

# **The 2008 presidential elections in Zambia: incumbency, political contestation and failure of political opposition**

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## **Abstract**

While the level of political contestation in Zambia has increased since 2001, the quality of elections remains poor and alternation in power has not occurred. The legacy of using incumbency to win elections, tolerance of undemocratic procedures, exclusivist politics and opposition's failure to unite and capture nation-wide support have combined to retain the MMD in every election, albeit with narrow majorities. The paper examines political opposition's performance in the 2008 presidential elections and explains their failure to win. The paper traces enduring legacies from the authoritarian period and how they have shaped Zambian electoral experience. The nature and character of the party system, especially the opposition is analysed against the background of undemocratic and exclusivist politics. By using the 2008 election results the paper concludes that the main opposition Patriotic Front's (PF) poor electoral performance was tampered by narrow ethno-regional mobilization, disunity within the opposition, and low voter turnout. It is also argued that incumbency, national sympathy in the wake of Mwanawasa's death rather than good performance were responsible for MMD's fifth straight win in 17 years.

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## **Introduction**

The striking feature of Africa's recent political development is the enduring legacy of invincibility of ruling parties in electoral contests and generalized weakness of the opposition. Since the re-democratization process began in the early 1990s few incumbent parties have been defeated at the polls and in many instances they have retained power even when public perceptions show a poor performance record. Contrary to the optimism by some scholars (Bratton and Posner, 1999) that alternation in power would occur with the holding of second and third elections, political contestation has tended to favour incumbent parties as they have used incumbency in ways that have disadvantaged the political opposition. To be sure the use of incumbency by ruling parties in Africa is an enduring heritage from the one-party era.

During the one-party state era elections were but political rituals to endorse the party in power and the use of state resources was germane. As there was little or no distinction between the party and state, the political elite developed the habit of using state resources during elections so as to demonstrate overwhelming public support. For example, in non-competitive elections with

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an unchallenged presidential candidate from the incumbent party, it was not unknown for the candidate to receive 90 percent or more 'yes' votes. The idea of the incumbent party using advantages of incumbency came as a habit that was to be internalized even after pro-democracy movements came to power in the early 1990s.

Party system theorists (Sartori, 1976; Bogaards, 2004; Erdmann, 2007) have demonstrated that lack of institutionalisation of political parties does not only produce and perpetuate a weak opposition but advantages an incumbent party. Thus the unexpected rise to power of Rupiah Banda in Zambia following the untimely death of President Levy Patrick Mwanawasa on 19 August 2008 supports the observation by some scholars (Gyimah-Boadi, 2007; van de Walle, 2003 and Rakner, 2003) that in Africa incumbency shapes political contestation in ways that favour the party in power. By using incumbency a party may win an election even with an 'uninspiring' candidate, such as was the case with Levy Mwanawasa in 2001 (Cheeseman and Hinfelaar, 2010).

Zambia held its fifth presidential election on 30 October 2008 following Mwanawasa's death so as to find his successor as provided for by the Constitution. The election was significant in four respects. It was the first time that a head of state had died in office and it was not known whether the MMD would adhere to constitutional provisions and subject itself to a major election barely half way into Mwanawasa's second term. Second, in the absence of an automatic successor from the MMD there were anxieties as to whether Vice President Rupiah Banda, who was acting President at the time, would be able to manage the presidential succession. Third, given limited time, there were concerns as to whether the opposition would be able to marshal financial resources and mount a credible and effective campaign. And fourth, there were doubts as to whether the Electoral Commission of Zambia would have the capacity to update the voters' roll and organize a free, fair, transparent and credible election.

Surprisingly, despite calls from some quarters that there should be no elections to allow Rupiah Banda automatically take over to complete Mwanawasa's term and to save money, the government committed itself to hold the elections within the stipulated 90-days provided for by the Constitution. This meant that political parties had to convene meetings to select their presidential candidates, mobilize funds and logistics for the election campaign which was to take place no later than 20<sup>th</sup> November, 2008. But the election date was announced for 30 October 2008, almost 21 days earlier than anticipated. All the political parties adhered to a 21-day period of national mourning, which effectively reduced the campaign period.

