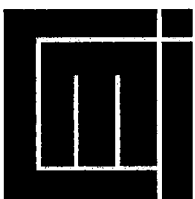


Setting a Standard for Africa?

Lessons from the 1991 Zambian Elections

Bård-Anders Andreassen, Gisela Geisler and Arne Tostensen

R 1992: 5



Report
Chr. Michelsen Institute
Department of Social Science and Development

ISSN 0803-0030

Setting a Standard for Africa?

Lessons from the 1991 Zambian Elections

Bård-Anders Andreassen, Gisela Geisler and Arne Tostensen

**This study was undertaken jointly with the
Norwegian Institute of Human Rights, Oslo**

R 1992: 5

Bergen, September 1992

Report 1992: 5

Setting a Standard for Africa? Lessons from the 1991 Zambian Elections

Bård-Anders Andreassen, Gisela Geisler and Arne Tostensen

Bergen, September 1992. 137 p.

Summary:

This report provides an assessment of the transition to a multi-party system of government in Zambia. The first section gives a general background to processes of democratisation in Africa, while the subsequent ones deal specifically with the situation in Zambia, particularly the general elections held in October 1991. Special attention is devoted to the political context of the election campaign and the domestic and international efforts in monitoring the elections, as well as the role of donor agencies in that process. The elections are judged on balance to have been free and fair despite some irregularities. A concluding section discusses prospects for consolidating democratic procedures and practices. Finally it offers some suggestions as to how donors may support a further deepening of the democratisation process.

Sammendrag:

Denne rapporten gir en vurdering av overgangen til fler-partisystem i Zambia. Et innledende kapittel inneholder en generell bakgrunn for demokratiseringsprosessene i Afrika, mens de øvrige tar opp forholdene i Zambia spesifikt, særlig det allmenne valget i oktober 1991. Spesiell oppmerksomhet er viet den politiske situasjonen under valgkampen så vel som den nasjonale og internasjonale valgovervåkingen, samt bistandsorganisasjonenes rolle i overvåkingen. Valget blir vurdert å ha vært gjennomført stort sett fritt og rettferdig til tross for enkelte uregelmessigheter. De avsluttende kapitlene drøfter utsiktene til å befeste demokratiske prosedyrer og praksis. Dessuten fremmes noen forslag til hvordan bistandsorganisasjoner kan støtte opp om den videre demokratiseringen.

Indexing terms: Stikkord:

Democratisation	Demokratisering
Elections	Valg
Monitoring	Overvåking
Zambia	Zambia

To be ordered from Chr. Michelsen Institute, Department of Social Science and Development, Fantoftvegen 38, N-5036 Fantoft, Norway. Telephone: +47 5 574000. Telefax: +47 5 574166

Contents

Acknowledgements	v
Executive summary	vi
Abbreviations and acronyms	xiii
1. Development aid and democratisation processes in Africa	1
1.1 Introduction	1
1.2 Background: The quest for multi-party democracy in Africa	2
1.3 Political conditionality and the international right to intervene	5
1.4 Development aid in emerging democracies	7
2. The political, economic and cultural environment of the elections	10
2.1 The economy	10
2.2 The multi-party debate and the quest for political change	12
2.3 The role of the chiefs	16
2.4 De-linking UNIP and the government	20
2.5 The new Constitution	21
2.6 Election system, electoral commission and the delimitation process	26
2.7 Registration of voters	28
3. The election campaign	32
3.1 The state of emergency	32
3.2 Incidents of intimidation	34
3.3 The media	41
3.4 Gender: A non-issue	45
4. Election monitoring and observing	49
4.1 The formation and infrastructure of ZIMT	49
4.2 The emergence of ZEMCC	56
4.3 The position of parties	59
4.4 Supporting democratic elections: The role of the donor community	63
4.5 Implications of election monitoring	68
5. The elections: Free and fair?	72
5.1 Evaluations of the election campaign	72
5.2 The election day	75
5.3 Election results	78

6.	After the elections: Sustaining democracy	81
6.1	Pertinent issues	81
6.2	Implications for aid policies	84
7.	Supporting democracy in Africa: Some recommendations	89
7.1	Lessons learned from the Zambian elections	89
7.2	Building long-term indigenous capabilities to sustain democracy	92
	References	99

Appendices

1:	Zambian general elections, October 31, 1991	102
2:	A gender perspective on the Zambian general election of October 1991	103
3:	Unmasking gender neutrality: The case of election monitoring	119
4:	Zambian Independent Monitoring Team. (A personalised view)	125
5:	List of persons interviewed	135

Acknowledgements

The authors of this report would like to thank all those who took the time in a hectic election period to answer our questions and air their views. Our particular thanks to Protasio Chipulu for making contacts and organising trips, and for spending election day with us visiting innumerable polling stations, and to Crispin Mwanza for welcoming us on the Copperbelt and for making possible many useful interviews in Ndola. Special thanks also to Nana Busia, then of the Norwegian Institute of Human Rights in Oslo, for collecting material for the report, and to Sara Longwe, Roy Clarke, Gwenda Chongwe, and Jotham Momba in Zambia for their written contributions to this report. Last but not least we are indebted to the Zambian population for welcoming and trusting us so wholeheartedly in our role as observers and for sharing their opinions and their knowledge with us.

This report was originally commissioned by the Norwegian Ministry of Foreign Affairs. But the analysis, views and conclusions drawn are those of the authors and should not be interpreted to reflect the official Norwegian position.

Executive summary

1. The purpose of this study is wider than a mere evaluation of the conduct of the elections, and the processes that led to the introduction of multi-party democracy in Zambia after 18 years of continuous one-party rule. The main objective is to assess the role of international donors, including international observer teams, and to evaluate the potential for supporting democratic processes and democratic elections elsewhere in countries receiving Norwegian aid. This reflects an increasing interest on the part of Norwegian donor circles to make more consistent and legitimate efforts in contributing to the promotion of democratic principles and human rights through aid.

2. International monitoring of elections has become an important method of external involvement in democratic processes, and there is an increasing recognition of the role such monitoring can play in promoting human rights in countries experiencing democratic elections. The main emphasis is often put on formal democratic procedures, and respect for fundamental rights in the election process itself. In order to assess whether an election is free and fair one must also consider provisions of other human rights instruments, such as the rights to hold opinions without harassment or victimisation, freedom of expression, peaceful assembly and freedom of association.

3. Furthermore, institutions that promote social and political participation in an incipient pluralist political culture also need to be developed if democracy is to be sustained and take root in formerly autocratic societies. Under the new political dispensation it has become easier to accept resources from the North in building democratic institutions and enhancing a democratic political culture.

4. The linkage between development assistance and human rights/democracy support involves ethical questions. Although the criteria derive from international human rights law, any form of human rights paternalism should be carefully avoided. Plans and priorities should be worked out in continuing dialogue through which the desires and needs for support are identified and suggested by the cooperating partners themselves. Rather than building new dominant structures, the donor community should aim at supporting existing democratic bodies and institutions in order to promote viable democratic processes.

In the case of Zambia the rapid rise and success of the democratic movement is explicable only against the backdrop of the country's

disastrous economic situation, which was brought about by the ill conceived economic policy of the Kaunda government, and the inefficiency, wastefulness, and unaccountability of a bloated parastatal sector and bureaucracy. The consequent loss of legitimacy and authority of the Kaunda government amongst both urban and rural Zambians but also increasingly in the eyes of the donor community, were pre-conditions for the articulation of demands for political reform. The broad political coalition the opposition did manage to build in the Movement for Multi-Party Democracy (MMD) further helped push the Kaunda government into making concessions with regard to its otherwise apparent disdain for democratic principles.

5. The undemocratic nature of the Kaunda government manifested itself particularly in the virtual amalgamation of party and government, which also extended to the "traditional" leadership of the chiefs. Both at national and local levels the party was inextricably intertwined with the government as reflected in appointments of party functionaries to government positions and of chiefs to party posts. The effects of this "marriage between the party and the state" outlived the official end of the one-party state, and made itself felt, for example, by the indiscriminate use of state funds and resources by Kaunda's United National Independence Party (UNIP) during the election campaign, and the extensive use of government facilities by UNIP party functionaries. This and the dubious role of the chiefs as steadfast supporters and also as parliamentary candidates for UNIP turned into a contentious issue during the election campaign.

6. But before the election campaign gained momentum the adoption of a new Constitution proved to be even more contentious. The 22-member constitutional commission appointed by then President Kaunda in September 1990 was boycotted by the main opposition party on grounds that it was biased towards UNIP in its composition. Later on its recommendations were also largely rejected. After a meeting in July 1991 between the leaders of the main parties, Chiluba and Kaunda, a substantially amended Constitution was finally adopted. Among the main amendments were provisions requiring all cabinet members to be appointed from the ranks of the members of Parliament; an increase in the number of appointed members of Parliament from five to eight; the removal of a provision creating a constitutional court, which had given the President power to declare martial law; and a provision requiring the President to consult with Parliament before declaring a state of emergency and providing for the termination of state of emergency within seven days after the election of a new President.

7. The election system in Zambia is based on majority (or more precisely *plurality*) elections in single-member constituencies, with one round of

elections and "first-past-the-post" as the guiding principles for electing members of Parliament. Supervision of the electoral process is in the hands of an Electoral Commission, appointed by the President. In the 1991 election the Commission was not only understaffed and underfunded, but was also criticised for its lack of impartiality and independence, partly because the President had powers to remove its members. The organisational shortcomings of the Commission became apparent in its role as Delimitation Commission and in the inadequate training of its staff.

8. The registration of voters also caused confusion and criticism. New registration of voters had taken place almost a year prior to the elections, explicitly not for the elections but rather for the referendum, which was subsequently abandoned. Many young voters and others who did not wish to vote in the referendum were thus, in effect, disenfranchised. The electoral rolls were also faulty, partly due to the confusion created by the *ad hoc* manner in which the delimitation of constituencies was made. Calls on the Electoral Commission to allow voting with national registration cards only were rejected, however, on grounds of possibilities for double voting.

9. In the run-up to the elections Zambia was under a state of emergency, which had been in force since 1964. Opposition parties, monitoring and observer teams alike strongly deplored this fact and asserted that the state of emergency was incompatible with the holding of free and fair elections. Under mounting pressure Kaunda succumbed to this criticism. He was advised, however, by the Attorney General that according to the new Constitution he was not authorised to lift the state of emergency without the approval of Parliament which had already been dissolved. A heated debate over the issue ensued, but the state of emergency remained in force. No party exploited this fact immediately prior to or during the elections, but it must be assumed that it may have had an intimidating effect on the electorate.

10. Incidents of intimidation, which were partly related to the state of emergency, became known also during the election campaign. Although both major parties, UNIP and MMD were the culprits, UNIP seems to have had more means and inclinations to that effect. UNIP intimidation of MMD members, both as threats and actual physical attacks, were reported from the end of 1990 onwards. High ranking UNIP officials, including the President, were frequently reported to have threatened to "deal with the opposition" after the elections. Only a few of such transgressions were reported as coming from MMD. The deployment of paramilitary forces by the then ruling party and reports of their brutality, furthermore, created a feeling of living under siege. This was confirmed by UNIP's constant

reference to the possibility of civil strife and brutality during and after the elections, and allegations that MMD planned to take power by force. Comparable allegations against UNIP by MMD were reported only in the last phase of the campaign.

11. State-owned mass media were clearly found to favour the UNIP government, and Kaunda himself publicly ordered media chiefs *not* to cover the opposition. The emergence of newspapers of the opposition were prevented by means of intimidation and denied access to printers, advertisement etc. After considerable pressure from monitoring teams and Zambian interest groups, the printed media sector improved with regard to equity in coverage in the second half of the campaign. The electronic media remained highly biased until an injunction against its director-general succeeded a month prior to the elections. For the larger part of the election campaign the opposition parties were, however, greatly disadvantaged by their limited access to the media.

12. The election campaign was in general not paying much attention to political issues, and gender issues were accorded virtually no attention. The two major parties fielded only very few female candidates and gender issues gained little media coverage. Furthermore, the election monitoring teams and international observers expressed little interest in questions pertaining to democratisation and gender. No electoral data disaggregated by gender are available.

13. The Zambian elections proved to be exemplary with regards to election monitoring and observation. Over 6000 local monitors and over 200 international observers were present at virtually every polling station of the country, preventing any serious attempts of rigging. The process leading up to this successful exercise was, however, more problematic and contentious. Amongst the factors involved were the establishment of the erstwhile sole local monitoring team, the Zambia Independent Monitoring Team (ZIMT), and the role of the international Carter Center/NDI (Z-Vote) team. The latter assumed an overall responsibility for its own as well as for local monitoring activities. Allegations of partiality and insensitivity, and financial misunderstandings led to a split of the local monitoring team and the formation of the Zambian Election Monitoring Coordinating Committee (ZEMCC). At one time this split threatened the viability of the whole exercise. The precarious nature of the democratic process at that juncture contributed to exacerbating the problems just as much as did the very dubious, and at times hostile, position of UNIP against the monitoring and observation exercise. The difficulties encountered put in question the position of local monitors within their own environment and the role of international observers and donors in this sensitive arena. Eventually,

however, both local monitoring teams, in tandem with international observers, made invaluable contributions to ensuring the process of elections as free and fair.

14. The contributions of the donor community to the Zambian democratisation process seem to indicate that the election process itself, that is, the Electoral Commission and national and international observers, were the principal beneficiaries of donor support. It appears that Z-Vote did not only receive disproportionately more funds, but was also commissioned to channel a major proportion of foreign donor support to local monitors. This concentration of funds and the conditionality applied to their disbursement appear to have exacerbated inherent problems.

15. The elections were unanimously declared as having been conducted in a free and fair manner. A number of worries were expressed, however, with regards to the fairness of the election campaign. The state of emergency, the concomitant deployment of paramilitary troops, the bias of the mass media, the misuse of state funds by UNIP, and the incidents of intimidation and bribery, all throw serious doubts on the free and fair nature of the election campaign. Such doubts do not pertain to the actual elections; they were conducted in an atmosphere of solemnity and good will, in sharp contrast to the pre-election mood. Irregularities during the election campaign were by all observers attributed to organisational and logistical inadequacies.

16. The turnout rate of 45 per cent of registered voters was unexpectedly low. This is possibly due both to the faulty electoral rolls and the disenfranchisement of many voters, and the fears of civil strife created before the elections. The results of the elections were nonetheless clear: MMD swept the polls and won 74.7 per cent of the valid votes cast and gained 126 seats in Parliament. UNIP gained only 24 seats, of which 19 were from Eastern Province. However, in view of the low turnout MMD garnered the active electoral support of only 28 per cent of the total estimated eligible voters.

