

Chapter 2

POLITICAL BACKGROUND

Early History

The early inhabitants of modern day Zambia were the San, who were hunter-gatherers. In the 15th century, the Bantu or Tonga migrated from the North. The 16-19th century saw the emergence of organised kingdoms, including the Kazembe (North), Bemba (North-East) Chewa (East) and the Lozi (West). There are 73 ethnic groups in present day Zambia.

Colonial History of Zambia

Significant and far-reaching political changes began in 1890 when Cecil Rhodes of the British South Africa Company signed a series of treaties with local leaders, leading to the establishment of Northern Rhodesia in 1911, administered by the Company. Great Britain formally assumed control in 1923. Copper mining, which began in the early 20th century, led to an influx of Europeans, although white settlement never reached the levels it did in Southern Rhodesia. In 1953 the two Rhodesias were joined with Nyasaland (now Malawi) in the short-lived Federation of Rhodesia and Nyasaland. This move was vociferously opposed by Black Nationalist leaders who viewed it as a vehicle for white domination.

Barotseland (now Western Province) became a separate British Protectorate from Northern Rhodesia, on the signing of the Lochner Treaty in 1890. Its separate sovereignty was recognised in Section 112 of the 1953 Constitution of Northern Rhodesia.

After the Federation's collapse in 1963, Barotseland amalgamated with the Northern Rhodesia Protectorate, under the Barotseland Agreement of May 1964.

The United National Independence Party (UNIP), led by Dr Kenneth Kaunda, won the January 1964 pre-independence elections. Northern Rhodesia gained independence on 24 October 1964, and was renamed the Republic of Zambia. This date also marked the birth of the First Republic.

Post-Independence Politics

The Constitution was amended on 25 August 1973 to make Zambia a one-party state, and this marked the birth of the Second Republic. Political and economic pressures, largely the result of a fall in copper prices, but also arising from the country's support for independence movements elsewhere in southern Africa, and food riots, led to social unrest and a coup attempt in 1990. In December 1990, President Kaunda accepted the need for multi-party democracy, and the National Council accepted his recommendation that multi-party elections be held. The Constitution was accordingly amended that same month. On 31 October 1991 the Movement for Multi-party Democracy (MMD), led by the late trade unionist President Frederick Chiluba, swept to power in both parliamentary and presidential elections. UNIP became the main opposition party.

The 1991 Constitution, amended in 1996, provided for a multi-party system, a President whose tenure is limited to two terms of five years and a National Assembly of 158 members,

150 elected and eight nominated by the President. There is also a 27-member House of Chiefs, which is an advisory body.

Dr Kaunda returned to active politics in 1994. He regained the UNIP leadership at a party convention in June 1995. In the run-up to the Presidential and National Assembly elections in November 1996, the Chiluba Government became increasingly intolerant of opposition. In May 1996, the National Assembly passed an Act requiring Presidential candidates to have Zambian parents and limited Presidential terms to two terms of five years in office. Dr Kaunda's parents were alleged to have originally come from what is now Malawi. UNIP and a small number of opposition parties boycotted the elections. Dr Chiluba and the MMD won a landslide victory, taking 139 out of 150 seats in the National Assembly. In August 1997, Dr Kaunda and an opposition ally were wounded at a UNIP rally when police opened fire. A subsequent enquiry into the incident was inconclusive.

After a promising start by the new MMD government, initially characterised by political liberalisation and improved relations with International Financial Institutions and donors, both living standards and political freedoms declined from 1997.

In October 1997 a small group of middle-ranking army officers took over the media centre at the headquarters of the Zambia National Broadcasting Corporation (ZNBC) and claimed to have overthrown the government. The army quickly restored order, and detained the ringleaders. President Chiluba declared a State of Emergency (later extended by the National Assembly to May 1998). Over 100 people, including Dr Kaunda and the leader of one of the other main opposition parties, were detained. Dr Kaunda was charged with having prior knowledge of the coup. Trials began in June 1998. Dr Kaunda was discharged and immediately released. At the conclusion of the trials in September 1999, 58 soldiers were found guilty of treason and given mandatory death sentences. These were later commuted to varying terms of imprisonment by President Levy Mwanawasa in December 2003.