On 5 September 2008 Rupiah Banda was selected as the MMD presidential candidate in a competitive process, involving the party's 70-member strong national executive committee, beating six others (Cheeseman and Hinfelaar, 2010). Banda's selection was premised on the fact that he was acting President and would be in a position to use his position to access state

resources for the campaign.<sup>2</sup> Banda carried with him a heavy political baggage, having recently joined the MMD from UNIP, lacking grassroots support within the ruling party, and lacking popular nation-wide appeal. He was also confronted with a divided cabinet over his unexpected nomination and a formidable challenge from Patriotic Front (PF) leader Michael Sata, who had performed remarkably well in the 2006 election finishing second to Mwanawasa.

But despite all these odds, Rupiah Banda narrowly won the 30 October 2008 presidential election obtaining 40 percent of the national vote against Michael Sata's 38 percent, with Hakainde Hichilema of the United Party for National Development (UPND) finishing third with close to 20 percent of the vote. Banda's unexpected win against a background of growing MMD unpopularity, their long period in office (17 years at the time of the elections) and a strong challenge from the opposition needs explanation.

This paper is organized in five sections. Following the introduction, the second section gives a brief literature review on incumbency and political contestation in Africa. Section three discusses factors that may have led to Rupiah Banda and MMD's success in the 2008 presidential election. Section four examines political opposition's performance in the 2008 presidential elections and explains their failure to win. The last section is the conclusion.

### **Incumbency and political contestation in Africa**

Most, if not all, elections in Africa reflect the overwhelming advantage that incumbent parties enjoy over their opponents in accessing state resources to enable them have leverage in electoral competition. Gyimah-Boadi has correctly observed that incumbency enable political elites to: "manipulate electoral institutions, electoral rules and procedures; to siphon off state resources and deploy them into partisan use in elections; to commission development projects; to extort donations from private businesspeople and rent-seekers" (Gyimah-Boadi, 2007: 29). Incumbency involves state elites using their positions of power, authority and influence to access vast material and financial resources from the state and deploy them in an election to their advantage. The state also can and does use its incumbency to access public facilities such as public media to its exclusive use and restrict access by its political competitors. The police and security forces have also been used to ban, restrict or disband opposition parties' public meetings. Other crude means have also been employed by the state, using its advantages of incumbency to make it difficult for the opposition to spread its message to the electorate.

While the common method of using incumbency has been through manipulation of electoral institutions and falsifying election results, this method is increasingly becoming untenable, as parties are getting more sophisticated and election observers more alert to fraud. Incumbent parties have now resorted to the direct purchase of votes, by literally buying off influential

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<sup>2</sup> Interview with a senior party official and member of the MMD National Executive Committee, 15 November 2008.

individuals with money, promises of jobs, contracts and influence. The use of chiefs as campaign agents for the incumbent party is increasing in frequency in many African countries. In Ghana, Kenya and Zimbabwe, chiefs played a significant role in mobilizing the vote. Often they received undisclosed amounts of money from the government, as ‘a recognition of the important role they play in promoting development’ (Nugent, 2007).

But the state can also use incumbency to purchase votes from the electorate. This is done through the distribution of gifts, cloth, T-shirts, foodstuffs and even money. The practice of buying voters’ cards in a perceived opposition stronghold to reduce the number of people likely to vote for the incumbent has been common in Malawi, Kenya and Zambia (Erdmann and Simutanyi, 2003). While all political parties do engage in acts of voter inducement or vote-bribery, it is the state which often has overwhelming resources to outdo its rivals. The state will tend to have unlimited and unrestrained access to state funds, facilities, materials and personnel. In an environment in which the opposition does not depend on membership contributions, but relies heavily on the patronage of party leaders, money becomes extremely crucial to an election campaign. It is not uncommon for private business to shun donating to opposition parties for fear of reprisals and yet will do so openly when it involves the ruling party.