17. After the elections, democratic principles must now take root within society. There will in the future be a need for support to institutions for safeguarding these principles. The forthcoming local government elections, the continued independence of the mass media, and the promotion of gender equality are in this process as important as is the fair treatment of former UNIP appointees, who are now apparently victimised in a purge.

18. The most critical prerequisite for the conduct of free and fair elections in any country is the effective functioning of an authoritative Electoral Commission with adequate resources at its disposal. Donors may play a supportive role in providing resources for election materials such as

printing of ballots, supplying ballot boxes and vehicles etc. The incumbent government should not be allowed to be in a position to use shortage of funds as a pretext for not equipping the Electoral Commission with resources adequate for the discharge of its duties.

19. It is of crucial importance for the effectiveness of local monitoring teams that donor funds are committed and released at an early date so as to allow time for proper organisation of logistics and networks. International observer teams also have a critical role to play, complementary to that of the local monitors. It is of the utmost importance that *both* international and local monitoring teams are *unanimous* in their final judgement of elections as free and fair.

20. It is of paramount importance that great care be taken to compose balanced teams against which no allegations of partiality may be justifiably made lest the entire monitoring exercise be brought into question. The monitoring teams did a tremendous job in recording the amount of time accorded the main contending parties on TV, the English news broadcasts on radio and the space devoted to them in the printed media. However, no corresponding monitoring was made of radio transmissions in vernacular languages. In the future funds should be made available for local monitoring teams to undertake comprehensive monitoring of radio broadcasts, particularly those made in vernacular languages.

21. A workable democratic system of government is not established once and for all by way of multi-party elections. Such a step is just the first one. A relapse back into authoritarianism is a distinct possibility if care is not taken to safeguard the first democratic moves. It is evident that considerable capabilities for monitoring exist within Zambia. But there is a case for involving monitors from neighbouring countries in Southern Africa or the African continent at large.

22. Donors should look further towards additional forms of support which may help deepen the understanding of the democratisation process and help nurture and entrench a democratic political culture. That would be the best "vaccination" or "insurance" against a reversion to the pre-election malaise. But requests for long-term institution-building projects should be appraised very carefully in terms of their potential for long-term viability when donor support has to be phased out. It may be better to bank on already existing institutions where some infrastructure and competence can be found and be built on, e.g. departments of political science at universities. They may be supported in financial terms or through technical assistance from individuals and institutions in the North with proven competence in this particular field. In Norway the principal institutions are the Institute of Social Research

(ISF) in Oslo and the Norwegian Social Science Data Services (NSD) in Bergen.

23. In donor circles and elsewhere there has been a tendency towards neglecting the *practice* of democracy as reflected in the inadequate attention being paid to *civil society*. Generally, civil society is understood as a separate sphere of human relations and activity, differentiated from the state. Activities within the sphere of civil society may be considered a *democratic school* where a *democratic culture* is being nurtured, without which the democratic institutions run the risk of becoming a mere sham. One should see democracy essentially as *a method to arrive at legitimate decisions*. It is more of a continuous process than a structure. Calling and chairing meetings, debating, voting on resolutions and arriving at decisions to be implemented — all of which being elements of a democratic process. It is a practical school for learning the democratic “rules of the game”. Donors should, as part of their commitment to democratisation, consider renewed support for civil society differently from previous practice. Recipient organisations may not necessarily run a “development project” in the conventional sense; they could be chess clubs for that matter.

24. To take on board such a task would mean a new challenge of some magnitude and duration. Output would be difficult to measure in terms of conventional yardsticks, but democracy cannot always be reduced to tangible results, measurable in terms of money, kilometers of roads, tons or kilowatts.

Abbreviations and acronyms

CBS	Central Bureau of Statistics (Norway)
CCMG	Christian Churches Monitoring Group
CHAKA	Christian Alliance for the Kingdom of Africa
CSO	Central Statistical Office
DKK	Danish krone
DSP	Democratic Socialist Party
ESRC	Economic and Social Research Council (UK)
FIM	Finnish markka
FODEP	Foundation for Democratic Process (successor to ZEMCC)
GDP	Gross Domestic Product
GNP	Gross National Product
ICPSR	Inter-University Consortium for Political and Social Research (USA)
IGO	International Governmental Organisation
IMF	International Monetary Fund
ILO	International Labour Organisation
ISF	Institute of Social Research (Norway)
JADEPA	JAC Democratically Debating Party
MMD	Movement for Multi-Party Democracy
MP	Member of Parliament
MRP	Multi Racial Party
NADA	National Democratic Alliance
NDI	National Democratic Institute for International Affairs (US)
NGO	Non-Governmental Organisation
NDP	National Democratic Party
NOK	Norwegian krone
NSD	Norwegian Social Science Data Services
PAZA	Press Association of Zambia
PO	People's Organization
SATUC	South African Trade Union Congress
SDA	Social Dimensions of Adjustment (World Bank programme)
SDP	Social Democratic Party
SEK	Swedish krona
SIDA	Swedish International Development Authority

TSP	Theocracy Spiritual Party
UN	United Nations
UNIP	United National Independence Party
UNITAR	United Nations Institute for Training and Research
UNZA	University of Zambia
UNTAG	United Nations Transitional Assistance Group (Namibia)
US	United States (of America)
ZCCM	Zambia Consolidated Copper Mines
ZCTU	Zambia Congress of Trade Unions
ZEMCC	Zambia Elections Monitoring Coordinating Committee
ZIMT	Zambia Independent Monitoring Team
ZNBC	Zambia National Broadcasting Corporation
Z-Vote	Carter Center at Emory University and NDI international monitoring team

1. Development aid and democratisation processes in Africa

1.1 Introduction

Recent political changes in Africa have been more profound than ever since independence was won three decades ago. The elections in Zambia were an important illustration of upheavals on the African continent which will have a significant impact on development co-operation and the political context in which aid policies and programmes are carried out. The Zambian elections have "set a standard" for peaceful transition to multi-party competitive democracy, and a swift and orderly transfer of government. Equally important was the fair and free conduct of the elections, although preparations for the elections were not without serious flaws, and the election campaign was not free from political manipulation, examples of intimidation and incidents of politically motivated harassment.

The purpose of this study is, however, to evaluate only partially the conduct of the elections, and the processes that led to the introduction of multi-party democracy in Zambia after 18 years of continuous one-party rule. The main objective of the study is to assess the role of international donors, including international observer teams, and to evaluate the potential for supporting democratic processes and democratic elections in countries receiving Norwegian aid. This reflects an increasing interest on the part of Norwegian donor circles to make more consistent and legitimate efforts of contributing to the promotion of democratic principles and human rights through aid. This area of interest is, however, a relatively new policy field. Consequently, it has been recognised that more insight and knowledge is needed about ways and means by which development aid policies may positively contribute to democratic elections in particular, and more generally to long-term processes aimed at good governance and genuinely democratic systems. In principle, it also requires more systematic research and knowledge about the social, economic and cultural preconditions for the functioning and survival of liberal democracy in Africa. Significant as it may be for aid policies, however, it does not fall within the scope of the present study to address this wider issue.

Members of the team putting together this report also acted as international observers during the elections. More than 200 international observers were present. Although international election observation has gained increasing interest over the last years, Zambia marks the first case in which an African state with an internationally recognised government, and not facing an internal conflict (as in Uganda in 1980), has welcomed international observers. Experiences drawn from this exercise and observations made about the interplay of international observers and the two domestic monitoring teams (with more than 6,000 volunteers) is discussed at some length in chapter 4 of the report.

In addressing the main issue of the report: “how may development assistance contribute to democratic elections and transitions to democracy in Africa” — the approach chosen has been to review the elections in a broader political, cultural and economic context. This has been done, in spite of the very tight time constraints under which the study, including a short fact-finding mission to Zambia, was carried out.

1.2 Background: The quest for multi-party democracy in Africa

The winds of democracy that have been sweeping across the African continent in recent years have produced dramatic and historically remarkable results thus far. As late as in early 1990 as many as 37 out of 53 African states had one-party systems of government or military regimes, while only 14 could be classified as multi-party democracies.¹ When Zambia joined the growing number of countries introducing multi-party political systems, the pro-democracy movement had become a potent political force in a majority of the remaining countries with one-party systems or military rule. In 1990 and 1991 internal opposition groups protested against economic hardship and political repression, and exerted political pressure for political reform and compelled the governments of at least 19 states to announce or adopt significant reforms. In the period from March 1990 to May 1991, democratic elections were held for the first time in the Comoro Islands (March 1990), Gabon (September-October 1990),

¹ *The Weekly Review*, 8 November 1991, p. 35. Reliable classifications of this kind are not easily available and those which exist do differ. Michael Bratton suggests 9 multi-party democracies prior to the elections in October 1991 in Gabon and Cote d'Ivoire. The *Economist* of 22 February 1992 (p. 20) includes a table showing 11 countries to have held “contested elections” in the past five years (and 12 more are likely to be held “soon”).

Cote d'Ivoire (October-November 1990), Sao Tomé and Príncipe (October-November 1990), Cape Verde (January-February 1991), and Benin (February-March 1991). A number of other countries are scheduled to hold multi-party elections in 1992, including Algeria (January 1992), and Angola, Burkina Faso, Cameroon, Congo, Kenya, Mali, Mozambique and Zaire by the end of the year.

Although incipient since the mid-1980's the recent democratic reform processes in Africa accelerated after the collapse of the former Communist regimes of Western and Central Europe in 1989-90. This process marked the collapse of the ideology and legitimacy of the one-party state. The process also created a fear that the events in Eastern and Central Europe would relegate Africa to an even more marginal role globally: If the African continent was still was to receive development aid from the West in competition with the emerging democracies in Eastern and Central Europe, Africa was in need of political reforms along the same lines as those of Eastern and Central Europe. On the other hand, economic crises, mismanagement and corruption, as in Zambia, often compounded by political repression and personalised rule, as in Kenya, spurred citizens to take to the streets and demand political reform and multi-party democracy. The internal quest for change has been strong and genuine, although articulated predominantly by the urban elites. In a recent issue *Africa Confidential* stresses that in spite of nominal and in many cases constitutional changes in the political system, the new political leadership does frequently not represent a break with the past: "The new powerholders come, by and large from the same political class and even the same families as those who were close to the centre of power in the previous three decades. In country after country, the new opposition leaders or the victorious democratic politicians are often none other than people who served the single party long and faithfully without any great signs of a crisis of conscience. Some of the most successful new-breed politicians are simply old-breed politicians who choose the right moment to break with the past and engage in the new watch-words of good governance and respect for human rights."²

This concern about the extent of political equality, recruitment of political leadership, popular participation and, in the last instance, accountability and representative government, raises topical issues with regard to the transition to democracy and its consolidation in Zambia as well as in other emerging democracies in Africa. Crucial as they are, democracy is certainly not only about rights to signify preferences and

² *Africa Confidential*, January 10, 1992.

interests through voting in democratic elections. For a political system to be genuinely democratic the political process must change towards greater popular participation at all levels.³ Hence, democratic governance must be open, accountable and participatory, and requires a set of juridically protected political and civil rights to development and sustenance. Particularly important among these rights and freedoms are the freedom of speech, an independent press, freedom of association, access to state information, in particular about development plans and strategies for those directly affected⁴, and freedom from discrimination on grounds of sex, nationality or social origin, political opinion, etc.

Processes of transition from one-party authoritarian rule to multi-party democracy raise specific problems and challenges as to the democratic nature of the process. One issue is the recruitment of the new leadership, as pointed out in the article in *Africa Confidential* quoted above. Does the new leadership, if elections are successfully contested, represent and create a new and democratic political culture? Are all those parties interested in taking part in the election process permitted to participate? Do access to resources or political restrictions bar any part of the opposition from participating? How inclusive is the process in terms of women? Are minority interests addressed and represented? Yet another issue is the functioning of the internal decision-making procedures of political parties, including procedures for the nomination of candidates.

The success of the democratic opposition to remain united and consolidated during processes of transition is crucial for peaceful political change to occur. However, the formation of broad opposition coalitions may have the effect that crucial, but potentially divisive political, economic and social issues, are disregarded or ignored — deliberately or not. In the Zambian election campaign the lack of *issue politics* was striking to outside observers, but apparently important in order to address effectively the main issue, namely the transition to a democratic political system. The debates of the election campaign were mainly manifestations of concern about compliance and alleged non-compliance with the democratic procedures and the transition to multi-party politics itself.

As a reference point for observing elections the present authors consulted a set of observation guidelines which spelled out the basic principles for

³ Cf. Robert Dahl, *Polyarchy. Participation and Opposition* (New Heaven and London: Yale University Press, 1971), for a classic examination of the concept of democracy (or “polyarchy”) and conditions for democratisation and liberalisation of political regimes.

⁴ Cf. John Clark, *Democratizing Development. The Role of Voluntary Organizations*, Earthscan Publications Ltd, London, 1991, p. 16f.

democratic election processes.⁵ The main emphasis of these guidelines is on the formal democratic procedures, and respect for fundamental human rights in the election process. Attempts were also made to assess these procedures in a proper context of the political, economic and social environments of the elections (cf. chapter 2). We believe that this approach is required if conclusions are to be drawn not merely about the actual conduct of the elections in question. It will also facilitate the drawing of conclusions about how the democratic process initiated by these elections may be developed further and strengthened through institutions, empowerment of the citizenry and participatory processes.

The issue of representativeness of the political leadership, and recruitment systems in politics is an area in need of systematic empirical research and analysis in Zambia, including regional representation and recruitment of women to political posts and leadership (cf. section 3.4). A related issue is the articulation of rural interests and the relationships emerging between urban areas and their political elites on the one hand and the rural areas on the other. In this context, institutions promoting social and political participation in a plural political culture need to be developed if democracy is to be sustained and take root in Zambian society.

The recent political changes in Africa, and more specifically in Zambia, indicate that promotion of human rights and democracy is less a matter of principle than of resources. Under the new political dispensation it has become easier to accept resources from the North in building democratic institutions and enhancing a democratic culture. In so doing donors should avoid any form of human rights paternalism without compromising on standards of effective use of funds. Rather than building new dominant structures, existing democratic bodies and institutions should be supported, and cooperative schemes encouraged. Above all, the prime objective should be to support and sustain democratic processes, competence-building and establishment of viable institutions.

1.3 Political conditionality and the international right to intervene

Most of the one-party states in Africa have collapsed under a combination of internal and external pressures. Since the beginning of 1990 external pressure has increasingly been exerted through varying degrees of political

⁵ Cf. *Guidelines for International Election Observing*, The International Human Rights Law Group, Washington, 1984.

conditionality attached to aid packages, claiming that political reforms, democratisation and human rights observance be considered a condition for continued transfer of aid. For instance, in 1991 the World Bank suggested that reducing military expenditure should be considered as a condition for making loans to those developing countries that are "overspending" on the military at the expense of investing in people.⁶ More recently, the Donor Consortium on Kenya, which met in Paris in November 1991, decided to suspend all new aid to Kenya for six months in order to put pressure on the Kenya government to introduce democratic reforms and address the problem of public accountability and corruption.

