action affect the outcome of the election result as not being a representative of the will of the people' (*Maluba v Mwewa*, 2016). The court implied that it did not, but stopped short of stating why.

In a minority of cases, the courts have attempted to engage more energetically and intentionally with the materiality question, although even in these cases, the courts have stopped short of developing a criterion. In *Chewe v Munkonge* (2006), the court used the number of votes cast to resolve the materiality question. Briefly, the facts of the case were that the first respondent, an independent candidate, challenged the electoral results, claiming in part that during the campaign period the first respondent, ostensibly an independent candidate, distributed and used campaign materials belonging to the ruling Patriotic Front. The petitioner argued that the purported independent candidate was in fact a PF member and had been for a long time. The gist of the petitioner's contention was that even though the first respondent was registered as an independent candidate, he was essentially a member of the PF, the net effect of which was that the PF had fronted not one, but two candidates, and that this 'double candidature' was prejudicial to the petitioner.

In the court's view the resolution of the case turned on materiality, holding that malpractice, even if proven, 'must be such that it is capable of influencing the outcome of an election in that the majority of voters are prevented from voting for a candidate of their choice'. According to the court, the alleged masquerading of the independent candidate as a PF candidate could not have negatively influenced the petitioner's prospects, but instead, should have worked in his favour, since PF voters, if confused, would have split their vote between the independent candidate and the actual PF Candidate. The court then noted that since the first respondent polled 11,870 votes, and the other candidates shared 14,132 votes between them, 'by implication', the majority of voters in the constituency were not prevented from selecting a candidate of their choice.

Another judgement that goes somewhat beyond a superficial articulation of the materiality question is the case of *Siamunene v Sialubalo* (2016). In that case, the petitioner alleged 'widespread electoral malpractices [and] corrupt

and illegal practices such as intimidation, undue influence, illegal publication of false statements by the Respondent, and his party agents' (*Siamunene v Sialubalo*, 2016).

In dealing with the materiality question, the court, examined four things: (i) evidence led on the number of voters affected by the illegalities; (ii) evidence led on the causal link between the illegalities and voting decisions; (iii) evidence led on the number of wards in which the illegalities occurred; and (iv) voter turn-out (*Siamunene v Sialubalo*, 2016).

On the first issue, the court found that the petitioner had led evidence that showed that because of the illegalities, five people failed to vote. The court observed that none of these five people were called as witnesses by the petitioner. Further, the court held that '[five] people could not be said to be representative of the majority of voters in [a] constituency which has about 59,544 registered voters' (*Siamunene v Sialubalo*, 2016). On the second issue, the court examined the evidence on record and found that 'even the few [voters] who encountered these [illegalities] said they voted, that no one was prevented from voting and [that] they voted for their preferred candidate' (Ibid.). As to the number of wards in which the illegalities occurred, the court found that the reports on violence and intimidation came from only four wards, and as such, these four wards 'cannot be said to represent the majority of voters in Sinazongwe' (Ibid.). Finally, on voter turnout, the court took judicial notice of the high voter turnout in Sinazongwe Constituency (over 50 per cent) and took that to imply that in the main, voters were not intimidated from exercising their free will (Ibid.).

The Siamunene judgement is helpful, in that from its formulation, a would-be petitioner might be able to glean an understanding of the type of evidence he/she might have to adduce in order to successfully meet the materiality threshold in the EPA. However, this judgement is largely the exception. Most judgements that express dissatisfaction with the establishment of materiality simply state that materiality has not been established, and do not attempt to develop jurisprudence in this area. Courts have the duty to clarify the law, particularly in matters as hotly contested as election petitions. Generalized statements about the failure to establish materiality are not helpful. Rather, it behooves a court to develop jurisprudence by opining on the inner and outer limits of materiality and thus guiding future litigants on what evidence must be led to establish materiality in any given case.

Similarly, in cases in which a materiality finding was made, the judgements are equally thin on the materiality question, and do not in the main, directly address how the successful litigant proved that a 'the majority of voters in a constituency, district or ward were or may have been prevented' from exercising

their free will. In *Monde vs. Shabula* (2016), the court found that the defamatory statements made by the respondent (branding the petitioner 'a thief') were material. Since the court's finding stands in direct juxtaposition to the *Milambo v Jamba* (2016) on a similar issue (that of defamation), the decision is worth quoting at length. In holding that the materiality requirement had been met, the court held:

> I am satisfied from the evidence adduced before me that the answer to the question posed above [whether the majority of voters were prevented from voting for the petitioner] is in the affirmative. Being branded a thief, as the Petitioner was by the Respondent and team, on a widely listened to platform by the electorate, especially in a rural setting such as one concerned with in this Petition, where there was no justifiable cause for so doing is injurious and can certainly influence the electorate to withhold their vote against a person so accused, as the ramifications from such unfounded accusations in the population of a rural set up has real effect to their welfare. Attempts by candidates in elections to assume public office through unacceptable means such as backstabbing and character assassination should be frowned upon and discouraged in the strongest of terms.
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> > *Monde vs.* Shabula, 2016

To support its finding on materiality, the court concludes that the platform 'was widely listened to' but does not require statistical evidence of this and does not inquire into how many voters might have heard the remarks. More significantly, the court concludes that the defamatory remarks were of the sort that may have influenced the electorate to withhold their vote but does not address its mind to whether the majority of voters would succumb to the undue influence. A close reading of the judgement reveals that, rather than addressing the discrete question of materiality, the court instead advances a public policy argument, basing its decision on broader, normative considerations of 'good governance and moral decency', calling out in particular, 'behaviour which should be frowned upon' and highlighting the effects of these illegalities on 'public welfare'. The judgement also lauds the deterrent effect that the voiding of the election might have on would be offenders, citing with approval the remarks of Judge Munthali (as he then was) in the Supreme Court case of *Alex Luhila and Batuke Imenda* (2003).[2]

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2   To wit, 'those who think they can find their way to Parliament on the platform of lies and calumnies intended to defame the characters of opponents, those who think they can find

While the public policy considerations advanced by the court are important, these considerations do not absolve the petitioner from establishing the materiality threshold in the EPA. Incidentally, this judgement was overturned by the constitutional court precisely on the materiality question (Shabula v Monde, 2018).

In *Mwamba v Luo* (2016), the court does a slightly better job of directly addressing the materiality question, stating for instance that:

> the illegal and/or unfair practices committed by the Respondents in this case affected the Parliamentary election results not only in one or a few wards and/or polling stations but in the majority of the wards and/or polling stations in Munali Constituency, and in all these, the Petitioner was affected personally. In consequence of the foregoing, the majority of the voters in Munali Constituency were prevented from voting for a parliamentary candidate of their preference.
>
>   *Mwamba v Luo,* 2016

However, even here, the causal link between the illegalities and the number of people prevented from selecting the candidate of their choice is not clearly established.

The case of *Scott v Mwanakatwe* (2016) is unique in that upon a studied reading of the judgement, the petitioner was successful, not necessarily because of the multiple counts of bribery, intimidation and corruption that the court found proven, but rather because of the court's finding that the (mis)conduct of the police meant that 'the election was not conducted in accordance with the principles laid down in [the EPA] and that such non-compliance affected the result of the election' (*Scott v Mwanakatwe*, 2016). Therefore, it was the satisfaction of the materiality threshold at level one that decided the case. In that respect the court held:

> The police in this case, prevented the Petitioner and her team from campaigning in two areas within Lusaka Central Constituency in violation of the Code. The action by the police, not only on one occasion but twice and in different places, had the inevitable effect of instilling fear in the Petitioner and her campaign while the 1st Respondent and her campaign were at liberty to go to any place any time to campaign.... In my considered

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their way to Parliament on the platform of illegal practices of various shades, those who think they can find their way to Parliament on the platform of bribery and corruption, the message is this: The Courts will not hesitate to show them the door'.

> view, anything that prevents a candidate from campaigning or communi-
> cating with the electorate in a particular area affects the result of the
> election.
>
> *Scott v Mwanakatwe*, 2016

The court side-steeped the substantial compliance rule by holding:

> I have considered sub-section (4) of section 97 of the Act and find that it
> does not apply because the sub-section relates to an election officer's act
> or omission. The allegation in this case relates to the conduct by the Zam-
> bia Police. This allegation stands proved to the requisite standard as the
> Petitioner's evidence was not discredited in cross-examination and there
> is nothing to suggest that it was manifestly unreliable (Ibid.).

In order to meet the materiality threshold in this instance, the only thing the
petitioner had to show was that the conduct of the police violated provisions
of the EPA and that these violations affected the outcome of the election. The
Mwanakatwe judgement is therefore unique in the sense that its finding did
not turn on the 97 (2) (a) threshold, but rather on the threshold enunciated in
section 97 (3).