In the case of Zambia, use of incumbency dates back to the one-party era. During the one-party state period the ruling United National Independence Party (UNIP) enjoyed overwhelming access to state resource by virtue of its control of the state and having brought independence. At the terminal stage of UNIP reign no distinction was made between the party and the state. Party functionaries received government salaries, were issued with government vehicles and facilities. UNIP received annual grants from the treasury and its election campaigns were funded by the State. This practice was internalized to the extent that when the new rulers assumed office in November 1991, they did not see anything wrong in continuing with that practice. The 1996 and the 2001 elections in Zambia were judged by local and internal observers as having been marred by irregularities (Baylies and Szeftel, 1997; Burnell, 2001; Rakner and Svasand, 2004). The use of state resources featured high in the complaints of opposition parties and civil society. Common allegations involved the use of government vehicles, fuel and drivers, drawing of government subsistence allowances, abuse of police and security agencies, distribution of food, T-shirts, *chitenge* (cloth) materials and money to voters and chiefs.

In the run-up to the 1996 elections, former president Frederick Chiluba used state’s patronage resources to good measure. He introduced a shadowy fund, the presidential discretionary fund (slush fund) which amounted to more than \$20 million, which he used to distribute to individuals who wielded some influence, including chiefs, leaders of church organizations and some civil society representatives.<sup>3</sup> On account of the Slush Fund he had a chorus of people who backed his controversial constitutional reforms that barred first president Kenneth Kaunda from contesting

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<sup>3</sup> Interview with former Deputy Speaker, Sikota Wina, Lusaka 18 May 2007.

the 1996 presidential elections. Chiluba also used incumbency to distribute council houses to sitting tenants at incredibly low prices, in many cases free of charge. A decision which robbed the councils of revenue and many were unable to pay salaries for months. But the decision, while populist and politically reckless, was to benefit many public sector workers and urban dwellers and played a significant role in a positive evaluation of Chiluba in the 1996 election.<sup>4</sup>

But as Chiluba was exiting the stage, having served the constitutional two-term limit he tried unsuccessfully to use his patronage resources to campaign for a third term of office. This time it did not work as people in his party (mainly members of parliament) wanted change of leadership. Having failed to secure a third term of office, it is believed Chiluba used state resources to ensure Mwanawasa's election. Evidence tendered in the presidential petition revealed that the MMD used state funds to purchase over 100 motor vehicles for the 2001 election campaign, used government vehicles and personnel and ministers drew government subsistence allowances during the campaigns. While this was contrary to the Electoral Code of Conduct, the police and other investigative wings of government, such as the Anti-Corruption Commission did not act (Erdmann and Simutanyi, 2003). Despite the case being established that the state used its incumbency to the disadvantage of opposition parties, the court ruled 3 years later in early 2005, that there was no sufficient ground to nullify Mwanawasa's election.

The use of incumbency has several implications for political contestation in Africa. First, by using advantages of incumbency it distorts the political playing field. Opposition parties are unable to match the superior funds, facilities at the disposal of the ruling party in elections, making it difficult for them to compete effectively. Second, incumbency is potentially corrupting, as government can easily co-opt or induce opposition leaders to defect, thus dividing the opposition. Third, incumbency weakens the opposition as it is unable to access the public media to present its policy alternatives or reach out to the people for their vote. Last, incumbency subverts electoral rules, undermines the autonomy and independence of electoral institutions and perpetuates an incumbent regime even when its performance is below par.