President Chiluba's attempt to change the Constitution, in order to stand for a third Presidential term, provoked a political crisis in 2001. There was widespread opposition, and 67 anti-third-term MPs signed a motion to impeach President Chiluba. The next day, Dr Chiluba announced that he would leave office at the end of his term.

2001 General Elections

In the 27 December 2001 Presidential election, another MMD candidate, Levy Mwanawasa, was elected with 28.69% of the popular vote, closely followed by Anderson Mazoka of the United Party for National Development (UPND), with 26.76%. Ten candidates participated in the presidential poll. Voter turnout was 67.81%. MMD was the single largest party in parliament, but without an overall majority. There was international criticism of the handling of the elections. Legal challenges to both the parliamentary and presidential results were only finally resolved in February 2005, when the Supreme Court rejected an opposition challenge to President Mwanawasa's victory, but agreed that the election had flaws. Challenges to the parliamentary results led to a number of by-elections.

In July 2002, the National Assembly voted to remove immunity from prosecution from former President Chiluba. In February 2003, he was arrested and charged with corruption. Subsequent long-running trials were dogged by adjournments and procedural problems. In September 2004 many charges of corruption were dropped, but within hours he was re-arrested on six new charges.

President Mwanawasa suffered a minor stroke in April 2006. He resumed light duties after some weeks and later declared himself fit to run for re-election at polls which were due later that year.

2006 General Elections

Presidential, National Assembly and Local Government elections were held on 28 September 2006. President Levy Mwanawasa was re-elected, with 42.98% of the vote, while Michael Sata of the Patriotic Front (PF), obtained 29.37% and Hakainde Hichilema of UPND, 25.32%. Voter turnout was 70.77%. The results of the National Assembly elections were as follows: MMD 72 seats, PF 44 seats, United Democratic Alliance which comprised the United Party for National Development (UPND), United National Independence Party (UNIP) and Forum for Democracy and Development (FDD) 27 seats, United Liberal Party (ULP) two seats, National Democratic Focus (NDF) one seat, independents two seats, with two seats not determined. The United Democratic Alliance later collapsed.

A Commonwealth Observer Group led by Hon Paul Berenger, former Prime Minister of Mauritius, was present for the 2006 Presidential, National Assembly and Local Government Elections. It concluded that in most parts of Zambia a largely successful effort was made to enable the will of the people to be expressed. It also noted some issues to be addressed, particularly with respect to transparency and credibility of the collation, tabulation and transmission of the results process.

The 2008 Presidential By-Election

President Mwanawasa passed away on 19 August 2008, in a Paris hospital, where he was being treated for the effects of another stroke he suffered in June 2008 while attending the African Union Summit at Sharm el Sheikh, Egypt. A Presidential by-election was held on 30 October 2008 for a replacement to serve out the remainder of his term. Four candidates contested the election. Acting President Rupiah Banda, MMD, was elected with 40.09%, Michael Sata, PF, 38.13%, Hakainde Hichilema, UPND, 19.70% and Godfrey Miyanda of Heritage Party, 0.76%. Voter turnout was 45.43%. President Banda's margin of victory was a narrow 35,209 votes, and Mr Sata alleged fraud. He petitioned the Supreme Court for a recount. This petition was rejected.

A two-person Commonwealth Secretariat team was present for the Presidential By-Election. Their overall assessment was that the by-election electoral process was generally well managed, and that conditions existed for voters to freely express their will, and that, on the whole, the outcome broadly reflected the wishes of the majority of Zambians who voted.

Other Developments

In August 2009, former President Frederick Chiluba was cleared of corruption after a six-year trial. The Head of the Anti-Corruption Task Force was dismissed after initiating an appeal against Mr Chiluba's acquittal. Mr Chiluba passed away on 18 June 2011. He was a founding member of the MMD and remained a strong supporter. Mr Chiluba had continued to command considerable support among the Bemba-speaking people in the Northern, Luapula and Copperbelt provinces, and had endorsed Mr Banda in February 2010. Analysts suggested that his passing potentially weakened the MMD campaign.