International observation of elections has increasingly become an important method of external involvement in democratic processes. There is today an unqualified recognition of the role election observation missions can play in promoting human rights in countries going through democratic transitions.⁷ Yet, the inter-governmental community (i.e. the UN) has only reluctantly accepted the conclusion that the recognition and free exercise of democratic rights (the right to vote in free and fair elections) is a prerequisite for the recognition of the will of the people as the basis for governance. In December 1990 the General Assembly adopted two resolutions, of which the first affirmed "that the authority to govern shall be based on the will of the people, as expressed in periodic and genuine elections".⁸ The other resolution, in apparent contradiction to the previous one, contended that the prohibition of intervening into internal affairs be upheld, stating that "any extraneous activities that attempt, directly or indirectly, to interfere in the free development of national electoral processes, particularly in developing countries" constituted a violation of the United Nation's Charter. It appealed to states "to refrain from financing or providing, directly or indirectly any form of overt or covert support for political parties or groups".⁹ This probably reflects an apprehension or a

⁶ Cf. Prowse, M. "World Bank report advocates market liberalisation and cuts in military expenditure. Prospects for Third World brighten", *Financial Times*, 8 July, 1991.

⁷ Cf. footnote 5.

⁸ Cf. United Nations, General Assembly Resolution 45/150 of 18 December 1990 on "Enhancing the effectiveness of the principle of periodic and genuine elections".

⁹ Cf. General Assembly Resolution 45/151 of 18 December 1990 on "Respect for principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes", paras 3 and 5. Norway together with the governments of Australia, Austria, Belgium, Bulgaria, Canada, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Netherlands, New Zealand, Poland, Portugal, Romania, Spain, Sweden, Turkey, United Kingdom and the United States voted against the resolution. Quoted from Katarina Tomasevski

concern on the part of a number of governments, particularly in the Third World, that the principle of non-interference would be eroded and the way be paved for legitimizing undue intervention. Increasingly, however, international election observation missions are appraised as being crucial to internal and international respect for and legitimacy of election results. Therefore, they are requested by the opposition and welcomed, or at least tolerated, by the regime in power.

It should also be recognised that the work of an election observer mission is not limited to voting rights. In order to assess whether an election is free and fair it must also consider provisions of the other human rights instruments, such as the rights to hold opinions without harassment or victimisation, to freedom of expression, to peaceful assembly and to freedom of association. The conduct of the election campaign, and in particular incidents of intimidation and harassment, should be carefully identified and observed. Thus in addition to promoting a fraud-free election, an election observation mission may also contribute to the improvement of the overall human rights situation in the country during the process of transition.

In Zambia, the government initially refused admission of international election monitoring teams to observe the October 1991 elections. In the course of the reform process, however, President Kaunda made a statement to the effect that international observation teams were welcome after all (cf. section 2.2).

1.4 Development aid in emerging democracies

Directly and indirectly the democratisation process may have significant impacts on the political and social context of development aid cooperation, and the orientation and nature of aid. In a democratic society, public policies and policy-making require the free articulation and open debate on any issue, including transfers of development aid, its role in society, priorities, its distribution among social groups and geographic regions, and the ways and structures through which it is channelled. At the same time, democratisation of aid practices may make decision-making in the context of aid cooperation more cumbersome and conflict-prone. For instance, a

“Development Cooperation and democratization: Past experiences, recent changes”, in Catarina Krause and Allan Rosas (eds.), *Development Co-operation and Processes Towards Democracy*, Helsinki, 1991, Proceedings from the Nordic Seminar on Development Cooperation and Processes Towards Democracy, Hanasaari, Espoo, Finland, 21-22 October 1991, p. 4.

free press in an open society will certainly take an interest in the functions, implementation and the social and cultural effects of aid projects and programmes.

The linkage of aid and human rights/democracy support has punitive and promotional aspects. When reviewing the main objectives of Norwegian development cooperation in 1984 [Parliamentary White Paper no. 36 (1984-85)], the Norwegian Government adopted a model for how to respond to violations of human rights, and envisaged "modification, reduction or cessation of Norwegian assistance ... when the government of a recipient country takes part in, tolerates or directly executes violations of human rights". The model, basically taking a punitive approach, also determined that human rights violations which were "persistent and systematic", and/or "gross and systematic" without any serious effort on the part of the government to end the abuses would bring about a reconsideration of development assistance. The most important means of modification of aid in cases of gross human rights violations included re-channelling of aid from inter-governmental cooperation to the NGO sector.

What was basically lacking (albeit briefly referred to) in this policy response model was the promotional dimension of the human rights/democracy and aid linkage. Among the lessons drawn from our studies of the Zambian elections, including interviews with development aid personnel in NORAD, a number of ways, channels and levels may be identified by which human rights and democratic processes may be supported, including financial and other kinds of support for democratic elections and consolidation of the democratic system. Most of these proposals do not only apply in situations of rapid democratisation, although most of them will more easily be implemented in countries which explicitly aim at enhancing human rights by their own efforts and through international cooperation.

A basic premise underlying the rationale for strengthening the linkage of human rights to foreign aid is that human rights promotion begins at home. Credibility in promoting human rights and democracy through aid requires that Norway's own human rights record is impeccable. More specifically related to aid policies it requires, furthermore, that the Norwegian development aid system has the administrative capacity, and legal and technical skills and training to implement human rights and democratic principles in aid efforts. At the micro level this requires training of experts and administrative personnel, improving reporting procedures and information handling within the NORAD system, and increasing election research and monitoring capacity in Norway as well as in partner countries.

At the meso and macro levels, it includes the strengthening of the

dialogue with recipient governments, and the “multilogue” between Norwegian NGOs and their counterparts in partner countries. It also includes strengthening the human rights component in bilateral agreements; encouraging partner countries to ratify international human rights instruments, and supporting the implementation of the provisions of such instruments, e.g. reporting commitments. Furthermore, a promotional human rights policy should aim at supporting institution-building and capacity-building of local NGOs; strengthening the court system and the independence of the judiciary; establishment of ombudsman systems (in defense of women’s rights and non-discrimination; the rights of the child etc.). Financial support may also be provided for preparation and implementation of national and local government elections including independent election monitoring, promotion of pluralist mass media at national and local levels, and strengthening of communication processes and information gathering about public attitudes and opinion through research and opinion polls. Several of these forms of support, adapted to the Zambian context, will be returned to in more detail in chapter 8.

It should be noted that the linkage between development assistance and human rights/democracy support involves ethical questions. Although the criteria derive from international human rights law, any form of human rights paternalism should be carefully avoided. Plans and priorities should be worked out in a continuous dialogue through which the desires and needs for support are identified and suggested by the cooperating partners themselves. One of the main conclusion that may be drawn from the present study is that the dialogue may be further developed and substantially strengthened when Norway’s cooperating partners introduce political reforms and democratic systems of governance.

2. The political, economic and cultural environment of the elections

2.1 The economy

The Zambian economy has been deteriorating rapidly over the last 15 years, up to a point where the country, one of the richest in Africa at independence in 1964, has ended up as one of the poorest and most heavily indebted ones, not only in Africa, but in the world. According to the World Bank Zambia's per capita GNP at US\$ 390 in 1989 had fallen by 2 per cent since 1965, while the GDP had risen by only 0.8 per cent in the last decade. Concomitantly Zambia's external debt had in 1989 reached US\$ 6,874 million, some 159 per cent of its GNP at that time, which in per capita terms was higher than that of Brazil.¹

The reliance the Kaunda government had placed on the copper industry, the major export earner, and the consistent reluctance to diversify the economy have to a large degree been responsible for the economic disaster. But the inefficiency and wastefulness of a large parastatal sector, which dominated the economy, and the overinflated bureaucracy that went with it, contributed as much to Zambia's economic quagmire as did the corruption and unaccountability of the Kaunda government.

One of the most prominent failures of the Zambian government to date has been the consistent neglect of the agricultural sector which, although it has been recognised as Zambia's greatest potential export earner, has remained sadly underdeveloped. With half of its population living in urban areas, Zambia is heavily dependent on its farmers to produce the country's staple, maize. But the state-controlled agricultural pricing and marketing system was biased in favour of the consumers rather than the producers. The heavy subsidisation of the maize sector never benefited the small peasants, who towards the end of the last decade had emerged as the major producers of that crop. The notorious inefficiency of the parastatal marketing agencies which regularly found its expression in vast losses of maize, because it was rotting uncollected or was smuggled into

¹ World Bank, *World Development Report, 1991. The Challenge of Development*, Washington D.C., 1991, pp. 204, 206, 244, and 250.

neighbouring countries, aggravated the situation. By the end of 1991 maize subsidies cost the country some US\$ 50,000 a day, and dwindling maize reserves forced the country to import the crop at the cost of at least US\$ 90 million.²

There was, however, no lack of structural adjustment programmes, both under IMF/World Bank conditions and of the home-made indigenous variant, but these too fell prey to economic mismanagement and political opportunism. In 1987, for example, Zambia abandoned an IMF adjustment package after urban riots had broken out against the withdrawal of maize meal subsidies. In 1991, after an unsuccessful "home-made" adjustment programme and a new agreement with the IMF, the Kaunda government failed again to implement the austerity measures agreed upon. The reasons were political, since the forthcoming elections were close. This time, however, the IMF and major donors unilaterally suspended their programmes in Zambia.

By then the mood of the people had also changed. During the latest structural adjustment programme, and the inadequate political and economic handling of it, Zambia's already high incidence of poverty and poverty-related symptoms manifested themselves further. As almost always in structural adjustment programmes the urban population was most seriously hit, but the situation of the rural population also deteriorated dramatically. Moreover, unlike the popular protest in 1986, which the government could to a certain degree divert by blaming the IMF, the popular protest that erupted in 1990 was clearly directed against the Kaunda government. The cheering crowds who celebrated the coup attempt shortly after the first riots in June 1990 left little doubt about the mood of the urban population. But political discontent also spread to rural areas where small-scale farmers were unable to make ends meet, and where the partial liberalisation of agricultural marketing had further emphasised the inability of the government to deal with the situation.

The movement for multi-party democracy grew out of Zambia's disastrous economic situation and the inability as well as the unwillingness of, first, the urban groups, then also the rural population to cope any longer. After the urban unrests in 1990 the movement increasingly gained political momentum. Its rapid rise and success can only be understood against the backdrop of severe economic decline and mismanagement and the discontent it created not only among the majority of Zambians but eventually also in the donor community.

² *The Economist*, 5.10.1991; *Business Day*, 13.10.1991.

2.2 The multi-party debate and the quest for political change

After the last general elections in October 1988, held under the one-party structure, the government introduced wide-ranging economic reforms which included the devaluation of the Kwacha (November 1988), the reduction of maize subsidies, removal of price controls, raising of interest rates and a second devaluation in 1989. In contrast to the public outcry in 1986 and 1987 (including strikes and serious political turmoil) when maize meal subsidies were removed, public protest this time was more moderate, but unrest still ensued in the form of riots on the Copperbelt, a wave of strikes, and protests at the university. The Government, on its part, reacted with the use of teargas against rioters and by closing the university. In the second half of 1989, and early 1990, however, strikes continued to occur occasionally, although serious popular opposition appeared to have been effectively suppressed by determined government action. Nevertheless, discontent and opposition continued to simmer below the surface.

From March 1990 onwards, events started to change the direction of Zambian politics towards fundamental change which ultimately led to the reintroduction of multi-party politics and the democratic elections in October 1991. The turning point came with UNIP's call for a National Convention of the party in March 1990 in order to discuss democratisation of the political system in response to political changes in other parts of the world.³ UNIP's critics among businesspeople, trade unions and political circles, inspired by the transformations towards democracy in Eastern and Central Europe, as well as in other African countries, resurfaced and proposed a return to multi-party politics. Government critics maintained that "the party had usurped too much power", and one delegate to the Convention, Arthur Wina, the country's first Minister of Finance, suggested that the supremacy of the party's central committee and its organs over all other political institutions should be removed: "I propose that UNIP reverts to its original status as a political party which depends solely on its supporters and sympathisers for its support and from its investments, party subscriptions and donations for funding and for material apparatus to carry out its functions as a party."⁴ One-party rule, he maintained, had "denied every common man and women their full rights of citizenship and has left the common man without legal constitutional rights except those which he enjoys under the discretion of the party".⁵ Wina together with other former

³ *New African*, May 1990, p. 20.

⁴ *Ibid.*

⁵ *Ibid.*

leaders such as former Minister of Foreign Affairs, Vernon Mwaanga and former Prime Minister Daniel Lisulo, made calls for the reintroduction of multi-party democracy. In another paper to the Convention, Mwaanga and another former Minister, Alexander Chikwanda, urged the government to lift the state of emergency which had been in force since 1964, and criticised the government for lack of consultation in economic decision-making.

The Convention adopted a resolution recommending the lifting of the state of emergency.⁶ The quest for the reintroduction of a multi-party democracy, however, was unanimously rejected. But in spite of the rejection, the issue continued to attract attention, and the political process towards reform accelerated. In May 1990 President Kaunda accepted to put the issue to a national referendum.

This proposal was endorsed by the Central and National Committees of UNIP in the same month. Kaunda immediately started to campaign against the reintroduction of multi-party democracy. Claiming that "tribal feelings are still too strong in Zambia", the President made all efforts to control the issue from the outset. A vociferous campaign defending UNIP and the one-party state was launched.⁷ However, in June 1990 two incidents helped snap the initiative out of the hands of Kaunda and the party. In the last week of June, the government, acting on the advice of the World Bank, announced a 100 per cent increase in maize meal prices. This announcement triggered off unprecedented political unrest. From Lusaka riots and looting spread to other urban centres. When the government had succeeded in suppressing the violence, it was officially stated that 27 people had been killed, hundreds seriously injured and more than 1,000 arrested.⁸ The dust had hardly settled before, on June 30, a handful of junior soldiers attempted a coup d'état. Thousands of Zambians took to the streets of Lusaka to celebrate the apparent overthrow of Kaunda's government.

The popular jubilation certainly weakened the position of the President further. Kaunda, however, responded to the events by reaffirming his commitment to the referendum, scheduled for 17 October. As a political concession he released 44 political prisoners. At the same time, Kaunda continued to make allegations that multi-party politics would breed "chaos, bloodshed and death" and labelled multi-party advocates as "misfits,

⁶ The recommendation was later rejected by the National Council of UNIP, the party's most powerful body.