### **The 2008 presidential elections in Zambia**

Since 2001 Zambian elections have been highly competitive and the ruling Movement for Multiparty Democracy (MMD) has won power with narrow majorities of less than 45 per cent of the national vote. This has prompted some commentators to suggest that the Zambian party system was moving from being a one-party dominant system to a competitive system<sup>5</sup> (Rakner and Svasand, 2004). But the evidence still points in the direction of a dominant party system, as the MMD continues to have overall control over the legislature and the presidency (Simutanyi, 2009). The post-2001 period has seen the emergence of a strong opposition with a combined

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<sup>4</sup> For example, Chiluba convincingly defeated his main political rival, Dean Mung'omba, obtaining over 70 per cent of the vote and his party won 131 seats in the legislature.

<sup>5</sup> For a further discussion of dominant party systems see Southall, 2005.

support averaging 63 percent. This has resulted in the MMD losing support in five provinces (mainly rural) and a heavy reliance on rural voters. However, despite the decline in MMD's support nationally the opposition failed to win both the 2006 and 2008 elections.

While the MMD won the 2006 presidential election with a comfortable 43 percent of the vote against PF's 29 percent, this was not the case in 2008. The result was very close raising concerns that the election may have been rigged in Rupiah Banda's favour. The result should be understood against a background of a very low turnout of 45 percent, one of the lowest since the founding elections of 1991. All the four presidential candidates received far fewer votes than their parties did in 2006. Table 1 gives the results of the 2008 Zambian presidential elections.

**Table 1: Zambia's presidential Election results, 2008**

<i>Party</i>	<i>Candidate</i>	<i>Constituencies</i>	<i>Votes cast</i>	<i>%</i>
MMD	Rupiah Banda	73	718,359	40.1
PF	Michael Sata	56	683,150	38.1
UPND	Hakainde Hichilema	21	353,018	19.7
Heritage	Godfrey Miyanda	0	13,683	0.8
<b>Total</b>				<b>100.0</b>

**Source:** Electoral Commission of Zambia, November 2008; Cheeseman and Hinfelaar, 2010, p.20

One study on the 2008 elections has attributed the poor showing by Rupiah Banda and impressive performance by Michael Sata to the manner in which Banda ascended to the presidency, his unpopularity within the MMD and the nation and to Sata's superior mobilisational skills which combined populism and an appeal to the ethnic vote (Cheeseman and Hinfelaar, 2010). This explanation of Banda's performance is inadequate and places high premium on Sata without considering the electoral results.

There is no doubt that Banda benefitted greatly from advantages of incumbency to win the election. For example, the Electoral Code of Conduct allows the President and Vice President to use public resources during elections. There is no limit to how much the President can use in an election campaign. This blanket provision allowed Rupiah Banda to use government helicopters, at one time he used four helicopters in one campaign trip, ferrying government ministers, opposition leaders allied to his campaign and chiefs. Pronouncements were made to reduce the price of fertilizer from over K230,000 to only K50,000 to rural farmers. The Food Reserve Agency (FRA), a government agricultural marketing agency, was provided with funds to distribute subsidized fertilizer ahead of the elections, targeting areas perceived to be MMD strongholds.

But incumbency and use of state resources is not sufficient to win elections. As Nugent correctly observes: "Money cannot literally buy votes under conditions of a secret ballot: at best it can buy

goodwill. In other words, banknotes need to be converted into some kind of moral authority, which weighed in scales against other (non-material) claims to the exercise of leadership” (Nugent, 2007: 254-255). Banda may not have had a lot of money to distribute nor was it possible to purchase the vote of all those who cast their votes for him. Several factors combined to account for Banda’s victory.

