Good Governance in Zambia’s Public Administration
Challenges & Opportunities

Tangier
2002
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1. **Abstract**

The gist of this paper is that the ‘**New Deal Government**’ of President Levy Patrick Mwanawasa urgently needs to entrench the norms of Good Governance if in Zambia’s Public Administration if the Public Service is to be overhauled out of its current inert state\(^1\). Indeed it should be borne in mind that whilst the Chiluba government’s rhetoric placed the accent on making the public service leaner, more professional & responsive to the developmental aspirations of the Zambian people, the hard truth is that the Public Service may have became more politicized & patronage driven in the ten years of Chiluba’s rule than the twenty-seven years of former President Kenneth Kaunda & his United National Independence Party (UNIP).

The Head of State and his ‘inner sanctum’ that arbitrarily made appointments from his Executive Residence, the State House, subverted the role of the Public Service Commission in terms of making appointments on the basis of the ‘Merit Principle’. Blatant political interference in the work of the Public Service was evidenced by a string of scandals, unearthed by Zambia’s increasingly assertive independent media, which led the Zambian government to lose millions of dollars during the Chiluba era.

The paper concludes by warning that if the norms of Good Governance are to be institutionalized in the public administration, the New Deal Administration will have to studiously resist the rent seeking maneuvers of MMD party apparatchiks to plunder government resources at a time when the New Deal Government has signaled its determination to de-politicize & reinforce Good Governance norms in the Public Administration.

2. **Introduction**

The primary role of the public administration in any country is to ensure that government can provide an enabling environment for sustainable socio-economic development. Such an environment if made available may not only lead to increased inflows of foreign investments, but also generate economic growth, which would in turn facilitate the provision of basic goods and services to the general population.

However, the performance of the public administration in promoting sustainable human development in Africa has been pathetic to say the least. The main reason for this sorry state of affairs has been the all-pervasive scourge of corruption, which has plagued public management on the continent. It is therefore no wonder that whereas, the Asian Tiger economies like Malaysia, Indonesia, Singapore, South Korea despite not enjoying the natural resources endowment profiles of most Sub-Saharan African countries have

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\(^1\) Wil Hout highlights two meanings of Governance: (a) a ‘more limited meaning …associated with the World Bank which interprets governance in primarily administrative & managerial terms’ and (b) a ‘meaning associated with Western Governments, (which) is more political’ and includes an insistence on competitive politics as well’. This paper will by & large use the former definition; see Wil Hout, ‘Political Parties & Governance’, Paper Presented to the **OSSREA/ISS Workshop**, on “Sustainability of African Political Parties”, Addis-Ababa, Ethiopia, 6-10 May, 2002
registered phenomenal growth statistics, Africa is the ‘basket case’ of the international
community.

Hence a major study jointly undertaken by the United Nations University (UNU) and the
African Economic Research Consortium (AERC) in 1998, observed that a critical factor
in the ‘miracle recipe’ concocted by the Asian Tigers was the shielding of public
administration/management from corrupt practices and tendencies. Having being
protected from the vices of corruption and bad governance, the public administration was
permitted to attain optimal institutional autonomy and efficiency, which enabled a
powerful private sector to emerge. Corruption is a term that describes various negative
activities, which includes, “bribery, extortion, influence-peddling, nepotism, fraud, speed
money, embezzlement and more”. It exists both in the private sector as well as the public
sector. Indeed, it has been observed that the “private sector is involved in most
government corruption”. This scourge hinders economic growth, discourages foreign
investor investment and dissipates resources available for infrastructure, public services
and programs to combat poverty. Corruption affects the poor by forcing them to pay for
essential public services that should normally be free. Bad Governance has a devastating
effect on economic and political development and its effects are often crippling to the
country affected. Early in 2000, Transparency International, an international non-
governmental organization, that studies trends of corruption globally, issued the 2000
Corruption Index, which ranked sub-Saharan Africa region as the worst globally, affected
by the scourge. The Index placed 9 African countries amongst the 20 highest ranking on
the list.