⁷ Economist Intelligence Unit, *Zambia Country Profile: 1991-92*, p. 6.

⁸ *Africa Confidential*, Vol. 31 No. 15, 27 July 1991, p. 1.

malcontents, drug-peddlers and dissidents".⁹ At this time it became clear that the church and the Zambia Congress of Trade Unions (ZCTU) intended to campaign in favour of a multi-party system. In order to secure just and fair play, the ZCTU, orchestrated by representatives of the Catholic church, insisted on the presence of international observers, lifting of the state of emergency, equal media time for advocates of a multi-party systems and defenders of status quo, and no intimidation during the campaign.¹⁰

In July 1990, the multi-party advocates began to organise themselves and to mobilise the public. On 17 July, the 17-year old ban on the right to organise opposition groups was lifted and four days later the Movement for Multi-Party Democracy (MMD) was founded as an umbrella organisation by members from the business community, the church, the students, trade unionists and former politicians. The ban on political parties, however, was still in place in terms of article 4 of the Constitution. During the subsequent month the repeal of this article became one of the main political issues.

The former UNIP politician Arthur Wina was elected chairman of the executive body of MMD, the National Interim Committee, and the former Minister of Foreign Affairs, Vernon Mwaanga, and the chairman of ZCTU, Frederick Chiluba, were elected vice chairmen. A week later, on 25 July, Kaunda postponed the referendum until August 1991, allegedly to allow registration of voters, but more likely it was an attempt to regain the political initiative.

The multi-party campaign intensified in August and September. While MMD rallies gathered tens of thousands (some observers say hundreds of thousands) of supporters, UNIP rallies were reported to have a very low turn-out. In an unexpected move, but after much pressure from the multi-party lobby, Kaunda at an extra-ordinary National Council meeting of UNIP on 24 September cancelled the earlier proposed referendum in favour of a direct move to multi-party elections due to be held in October 1991. "Let's take them at the polls" he declared to 600 party delegates at the Council meeting. The official explanation given for this unexpected move was that the referendum campaign was expensive and was likely to divide the nation. More realistically the move should be interpreted as another tactical manoeuvre attempting to control the nature and form of the political process. Another point to be added is the release of the report of the referendum commission chaired by Justice Mathew Ngulube. While Kaunda expected the Commission to make recommendations favouring the government's advocacy of the one-party state, e.g. by restricting the

⁹ *Ibid.*, p. 2.

¹⁰ *Ibid.*

opposition's access to the media, the Commission recommended the opposite. In general, observers of Zambian politics interpreted the report as a shock to Kaunda, and as a proof of his declining authority.¹¹ By the same token, officials within UNIP expressed disagreement about Kaunda's idea of having a referendum, and suggested that a straight and early switch into multi-partyism might have been in the interest of UNIP. In the words of one UNIP official: "If we had immediately asked them to form parties, several parties would have emerged and this would have been easy meat for us."¹²

Shortly after the cancellation of the referendum, Kaunda appointed a Commission to recommend necessary amendments to the Constitution, chaired by the Solicitor General, Patrick Mvunga. The work of the Commission became the basis for the new Constitution which was to be tabled before Parliament on 24 August 1991 (cf. section 3.1). On 4 December 1990, Parliament removed article 4 of the 1973 Constitution which enshrined the one-party state and made UNIP the sole legal party. This constitutional reform marked the end of the one-party period in Zambia. MMD and nine other parties registered, the majority of which being highly personalised and marginal endeavours.¹³

The quest for a multi-party system in Zambia was basically linked to the loss of legitimacy and authority of the UNIP government and President Kaunda. It was primarily supported by business circles, trade unionists, the Catholic church, the students and academics, and prominent lawyers. The ability to form a political coalition among these highly diverse groupings

¹¹ *Africa Confidential*, Vol. 31 No. 16, 1990, p. 2.

¹² *New African*, December 1990, p. 16.

¹³ According to the Registrar of Societies, 12 parties had applied for registration by October 1991, but only seven had met the requirements for registration. (Cf. *Presidential and National Assembly Elections in Zambia. 31 October 1991*, London, the Report of the Commonwealth Observer Group, the Commonwealth Secretariat, 1992, p. 1.). According to *Southern Africa*, Vol. 5, No. 1, 1991 (pp. 22-24) candidates from six parties were contesting in the parliamentary elections, but most of the parties apart from UNIP and MMD, had candidates contesting in a limited number of constituencies only: The Democratic Socialist Party (DSP) was launching one candidate, the Social Democratic Party (SDP) had 10 candidates, the National Democratic Alliance (NADA) had 19 candidates and the National Democratic Party (NDP) presented 52 candidates. The other parties registered included the Christian Alliance for the Kingdom of Africa (CHAKA), JAC Democratically Debating Party (JADEPA), Multi Racial Party (MRP), People's Organization (PO), and the Theocracy Spiritual Party (TSP). In the Presidential election UNIP and MMD were the only parties fielding a candidate. These two parties also had candidates running in each of the 150 constituencies in the National Assembly elections.

helps explain the success of the movement in bringing about a fundamental change in the political system. Though the willingness of Kaunda to make political concessions during the process should be commended, one may doubt whether other options realistically existed. The declining authority of the government in dealing with the international donor community, and the donors' lack of confidence in UNIP's willingness and capability in restructuring the economy, was indirectly supportive of the domestic movement for political reforms. The US Government's decision to cancel a USD 250 million debt to Zambia only two days after Frederick Chiluba had been elected chairman of MMD on 1 March, illustrates this point very well.¹⁴

It is evident that MMD must be seen as the driving force and the catalyst of the introduction of multi-party democracy in Zambia. Early in the process of transition, MMD was able to compel the UNIP government into accepting the holding of a referendum on the multi-party issue, which was later substituted by the multi-party election in October 1991. During church-sponsored consultative talks between the leadership of UNIP and MMD, the latter was able to push through significant amendments to the new constitution, thereby introducing important checks and balances within the political structure (cf. section 2.5). MMD also succeeded in pressing the government into accepting international election observer teams to monitor the elections in order to prevent rigging.

The UNIP leadership, on the other hand, made consistent efforts to resist the political changes. A number of incidents, including a lack of willingness to conduct a proper registration of voters, the use of state-run media, the use of other state resources for party purposes, and the very late announcement of the election date, signified an apparent lack of adherence to democratic principles. The remaining parts of this report will return to these and a number of other issues which throw light on the transition process.

2.3 The role of the chiefs

Traditional rulers, such as chiefs and headmen, were under one-party rule drawn into the party hierarchy. Their linkage to UNIP and hence the government had recently come more and more under attack. As UNIP functionaries, or appointed local government officials chiefs became entitled to benefits such as salaries, allowances, vehicles, housing etc. This, so the

¹⁴ *The Weekly Review*, 8 November 1991, p. 32.

argument runs, eased the burden on the subjects, who were at some stage in the past required to maintain their chiefs' splendour with their own funds, and was therefore welcomed.¹⁵ Chief Mwata Kazembe of Luapula Province, for instance, recently admitted that he would be reduced to poverty without the benefits accruing to him by virtue of his post as provincial political secretary of UNIP.¹⁶

UNIP has, indeed, always sought to maintain a strong alliance with Zambia's 280 hereditary chiefs. The alliance goes back to the independence struggle when the chiefs — their powers curtailed by the colonial administration — threw their weight behind the nationalists. After independence UNIP has, as Ben Kakoma notes, "been a great champion of bolstering up the institution of chieftainship".¹⁷ The chiefs' role as supporters of UNIP became evident in 1971, when Kapwepwe challenged UNIP with the formation of his United Progressive Party. Soon after its inauguration Kaunda warned the chiefs that those who were not loyal to UNIP would not be recognised or paid by the state any longer. Chiefs, he explained, received public funds in order to support the government, and the government was UNIP.¹⁸

Under one-party rule chiefs were coopted into the system by being appointed or elected to political positions. Eight chiefs were elected to Parliament, four of whom as appointed Ministers of State. Others were elected to the UNIP central committee, and served as permanent secretaries and diplomats. Those rewarded were carefully selected on an ethnic basis and appointments were aimed at appeasing ethnic groups that were historically opposed to UNIP.

At the local government level the linkage between chiefs and party was no less apparent. Chiefs have been appointed on merit as district governors, other have doubled as UNIP party functionaries, and all chiefs were able to appoint one representative to the district council.

During the run-up to the 1991 elections UNIP tried to maintain and strengthen its alliance with the chiefs. In May 1991 Kaunda appointed Senior Chief Mukuni from Southern Province as Governor of Kalomo because "of his unwavering commitment to UNIP".¹⁹ In August 1991, at the party congress, UNIP re-elected two chiefs to the central committee, one of whom, the Lozi paramount chief being heavily criticised subse-

¹⁵ *Weekly Post*, 4.10.1991.

¹⁶ *Times of Zambia*, 9.2.1991.

¹⁷ *Zambia Daily Mail*, 20.9.1991.

¹⁸ *Times of Zambia*, 9.2.1991.

¹⁹ *Times of Zambia*, 1.5.1991.

quently.²⁰ In addition UNIP fielded originally 12 chiefs as parliamentary candidates for the October 1991 elections, but one withdrew his candidature. Many observers and the newspapers reported that during the election campaign chiefs were invited to State House with increasing frequency. Kaunda was repeatedly reported to confirm his commitment to "see that chieftainship continues",²¹ and delegations of chiefs expressed their eagerness to support UNIP.

The UNIP-dominated Mvunga Constitution Commission had, furthermore, in 1990 recommended that "chiefs be given a more active role in the legislative process by making provision for their representation in the Chamber of Representatives",²² a clause that amongst many others was opposed by MMD. The opposition party was also criticizing the political involvement of the chiefs, arguing that their position would require impartiality. The UNIP leadership was quick to imply that MMD wanted to infringe on the chiefs' rights and some chiefs were equally quick to complain about "the disrespect some chiefs are receiving from some opposition parties".²³ The alleged anti-chief position attributed to MMD went so far as to let the suggestion come up that a chiefly ceremony of the Lunda-Kazembe in Luapula failed, because MMD had criticised the chief for being the UNIP provincial political secretary.²⁴

Such discourse and practice made the role of the chiefs in a multi-party democracy more and more contentious. In letters to the editors of the daily newspapers the public demanded that chiefs retire from politics and desist from openly supporting one party, lest they force their subjects to vote for only that party. The re-election of the Lozi paramount chief emerged as a particularly volatile issue, with allegations abounding that UNIP planned to divide the ethnic group.²⁵ UNIP and the chiefs did not help matters.

²⁰ *Zambia Daily Mail*, 20.9.1991.

²¹ *Zambia Daily Mail*, 3.12.1990.

²² Republic of Zambia, *Summary of the main recommendations of the Constitution Commission of Inquiry together with the Government Reaction to the Recommendations*, Government Paper No. 2 of 1991, Lusaka.

²³ *Zambia Daily Mail*, 15.10.1991.

²⁴ *Times of Zambia*, 4.8.1991.

²⁵ It is much more likely that UNIP tried to tie the Lozi *en bloc* to the party, after Lozi elders had reiterated that President Kaunda had violated a 1964 agreement with the Lozi stating that the government of Zambia would not interfere with the Lozi royal establishment. The government was also accused of having transferred £ 78.5 million out of the Lozi treasury to the Ministry of Finance after independence. A meeting of elders demanded in September 1990 that this money, inclusive of interest, should be returned (*Africa Confidential* 9.11.1990).

Chieftainess Nkomeshya of Lusaka Rural, for instance, was reported to have publicly declared that she disowned one of her subjects who had formed an opposition party,²⁶ and a speaker of the Lozi paramount chief was in October 1991 alleged to have threatened that those Lozi who did not support UNIP had to leave the province.²⁷

UNIP functionaries added to the insult. In July 1991 Western Province Minister Munukayumbura Sipalo addressed a meeting asking "why an ordinary person should get involved with other parties when the traditional rulers were in support of the ruling party".²⁸ Chiefs who stepped out of line were not spared. In September 1991 Chief Kapiyampanga of North-Western Province resigned from his UNIP parliamentary nomination in Solwezi due to pressure from his subjects. In response, the UNIP central committee member of the area was reported to have called him "an old suitcase" threatening that UNIP "would only accept his withdrawal if he would resign from UNIP and join MMD".²⁹ The chief was not persuaded to change his decision, and his subjects were up in arms against UNIP for insulting their chief.

Other chiefs too were wise enough to safeguard their impartiality, even under difficult conditions. Chief Musokotwane of Southern Province declared his impartiality although his 10-men traditional council, the Lukuni Council, had handed in their resignation on account of having joined the MMD campaign.³⁰ This was all the more astonishing since his brother, Kebby Musokotwane, the former Prime Minister, was one of UNIP's strongest candidates standing in neighbouring Livingstone. The chairman of the chiefs council, meanwhile, embodied the level of inter-linkage involved at the local level: Apart from being the elected representative of some 375 Toka headmen in terms of traditional leadership, he had previously also occupied the position of UNIP ward chairman. He had resigned from that post, he explained, because "all those that elected me have joined MMD and since they chose me I had to follow their wishes".³¹

²⁶ *Times of Zambia*, 9.2.1991.

²⁷ *Daily Express*, 29.10.1991.

²⁸ *Times of Zambia*, 9.11.1991.

²⁹ *Times of Zambia*, 11.9.1991.

³⁰ *Zambia Daily Mail*, 24.7.1991.

³¹ *Zambia Daily Mail*, 24.7.1991.

2.4 De-linking UNIP and the government

After 17 years of one-party rule UNIP and the government were essentially identical. UNIP's indiscriminate usage of government funds and the state media for their own party campaign, is but one of the more recent manifestations of this virtual amalgamation. President Kaunda's statement, reported in the *New African* that: "Now we are going multi-party, like Britain, the party in power will use all the machinery to promote itself, not the opposition", sums up the attitude succinctly.³²

The official "end of the marriage between UNIP and the state",³³ effective from 4 September 1991 with the adoption of the new constitution, throws wide circles. Innumerable members of the UNIP leadership at district, provincial and national levels benefited from government facilities, such as housing, vehicles and other allowances. MMD chairman for local government and housing, Michael Sata, filed at the end of September 1991 a petition with the Lusaka High Court, seeking "UNIP's immediate vacation of central or local government premises, including parastatal and residential premises" and requesting UNIP to "account for or surrender all properties of the government including vehicles".³⁴ The High Court granted the order and ruled that former leaders hand over the property by 31 November. Some affected leaders have resisted the handover.³⁵ These problems mark the beginning of a process that still lies ahead.