First, he greatly benefited from a sympathy vote following Mwanawasa’s untimely death. A closer examination of the election results (see table 1 above) shows that Banda retained the majority of constituencies won by Mwanawasa in 2006, one explanation for that is that people may have voted for him as a show of sympathy to the MMD for having lost their leader.<sup>6</sup> Second, many believed Banda would be a transition leader and would only serve for the remainder of Mwanawasa’s term.<sup>7</sup> Third, ethno-regional dynamics may have worked in Banda’s favour as ethnic groups opposed to Sata may have rallied behind him.<sup>8</sup> Fourth, the divisions within the opposition also worked to Banda’s favour. The failure by the opposition to agree on a common candidate, which I discuss in the next section, also helped Banda win the presidency. Fifth, the low voter turnout may have contributed to Banda’s victory as high turnout in Sata’s strongholds of Copperbelt and Luapula may have wiped out the 35,259 difference between him and Sata. In one of Sata’s constituencies in Chiengwe the turnout was 19%, the lowest in the country.<sup>9</sup> Lastly, Banda appears to have won the goodwill of donors and foreign business who wanted continuity with Mwanawasa’s liberal policies. He may have received substantial support from Chinese and Indian businesses that feared a Sata presidency may reverse their gains. Thus a coalition of those who supported the preservation of the status quo may have prevailed and morally won the argument to retain the MMD, at least for the remaining three years to the next elections.

### **Failure of the opposition in Zambia**

The failure of the opposition has been a recurring theme in the literature of political parties and democratic consolidation in Africa. Several weaknesses of opposition parties have been identified in the literature and these include: weak institutionalization, reliance on personality of the leader, lack of sustainable financial base, lack of a reliable and identifiable membership and absence of programmatic differences (Gyimah-Boadi, 2007; Salih, 2003 and Olukoshi, 1998). In terms of elections, as discussed above, opposition parties face serious challenges of funding and

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<sup>6</sup> Mwanawasa’s body was flown to all nine Zambian provincial capitals to allow more people view it. The opposition interpreted the displaying of Mwanawasa’s body in all provincial capitals as a kind of campaign by the MMD to solicit for maximum public sympathy.

<sup>7</sup> At an election rally in Eastern Province, Rupiah Banda told his audience that he would only serve the remaining three years of Mwanawasa’s term and would not seek re-election. *The Post*, September 2008.

<sup>8</sup> This has been described as an anti-Bemba coalition that was forged in 2006 fearing Bemba hegemony after it was learnt that a loose association of Bemba-speaking people, the Kola Foundation, had an agenda to seize the presidency and wanted Michael Sata to be their flag-bearer. Interviews with two prominent members of the group, June 2007 and November 2008.

<sup>9</sup> The reasons for the extremely low voter turnout will need to be interrogated, as the results of a high turnout may not have predicted an outright Sata win, given his poor showing in non-Bemba speaking areas.

having to contend with an incumbent that has unlimited access to state resources and that use incumbency in ways that disadvantage it from effectively competing for power. However, despite these obvious limitations the opposition has been able to dislodge incumbents as cases of Kenya and Ghana illustrate.

In the case of Zambia, the dominant position of the ruling MMD has been altered since the 2001 election inspite of the incumbent's use of state resources during elections. In the last three presidential elections (2001, 2006 and 2008) the combined opposition vote exceeded that of the MMD. Should Zambia have been a parliamentary system of government the MMD would no longer be in power, as a coalition government would have dislodged it from office. Table 2 below illustrates opposition performance between 2001 and 2008.

**Table 2: Performance of the Zambian Opposition, 2001-2008**

<i>Party</i>	<i>2001</i>	<i>2006</i>	<i>2008</i>
	<i>%</i>	<i>%</i>	<i>%</i>
MMD Votes	29	43	40
Combined Opposition Votes	71	57	60
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>

**Source:** Electoral Commission of Zambia, various results 2001-2008

A number of studies of Zambian elections agree that the opposition failure to win since 2001 had much more to do with fragmentation, disunity and ethno-regional dynamics than the absence of coherent ideologies, institutionalized structures or ideology (Burnell, 2001; Rakner, 2003; Erdmann, 2007). It can be argued that party fragmentation in Zambia is a function of a weak party system characterized by executive dominance, poor governance and weak observance of the rule of law. The discretionary use of state power to disadvantage the opposition has been an enduring feature of Zambia's political system since independence. Incumbents have often found ways of blocking, obstructing, frustrating known and imaginary political opponents using all kinds of strategies. These have ranged from detention without trial, arrest on trumped up charges, denial of access to public media, prevention of public demonstrations and holding of public meetings.

