



## **1. The Zambia-South Africa Political Parties Exchange Programme in Summary**

This exchange visit was the first by Zambian Political Parties. It was the second exchange undertaken within the framework of the NIMD facilitated country-to-country political parties exchange programme and follows the visit by South African Parties to Malawi in July 2007. The visit was organised by the Johannesburg-based policy think tank and NIMD partner, Centre for Policy Studies (CPS) and the Zambia Centre for Interparty Dialogue (ZCID), who jointly prepared this visit.

The main purpose of this visit was to facilitate the exchange of ideas and experiences on key governance issues between South African and Zambian political parties. Specific objectives included the following:

1. To gain insights into the operation of political parties in South Africa and some practical experience of the legal instruments on party law;
2. To deepen mutual understanding and build bilateral networks between Zambia and South African political parties;
3. To share common challenges and experiences related to the institutionalisation of political parties;
4. To exchange information and experiences around the Constitution-making processes with regard to:
  - i. The role that South African Political parties played in the Constitutional development process that took place in that country in the early 1990s.
  - ii. Identify the major “landmines” that characterised the South African Constitutional development process with a view of drawing lessons that the Zambian Political Parties could utilise in their own Constitutional review process which is currently underway.

In addition, the Zambian political parties gave great importance to issues of Party financing, floor crossing, commercialization of the campaign process, and the electoral system. Most of these issues have already generated debates in both countries. The approach towards dealing with these issues has, however, varied as shall be elaborated later in the report.

The exchange programme started with a conference at the Cape Sun Hotel during which political parties from both Zambia and South Africa exchanged views and experiences on issues of common concern. Delegates from both sides expounded on how they run their political parties within the context of each country's political system. Field visits were also organized to the National Parliament (coincidentally at the time the South African President was delivering a key note speech to a joint session of parliament) and Stellenbosch. Zambian political parties had an opportunity to learn first hand how the South African parliament runs its business which was admittedly a very eye-opening experience for them.

During the visit, the Zambian political parties held meetings with South African parliamentarians from various political parties. During breaks Zambian political parties had the opportunity to forge bilateral ties with South African parties with whom they shared common values.

At the end of the programme, both delegations agreed to further cooperate on various issues that arose during the discussions. One of the upshots of the tour was a joint decision that South Africa's constitution-making process should be further explored by a greater audience from Zambian political parties. Accordingly, the South African parties offered to send a delegation of experienced persons who were behind the Constitutional review process in that country to share their experiences with their Zambian counterparts. This has to be taken up as the focus of the next steps by NIMD as the sponsors.

The visit was undertaken at a time when South Africa is facing the challenge of choosing a successor to the incumbent President Thabo Mbeki. Discussions around this issue exposed complexities and challenges of emerging democracies in Africa.

## 2. The Report in detail

The Zambian delegation consisted of 9 members: 8 members of political parties and 1 representative from the Zambia Centre for Interparty Dialogue Secretariat. It consisted of 3 women and 6 men.

| <b>Representative</b>                | <b>Party</b>                                      |
|--------------------------------------|---------------------------------------------------|
| Mr. Njekwa Anamela                   | United National Independence Party                |
| Ms. Sharon Phiri                     | Forum for Democracy and Development               |
| Mr. Langton Sichone                  | Zambia Development Conference                     |
| Mr. Edward Mumbi                     | Patriotic Front                                   |
| <a href="#">Ms. Sherry Thole</a>     | <a href="#">Movement for Multiparty Democracy</a> |
| <a href="#">Ms. Grace Chitambala</a> | <a href="#">National Democratic Focus</a>         |
| Mr. Richard Kapita                   | United Party For National Development             |
| Ms. Inonge Wina                      | United Liberal Party                              |
| Mr. Horrance Chilando                | <a href="#">ZCID</a>                              |

## **2.1 Arrival and official welcome (Day 1)**

The delegation arrived in Cape Town on the night of Sunday the 18<sup>th</sup> of November 2007. A member of the Steering Committee Mr. Strike Thokoane of Azania People's Organisation, AZAPO, The Manager for Centre for Policy Studies, Mr. Shaun Mackay, Ms Tiffany Hodgson, CPS Research Officer, and NIMD Regional Coordinator for ESARP, Dr. Augustine Magolowondo welcomed the delegation.