MMD has during the election campaign promised to implement a strict parastatal reform, threatening "to remove all chief executives who had been appointed under the previous government".³⁶ Zambia's parastatals have been a pool of profitable positions for the patrimonialism the Kaunda government engaged in, and many now fear to lose a lot. Francis Kaunda, the chief executive of the Zambia Consolidated Copper Mines (ZCCM), alleged to have diverted millions of Kwacha for private and party use, was sacked within days of Chiluba's inauguration as President. Many executives in the parastatal sector and other UNIP appointees have since met the same fate.

But patrimonialism has also been rampant at the lower levels, and many appointed UNIP and government officials, whose lifestyle has been subsidised by state funds, are also set to lose. At the local government level

³² *New African*, January 1991.

³³ *New African*, November 1991.

³⁴ *Times of Zambia*, 29.9.1991.

³⁵ *SouthScan*, 8.11.1991.

³⁶ *Ibid.*

the disengagement is arguably the most difficult. Democratic local government elections were abolished in 1980 with the passing of the Local Government Act, which has now been repealed. The act effectively restricted the vote for district councillors to card carrying UNIP members, and the choice of district and provincial governors was in the hands of the President. Government and party structures were virtually indistinguishable at the local level, and the vast lowest level party machinery, the ward chairmen, have in their areas often assumed the roles of headmen and chiefs. In the urban areas in particular, ward chairmen have in the townships usurped roles beyond their party function. They have often acted as local court functionaries, distributed plots of land, and were at some stages involved in the registration and distribution of the mealie meal coupons. In urban marketplaces UNIP party officials were instrumental in handing out permits for traders, making sure that only UNIP members got a stall. UNIP vigilante groups enforced, particularly in urban and peri-urban areas, the laws of the UNIP ward chairmen.

The close inter-linkages between state, party, and traditional rulers that have now become evident will pose a lot of questions and problems in the near future. What will happen to the overinflated UNIP party machinery from the ward chairmen up, whose members were all partly dependent on UNIP/state funds and facilities? And what is going to happen to the chiefs, who have been proven not to reflect the interests of their subjects? One would expect that their subjects, rather than the MMD government, will start to question their authority and role. Political ambitions of the chiefs, an editorial in the *Times of Zambia* suggested before the elections, might be at a very low. If they are proven to be "unable to influence their subjects politically, then their alliance with the politicians will be in great jeopardy".³⁷ The basic question which has not been answered is what role the potentially hierarchical and possibly undemocratic institution of chieftaincy will have in a democracy. A number of chiefs seem to have, purportedly in "traditional" style, pledged their support to the new government and abdicated from their UNIP positions. Whatever will happen to the chiefs in the future, they promise to be politically weak.

2.5 The new Constitution

On 24 September 1990 Kaunda announced that the referendum on the re-introduction of multi-party democracy had been cancelled. Shortly

³⁷ *Times of Zambia*, 15.10.1991.

thereafter he declared that a Constitutional Commission of Inquiry would be appointed to draw up constitutional proposals for the new *Third Republic*. The working method of the Commission would, *inter alia*, include public hearings throughout the country, and the review of petitions submitted by individual citizens or organisations. The Commission, appointed on 8 October 1990 consisted originally of 22 members, chaired by Professor Patrick Mvunga. Two appointed members representing MMD, Arthur N.L. Wina and Akashambatwa M. Lewanika, refused to take seat in the Commission on grounds that its composition had been determined unilaterally by the government and that it was heavily biased in favour of UNIP. The Law Association of Zambia and various church bodies also complained about lack of consultation. MMD supporter, and later MP and Minister of Justice, Rodger Chongwe, argued that a new constitution be adopted by a constituent assembly of delegates drawn from "all walks of Zambian life" and not only from the ranks of the UNIP Parliament.³⁸ Additionally, Chongwe argued that the legislature could not itself pass a law setting the terms of its own existence and powers.

In spite of complaints and distrust in the credibility of the Commission, MMD and other interest groups, made oral or written submissions to the Commission's public hearings, which took place at provincial centers from 18 October 1990 to 18 January 1991. More than 580 written and 400 oral submissions were received, and due to the high interest among people to present their ideas about the country's political future, the Commission had to extend their hearings in order to cope with the number of witnesses.³⁹ During the work on its report the Commission made a number of fitting observations about the political mood in the country. Specific notice was made of the following:

A mood of anxiety, impatience and desperation among some Petitioners; some submissions reflected resentment of the One-Party Rule of the past seventeen years. This resentment extended to the leadership of UNIP.

Despite the resentment, mood of anxiety, impatience and desperation, there was a general feeling among Petitioners of the need for a peaceful transition into a plural democracy to ensure continued political stability of the country.

³⁸ *New African*, April 1991, p. 19.

³⁹ Economist Intelligence Unit, *Zambia. Country Report*, No. 1, 1991, p. 7.

There were sporadic demands from some Petitioners that the report of this Commission of Inquiry should not be manipulated, an indication of some mistrust and a kind of credibility gap.

There were also noticeable gaps in the information flow concerning vital facts about the Country amongst a number of citizens, particularly those far away from Lusaka.

On the basis of the evidence, there appeared to be some mistrust between the Rulers and the Ruled, particularly in places rural and distant from Lusaka.⁴⁰

Such opinions illustrated the deformation and deterioration of authority, credibility and legitimacy of the one-party state and the Kaunda government. If taken seriously, they also documented conclusively the deep-rooted popular demand for profound political changes, and a re-orientation of politics in Zambia.

The Commission concluded its report in April 1991, and in mid-June the government released the report together with the response of the government to the Commission's proposals. Among the most significant proposals the Commission recommended a strong executive President, but unlike the 1973 Constitution the terms of service of the President were to be limited to two five-years periods. Powers of detention and restriction without trial as well as power to declare a state of emergency was to be vested in the Office of the President. The report also proposed that the President have the power to dissolve Parliament, and to appoint the Cabinet from "either outside and/or inside Parliament". The latter recommendation was rejected by the government, which held that the Cabinet should be "appointed from outside the Parliament and function outside the Parliament", and that Cabinet members should not be subject to parliamentary ratification. As to the position of the Chiefs, the Commission recommended that the existing House of Chiefs be abolished and that a 45-member Chamber of Representatives with legislative powers be created with two chiefs and three representatives from each province.

The opposition's reaction to the report was outright rejection, and MMD went as far as condemning the proposals as a "recipe for another dictator". MMD's main objections were that the proposed system consolidated too much power in the hands of the government, and in particular the government's proposal of appointing the cabinet from outside Parliament. However, the issue was not only about constitutional principles. It was

⁴⁰ *Report of the Constitution Commission, Republic of Zambia, Lusaka, April 1991, p. 10.*

basically political, and became a key issue between the opposition and the government. The crux of the matter was the following: During the summer of 1991, when the new Constitution was to be approved by Parliament, it was commonly expected that Kaunda might succeed in winning the presidential elections but the opposition taking the majority in Parliament. If such a situation should arise, a strong Presidency, with the prerogative to dissolve Parliament unilaterally, in combination with a Cabinet appointed from outside the government, would potentially create a serious political crisis, threaten the political stability and make the country ungovernable. In addition it would significantly marginalise the position of Parliament, widely expected to be dominated by MMD. Frederick Chiluba argued that the presidentially appointed ministers would be unrepresentative and unaccountable to the people, and he requested Kaunda to withdraw the constitutional bill and ensure that the positions of the opposition parties be heard and considered fairly. MMD threatened to boycott the elections, and in a press release they resolved "that there shall be no general elections without a nationally accepted democratic constitution".

President Kaunda reacted to the critics by inviting the opposition parties to State House for discussions. Frederick Chiluba responded that it was too late for consultative involvement by the opposition because a white paper and a bill to be discussed by Parliament had already been gazetted. The issue was urgent, however, and very significant if elections were to be held at all, and repeated attempts were made to bring the main opponents together. Christian church leaders contributed to finally breaking the deadlock over the content of the new Constitution when they succeeded to convene and host a rare meeting on 23 July 1991 between President Kaunda and Frederick Chiluba.⁴¹ During this meeting at the Anglican Cathedral in Lusaka it was agreed that the proposed constitution needed major revisions, but that more time was needed to allow for consultations with parties outside Parliament. As a result, the constitutional proposals were substantially amended a week later, on 31 July 1991. Among the main amendments were provisions requiring all Cabinet members to be appointed from the ranks of the members of Parliament; an increase in appointed members of Parliament from five to eight; the removal of a provision creating a constitutional court, which had given the President power to declare martial law; and a provision requiring the President to consult with Parliament before declaring a state of emergency and providing for the

⁴¹ *Times of Zambia*, 26.7.91. Letter of 1 July 1992 from the Foundation for Democratic Process — FODEP (formerly ZEMCC) to the authors of this report.

termination of state of emergency within seven days after the election of a new president.⁴²

The new Constitution was passed by Parliament on 24 August 1991, replacing the 1973 Constitution. Parliament was enlarged by 25 elected members to 150, and with 8 more to be appointed by the President (as opposed to 10 in terms of the 1973 Constitution). Under the former Constitution the President had to appoint the government from among members of the Central Committee of UNIP. According to the new Constitution members of Cabinet were to be selected among MPs. Furthermore, the new Constitution did not establish a House of Chiefs, although Article 74 provides for the establishment of a House of Representatives by a resolution passed by a two-thirds majority. This was, indeed, a controversial issue during the constitution-making process. The Mvunga Constitution Commission proposed that "the House of Chiefs be given legislative powers and that it be enlarged in size in order to achieve broader ethnic representation". In conclusion the Commission recommended that "chiefs be given a more active role in the legislation process by making provision for their representation in the Chamber of Representatives". The Government accepted these recommendations together with the proposal to dissolve the House of Chief (set up under the 1973 Constitution) and to integrate the formal political functions of the chiefs into the House of Representatives, and to bring them into the legislative process. This proposal, however, was strongly resisted by the opposition parties, among them MMD, and the compromise ultimately reached deferred indefinitely the decision on the precise role of the House of Representatives.⁴³ The constitutional prerogatives of the chiefs have, therefore, been considerably curtailed by this constitutional reform.

In a number of ways the Constitution of Zambia Act of 1991 represents a constitutional and legal break with the past. Most important, of course, is the legalisation of political parties in terms of Article 21(1), which formally allows for multi-party democracy and puts an end to the implied identity between UNIP and the government. Other significant improvements over the former Constitution are the extension of the Bill of Rights to specifically include the freedom of the press, freedom from discrimination

⁴² *Pre-election Report. October 31, 1991 Zambian Elections*, the Carter Center of Emory University and NDI, Lusaka, October 1991, p. 8.

⁴³ Cf. Article 74 of the 1991 Constitution which states that "The National Assembly may by a resolution passed by two-thirds majority of its members establish a House of Representatives to perform such functions as may be prescribed by the Constitution".

based on sex and marital status, freedom of movement and the protection of young persons from exploitative labour practices.

In spite of significant limitation of powers (in relation to state of emergency, appointment of cabinet), the 1991 Constitution provides for a strong executive president. He has the prerogative of appointing the Cabinet, dissolve Parliament, declare a state of emergency, to declare a war (after consultations with Parliament), and to pardon or reprieve offenders. This made observers utter concern that an overwhelming MMD parliamentary victory would create anew a *de facto* one-party state in Zambia. When confronted with this concern in a press briefing on 30 October, Chiluba responded by referring to his own democratic commitments and the safeguards represented by an independent press.

2.6 Election system, electoral commission and the delimitation process

The election system in place in Zambia is based on majority (or more precisely *plurality*) elections in single-member constituencies, with one round of elections and "first-past-the-post" as the guiding principles for electing members of Parliament. The election system does not offer a choice between more than one candidate from each party. The new election law was approved by the former Parliament in August 1991 shortly before it was dissolved.

It is commonly acknowledged that a plurality method for calculating votes in combination with single-member constituencies accords an advantage to the strongest party. It tends to give disproportionately more seats to the most successful party. Moreover, the system is intended to produce a majority government and tends to gravitate towards a two-party constellation. Small parties without a local or regional stronghold will have difficulties obtaining representation. An important argument against this system is that it is restricting the electorate's range of choice to no more than two party alternatives. However, in countries undergoing dramatic and rapid political and economic changes, as in the Zambian case, an important advantage may be that a majority parliament more easily will bring a strong and stable government.

The Zambian Constitution provides in Article 76 for an Electoral Commission of three members appointed by the President to supervise the registration of voters, the conduct of Presidential and Parliamentary elections and the review and delimitation of constituencies. The Commission's directorate is responsible for carrying out the elections; to

conduct training seminars in provinces and districts; to deliver election materials (ballot boxes, voting booths, vehicles) etc. The Chairman of the Commission, the Director of Elections, holds a public office, and his important functions include ensuring that election officers perform their duties impartially, and issuing instructions to election officers. The Permanent Secretary of each of the Provinces acts as liaison between the Electoral Commission and the Election Officers in each constituency. Among the tasks of the Permanent Secretaries are the organisation of transportation of election materials and equipment. Election Officers of each constituency include an electoral officer, a registration officer, an assistant officer, a returning officer, a presiding officer, a polling assistant and counting assistants.

The Electoral Commission appoints a Returning Officer and an assistant returning officer to administer the elections in the constituency to which they are assigned. The major tasks of the Returning Officer is the counting of ballots at counting centres. The counting procedure became a major source of controversy during the last phase of the election campaign as MMD expressed concern that the transportation of ballot boxes from polling stations to counting stations would provide opportunities for disruption or manipulation. There were 3,489 polling districts or polling stations in the country. The Z-Vote on several occasions stated that given the existing suspicion, a polling site count would be preferable.⁴⁴ As appropriate safeguards Z-Vote suggested to provide specific and definite identification of each polling site; allowing party agents to affix foolproof seals to the ballot box; permitting agents from at least two parties to accompany all ballot boxes to the counting centers; counting each ballot box separately, and granting party agents and domestic monitors full access to all aspects of the counting process.⁴⁵ The Electoral Commission responded positively to several of these proposals, some of which had already been implemented.

Another problem which attracted much attention and criticism was the alleged lack of independence and impartiality of the Electoral Commission. The problem stemmed partly from the lack of security of tenure of the Commission members, as the President had powers to remove them.⁴⁶ In

⁴⁴ *Pre-election Report. 31 October 1991 Zambian Elections*, the Carter Center of Emory University and NDI, Lusaka, October 1991, p. 21.

⁴⁵ *Ibid.*

⁴⁶ Cf. *Presidential and National Assembly Elections in Zambia. 31 October 1991*, the Report of the Commonwealth Observer Group, Commonwealth Secretariat, London, 1992, p. 14.

addition, the fact that the third member of the Commission who resigned, was not replaced, obstructed the creation of a feeling of trust and confidence needed among opposition parties. Criticism was also levelled against the Chairman of the Electoral Commission for being biased in favour of UNIP.