It is in light of this situation that Claire Short, UK International Development Secretary
makes the following observation: ‘In order to meet (the) international development
efforts, developing countries need effective government systems. They need good
economic management and good management of public money. Without political
systems which give a voice to the poor, countries will be less well placed to deal with
conflict, root out the scourge of corruption and ensure efficient provision of essential
public services for all’

3. **Good Governance: The Global-Strategic Context**

No attempt in this paper will be made to coin yet another definition of good governance.
However we shall proceed from the premise that it was the ideological triumph of the

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5 See *Ibid*.

neo-liberal capitalist paradigm over the socialist/Marxist model at the end of the 1980s, which provided the essential impetus for the current preoccupation with the concept of Good or Democratic Governance all over the African continent. Indeed with the cold war having been won by the US & its allies, multilateral agencies such as the World Bank, the UNDP (United Nations Development Programme) & major bilateral donors such as USAID, CIDA, SIDA adopted, ‘what they considered to be a new conception of democracy & good governance, in a bid to foster the relationship between economic growth & democracy’.

Whereas during the Cold War, the US & its western allies had for strategic & ideological reasons supplied massive amounts of aid to authoritarian regimes in Africa whilst turning a blind eye to their corrupt and despotic rule as exemplified by Zaire’s (Democratic Republic of Congo) absolute ruler, Mobutu Sese Seko, the dramatic collapse of the former Soviet Union robbed such regimes of their geo-strategic value in the global context. Hence, in late 1989, two events both of which had a great deal of significance for Africa occurred within a few days of each other. One of these was the opening of the Berlin Wall, leading to a collapse of the one party states of Eastern Europe. Particularly important for Africa was the massive international publicity given to the fate of the most prominent Eastern European opponent of the neo-liberal conception of ‘good governance’ Nicolae Caeuesescu. African Heads of State & their publics did not fail to see the parallels that were similar to their own contexts.

A second key event which occurred at almost the same time was publication by the World Bank of its Report, Sub-Saharan Africa: From Crisis to Sustainable Growth, in which the Bank for the first time linked aid flows to what it called ‘Governance’, which it defined as the ‘exercise of political power to manage a nation’s affairs’. Although the World Bank and most donor governments were careful to avoid connecting ‘Good Governance’ with multiparty systems, it was a clear implication of their argument as they referred to the desirability of freedom of speech, transparency of decision-making and open political debate. Western politicians and academics likewise pointed out that ‘Good or Democratic Governance’ involves much more than elections-regardless of how free and fair they might be perceived; Good Governance was recognized to be an integral part of peace building and conflict resolution. The United Nations Development Program has broadened the World Bank’s definition of good governance by characterizing it as the ‘exercise of political, economic and administrative authority in the

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12 Mulikita, Op.cit, p.3
management of a country’s affairs at all levels. In this definition, governance includes but goes beyond the state. It encompasses the private sector and civil society. The UNDP believes that all three sectors are critical for sustainable development. The state creates a conducive political, legal and institutional environment, while the private sector generates jobs and incomes. Civil Society, by contrast, facilitates political and social interaction by acting as watchdogs and by mobilizing groups to participate in economic, social and political activities.

Any government that fails to take adequate cognizance of any of these three sectors will find the realization of good governance difficult. The collapse of the ‘iron curtain’ economies in the autumn/winter of 1989 reinforced this point. In the ultimate analysis good governance is the pivot around which other factors of development revolve, particularly as development is no longer being measured solely in terms of per capita income or GDP growth rates. Other indices of human development include equity in resource allocation, observance of the rule of law, respect for human rights, personal/human security and environmental sustainability.

Good governance ensures that political, social and economic choices/decisions are made on the basis of broad consensus in society through elected representatives. Good governance should among other things be participative, transparent, equitable and accountable. Good governance should enhance institutional effectiveness and generate economic growth, which can lead to improved living standards for the majority of any country’s population.