## **2.2 Conference with SA party representatives (Day 2)**

The conference started with an expert presentation by Mr. Shaun Mackay of CPS on "Understanding politics, political parties and party systems in South Africa". The presentation highlighted South Africa's historical past, its racial and cultural diversity, the Constitutional development process, nature of the state, the electoral system and land issues. The paper also highlighted some major challenges that the country is facing at the present time. The paper was augmented by presentations from the South African political parties. **(See appendix A)**

Following the presentation, the ZCID Programmes Officer, Mr. Horraine Chilando presented a paper on the same theme from the Zambian perspective. The paper addressed Zambia's political history including the various Constitutional review processes that the country has undertaken to date. It was augmented by comments from the Zambian delegation. **(See Appendix B)**

Later Dr Augustine Magolowondo presented a paper entitled "the legal framework governing political parties: regional comparative overview of Malawi, South Africa, Tanzania and Zambia". The presentation focused on the role of parties, whether to legislate or not to legislate the formation and functioning of political parties, the legal framework governing political parties, areas that are legally governed, the registration of political parties and political party funding.

The conference provided a comprehensive background to understanding politics, political parties and party systems in both countries and examined some of the ways in which each was dealing with these issues. As a matter of fact, the two countries have different political systems. Zambia follows a First-Past-the-Post Electoral System while South Africa follows a Proportional Representation Electoral System with a fixed list. Political parties in Zambia are registered under the Societies Act, while registration of political parties in South Africa is enshrined in the constitution. While Zambia has no specific legal and institutional framework to regulate political parties, South Africa has given this task to its Independent Electoral Commission (IEC). In Zambia, there is no provision for funding of political parties from public resources while in South Africa, the state - through IEC - does provide funding to political parties using a formula that takes into account political strength of each party in Parliament.

### **2.3 Conference with NGO representatives (Day 3)**

Day three started with a presentation on “Party functioning within the constitutional Context” led by Bertha Chiroro from the Electoral Institute of Southern Africa, EISA. The paper made a comparative analysis of party politics in relation to the Constitutional provisions. The paper’s focus was on assessing the impact of Constitutional frameworks on political party life. It dealt with issues pertaining to registration, prohibited actions, financing and other related issues. The paper discussed the functioning of Political Parties, Objectives of Party Related Laws, the constitution as a source of party law and the functioning of Political Parties in SA.

The delegates were then allowed to react to the paper in plenary. Discussions brought out other valuable information and tackled practical questions regarding political party laws.

In the afternoon a presentation was made by a representative of the IEC, Ms Geraldene Chaplog-Louw entitled “Experiences of the Independent Electoral Commission (IEC): the role that the IEC plays in regulation of political parties in South Africa including management and administration of the Political Parties Fund”. From this presentation, Zambian political parties had the opportunity to interact with alternative ways of regulating political parties. They also learnt first hand how political party financing is done in South Africa.

The day closed with floor discussions during which the delegates asked the speaker various questions related to the topic.

### **2.4 Conference with party representatives and Members of Parliament. (Day 4)**

This was perhaps the most interesting day of the visit. The Zambian delegation met with South African MPs at Parliament buildings. The meeting was well attended even though the South African delegation was quite busy with preparation for the unscheduled joint session of parliament which was called at very short notice by the president and was to be held on that day.

The morning session began with the presentation of experiences from South African political parties. Thereafter, questions were asked by the Zambian delegation who sought clarifications on many issues. Around midday the meeting broke up for lunch, after which both delegations headed for Parliament. President Thabo Mbeki was addressing a joint session of both houses of Parliament on amnesty for political prisoners. The Zambian delegation had an opportunity to witness a session of Parliament in another country first hand. What struck them most was the citizen-friendly atmosphere in which the debates were taking place. There was no pomp and flare that characterises the arrival of the President. Only when the speaker walked in did the house go silent. The South African Parliamentary sessions are televised. This gives an opportunity to the citizens to see how

well they are being represented. Translation is provided for members who wish to use any other language other than English. The Speaker acknowledged the presence of the Zambian delegation in the House and welcomed them.

After witnessing the joint session of Parliament the delegates headed back to the conference room to continue with the meeting. Key points that arose during this meeting included:

1. The need for Interparty cooperation in forging out national agendas.
2. Ruling party influence over organs of the state
3. The emergence of *de facto* one party systems in new African democracies- the domination of one party in parliament and other institutions of governance.
4. Floor crossing and its effects on political party development
5. Political party funding
6. Regional integration and how it affects individual members states
7. CODESA and the Constitutional development process in South Africa
8. The National Constitutional Conference in Zambia
9. The quest for Constitutionalism versus the need to preserve morality and national values. While a Constitution guarantees the fundamental freedoms and rights of a people, there are challenges associated with its enforcement. In South Africa the Constitution has been upheld to the point of compromising morality and national values. This depends on which side of the "fence" you are at. Debate still rages on around issues of gay marriages and cultism. One way South Africa has tried to deal with issues of the Constitution and its interpretation is to set up a Constitutional court.