ZEMCC in its Final Report identifies a number of other concerns about the work and function of the Commission. Firstly, it criticises the practice that announcements regarding the election procedures were being made by officials of UNIP; secondly, deep concern is expressed about the inadequate funding and staffing provided for the Electoral Commission and Electoral Office; and thirdly, the report alleges that the educational duty of the Electoral Office was not properly carried out.⁴⁷

According to the new Constitution the number of seats in Parliament was extended from 125 to 150. In order to take account of the 25 new seats, constituency boundaries had to be revised and redrawn, and the Electoral Commission acted as a Delimitation Commission. The Commission itself acknowledged that time pressure precluded a more comprehensive revision of all constituency boundaries, and that it was handicapped by limited and inaccurate data.

As a guiding principle considerable preference was given to rural constituencies. As a result, the number of eligible voters differed considerably between constituencies, ranging from 6,376 to 70,379. Despite this highly disproportional distribution of voters behind MP candidates, the suggested delimitations did not prompt major complaints. On election day, however, constraints on logistical capabilities (vehicles, candles or lamps) produced serious problems at some polling stations, and delayed the counting process.

2.7 Registration of voters

When assessing whether the elections were democratic in nature a crucial factor to consider is whether all eligible voters had an equal opportunity to take part in the elections. In this regard the registration of voters is a key issue, and it became a highly controversial one in the Zambian elections. On election day a serious problem arose as a result of flawed registration procedures and practices, as thousands of voters failed to find their names on the voters' rolls. However, what may have looked like a "recipe for

⁴⁷ Zambian Elections Monitoring Coordinating Committee, *Setting a Standard for Africa: Free and Fair Elections. Final Report*, Lusaka, 7 November 1991, p. 7.

rigging” (questions to that effect were asked by MMD in an advert published by the *Daily Express* on 12 October 1991), were most likely serious incidents of election mismanagement and inadequate election preparations.

According to the election code, a general registration of voters is to be made every five years, one year ahead of elections. The code states that only a person who holds a voter’s card and National Registration Card may vote. Subsequent to each election year, registration rolls are revised to reflect additions, deletions and inaccuracies. The last general registration had been compiled in October 1988. During a three-month period in 1990, in preparation for the proposed referendum on the introduction of a multi-party system, a supplementary registration was conducted, and in July 1991 the tentative electoral rolls were made available for the public to check inaccuracies and suggest corrections. The final electoral roll was released in September 1991.

The final polling statistics showed that only 2,9 million Zambians had registered as voters. Due to lack of reliable statistics it is difficult to make conclusive calculations about the proportion of eligible voters who had actually registered. One study of the voters’ register, however, when taking cognizance of the age structure of the population, seems to be fairly credible. It suggests that the total number of eligible voters was about 3,5 million, which means that 83 per cent of eligible voters were registered.⁴⁸ The Delimitation Report of the Electoral Commission, according to the Pre-Election report of Z-Vote (using a higher figure of eligible voters), put the percentage at 75.⁴⁹

When elections were announced in September 1991 the opposition required an extended registration period to accommodate persons who had reached the voting age of 18 years since the supplementary registration period in October 1990. They also argued that many potential voters did not register for the referendum due to lack of interest in that particular issue, and that they did not anticipate that the voters’ rolls for the referendum was to be applied to the multi-party general elections. However, the requests for re-opening of the registration lists were turned down by the

⁴⁸ Sara Longwe and Roy Clarke, *A Gender Perspective on the Zambian General Election of October 1991*, Lusaka, December 1991. This study was commissioned by the authors of the present report, cf. Table on Distribution of People on the Voters Register, by Province, Sex and Age. The calculations of Longwe & Clarke are based on World Bank figures on the age structure of the population, cf. *World Bank Report 1991*, Oxford University Press, 1991, Table 26, p. 254.

⁴⁹ *Pre-election Report. 31 October 1991 Zambian Elections*, the Carter Center of Emory University and NDI, Lusaka, October 1991, p. 17.

government. A similar response was made by the government to the request to allow anyone with a National Registration Card to vote.⁵⁰ As a result, many young potential voters having reached the voting age of 18 years, or having changed their address after the register was closed, were, in effect, disenfranchised.⁵¹

The requirement that voters had to present both their national registration and voter's cards caused additional and serious difficulties at the polling stations. Although the procedure for an annual revision of the voters' register allowed for the replacement of lost voting cards, no such revision took place in 1991. The Electoral Commission's allowance for issuing of a provisional Certificate of Authority to vote, proved to be inadequate in many districts since many voters had to travel long distances to obtain them, and often failed to obtain them on their first visit. As a result, many voters were disenfranchised for this reason as well.⁵²

In a comparative analysis of the Voters Registration rolls and the Report of the Delimitation Commission issued by MMD shortly after their release, a number of anomalies were identified, including lack of correspondence between the polling sites listed in the electoral rolls and those listed in the Delimitation Commission report. Some polling districts had been omitted in the Delimitation Report, thus showing a surplus of voters in the voters' registers with no corresponding polling districts. Reviews of randomly selected polling districts (i.e. in Mongu and Libala polling districts) verified this observation.

The Electoral Commission responded favourably to the objections raised by MMD and agreed to publish complete lists of all polling sites and the number of voters in each polling district. Inaccuracies did remain, however, and on 17 October, less than two weeks before the elections, MMD complained that "there is no agreed number of voters in all polling districts".⁵³ According to MMD estimates discrepancies existed between voters' registers and the registers used by the Election Offices.

⁵⁰ *Zambian Election Monitoring Coordinating Committee, Setting a Standard for Africa: Free and Fair Elections. Final Report*, Lusaka, 7 November 1991, p. 6.

⁵¹ Cf. *Presidential and National Assembly Elections in Zambia. 31 October 1991*, Report of the Commonwealth Observer Group, Commonwealth Secretariat, London, 1992, p. 15 f.

⁵² *Ibid.*

⁵³ *Pre-election Report. 31 October 1991 Zambian Elections*, the Carter Center of Emory University and NDI, Lusaka, October 1991, p. 17.

Discrepancies also existed between the locality of polling stations issued by returning officers and those issued by the Election Offices.⁵⁴

As a result of the delimitation of constituencies, serious problems occurred on election day as thousands of voters were turned away at their polling stations to look for their names on the voting lists of other polling stations. The delimitation had created several "ghost" polling districts, misplaced others, omitted some and made it impossible for thousands of voters to poll. Some voters were able to find their names in the second or third polling stations they came to, others were not able to walk long distances to search for their names and eventually gave up altogether. Anomalies of this kind were also observed by the authors of this report when visiting polling stations in the Lusaka township Mandevu, learning that a polling station had been moved from one place to another without notice. Election Office acting deputy director, Robson Mwansa, publicly confirmed that the electoral process was riddled with anomalies but dismissed the possibility of anybody rigging the elections.⁵⁵ This appears to be a valid conclusion, but it also confirms that there is an urgent need to improve the procedures and management of the election process, in particular the procedures of voter registration.

The turn-out rate at the elections was as low as 45.07 and 45.54 per cent in the parliamentary and presidential elections respectively, which means that about 1.3 million voters cast their vote. Accordingly, only 37 per cent of the estimated eligible electorate (of 3.5 million according to our calculation) voted, and MMD government only received the active electoral support of a little less than 1 million (977,000) voters, which is about 28 per cent of the estimated total electorate. Hence, although the support of MMD was overwhelming in relative figures, the elections were not entirely successful in mobilizing the electorate.

These figures illustrate fundamental problems in a participatory democratic process, and in Zambia they also illustrate inappropriate or inadequate registration procedures, and a blatant unwillingness on the part of the UNIP government to address the registration issue properly by allowing up-dating of the election rolls in the election year. Although the figures do not question the free and fair nature of the elections and the election campaign, they nevertheless raise questions about the democratic procedures, in particular in terms of registration procedures and election administration.

⁵⁴ *Ibid.*

⁵⁵ *Times of Zambia*, 1 November 1991.

3. The election campaign

3.1 The state of emergency

The state of emergency had been in effect in Zambia since 28 July 1964, a few months before independence. Under the former Constitution, the existence of the state of emergency conferred wide powers upon the President under the Preservation of Security Act. According to this act the President had powers to make regulations to provide, *inter alia*, for detention without trial. It also gave the President powers to restrict the movement of people and to withhold or withdraw passports to prevent foreign travel by persons whose activities were regarded as inimical to Zambian interests. The state of emergency also required a permit to hold a rally or a large meeting.

Over the years the existence of the state of emergency has had far-reaching consequences with respect to human rights. Most importantly it has effectively negated the idea of a Bill of Rights as a bulwark of defence of the individual. As a result, the rights of the individual was not protected by the Constitution, but rather by the arbitrary benevolence of the President. The state of emergency also gave room for police brutality. In spite of significant improvements in the human rights record of the country since the reform process began, a number of acts of police brutality were reported from a number of townships in the weeks prior to the elections. Ostensibly deployed to curb crime, paramilitary forces were allegedly licenced to act beyond their normal duties. When reporting on the brutal killing of a man at a paramilitary post in the Lusaka township of Kalingalinga, one observer commented that "as the countdown to the elections nears, fear and tension has gripped people over these brutal acts" (cf. section 3.2 on incidents of intimidation).

The original reason for introducing the state of emergency was that Zambia was surrounded by countries with serious and violent internal conflicts (Mozambique, South Africa, former Southern Rhodesia, Angola and Namibia) and that several liberation movements were organizing their activities from Zambian territory. During his years in office Kaunda often maintained that he could not lift the state of emergency as long as Mozambican Renamo bandits continued to attack and kill innocent Zambians. With the ending of the wars in Zimbabwe and Namibia the

rationale behind the state of emergency became less convincing although it continued to legalise the activities of paramilitary forces, detention of suspects, police roadblocks and the introduction of curfews. Over the years innumerable acts of intimidation and harassment have been perpetrated by the police and paramilitary units under cover of the state of emergency.

The state of emergency became an important and much debated issue during the election campaign. Bitter accusations were made frequently. The opposition and the national and international monitoring teams argued that the continued state of emergency was a serious threat to the conduct of free and fair elections. In particular, the existence of stringent measures that could be taken by the government under the state of emergency were in themselves potentially causing fear and suspicion among the citizens and parties, thereby undermining the fairness and the free conduct of the election campaign.¹

In July 1991 Kaunda responded to the complaints by committing himself to lift the state of emergency before the start of the election campaign "if there were no threats to Zambia's peace and stability". He did not act on his commitment, however, until September, when he, in a private conversation with former US President Carter, reiterated his readiness to lift the state of emergency by the end of that month, and authorised Carter to make the announcement to that effect on his behalf.

At this time, the new Constitution had been introduced, and Parliament dissolved. When it was time to put into effect Kaunda's decision to remove the state of emergency, confusion arose as to the powers of the President to do so. The Attorney-General intervened and advised Kaunda that he was not, in terms of the Constitution, in a position to lift the state of emergency without the approval of Parliament which had already been dissolved. Kaunda accepted this interpretation of the Constitution and explained that he had been unaware of this limitation of his authority.

A tense debate ensued on the interpretation of the constitutional provisions with regard to the lifting of the state of emergency, many groups contesting the position of the Attorney-General. However, in meetings with Lisbeth Palme, a Z-Vote representative, Kaunda made reassurances that "he would not implement restrictive measures under the state of emergency",² and MMD decided not to make the state of emergency a litmus test issue.³ It did continue, however, to cause tension. On 21 October, the national

¹ *Press statement* by ZEMCC, 2 October 1991.

² *Press Release*, Z-Vote 14 October 1991.

³ *Pre-election Report. 31 October 1991 Zambian Elections*, the Carter Center of Emory University and NDI, Lusaka, October 1991, p. 11.

chairman of MMD, Elias Chipimo, maintained that Kaunda “on his own has the powers to recall a recessed Parliament which can lift the state of emergency”.⁴ Chipimo also said that Kaunda had declared a curfew as a means of intimidating innocent people, and that this was why he did not want to lift the state of emergency. On 25 October the *Daily Express* reported that the vice-president of MMD, Levy Mwanawasa, had opposed the validity of the state of emergency because no provision existed for it in the new Constitution. Addressing a rally in Kitwe he warned that he would “deal with the police” after the elections for harassing and arresting innocent people at night.⁵

The dispute became increasingly confused about the interpretation of the constitutional provisions. The then Attorney-General, F.M. Chomba, for instance, described pronouncements by MMD candidate and now Minister of Legal Affairs, Rodger Chongwe, that the President was empowered to lift the state of emergency as “a figment of his own imagination”.⁶ In the remarkable advert published by the Public Relations Unit of UNIP in the *Times of Zambia* on 25 October, in which international observers were attacked for pursuing an imperialist strategy in Zambia, UNIP, on its part, seemed to indicate that the state of emergency may be needed in a *post-election period* in order to prevent uprising against a UNIP government.⁷ Hence, the state of emergency had to remain in force, it was claimed.

Nonetheless, in spite of incidents of intimidation and harassment of members of the opposition, in particular by paramilitary personnel in townships and compounds (cf. section 3.2), it appears that the existence of the state of emergency did not substantially obstruct the conduct of the opposition’s campaign throughout the country.

3.2 Incidents of intimidation

Accusations of intimidation during the election campaign were directed against both major parties, UNIP and MMD, against each other and by the public against both parties. As the election campaign gathered momentum, representatives of both parties resorted increasingly to the issuing of threats of violence against their adversaries, the defamation of prominent party

⁴ *Daily Express*, 22 October 1991.

⁵ *Daily Express* 25 October 1991.

⁶ *Times of Zambia*, 29 October 1991.

⁷ *Times of Zambia*, 25 October 1991.

members, and the spreading of rumours about civil strife and unrest during and after the elections.

Innumerable allegations of intimidation were received by both the ZIMT-run complaints office and ZEMMC in the run-up to the elections. Many allegations, however, had to be treated as mere defamation and could not be followed up as written statements could not be obtained. According to a spokesperson of ZIMT, the majority of complaints received were directed against UNIP, but occasional complaints against MMD were also recorded.