What is clear from the just ended survey of election petition judgements is
that overall, these judgements give little or no content to the concept of mate-
riality and therefore do little to guide would be litigants. The lack of a coherent
articulation on materiality has the unintended effect of delegitimizing the
electoral dispute resolution process, opening the judiciary to attack and igno-
miny. Predictability of legal outcomes is a defining trait of an effective judiciary
and a cornerstone of the rule of law (Dakolias, 1999). When it comes to judicial
decision-making, like cases must be treated alike, and if treated differently,
there must be justifiable reasons for doing so. The lack of satisfaction with elec-
tion petition adjudication at the high court level shows itself in the number of
appeals launched in the Constitutional Court.

As an aside, the superficial engagement with the materiality question may
be due, in part, to the lack of time and specialized expertise. Faced with a 90-
day deadline[3] and the spectre of pending civil and criminal matters, the judges
of the high court do not have the luxury, nor the opportunity, to formulate
complex tests or to develop jurisprudence. Unlike generalist judges however,
specialized judges, because of their narrow focus in a single area, as well as the

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3   The Constitution of Zambia requires that all parliamentary election petitions be heard in 90
     days.

possibility for a deepening of their capacity through participation in dedicated training programmes, can develop deep expertise in their area of focus, which can allow them to arrive at decisions much faster, and indeed improve the quality of decision-making (Dreyfuss, 1990; Preston, 2012; Gramckow and Walsh, 2013).

6   Conclusion

This chapter has argued that the widespread distrust of Zambia's democratic institutions, as evidenced by the high number of electoral disputes, is amplified by the lack of predictability in electoral disputes outcomes, brought about in part, by the court's failure to articulate the inner and outer limits of the materiality threshold enunciated in the Electoral Processes Act (EPA). The development of an objective test for materiality is of pressing importance in the post-electoral dispute resolution landscape in Zambia. As stated in *Phiri v the People* (1978), 'unless the judge's reasoning is disclosed, it is impossible for an appellate court [or litigant] to know whether the decision was influenced by a misdirection of law or fact' and, more pointedly, 'unless the court's mind is revealed no one can say whether it [the decision] preceded from erroneous premises or false logic'. Similarly, in making determinations on questions of materiality in election petitions, it is critical that courts delineate the precise circumstances that have satisfied them on the establishment of materiality, and where dissatisfied, to articulate, in the interests of the development of jurisprudence, what a litigant might have to show to establish materiality.

References

Alex Luhila and Batuke Imenda SCZ App No. 50 of 2003.

Austin Milambo and Machila Jamba 2016/HP/EP003.

Charlotte Scott and Margaret Mwanakatwe and Others 2016/HP/EP00039.

Chrispin Singwa and Stanley Kakubo 2016/HP/EP/0043.

Constitution of Zambia (Amendment) Act No. 2 of 2016.

Dakolias, M. (1999). *Court performance around the world. World Bank Technical Papers.* DOI: 10.1596/0-8213-4436-6.

Dreyfuss, R.C. (1990). Specialized Adjudication. *BYU Law Review , 377–441.*

Gramckow, Heike, Walsh, & Barry. (2013, October 21). Developing specialized court services : international experiences and lessons learned. Retrieved from http://documents.worldbank.org/curated/en/688441468335989050/Developing-specialized-court-services-international-experiences-and-lessons-learned.

Electoral Justice: The International IDEA Handbook (2010, November 24). Retrieved from https://www.idea.int/publications/catalogue/electoral-justice-international-idea-handbook.

Electoral Processes Act No. 35 of 2016.

Emanuel Muanile and Another v Christopher Yaluma and Another 2016/HP/EP/0049.

Greyford Monde v Hebert Shabula 2016/HP/EP/27.

Levitt, J. (2012). *Resolving Election Error*. SSRN Electronic Journal. DOI: 10.2139/ssrn.1477663.

Maluba v Mwewa and Others (2016/HP/EP/035) [2016] ZMHC 204.

Phiri v the People [1978] ZR 79.

Preston, B.J. (2012). Benefits of Judicial Specialization in Environmental Law: The Land and Environment Court of New South Wales as a Case Study. *Pace Environmental Law Review*, 29(2), 396–440.

Nkandu Luo and Electoral Commission of Zambia and Another 2016/HP/EP/021.

Richwell Siamunene and Gift Sialubalo 2016/HP/EP/0004.

Rodrick Chewe and Mwenya Munkonge and Others 2006/HP/EP/0059.

Samuel Nayunda and Geoffrey Lungwangwa 2016 HP/EP0018.

Shabula v Monde (Appeal No. 13/2016) [2018] ZMCC 16.

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