After the day's sessions the Zambian delegation visited Stellenbosch accompanied by Mr. Strike Thokoane and the CPS staff.

### **3. Issues of discussion, observations and lessons**

In all these consultations with political parties in South Africa, a number of related issues were discussed and some lessons were drawn by both sides. These issues can be summarised as follows:

#### *a) Electoral Systems*

- i) The two countries have different electoral systems. South Africa follows Proportional representation (PR) at national level and a mixed system at local government level while Zambia follows the First-Past-the-Post-Electoral system. The South African parties felt the system worked very well for them in that it allows for all population groupings to be represented unlike in the Zambian case where the winner takes all. Zambia needs to adopt a system that will work well for the country. However, South Africa is currently engaged in a highly contested debate around amending the system in order to allow for more direct accountability to the electorate. The most widely called for reform

in this respect is a 50% PR system and a 50% constituency-based system. This system already pertains at local government level in South Africa.

- ii) The South African Constitution provides for the formation of political parties. This guarantees multiparty democracy as it is a constitutional issue. In the Zambian case, apart from a mention in the preamble about Zambia being a multiparty democracy, there is no specific mention of the establishment of political parties in the Constitution.
- iii) In South Africa, Political parties are registered and regulated by the Independent Electoral Commission. In Zambia political parties are registered as clubs under the societies act and there is no institutional framework for their regulation.
- iv) In Zambia the Republican President is elected in a general election. In South African, Parliament elects the President. Similarly, members of Parliament are elected according to party lists and do not acquire constituencies based on their performance during the elections in a particular area. They are appointed by their respective political parties. This has been criticised for being party-centred. Members of Parliament are responsible to their parties and not the electorate.
- v) Political parties in South Africa are ideologically oriented and that is the basis of their differences. There are no clear ideological differences between political parties in Zambia Centre for Interparty Dialogue.

*b) Political Party Financing*

- i) Both delegations agreed that party financing is important for sustenance of political parties. In South Africa there is a provision for party financing which is administered by the Independent Electoral Commission. This is not so in Zambia. There is however much debate in SA around the 'unfair' advantage that the system of providing funding in proportion to the number of seats that a party has in the legislature. This tends to disadvantage smaller parties and perpetuate the larger ones. While a base amount is given to each party ( ), there are arguments that these need to be dramatically increased if the election "playing field" is to be evened.
- ii) Parliament also provides adequate funding for the running of constituency affairs. This money goes to political parties. It provides an extra source of party financing
- iii) However, this has had its own unintended effects on political party functioning as it has somehow promoted floor crossing

*c) Floor Crossing*

- i) This is a problem common to both countries. South Africa has a provision that allows for a "window" for floor crossing. In Zambia floor crossing is not allowed under the law.

- ii) Both delegations agreed that floor crossing impacts negatively on the democratic choice of the electorate and consequently on the consolidation of multiparty democracy, and should be seriously reconsidered.
- d) *The Constitutional Development Process*
- i) The two countries cannot easily be compared in that at the time South Africa went through this process, it was coming out of a liberation struggle and all parties were generally agreed to the principle of 'give and take' for the sake of progress. However, there are lessons that the Zambia delegates could learn from the South African experience. One point that kept coming up was the need to ensure that the whole process was inclusive. In the SA case this meant including both the political formations in the country (whether they were parliamentary or extra-parliamentary parties) as well as the people of SA, as far as possible. The latter meant a process of submissions from the public on all aspects of the draft constitution as well as visits by the members of the Constitutional Assembly to all the provinces to consult with the public in public meetings. This was done over a period of two years.
  - ii) The South African delegates offered to send a team of experienced persons who led the constitutional development process in that country to Zambia to assist. This was agreed as a follow up activity from the exchange. However, this will mean that a follow-up process will have to be initiated by ZCID, through negotiations with the NIMD. CPS would facilitate this if such a process is initiated.
- e) *Women in Politics*
- i) Political will more than legislative provisions have been responsible for the progress that women have made in this area in South Africa. This has been buoyed the electoral system which allows more women to be put on party lists without subjecting them to the sapping process of intra party competition

#### **4. Morning Wrap up Conference (Day 4)**

Thursday 22 November 2007 marked the end of the consultations. An evaluation session was conducted. The following key issues came out.