Intimidation of opposition members

Reports of UNIP intimidation of MMD members were reported already in the latter half of 1990. In November that year, for example, the then Secretary of State for Defense and Security, Alex Shapi, was said to have incited supporters in a Lusaka township to identify houses of MMD supporters and threatened that “the governor and other leaders will devise plans to make it practically impossible for these non-UNIP supporters to live in their areas”.⁸ In June 1991 “threats to sack pro-MMD civil servants and to withdraw licences from traders thought to be from the opposition” were becoming more common.⁹

One group likely to lose their trading licences were the mostly female marketeers, who by necessity have always formed the bulk of UNIP’s Women’s League. In order to obtain a market stall and keep it “one had to be involved in various party activities” and therefore be a registered active member, admitted one marketeer shortly after the elections.¹⁰ And the marketeers were aware of the penalties for stepping out of line. In 1988 a UNIP minister had warned them that government would repossess the market stands of those who voted against Kaunda.¹¹ In September the National Women’s Lobby Group failed to hold a meeting on Luburma Market in Lusaka, because UNIP officials allegedly threatened to repossess the market stalls of those women attending the meeting of what was believed to be opposition sympathisers.¹²

President Kaunda has also gone on record issuing threats that he would deal with opposition members after the elections. According to a number

⁸ *Sunday Times of Zambia*, 4.11.1991.

⁹ *New African*, August 1991.

¹⁰ *Sunday Times of Zambia*, 10.11.1991.

¹¹ *New African*, September 1991.

¹² *Zambia Daily Mail*, 1.10.1991.

of election monitors Kaunda had publicly announced that he would not forget his opponents after a UNIP victory. In September, for example, he was reported to have warned that “wrong-doers would have it thick in the Third Republic”.¹³ In late September 1991 the *Weekly Post* suggested that according to the remarks of Kaunda at various rallies “more than half of the population will be dealt with severely for being troublemakers by opposing UNIP”.¹⁴ And Sikota Wina of MMD, remarking on Kaunda’s threats, declared: “He says, he will imprison us.”¹⁵

UNIP intimidation was also reported from the townships, such as in Kitwe, from where MMD ward chairman Mutale wrote in a letter to the editor: “Here in Kitwe’s Lubwa ward we are getting threats from UNIP leaders who are urging us to join them if we do not want to be worked out.”¹⁶

Other, more subtle methods of intimidation by UNIP also emerged. In Kitwe UNIP apparently took over the issuing of mealie meal coupons — Zambia’s food subsidy for the poor — and issued them only to their own members and those pledging to vote for them.¹⁷ A school teacher in Choma, for example, complained to the ZIMT office in September 1991 that he was forced by a UNIP candidate to stop teaching and attend a UNIP rally with his pupils. And the employees of Lusaka Hotel alleged that their employer had taken notes of their national registration and voters cards and thereby transgressed the right to the secrecy of the vote.¹⁸

Members of the monitoring teams were not spared UNIP threats that they would be dealt with. One of the lawyers working with ZIMT disclosed that she had many threatening calls from UNIP members, calling her names and telling her to clear her desk, since she would lose her job after the election.¹⁹

But UNIP intimidation also overstepped the mere threat. In January 1991 Humphrey Mulemba of MMD was reported to be targeted by UNIP. The fields of his farm were reported to have been set on fire by UNIP vigilantes, and he was forced to live under a 24 hour guard.²⁰ The burning of houses, crops and granaries of MMD supporters were also reported from

¹³ *Zambia Daily Mail*, 14.9.1991.

¹⁴ *Weekly Post*, 20.8.1991.

¹⁵ *Daily Express*, 21.10.1991.

¹⁶ *Times of Zambia*, 31.10.1991.

¹⁷ *Daily Express*, 29.10.1991.

¹⁸ Letters to ZIMT, September 1991.

¹⁹ Personal communication, name withheld.

²⁰ *New African*, January 1991.

UNIP's stronghold in Eastern Province.²¹ These incidents were also referred to in the pre-election report of Z-Vote.²²

In the last month before the election two MMD parliamentary candidates were alleged victims of UNIP violence. Rodger Chongwe and his wife were attacked by a group of UNIP vigilantes while campaigning in his constituency. Dipak Patel, although himself not hurt, had his security guard beaten up and his car demolished on his property in Lusaka. In the first case UNIP involvement was proven, while the second case was less clear. Round about the same time it was also alleged that UNIP vigilantes were involved in a series of murders in Luanshya on the Copperbelt.²³

What all these cases of violence and intimidation have in common is that while arrests were made in some cases, prosecution of the attackers was not forthcoming. One of the attackers of Rodger Chongwe for example, the UNIP ward chairman of Chaisa, was released on police bond, and reported to have addressed a rally in Chaisa, where the attack had happened, a few days later.²⁴ The *Weekly Post* pointed out that the police had not dealt "firmly with UNIP violence", predictably so, the paper concluded, since the heads of police and army had until August 1991 been UNIP central committee members.²⁵

Allegations of UNIP plots and attempts to kill MMD members were also frequently reported. MMD President Chiluba believed that "numerous attempts on his life and that of MMD members had been made".²⁶ The Mtendere MMD ward chairman in Lusaka claimed that a UNIP plot to liquidate him and his family was being hatched after he had exposed that UNIP had offered him K 20,000 to defect from MMD.²⁷ The *Daily Express* claimed that "UNIP has sponsored 85 strongmen in Kanyama compound in Lusaka to eliminate any staunch MMD supporters".²⁸

Be these incidents of intimidation proven or not, one fact does stand out: Allegations against MMD intimidation are much fewer. Vice-President of MMD, Levy Mwanawasa, has gone on record for threatening publicly that under an MMD government UNIP voting areas could not hope for

²¹ *Weekly Post*, 29.10.1991.

²² Carter Center of Emory University and National Democratic Institute for International Affairs, *Pre-Election: Report October 31, 1991 Zambian Elections*, Lusaka Oct. 1991

²³ Personal communication from Dag Aarnes, NORAD, Lusaka.

²⁴ *Daily Express*, 29.10.1991.

²⁵ *Weekly Post*, 29.10.1991.

²⁶ *Times of Zambia*, 28.10.1991.

²⁷ *Times of Zambia*, 29.10.1991.

²⁸ *Daily Express*, 24.10.1991.

development and that UNIP members would be held answerable for their mistakes.²⁹ Chiluba was in October 1991 reported to have warned that if UNIP would fail to stop their campaign of intimidation “MMD will also learn to intimidate”.³⁰ The *Eagle Express* claimed that Chief Kasempa was assaulted by people believed to be members of MMD “causing bodily harm on his left arm”.³¹ The UNIP district political secretary of Ndola complained that MMD supporters were very rough, throwing stones at UNIP supporters and calling them names.³² A day before the election the then Minister of Home Affairs, General Chinkuli, was stoned by MMD supporters when he chose to drive through an excited MMD crowd attending a very large rally in Lusaka. More telling during his attack was the fact that the Minister was able to produce a gun and fire several shots.³³

Intimidation by paramilitary forces

Possibly the most effective means of intimidating the public was available, however, only to UNIP: The deployment of paramilitary forces in the townships and compounds. Zambian citizens have a clear perception of the deployment of paramilitary personnel in “situations of crisis”. Paramilitary forces have been manning roadblocks in the name of Zambian security for years, and have been known to overstep their role by harassing innocent people. It is almost unquestionable, therefore, that the deployment of paramilitary forces in the townships before the elections did not instill a feeling of security in the township dwellers, but an atmosphere of fear and intimidation. The paramilitary were by all accounts, as was suggested by the government, not engaged in curbing crime, but in keeping an unofficial curfew, curtailing people’s freedom of movement after dark.

The Legal and Security Committee of ZIMT did receive a number of complaints about the conduct of the paramilitary from township residents, and addressed the matter in a letter to the Inspector General of the Police strongly condemning the transgressions by the paramilitary as “ultimately amount[ing] to intimidation”. Reports by the press confirm this.

In Kitwe residents expressed worries about the conduct of paramilitary officers who molested and beat up people at night. They were accused of

²⁹ Interview with Rev. Sakala, ZEMCC, 26.10.1991.

³⁰ *Weekly Post*, 11.10.1991.

³¹ *Eagle Express*, 25.10.1991.

³² Interview, 29.10.1991.

³³ *Times of Zambia*, 31.10.1991.

stirring up civil unrest and chaos by indiscriminately carrying out corporal punishments, and by stopping taxis and beating passengers, after ordering the taxi driver to leave his passengers behind.³⁴ The *Weekly Post* reported that “fear and panic has gripped townships”, where “heavily armed police have run amok harassing residents under undeclared curfew”.³⁵ Reports from Kalingalinga township — one of the poorest in Lusaka — were even more damning. The township had “like most other townships in the country ... ground to a virtual halt at night as people fear to venture out of their homes”. Residents were arrested and beaten up but never charged with any offence. One Kalingalinga resident, B. Mwansongo, died at a paramilitary post in Kalingalinga after he had been picked up one night by the forces. And an UNZA student reported that he was dragged from his home and kicked and beaten throughout the night. No wonder that the residents of Kalingalinga accused the paramilitary of being “legalised thugs”.³⁶

Threats of chaos and civil strife

If the deployment of paramilitary forces in the townships created a feeling of living under siege, the two major parties did contribute further to instill such fears in the Zambian population. Images of civil war and chaos during and after the elections were frequently evoked by members of both parties.

Already in December 1990 Kaunda was reported to have suggested that MMD planned to challenge “UNIP’s right to rule ... by killing people”.³⁷ In September 1991 he warned that Zambia will become another Liberia if UNIP loses the elections.³⁸ Similar statements were repeated during the month of September.³⁹ Situations of civil war in other African countries were also evoked in a UNIP election advertisement on television which depicted brutal scenes of violence from what was believed to be Ethiopia, Angola, and Mozambique. Public pronouncements by President Kaunda were common that MMD was standing for war and hatred and was out to fan violence in Zambia.⁴⁰ UNIP speakers alleged that MMD planned “to

³⁴ *Sunday Times of Zambia*, 27.10.1991.

³⁵ *Weekly Post*, 25.10.1991.

³⁶ *Ibid.*

³⁷ *Zambia Daily Mail*, 10.12.1990.

³⁸ *Weekly Post*, 20.9.1991.

³⁹ See for example *Sunday Times of Zambia*, 1.9.1991 and *Zambia Daily Mail*, 17.9.1991.

⁴⁰ *Zambia Daily Mail*, 29.10.1991.

usurp political power by the barrel of the gun".⁴¹ Kaunda rumoured that "MMD's plan was to provoke violence in Zambia so that when the law caught up with them they would claim they had been victimised".⁴²

Despite his pronouncements Kaunda publicly denied "that he was inciting the nation into riotous frenzy". He told a large rally in Lusaka that "his warnings were not intended to scare or incite but to warn people to vote wisely to avoid economic, political, and social chaos".⁴³ The difference he pointed out so avidly was very subtle indeed.

MMD's major contribution to the rumour mongering about violence were accusations in the second half of October, to the effect that UNIP was ferrying arms into Malawi and was training a private army in readiness for an attack after an MMD election victory. The allegations were made by MMD parliamentary candidate Michael Sata, and by Chiluba himself, but were never substantiated. Sata had alleged during an MMD rally that the government was hiding arms in Sinamisale in Eastern Province, but subsequently failed to prove his allegations.⁴⁴ In a similar attack Chiluba, during an election rally in Ndola, accused Kaunda of having trained a private 400 men army near Lusaka "to cause civil strife in Zambia because he has not accepted the prospect of losing Thursday's elections".⁴⁵ UNIP dismissed the allegations the following day, explaining that the trained men were merely security guards of a parastatal company.⁴⁶

MMD supporters were reported to have threatened to "take to the streets" should they lose the elections, but with the exception of the above cases MMD leaders seem to have kept a lower profile in evoking civil unrest than UNIP.⁴⁷ The threat of violence and unrest in connection with an MMD defeat in the elections concentrated on fears of a popular uprising, rioting, and looting. UNIP, on the other hand, was seen as being capable of organised suppression and terror.

The fear and distinct possibility of civil unrest had gripped not only the common people. Embassies were on alert, ready to evacuate their people, shopkeepers barricaded their shops and secured their goods, and a feeling almost of awe marked election day.

⁴¹ *Eagle Express*, 25.10.1991.

⁴² *Sunday Times of Zambia*, 27.10.1991.

⁴³ *Zambia Daily Mail*, 28.10.1991.

⁴⁴ *Zambia Daily Mail*, 26. and 28.10.1991.

⁴⁵ *Times of Zambia*, 28.10.1991.

⁴⁶ *Zambia Daily Mail*, 29.10.1991.

⁴⁷ Carter Center/NDI, *op.cit.*, p. 13.

As it turned out, appeals by the monitoring teams, particularly the church-dominated ZEMCC, to reconciliation and peace, were heeded, and the leaders of both main parties, Chiluba and Kaunda, called on the Zambian people to keep calm and peaceful and to let the spirit of reconciliation and forgiveness reign. And so they did.

But the threats, intimidation and talk of civil strife did not go unnoticed. Three days after the election, when the new President was already sworn in, one of the main Lusaka markets, normally busy and lively on a Sunday morning, was almost empty. Many traders and customers had stayed away, because, as a marketeer pointed out: "Many are afraid the civil war is coming and they have stayed in their homes."⁴⁸

Just how much the electorate could be intimidated by threats of civil war is suggested by a post-election report from Eastern Province. According to M. Mulla, the provincial chairman of ZIMT, UNIP threats of civil war did fall on open ears there, since the province had in the recent past suffered under Renamo attacks. Furthermore, the writer alleges that UNIP explicitly referred to Renamo attacks in their election campaign, threatening that an MMD victory would cause further atrocities. Many voters, the writer concludes, were therefore not only afraid to vote at all, or to vote freely, but also to cultivate their fields before the elections lest they lose all their inputs.⁴⁹

3.3 The media

Under the one-party state the media in Zambia were — while officially state-owned — factually in the hands of UNIP. Editors to the then only Zambian daily newspapers — the *Times of Zambia* and the *Zambia Daily Mail* — were appointed and removed by Kaunda by presidential decree. Up until the emergence of MMD, Zambian news coverage was by no means bad. The *Times of Zambia*, the qualitatively better newspaper, often carried critical news coverage, and had been relatively autonomous, compared to similar papers in neighbouring countries. This changed with the emergence of an organised opposition. The Kaunda government left no doubt that it was strongly opposed not only to the opposition using the state media for their own concerns, but also against independent media.

In December 1990 Kaunda removed the editors of the two daily papers from their posts for allegedly allowing coverage of the activities of the

⁴⁸ Interview, Luburma Market, Lusaka, 3.11.1991.

⁴⁹ M. Mulla, Chipata, in a letter to the chairman of ZIMT, 13.11.1991.

opposition in their publications.⁵⁰ The new editors were appointed on the strength of their UNIP allegiance. They were warned against covering MMD news items or accepting MMD advertisements.