Zambia is a constitutional republic and the latest Zambian constitution, Zambia’s third, became the fundamental law in 1996, preserving for the most part a balance of power between the executive, the legislature, and the judiciary. The president has executive powers, must seek re-election after a five-year period, and can serve only two terms. The presidency is a powerful post in Zambia, giving the incumbent wide discretionary powers and considerable scope for patronage. For all the achievements of democratic reform in Zambia, presidential power and patronage continue to be concentrated and centralized. The 1996 constitution has also strengthened the powers of the legislature—the National Assembly, a 158–seat body in which the ruling MMD currently holds 77 seats. Prior to September 2001, when the ruling party had a comfortable two-thirds majority in parliament, parliamentarians rarely challenged the government or gave much critical scrutiny to legislation.

The constitution circumscribes the power of the judiciary to pronounce legislation as unconstitutional and also empowers the president to remove high court judges if he decides they have committed gross misconduct. The 1996 constitution was passed despite hostility from opposition parties, human rights groups, churches, trade unions, the

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independent press, lawyers association, and many international bodies. The close identification of the constitution with the ruling party mirrors the fact that the constitutional review exercises of 1973, 1991 and 1996 and the divisive bid by former President Chiluba to introduce an amendment to enable him run for a third term may have been leading Zambia towards internalizing a culture of politicized constitutions, which not only lack universal consensus, but are susceptible to political manipulation. The spirited Defence of the constitution by a cross-section of Zambian society in 2001 could therefore be cautiously viewed as signaling a broad national consensus in favor of an emergent culture of ‘good’ and ‘accountable’ governance.

5. **The 2001 Presidential and Parliamentary Elections**

The Presidential, legislative and local government elections held on 27 December 2001 produced a political landscape never witnessed since independence from Great Britain in 1964. Firstly, amidst allegations of massive vote rigging and electoral fraud, the MMD presidential candidate Levy Mwanawasa obtained 28.7% of the popular vote narrowly defeating the candidate of the UPND Anderson Mazoka, who managed 26.8% of the vote. It is significant that the combined opposition vote for Mazoka and nine other presidential candidates was 69.9%, thus pointing out that if the opposition was not so fragmented—splitting the vote, they could have secured the presidency. Hence, only 19.5% of registered voters cast their ballots for Mwanawasa, just 10% of those eligible to vote, leaving him with the weakest electoral mandate of any Zambian President. Secondly, the elections produced a well-balanced parliament wherein neither the ruling MMD nor the combined opposition enjoyed a landslide majority. What these results pointedly indicate is that the MMD will no longer be able to play the same dominating role in Zambian politics as in the 1991 to 2001 period. The current parliament contains unprecedented numbers of opposition members and will be the most representative since Zambia gained independence in 1964. The post 2001 parliament has already begun to assert itself in making government accountable for its actions. Governmental appointments of individuals to constitutional positions are now rigorously scrutinized by parliament through relevant select committees and government recently found itself in the awkward position of having to explain why the new Governor of the Central Bank, had assumed his functions before parliament had formally ratified his appointment.

6. **Human Rights and Domestication of International Protection Instruments**

Although fundamental rights are guaranteed in the Republican Constitution, several concerns regarding the manner the country has so far been managed in the area of governance have been persistently expressed. Firstly, the non-domestication of several international instruments and conventions Zambia has ratified has continued to constrain the speed at which the needed internal reforms are affected regarding the rights enjoyed by the citizens. Secondly, the accessibility to courts of law is limited by the inadequacy of courtrooms and judges as well as prosecutors, a phenomenon that delays the execution
of justice. The inadequate legal, human resource, and financial support to institutions such as the Zambia Law Development Commission has implied that laws are not revised in time to keep up with the aspirations of the citizens.