This enduring legacy of discretionary use of state power to disadvantage the opposition has had the effect of weakening opposition parties, as very few have been able to organize and seriously compete in elections. However, poor living standards, generalized poverty (accounting for 7 in every 10 Zambians), high infant and maternal mortality rates and little benefits from the copper boom of the last decade have led to public frustrations with the MMD government. Coupled with the MMD having been in power for close two decades, there seems to be a real desire for change (Simutanyi, 2008; Larmer and Fraser, 2007).



But there has been some improvement in the economy and social conditions generally in the last six to seven years. The economy has recorded an average of 5 percent growth between 2002 and 2008; inflation rates dropped and stabilized somewhere below 13 percent, while the country saw a massive inflow of foreign direct investment of more than \$2 billion. While these developments may not have benefited the majority of Zambians, there is evidence that the economy is on a much stronger footing towards the end of Chiluba's rule. While corruption remains a problem, Mwanawasa tried to address the issue by bringing Chiluba to account for the public funds he is alleged to have abused (van Donge, J. K, 2008). But the public perception is that Rupiah Banda's fight against corruption lacks the tenacity and ideological commitment of Mwanawasa. There is also a perception that he lacks political will to drive the anti-corruption agenda, instead he seems bent on taking actions meant to benefit his cronies.<sup>10</sup>

But what explains opposition's failure to win the 2008 elections? Four factors may account for the opposition's failure to win the 2008 elections. First, opposition fragmentation and failure to unite and rally behind a common candidate has been the main reason for opposition failure to win power since 2001. Like in 2006, attempts were made to arrive at a common presidential candidate; but these failed. Sata had called for an electoral pact ahead of the 2006 elections to enhance the opposition's chances of winning, with him as the candidate. This was rejected by other parties. Two electoral pacts were established. One comprising the main opposition parties in parliament, excluding PF (United Democratic Alliance – UDA - comprising UPND, UNIP and FDD). The other was a grouping of parties outside parliament (National Democratic Focus - NDF). Sata went it alone and surprised the UDA candidate, Hakainde Hichilema emerging as runners-up to Mwanawasa obtaining 42 seats in parliament against UDA's 26. It is noteworthy that the UPND which was the dominant partner in the UDA was the main opposition prior to the 2006 election and had won 49 seats in 2001. After the 2006 elections the party's seats in parliament were reduced to only 22, with the majority of them coming from Southern Province, the home region of the party leader.

In 2008, there was another attempt to forge an alliance between the two major opposition parties (PF and UPND). It was believed that former president Kenneth Kaunda was keen on seeing to it that the opposition unified to remove the MMD from power and an opportunity had arisen for that to happen. But this also failed as both leaders could not concede to the other the right to run for the presidency. As it happened the opposition split the vote. Between Michael Sata and Hakainde Hichilema they polled 57.8 percent of the national vote.<sup>11</sup> It can be argued that a combined opposition candidate would have defeated the MMD candidate.

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<sup>10</sup> The planned privatization of a telecommunications utility, Zamtel implicated one of Rupiah Banda's ministers and his own son. A tribunal was appointed to investigate the minister's involvement, which established she had not acted according to laid down procedure. She resigned following that finding, but appealed to the High Court. The High Court ruled that the decision by the tribunal was wrong and subsequently President Banda re-appointed to Cabinet. A decision which attracted widespread protest.

<sup>11</sup> When Godfrey Miyanda's votes are taken into account, the combined opposition vote was 60 percent.