##### **4.1 Administrative Issues**

*Administration:* The general preparation for the trip should be done well in advance and objectives of the trip shared with participating delegations. Part of the challenge here was that the various programme activities that were requested in the TOR sent to CPS did not seem to have been canvassed beforehand with the delegation.

Funds for the programme should be sent in good time to assist organisers do their work well. Lack of funds tends to lead to organisational paralysis and an inability to secure both venues and resource persons.

*Timing:* The field trips should be structured with specific outcomes outlined for each visit. Enough time should left each day for participants to interact each other in a more informal environment and also to explore interesting places. Also, trips need to

be planned well ahead of time in order to allow for optimum organisation and logistics. Unfortunately, the SA parliament was in its busiest session at the time of the trip (wrapping up the year's activities), and MPs had an extremely busy schedule. In future this should be avoided through choosing of a time that is mutually suitable to both sides.

The Constitution Issue was more important to the Zambian delegates. More time should have been spent on this matter. The lesson for the future is that both the TOR and the programme agenda should be finalised with the input of the party representatives in the visiting delegation. This will ensure that they get exactly what they want.

#### **4.2. Programme Issues:**

- The trip to the South African Parliament was appreciated. It provided a valuable lesson for Zambian delegation. More such visits should be considered in the future
- The Zambian delegation learnt that important national issues should not be rushed and should be inclusive of all interest parties
- The demonstration of how the South African Constitution is upheld was an eye opener for the Zambian delegation.
- The level of tolerance among South African Parties was commendable
- The visit to parliament was okay except the MPs were too busy on that day
- It would have been nice to visit IEC and EISA offices as well as political party secretariats to learn more. However, given that both these organisations are in Johannesburg and the delegation was in Cape Town, this would have been logistically and economically prohibitive.
- The political interest visit to Robben Island that all the delegates were eagerly anticipating had to be cancelled on the day because the seas were too rough for the boats to go out. This was unfortunate but unavoidable and beyond anybody's control.

#### **4.3. Lessons Learned**

- The meeting of the entire delegation with all of the SA political parties in one session was perhaps not the most strategic decision. For the purposes of learning about the constitution-making process in SA, the meeting was appropriate. However, for the objective of learning about individual SA political parties and forging party-to-party links with them, this kind of a forum is not appropriate. Either parties should be visited separately by the entire visiting delegation (*ala* the Malawi visit by SA) or a way should be devised to allow specific parties to visit those parties that they wish to meet with on a party-to-party basis. Logistically this would be difficult in many situations, but would have been possible in the South African Parliament, where the meetings were held. Parties would simply have been taken to the different party offices in Parliament. This needs serious consideration, going forward.

- Both the Terms of Reference (TOR) that is sent to the host country and the final programme need to be approved by both the NIMD and the party representatives in the delegation, before finalisation. In this way, one will avoid unfulfilled expectations.
- More time should be given to discussions. This means that more time should be allocated to the visits. Instead of 3 days of programme activities, 4-5 days might be more appropriate.
- It is important to schedule visits well ahead of time so that planning and logistics are facilitated. The 3 week lead time should be adhered to.
- Unexpected challenges will arise that impact on the programme. These will have to be dealt with in the best way possible. The parliamentary session on the day of the Zambian delegation's visit to Parliament was unscheduled and was called by the President the day before. This meant that some of the MPs that would have been at our meeting were either not there or were running in and out of the meeting, as they had to prepare their input for the debate that followed the President's intervention. Our way of dealing with this was to get the delegation to witness this important debate and in so doing, experience the workings of the SA Parliament first-hand. The witnessing of Parliament in session was so profoundly appreciated that if possible, this should be a standard activity in any future visits.
- Visiting delegations should be made aware before the visit of the amounts that will be allocated for *per diems*. This should take the form of a standard letter on the NIMD letterhead that is given to all delegates before they depart their country of origin. This will avoid confusion and circuitous discussions around this perennially delicate issue. Moreover, it will ensure that the organisers are not perceived to be the ones that have determined the levels of these *per diems* as this can lead to unnecessary tensions between the delegation and the organisers.
- A CD with the papers that were presented was given to all Zambian delegates by the ZCID. This is a convenient way of ensuring that delegates are able to distribute the material to other members of their party. This should be emulated in the future.
- Remittance of funding for these trips needs to be done well ahead of time in order to facilitate planning and logistical arrangements. In the absence of this, the whole trip could be jeopardised. Once the budget is agreed upon, funds should be transferred immediately. Having funds transmitted from the ZCID helped salvage the trip but is not a workable or desirable way to operate going forward.