7. *The Scourge of Bad Governance During the Lost Decade (1991-2001)*

Reports of widespread corruption during the ten-year reign of President Chilubha have been publicized in both the state and non-state media since the ‘New Deal’ government of President Mwanawasa came into office late in 2001. It is worth pointing out that the agenda of reform pursued by the MMD government since 1991, failed to address the fundamental structural determinants of corruption and patronage as well as the impact of these interrelated vices on good governance. Indeed, if anything, the withdrawal of state intervention in economic governance may have increased rather than decreased the scope for corruption. The freeing of market forces appears to have weakened the regulatory capacity of the state, while privatization has afforded opportunities for the political elite to acquire public assets cheaply or fraudulently, and market forces have not measurably reduced the charging of gate-keeping rents or bribes. Despite the initial hopes of the ruling Movement for Multiparty Democracy, development policy remains, too often determined by the extent to which government plans overlap with personal enrichment projects. It is in light of this background that the 2001 global corruption survey of the Berlin based non-governmental organization, Transparency International (TI), which ranks countries on both a bribe payers and Corruption Perception Index (CPI), and is based on several independently conducted surveys, rates Zambia as the second most corrupt country in Southern Africa. This ranking confirms that Zambia is regarded as a place where corruption in public and business life is widespread. There is therefore an urgent need to develop strategies that de-link private resource accumulation through corruption from access to public office through politics. Bad Governance severely undermines the efficacy of public administration and governance in Africa. Corruption and nepotism manifest themselves most blatantly in appointments to senior level public service appointments in most African countries. The case of Zambia may be quite instructive in this respect. In the Zambian Civil Service of the Movement for Multi-Party Democracy (MMD)’s Third Republic (1991-2001) there was abundant evidence to suggest that the merit principle had no role in determining appointments and promotions. The Public Service Reform Program (PSRP), which was launched in 1993 to ostensibly to make the civil service more efficient and responsive to Basic Needs Satisfaction (BNS), is now widely acknowledged to have been a costly farce. It has not been unusual for interviewing panels set up to select appropriately qualified administrative personnel in the ‘New Look’ Civil service to have their recommendations overruled by the Public Service Commission (PSC), which has been filled with cadres of the ruling

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MMD. Indeed, certain eminently qualified candidates were disqualified on account of not being cadres of the MMD\textsuperscript{17}.

The upshot of this situation is that not only are the best candidates overlooked in strategic management postings, but long serving and highly experienced officials are passed over in promotions, thus totally demoralizing them. On the contrary, noisy and totally inexperienced political cadres have been ‘parachuted’ into the positions of Permanent Secretary and Deputy Permanent Secretary thus further undermining the administrative capacity of the Civil Service\textsuperscript{18}.

The disclosure to Parliament by President Levy Mwananawasa in May, 2002 of the high levels of corruption which characterized the rule of President Chiluba between 1991 and 2001 not only aroused public outrage but compelled the Zambian parliament to take the unusual step of lifting former President Chiluba’s immunity so that investigative agencies of the state would be able to thoroughly probe his record in office\textsuperscript{19}. The Mwanawasa administration has already assembled a high-powered Taskforce led by the Director of Public Prosecutions to track funds that were allegedly externalized by the former President and some of his close associates by means of a foreign currency account maintained by the Zambia Intelligence and Security Services (ZISS) in the British capital of London\textsuperscript{20}. Due to rampant mismanagement and corruption, Zambia’s hospitals including the sprawling University Teaching Hospital (UTH) in the capital, Lusaka, have no drugs despite a heavily donor backed Health Reform Program, whilst schools are equally lacking in basic teaching materials\textsuperscript{21}. Zambia’s privatization program has not been spared the taint of corruption. When the program to privatize the country’s State Owned Enterprises (SOEs) in 1992, the MMD government promised that the program would be conducted transparently and that proceeds arising from privatization would be deposited into the Zambia Privatization Trust Fund (ZPTF). One of the major objectives for which the Fund was set up, was to enable nationals who lost jobs as a result of privatization, to tap this fund in order to set up small scale business ventures. To date, neither the Ministry of Finance, nor the Zambia Privatization Agency (ZPA) has provided a transparent accounting to explain the status of the Fund.