Second, ethno-regional factors played a role in the opposition's failure to win power in 2008. Since 2001, Zambia's electoral map has been altered. In particular, the MMD has become a party with a rural appeal, with very little support in urban areas of Lusaka and the Copperbelt. For example, the MMD has not won a single urban seat in Lusaka since 2001. The Southern Province became an opposition stronghold, with the MMD failing to win a single seat there since 2001. But after 2006, this divide was accentuated with Michael Sata capturing urban Copperbelt, Luapula and a good part of Northern Province. At the time of the 2008 elections the electoral map showed that MMD only controlled 4 provinces (Central, Eastern, Western, North-Western), PF had control over urban Lusaka, urban Copperbelt, Luapula and most of the Northern Province. UPND's support was predominantly from its own home base of Southern Province, while the PF combined the support of some urban areas, with ethno-regional support. Because of this ethno-regional divide no single candidate could win the presidency on his own without forming some kind of alliance. These ethno-regional dynamics played out in ways that show a kind of resentment for Sata by non-Bemba ethnic groups, who completely rejected him in their areas, where he received very few votes. Other than North-Western, Southern and Western provinces, where Sata's average votes were well below 10 percent in the both the 2006 and 2008 elections, he also did not have the approval of non-Bembas in Northern Province. For example, all Northern Province constituencies that did not vote for Sata in the 2008 election were of non-Bemba ethnic groups. The implication of this anti-Bemba ethnic coalition is that for as long as Sata remains the main challenger to the MMD, they will tend to vote MMD to block him from realizing his ambition, inspired mainly by ethnic considerations. While this may be rather simplistic, there is need for a more nuanced interrogation of this ethno-regional dynamic and how it can potentially affect PF's long-term electoral chances.

The other main opposition leader, Hakainde Hichilema, obtained the majority of his votes from the province he hails from – Southern Province. All but four of UPND 22 constituencies won in 2006 are from Southern Province. In the 2008 elections, Hichilema won in almost all constituencies in Southern Province, but performed poorly elsewhere. Ethnicity has long been dismissed as of little explanatory power to party mobilization, especially when we consider the fact that 65 percent of Zambian surveyed in 2005 did not identify with any political party (Afrobarometer, 2005). But it is important that we understand why Michael Sata has been unable to obtain electoral support from the Lozi of Western Province, the Lunda, Luvale and Kaonde of North-Western, the Nyanja-speaking people of Eastern and the Tonga of Southern province. Just as Hakainde Hichilema's appeal has failed to resonate outside his home region of Southern Province. The cause of this ethno-regional split in electoral support calls for further interrogation. But the conclusion reached by Erdmann and others that no ethnic group can hope to capture power on its own, without forging a kind of ethnic coalition remains true for Zambia (Erdmann, 2007b; Simutanyi, 2008b and Burnell, 2005).

The third factor that has contributed to opposition's failure to win elections has been its advantages of incumbency which disadvantaged them in different ways. The Zambian Electoral

Act while prohibiting the state from using public resources during election campaigns, allows an incumbent President and his vice unlimited and unrestrained access to state resources and facilities. As acting president, in 2008, MMD's Rupiah Banda was at liberty to use state funds for his campaign, and as such he managed to reach the electorate in hard to reach areas (areas not along the line of rail). The monopolistic influence over government institutions and vehicles, state run media, especially on ZNBC radio and television, may have given Banda an advantage in getting his campaign message to all parts of the country. The opposition may have had access to the private media, but they needed to pay for the publicity. But even when the opposition could afford to pay for advertisements, the ZNBC is known to have declined to air them if they were critical of the government's performance.