The two leading opposition parties, PF and UPND, formed an electoral pact in June 2010. This alliance soon became embroiled in acrimony over several issues, including the question of who would be joint Presidential candidate, how other candidates would be chosen and a joint manifesto. Mr Hichilema announced the UPND's withdrawal from the pact on 7 March 2011.

Constitutional Review

Zambia underwent a constitutional review process over much of the past eight years, beginning in 2003, which resulted in a draft Constitution produced by a National Constitutional Conference which met between 2007 and 2010. Proposed constitutional amendments included several clauses that would, if passed, have a bearing on future elections. These included, *inter alia*, a referendum on the introduction of an absolute majority system for presidential elections; the introduction of a mixed-member proportional representation system for the National Assembly elections; an increase in the number of Members of Parliament; a fixed date for elections; new regulations on political party campaign finance, transparency and accountability; revision of the powers and process of appointment of the Electoral Commission of Zambia, and the creation of a transition period between the declaration of the Presidential election result and the swearing-in of the President-elect.

On 29 March 2011 the Zambian government lost the vote in the National Assembly on the Constitutional Amendment Bill after the bill fell ten votes short of securing the required two-thirds majority in the National Assembly. Most Members of Parliament belonging to the largest opposition party, the Patriotic Front (PF), voted against the Bill, although 17 PF MPs voted for it, alongside the ruling MMD party. The PF had repeatedly expressed reservations about legitimacy of the National Constitutional Conference, the body created to debate the amendments. The second-largest opposition party, the UPND, abstained from the vote. Its leader, Mr. Hichilema, said that the Bill was unsatisfactory, as it did not include a number of critical amendments, particularly the 50%-plus-one requirement, which would have changed the presidential voting system from the current first-past-the-post system to one in which a candidate would need more than 50% of the vote to win. All major political parties promised to deliver a new Constitution, if elected to power, during the just-concluded campaign, and the Constitution of Zambia (Amendment) Bill is likely to be re-tabled before the new National Assembly, perhaps with some further amendments.

Clashes in Barotseland

On 14 January 2011 violent clashes took place between police and demonstrators agitating for the secession of western Zambia, known as Barotseland. Police said two people died, several were wounded and both private and government property was extensively damaged or destroyed.

The Barotseland Agreement, of May 1964 was signed by then Prime Minister Dr Kenneth Kaunda, the Litunga (King) of Barotseland Sir Mwanawina Lewanika, and British Secretary of State for Commonwealth Relations, Rt Hon Duncan Sandys. This gave birth to the independent Republic of Zambia in October 1964, upon the unification of Northern Rhodesia and the Barotseland Protectorate, both of which were previously under separate British rule.

The agreement gave the Litunga a degree of autonomy to administer the region within the confines of the Constitution of the independent Republic of Zambia. However, the Kaunda

government reneged on the agreement in 1969, through a constitutional amendment. Subsequently, any discussion of the restoration of the agreement was discouraged.

In recent years, there have been growing calls by various individuals and groups originating from Western Province, for the restoration of the agreement. Most recently, representatives of the Litunga's traditional authority, the Barotse Royal Establishment, made written submissions to the National Constitutional Conference (NCC) for the recognition of the agreement in the proposed new constitution. However, the submission was rejected by the majority of NCC delegates.

Since then, advocates for the restoration of the Barotseland Agreement have become more militant, and the police have used force to quell meetings called by the activists to discuss the restoration of the Barotseland Agreement.

Zambia and the Commonwealth

Zambia plays an active role in Commonwealth affairs, and hosted the Commonwealth Heads of Government Meeting in 1979, which adopted the seminal Declaration on Racism and Racial Prejudice. President Kaunda was, for many years, one of the leading figures in the Commonwealth, especially active in the Commonwealth's campaign against apartheid in South Africa. The Commonwealth Youth Programme Africa Centre is located in Lusaka, Zambia, and promotes youth development for all Commonwealth states in Africa, as well as Cyprus, Malta and the United Kingdom. Zambia is currently a member of the Steering Committee of the Commonwealth Network of National Election Management Bodies.