\textsuperscript{17} In June and July 1999, the author served as a Member of the Selection Board tasked with recommending administrative appointments in the restructured Ministry of Agriculture, Food and Fisheries (MAFF).

\textsuperscript{18} In 2000, the MMD Government introduced the position of District Administrator (DA) ostensibly to strengthen the link between Central and Field Governmental Administration. Not only was this step contrary to the spirit of the PSRP, in terms of reducing the size of the bureaucracy, but the new DA’s were in fact envisaged as a ‘Political Brigade’ or ‘Praetorian Guard’ to campaign for an unconstitutional Third Term for President Frederick Chiluba.


\textsuperscript{20} This account is commonly known as the Zamtrop account. In its edition dated 8\textsuperscript{th} September, 2002, the Sunday Post Newspaper revealed that the Taskforce had impounded a plane hired to help former Intelligence chief, Xavier Chungu flee the country: See Larry Moonze and Amos Malupenga, ‘Katebe Katoto Organizes Operation to Rescue Xavier: Chungu’s Attempt to Flee Zambia Flops’ Sunday Post, Sunday 8\textsuperscript{th} September, 2002, p.1.

\textsuperscript{21} The impact of Zambia’s Health Reforms on the general population has been minimal apart from enabling senior bureaucrats in the Ministry of Health and the Central Board of Health (CboH) to enrich themselves through endless seminars and extensive domestic/foreign travel.
What was however startling was that the Political and Administrative elite continued to import expensive motor vehicles, whilst the majority of the country’s citizens had to labor below the poverty datum line\(^{22}\).

8. **Entrenching Good Governance in Zambia’s Public Administration in the New Deal Era**

**Empowering the Secretary to the Cabinet and the Public Service Commission**

As a first step towards institutionalizing norms of good governance in Zambia’s post 2001 elections public administration, President Mwanawasa has delegated full authority to the Public Service Commission and the Office of the Secretary to the Cabinet to effectively and efficiently manages the Civil Service. During the Chiluba era, it was not uncommon for Permanent Secretaries to be summoned to State House at the whims of the Head of State without the knowledge of the Secretary to the Cabinet, who is the constitutionally authorized Head of the Public Administration. By ensuring that communications between State House and the Civil Service are exclusively channeled through the Office of the Secretary to the Cabinet, it will be possible for the Secretary to the Cabinet to hold Permanent Secretaries accountable in terms of meeting government targets and objectives as opposed to the previous scenario wherein certain controlling officers with connections to the Presidential Palace felt they were not answerable to the Secretary to the Cabinet.

An accompanying measure intended to improve management capacity in the Civil Service has been to strengthen the role of the Public Service Commission (PSC) in effecting promotions, demotions and other movements in the civil service. During the previous administration, the President and his closest cabal of advisors emasculated the Public Service Commission by centralizing appointments and promotions at State House, whilst the PSC was relegated to a marginal ceremonial role. The upshot of this highly personalized style of running government led to a situation where for civil servants to be noticed by the appointing authorities, they had to increase their visibility in the affairs of the MMD. Thus a creeping demoralization of career civil servants descended upon the public administration as those who were not politically well connected were ignored in senior appointments as political party cadres were parachuted into Permanent Secretary appointments.

It was therefore noteworthy that when President Mwanawasa announced appointments and promotions in the civil service shortly after assuming office late in 2001, a number of those individuals promoted had been ‘languishing’ in their positions for ten years, notwithstanding recommendations of the Secretary to the Cabinet to the President in

\(^{22}\) Some Donor governments, namely Britain and Sweden have questioned the commitment of the MMD government to roll back poverty in Zambia in light of the new models of cars that Zambian Ministers and senior bureaucrats dash around in, whilst poverty levels continue to worsen. Former Politician and academic, Prof. Patrick Mvunga observed at a Human Rights Seminar held in 2001, that most people in politics were serving their own interests at the expense of the people: See Bivan Saluseki, ‘Politics has become Source of Income Says Prof. Mvunga’, *The Post Newspaper*, 19th July, 2001.
favor of promoting these deserving candidates to higher posts. By refocusing the Public Service Commission in terms of applying merit based criteria in evaluating the performance of career civil servants, a critically important first step in restoring morale in the public administration will have been fulfilled. Whilst the President should be permitted to draw on talent and experience that might not be found in the civil service, the importance of motivating civil servants towards higher performance levels by promoting them through the echelons of the bureaucracy ought not to be underemphasized.