The government also used incumbency to engage in acts of political appeasement by distributing free relief food to rural areas, especially those perceived to be MMD strongholds. In Eastern Province, President Banda distributed blankets, sugar, cooking oil and other essential items to a group of women and called on them to vote for him. While the matter received media publicity and condemnation from the private press, opposition parties and civil society, the practice continued unabated (FODEP, 2009). Government always justified the action on account that there was nothing wrong, as it had a duty to provide development. For example, it is not uncommon that before elections are to take place in an area, government will announce approved funds for the area, get gifts for the chiefs and commence rehabilitation of infrastructure such as roads, bridges, schools and health centres. Since these are activities that opposition parties cannot undertake, it is difficult for them to compete effectively.

But we have already argued above, that there is potential for the opposition to win elections despite their weak institutionalization, as they have consistently gained more votes than the ruling MMD since 2001. The good performance of the PF in 2006 and 2008 challenges the notion of party institutionalization as a precondition for party effectiveness and democratic consolidation. The PF came close to winning the 2008 elections without having held a single convention or subjecting its leadership to a vote. All members of the party's national executive are appointed by the party president, who also has never been elected. The attraction to the PF by urban voters seems to be based on the populist message of 'lower taxes, more jobs and money in your pocket', which resonate well with the unemployed, workers and the poor (Cheeseman and Hinfelaar, 2010). Sata's message calling for nationalization and dispossessing the Chinese, Indians and other nationals who mistreat Zambian workers and reap super profits without benefiting Zambians is viewed by some Zambians as nationalistic. There is no doubt that Sata has charisma which has been responsible for huge crowds at his rallies. However, it remains to be explained why the many people who attended his rallies did not vote.

Lastly, it has been suggested by some commentators that the failure to open up the electoral register may have disenfranchised at least 400,000 Zambians of voting age at that time (Cheeseman and Hinfelaar, 2010; Larmer and Fraser, 2007). While this is a legitimate observation it was not expected that in a space of one month the Electoral Commission of

Zambia would have been able to simultaneously update the voters register and make preparations for the presidential by-election. In any case, assuming the voters register was updated we cannot determine with certainty what the turnout would have been and who would have gained from the extra voters. As already noted above, while the low turnout in opposition areas may have reduced the opposition votes it is not clear whether a high turnout would have resulted in an overall good performance for the opposition. Indeed, in opposition areas the opposition would have increased its votes, but that would have been the case with the MMD in its own strongholds. Thus the issue of low turnout and the need to open up the voter register, while important does not help us understand how the opposition would have performed. The matter was so heated during the 2008 election campaign that an organisation calling itself the Anti-Vote Rigging Limited,<sup>12</sup> with a strong leaning to the PF took the matter to the High Court demanding that the Electoral Commission be compelled to commence the registration of voters. However, it was unsuccessful as the Court ruled in favour of the Electoral Commission and the government, stating that there was little time to conduct a credible voter registration exercise and still stick to the 90-day constitutional limit to hold the presidential election.

## **Conclusion**

This paper has discussed the role of incumbency in elections and shown that it could have played a role in Rupiah Banda's rise to power. However, there is need for caution in attributing opposition failure only to advantages of incumbency by ruling parties as other factors such as opposition fragmentation and ethno-regional support have divided the opposition vote. In the case of Zambia we have demonstrated that Rupiah Banda did not only use state resources to win the 2008 elections, but also capitalized on public sympathy, a perception that he would be a transitional leader to complete the remainder of Mwanawasa's term, a divided opposition and the goodwill of donors and foreign business interests who wanted the preservation of status quo and continuity in Mwanawasa's economic policies.

It has also been shown that the performance of the PF while impressive was concentrated in only four provinces, with the majority of the votes accounted for by urban voters. While Sata's appeal in non-Bemba areas remains his Achilles heel and may affect PF future electoral chances.

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<sup>12</sup> Anti-Vote Rigging Limited has not been heard of since the declaration of Rupiah Banda as winner of the 2008 presidential election. It appears it was just formed to exert pressure to have more people participate in the election. An action which it would have continued to advocate on given that there is a law in place that compels the Electoral Commission of Zambia to conduct continuous voter registration.

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