A Leaner and More Manageable Public Administration

A major dimension of the Public Service Reform Program (PSRP), launched in 1993, envisages the establishment of a leaner and more effective public service\textsuperscript{23}. It is accordingly argued that smaller public service will not only be more efficient in terms carrying out core public service operations, but the savings arising out of downsizing the service will lead to a corps of better remunerated and motivated public servants\textsuperscript{24}. Among the major innovations encompassed by the Civil Service Reforms is the infusion into Civil Service Management of modern management practices such as Performance Appraisal, Management by Objectives (MBO), merit pay, & Management Information Systems (MIS), backed by the introduction of modern information& communication technology (ICT). Measures to jack up efficiency & effectiveness are also an integral dimension of the reforms. There has indeed been a concerted move towards a more effective & results oriented performance appraisal system. The pre-reform method of appraising Civil Service staff was based on Annual Confidential Reports (ACR). This system of appraisal was however susceptible to problems & abuse that seriously brought its credibility in doubt\textsuperscript{25}. Hence, under the ACR procedure, a supervisor could arbitrarily give his or her subordinate a negative confidential appraisal without giving a chance to the concerned officer to defend him or herself. This old system which lacked both transparency & credibility has since been superseded by a new Staff Performance Appraisal System based on clearly specified criteria inclusive of a mechanism to permit the officer being appraised to account for his or her performance in fulfilling Ministerial/Departmental work outputs/targets.

\textsuperscript{23} See Moderate M. Momba, ‘ Administrative Reforms and the Search for Efficient Delivery of Public Services: The Challenges Facing Health and Educational Boards’, paper presented to the OSSREA National Workshop, 15\textsuperscript{th}-16\textsuperscript{th} August 2002, Mulungushi International Conference Center (MICC), Lusaka, Zambia, p.1

\textsuperscript{24} In his 2002 budget presentation, Finance Minister, Emmanuel Kasonde announced that, ‘ PSRP that was embarked on in 1993, aimed at rationalizing public expenditure and improving the delivery of services will continue’, See, Times of Zambia, ‘ 2002 Budget Speech in Full’, Saturday, March 2,2002,p.6. The Minister added, ‘In order to improve administration & service delivery, Government shall revisit & put in place a new Disciplinary & Code of Conduct for the Civil Service. The Public Service regulations will be reviewed & amended as a matter of urgency. Furthermore Government will expedite the finalization of the Decentralization Policy that will form the framework for effective devolution of powers to local authorities. Further, Government is working out measures to improve the financial base of councils’, See \textit{Ibid}

Notwithstanding the new innovations introduced into Civil Service Management by the reforms, it remains a hard reality that the process of ‘downsizing’ or ‘rightsizing’ the public service will entail the retrenchment/separation of thousands of public servants. As the New Deal Administration contemplates reducing the cost of managing government, this paper would caution that the ‘downsizing/rightsizing’ exercise if not carried out in a systematic and ‘human centered’ manner might simply throw out people on to the street and deepen poverty without necessarily leading to a more effectively managed and better motivated public service. Hence a few problematical questions/issues immediately come to mind:

1. Since it is common knowledge that most civil servants are ‘breadwinners’, what impact has the ongoing retrenchment exercise generated vis-à-vis the category of vulnerable groups (widows, orphans, and the aged in the villages) that are directly or indirectly supported by civil service employees?
2. Are Civil Servants slated for retrenchment given sufficient entrepreneurial training to prepare them for life on the streets?
3. Are the separation packages given to separating civil servants sufficient to cater for their food and other forms of human security?
4. What is the record of the Zambian Pension Authority/Ministry of Finance in terms of promptly paying pension/gratuity benefits to separating civil servants?26

Unless these hard questions are squarely addressed, the PSRP runs the risk of being perceived as an external imposition, which might further devastate an already demoralized civil service. In other words, Zambia might reap the worst of both worlds: a huge army of retrenched and destitute civil servants and a smaller overworked and under-remunerated post reform-civil service.

The New Deal Administration must accordingly be commended for having shut down costly bureaucracies such as the Presidential Housing Initiative, the Religious and Vendors’ Desks which drained public resources without showing tangible and measurable deliveries in improved living standards for the majority of the country’s core poor population. Some critical voices have nonetheless cautioned the New Deal Administration against excessively expensive foreign travel, which might increase the cost of running government without bringing real tangible benefits to the nation.

**Zambia’s Elusive Decentralization Policy**

It is important that the Government of Zambia subject its draft policy on decentralization to public discussion as, quickly as practicable. This policy ought not to be another decorative showpiece but should offer a viable policy framework within which poverty reduction capacity, finance and overall service delivery can be addressed. The current financial position of all local authorities in Zambia is so weak that they have generally

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26 The Post Newspaper, in its edition of 20th November 2001 reported that ‘over 50 retirees yesterday besieged the district education offices in Lusaka to demand their retirement benefits. Retiree Harriet Chola, a teacher who retired in 1994, said it had taken too long for them to be paid’, See Bivan Saluseki, ‘Retirees demand respect from government’, *The Post*, Tuesday, November 20,2001, p.10
proved to be ill equipped to undertake their assigned responsibilities\textsuperscript{27}. The impact of years of political direction from the center during the one party era and the neglect of the institutional and human resource development needs over the years have left a legacy of institutional decay. Under the current cash budget-induced tight fiscal stringency, financial transfers from the central government have significantly declined over the years\textsuperscript{28}.

The role of the central government in addressing the above issues has been acknowledged by stakeholders, including government itself, as being strategic in the current efforts towards addressing the financial, institutional and capacity limitations of councils in Zambia today.

The above financial difficulties the country is going through has contributed to the slow progress being made in the past seven years with respect to the implementation of the needed reforms in the field of state administrative reforms (e.g. the Public Service Reform Programme, has important implications for provincial and district administrations in Zambia). An effective administrative structure is one of the essential components for social and economic progress. It is generally accepted that the efficiency of the administrative framework does influence whether or not development takes place. The quality of the administration (in terms of both its structure and caliber of personnel) will determine the country’s capacity to utilize capital and pursue good governance. A major challenge, which immediately confronts Zambia in the aftermath of the 2001 elections, is therefore the speedy finalization and dissemination of the long delayed National Decentralization Policy.

**An Overloaded Legal/Regulatory Framework**

In some respects, Zambia manifests the symptoms of a failed state. The judicial system lacks the capacity to cope competently with the proliferation of litigation and cases, which tend to drag on for years before they are disposed of. The judicial sector is further constrained by a diminishing physical capacity in terms of courtroom space and a critical shortage of judges and magistrates to expeditiously dispense justice. This appalling state of affairs repels foreign investment due to the fear on the part of investors that the judicial system is so badly run down that it cannot offer adequate legal protection for investments. An additional complicating factor pertains to Zambia’s incapacity to rapidly update legislation in the light of regional and global trends. This inability to update legislative provisions has led Zambia to maintain antiquated laws whose net effect has been to negate sustainable human development and good governance. The Zambia Law Development Commission is therefore in urgent need of institutional renewal if it is to effectively play its statutory role of prime mover for legislative reform in Zambia. The image of a country with laws that not only provide a favorable environment for foreign investments and free markets but also guarantee that foreign investment will not be

\textsuperscript{27} See Oliver S. Saasa, \textit{State Administration in Zambia: The Case of Decentralization}, Nordic Africa Institute, Uppsala, Sweden, September, 2000, p.5

\textsuperscript{28} See Oliver S. Saasa, \textit{Ibid}, p.7
arbitrarily expropriated for political expediency will certainly enhance Zambia’s development prospects.

9. **The ‘New Deal Era’: Appraisal and Forward Look**

In concluding this paper on institutionalizing norms and practices of good governance in Zambia’s Public Administration, it would be instructive to conclude by drawing the following inferences:

1. For Good Governance to be entrenched in Zambia and other African countries, it is important that a strong parliamentary democracy be installed. The practice of ‘Presidentialism’, which centralizes excessive power in the Office of the President inherently, encourages corruption on the part of the individual who occupies this high office. Indeed, the old adage coined by the British politician Lord Acton, that, ‘power corrupts and absolute power corrupts absolutely is most apt. A strong parliamentary system, which ensures an equitable dispersion of power between the executive and legislative branch of government, can help to ensure that holders of high offices are directly accountable to the representatives of the people. Hence any movement towards re-aligning the powers of the Presidency vis-à-vis the other arms of government must be carried out within the broader context of a review of the Zambian constitution.

2. Public Service Commissions must be made answerable to Parliament and not the President. Parliamentary Public Service Committees ought to be mandated to select individuals of demonstrable professional competence and the highest ethical integrity to serve on Public Service Commissions. Apart from ensuring that promotions and appointments in the civil service are based on the merit principle, due regard should be accorded to equitable regional and gender representation at all echelons of the bureaucracy. Donors with an interest in ensuring good public management such as the World Bank, IMF, DFID etc. should likewise link their disbursement of funds to a demonstrable commitment on the part of African regimes to entrenching professional independence and integrity in the civil service.

3. It is imperative that a strong civil society and independent media are permitted to take root if corruption is to be effectively combated. Civil Society Organizations in Zambia played a pivotal role in not only defeating the MMD’s maneuvers to amend the constitution to allow President Chiluba to seek a Third Term, but have been vocal in exposing sleaze and corruption in Government. Independent news media such as the Post and the Monitor have also played a major role in sensitizing the public to the dangers of corruption in high places.

4. It is extremely important that oversight agencies such as the Office of the Investigator-General of Police (IGP), Ombudsman, Director of Public Prosecution and Anti-Corruption Commission are given the necessary institutional, financial and logistical means they require in order to effectively clamp down on corrupt

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29 In 2001, Civil Society groups came under an umbrella organization known as the OASIS Forum in resisting maneuvers to change the republican constitution to allow former President Chiluba run for a ‘Third Term’
5. Finally State Security legislation can also inhibit the efficacious operations of Oversight Agencies. Politically well-connected cronies are adept at shielding behind the ‘cloak of national security’ in order to short circuit investigations into their corrupt practices. The saga related to the controversial Zamtrop account is a case in point. When all is said and done, if African countries like Zambia fail to institute the preceding steps to combat the scourge of corruption, all the rhetoric about good governance and ‘peer review mechanisms’ as embodied in development blueprints such as the New Partnership for Africa’s Development (NEPAD) may not succeed in reversing the continent’s marginalization in an increasingly globalizing world. The Mwanawasa government is drawing to the end of its ‘political honeymoon’, a period wherein civil society, the independent media and critical political observers refrain from being too critical in assessing the performance of a new administration. The new government’s maxim about being guided not by the ‘rule of men’ but by the ‘rule of laws’ will be more rigorously scrutinized in the next several months particularly with respect to how it lives up to its promises to irreversibly entrench good governance norms and practices in Zambia’s Public Administration.

31 The Organization of African Unity (OAU)/African Union (AU) has likewise taken note of the devastating impact of corruption on economic development in Africa and is moving towards the finalization of an inter-governmental protocol to combat the scourge on the continent. See Adama Dieng, ‘Corruption in Africa: Legal, Political, Economic and Other Implications’, 2000.