Prospects for independent newspapers were also dim and riddled with problems. The *National Mirror*, a church-run fortnightly newspaper, which carried non-conformist, pro-democracy editorials, had to fight against threats by the government. It and a monthly MMD newsletter, published since June 1990, were often "bought up in bulk by the state security system to keep in the government morgue".⁵¹

Other new newspapers had a hard time coming out, since such printing companies that were available, were either parastatals and banned from taking work from the opposition, or they were intimidated into compliance with the ruling party.⁵² The MMD-based *Sunday Express*, for example, could not be launched as scheduled in December 1990, because the printing company abrogated the contract on instruction from higher authorities.⁵³ And in April 1991 a production manager in the university printing department was suspended for printing the MMD newsletter.⁵⁴

When, in the beginning of 1991, MMD had ordered its own printing press from South Africa, financed by a multinational company with extensive investments in Zambia, parastatals and government institutions were barred from advertising in the independent press, and independent companies were threatened with repercussions.⁵⁵

Despite opposition the press had blossomed in the latter half of 1991. The MMD published a daily newspaper, *Daily Express*, which was very much an MMD mouthpiece. UNIP brought out a new UNIP weekly, *Eagle Express*, which kept no pretence of impartiality. Possibly the most independent of the new papers is the *Weekly Post*, whose motto, "They bury. We dig", aptly describes its policy. The paper's managing director is a founding member of the MMD, but unlike the *Daily Express* and the *Eagle Express* its aim is to be impartial, and not to propagate MMD views.⁵⁶ The paper seems to stick to its motto. During the election

⁵⁰ *The Star*, 24.9.1991.

⁵¹ *African Business*, February 1991.

⁵² *New African*, April 1991.

⁵³ *African Business*, February 1991.

⁵⁴ *New African*, June 1991.

⁵⁵ *African Business*, February 1991.

⁵⁶ *The Star*, 24.9.1991.

campaign the paper received threats both from MMD and UNIP for exposing scandals involving either of the contending parties.⁵⁷

Matters were worse with the state-owned and government-run television and radio stations. At the end of September the Carter Center/NDI team complained about the partiality of the press, and pointed out the electronic media as the most biased. A press statement released by the Carter Center claimed that while the news coverage of the printed media had greatly improved since the August pre-election mission, "radio and television broadcasts have not equalled this degree of equity".⁵⁸ The Zambia National Broadcasting Corporation (ZNBC) further angered the international observers when it boycotted a panel discussion organised by former US President Carter on the role of the press.⁵⁹

Z-Vote had in September 1991 initiated an independent review of the main news on radio and television. Coverage and content of the news varied, but the Z-Vote team concluded that UNIP was on the whole favoured.⁶⁰

Difficulties also existed for the opposition to buy advertising time from ZNBC. The Corporation refused to accept political advertising spots from MMD, ostensibly because they criticised the governing party. MMD had managed to gain a court injunction requiring the television station to air their commercials, but the injunction was again withdrawn a few days later. Z-Vote thereafter strongly urged ZNBC to "refrain from setting itself as the arbiter of "truth" and avoid censorship".⁶¹

Censorship of the broadcasting corporation had, however, not only hit MMD and other opposition parties. When in July Enoch Kavindele had challenged Kaunda for the post of UNIP president, ZNBC rejected his campaign advertisements on radio and television unless he produced approval from UNIP. ZNBC only allowed the adverts after Kavindele threatened a court injunction against Kaunda's adverts aired on radio and television.⁶²

The central figure within ZNBC was its director-general, Steven Moyo, a former University of Zambia academic. According to undisclosed sources he has, the London-based *Index on Censorship* reported in June 1991, been

⁵⁷ *Weekly Post*, 29.10.1991.

⁵⁸ Carter Center/NDI, Media Advisory, 25.9.1991.

⁵⁹ *Weekly Post*, 27.9.1991.

⁶⁰ The Z-Vote report summarizing the findings of its media survey was unfortunately not made available to the authors of this report.

⁶¹ Carter Center/NDI, op. cit., p 13.

⁶² *New African*, September 1991.

linked to the notorious Special Branch, Zambia's Security Service under the Office of the President. The article alleged that the Special Branch intimidated journalists through the interception of mail, bugging of telephones, interrogations, and the refusal to extend accreditation of foreign correspondents.

During an interview with a foreign journalist Moyo rejected claims of being biased and explained that "the MMD were wrong to think that they automatically deserved equal air time".⁶³ He also dismissed MMD allegations that he was a Member of the UNIP campaign directorate.⁶⁴ The Press Association of Zambia (PAZA) eventually targeted Steven Moyo and the editor of the *Times of Zambia*, Bwendo Mulengela, and in early October 1991 filed an application for an injunction to restrain the two media chiefs from holding office until after the elections.⁶⁵ They threatened a general strike of all journalists should the hearing be postponed until after the election. The court granted the injunction against the media chiefs on 10 October, but on 31 October they were reportedly reinstated in their positions awaiting their appeal cases.⁶⁶ During their suspension news coverage of the election campaign improved dramatically, particularly that of ZNBC.

MMD's Vice-President, Levy Mwanawasa, had in July 1991 threatened the above media chiefs that "as soon as MMD is in power after October they will lose their jobs".⁶⁷ They did, indeed, almost immediately after the MMD-dominated government took over. In the case of the editor of the *Times of Zambia* the case clearly falls within the MMD purge of UNIP appointed officials. The case of Steven Moyo appears to be somewhat different, since he seems to have gone through normal application channels for the position he lost after MMD's take-over.

Some might feel that his dismissal will set a bad example. The MMD has before and after their election victory confirmed that they were committed to free and independent media, and would encourage the present range of newspapers. An editorial in the *Weekly Post*, however, dared to note that both parties have in the recent past demonstrated hostility against critical media coverage, no matter how objective and justified it was.⁶⁸

⁶³ *New African*, August 1991.
⁶⁴ Björn Lund, E., M. Bratton and C. Gibson, *Observing Multiparty Elections in Africa: Lessons from Zambia*, *African Affairs*, No. 91, 1992, p. 419.

⁶⁵ *Weekly Post*, 4.10.1991.

⁶⁶ *Zambia Daily Mail*, 31.10.1991.

⁶⁷ *New African*, July 1991.

⁶⁸ *Weekly Post*, 29.10.1991.

3.4 Gender: A non-issue

Zambian women did not have much scope for political participation in Kaunda's one-party state. The only access to government was via UNIP's Women's League, which together with the Youth League formed what was termed the "mass movements" of the party. While the Women's League was broadly organised with branches reaching down to the ward level, it was far from being a mass movement. Membership in UNIP's Women's League had been rapidly declining since the mid-1980s, when large numbers of younger Zambian women started to reject the images and policies advocated by the League. Their policies, if they formulated them at all, were strictly subordinated to the aims of the male dominated party, and the League's leaders often proved to be fervent supporters of legislation directed against women. Campaigns against single women — scapegoated as prostitutes — and against the legalisation of contraception and abortion are but a few examples. Many of the intellectual, professional women have, therefore, shunned being involved in UNIP's one-party politics, and have concentrated their activities in local NGOs. The remaining support base for UNIP's Women's League were the middle-aged, only modestly educated women, who were willing to represent the party's narrow image of a proper woman: The hefty "mothers" dressed in party colours, who would sing and dance at the airport and worship the male party leadership, from the President down to the ward chairman.⁶⁹ Many of them are marketeers who, in order to obtain and keep a market stall, had to follow UNIP lines.⁷⁰

The rise of the MMD opened up hopes for alternative political engagement for women, but so far changes have not materialised. In the fielding of women parliamentary candidates UNIP and MMD kept an equally low profile: Both UNIP and MMD nominated only seven female candidates each.⁷¹ In view of the fact that women make up 53 per cent of the electorate, women candidates were more than just under-represented. Furthermore, the candidature of these few women did not gain much publicity. Lisbeth Palme on returning from a pre-election visit to Zambia under the auspices of Z-Vote, declared that "media on all sides appear to

⁶⁹ *Multi-Party News*, October 1991.

⁷⁰ Geisler, G., *Sisters under the Skin: Women and the Women's League in Zambia*, *Journal of Modern African Studies*, 25, 1, 1987, pp. 43-66.

⁷¹ The press mistakenly reported on several occasions that MMD had fielded 7 and UNIP only 5 female candidates.

have avoided covering the campaigns of the 12 (sic!) women candidates, both UNIP and MMD".⁷²

A survey of the media coverage of gender issues pertaining to the election during October 1991 did indeed confirm Lisbeth Palme's suspicions, in so far as gender issues were found to be grossly neglected. Coverage of parliamentary candidates was found to be slightly ahead of the actual proportion of women amongst candidates (cf. report by Longwe & Clarke in appendix 2). Lisbeth Palme was, apparently, the only election monitor who publicly expressed concern about the fairness of the election with regard to women. As Longwe and Clarke rightly point out, none of the monitoring teams, neither national nor international, did address the gender issue in their programmes, plans of action or manuals. According to these documents none of the monitoring teams aimed at gaining information about the disaggregation by gender of both registered and actual voters, none paid attention to the news coverage on gender issues, about women's access to polling stations, and the information that reached them about the elections etc. (see appendix 3).

Lacking publicity on female candidates and gender issues during the election campaign was partly compensated by the emergence of the National Women's Lobby Group (NWLG), which later supported the ZEMCC monitoring team. Lack of representation of women in the elections, both as candidates and as an issue in the election campaign had prompted the formation of the group. The group's aim was to lobby for female candidates on a non-partisan basis, and to represent the interests of women voters in general. Its success was very limited, however, and the little publicity created was often distorted by the media.

The group had to suffer strong opposition from UNIP. In NWLG's role of election monitor UNIP accused it of being pro-MMD and financed by the United States as stooges of imperialism.⁷³ The meetings called by the NWLG for women during the election campaign were boycotted and disturbed by UNIP party officials with the backing of the Women's League of that party.⁷⁴

Although gender issues gained little recognition during the election campaign and the elections themselves, they became a contentious issue immediately after the election. While UNIP is reputed to have ignored the gender issue both in election manifestos and in the campaign, the outgoing President Kaunda asserted in his televised speech after the elections, that

⁷² Carter Center/NDI, *op. cit.*, p. 33.

⁷³ *Times of Zambia*, 25.10.1991.

⁷⁴ *Weekly Post*, 20.9.1991.

“some mothers did not vote, and the big question we must address ourselves to is what went wrong? Was there a degree of manipulation or just coincidence?”⁷⁵ His query, while not explained and on the surface surprising, must be based on the pre-election assumption that UNIP and Kaunda “enjoys popular support among vote-wielding middle-aged women all over the country”.⁷⁶

Longwe and Clarke, in a survey commissioned by the authors of this report, tried to investigate the basis of Kaunda’s assertion. Since no disaggregated voting figures are obtainable in Zambia, analyses of the voters’ register disaggregated by gender (by matching voters registration numbers with national registration numbers) and a sample survey of election monitors were employed. Although the results are necessarily inconclusive, they indicate that no great discrepancies between male and female voters as proportions of the electorate seem to exist. Moreover, Kaunda, when making the assertion could hardly have based it on factual evidence, let alone information that goes beyond the results produced by Longwe and Clarke.

The issue Kaunda chose to raise then, merely reflects the expectation of UNIP to win the votes of middle-aged women, many of whom are amongst the group of marketeers, who were known to be staunch UNIP supporters. But marketeers seemed to have left the sinking ship. An observer on the Copperbelt noted before the election that he assumed many of the marketeers would “have a UNIP membership card in one pocket, and an MMD one in the other”. Many marketeers seemed to have been UNIP members by necessity only, in order to keep their business. Recent snap surveys by the *National Mirror* and the *Times of Zambia* seem to confirm that many of the marketeers were too frightened to vote because their future position was in jeopardy. Other were possibly afraid to vote for the opposition and chose not to vote at all.

But not only the marketeers were intimidated. As one of the local election monitors succinctly pointed out: Women are most susceptible to threats and intimidation since they, more than men, feel responsible for the safety of their families. The responsible stance often attributed to women, may on this occasion not have reinforced their readiness to vote but rather induced them to refrain from doing so. UNIP’s campaign of evoking images of civil strife, violence, and threats of retribution may have backfired and alienated its own electoral base.

⁷⁵ *National Mirror*, November 1991.

⁷⁶ C.K. Tiyoonse in *SAPEM*, October 1991.

While in the aftermath it is almost impossible to obtain conclusive information on many of the issues pertaining to the elections, monitoring of gender issues in the ongoing democratisation process is not only possible but all too necessary. The question whether political parties are indeed committed to the democratic process must also include an assessment as to whether each political party was proposing constitutional and legal equality for women, and whether politicians' statements matched the manifesto promises on women's rights.

Concerns have already been voiced about the apparent lack of commitment by the ruling MMD government to ensure the equality of women as promised in its pre-election manifesto. No woman has been appointed to a ministerial post, although suitably qualified candidates were available. Furthermore, in its original draft manifesto the party clearly committed itself to the setting up of a Women's Bureau within the government "intended to provide a solid base for effective and long-lasting change leading to a more free and equal society".⁷⁷ The issue dropped out of the final version of the manifesto, and so far women's delegations to the President urging the establishment of such a ministry have not received favourable responses.⁷⁸

⁷⁷ The Movement for Multi-Party Democracy in Government, *Programme of National Reconstruction and Development through Democracy (Draft Programme)*, Lusaka, n.d., p. 47.

⁷⁸ See Longwe and Clarke, *op.cit.*

4. Election monitoring and observing

The opposition parties had started to demand the presence of international election observers soon after the election was agreed upon. President Kaunda at first refused to give in to this demand. However, on 5 February 1991 he was reported to have considered allowing international observers into the country "if it became necessary", when addressing a gathering of ambassadors.¹ Still, the official acceptance of the presence of international observers did not come until 15 June 1991, at a well attended UNIP rally in Lusaka. According to one observer the president felt so moved by the crowds cheering him, that he "did the unexpected".²

Two days later the *Namibian* reported Kaunda announcing that "already former US president Jimmy Carter and Gerald Ford have agreed either to come themselves or send representatives to the Zambian poll".³ Other organisations, such as the OAU, the Commonwealth and the UN were invited.

By then local initiatives were already under way to fill the void created by the believed absence of international observers by mounting a local monitoring team. The Zambian Independent Monitoring Team (ZIMT) was formed in January 1991. In September 1991 parts of the ZIMT team split off and formed a second local monitoring team, the Zambian Elections Monitoring Coordinating Committee (ZEMCC).

4.1 The formation and infrastructure of ZIMT

The idea to form a Zambian election monitoring team was conceived in late 1990 by concerned citizens, in direct reaction to President Kaunda's refusal to allow international observers to monitor the elections. The original proposal for such a team envisaged the monitoring exercise to last over a period of roughly one year, covering ample time before and after the actual elections. The terms of reference included the building of local election monitoring capacity, and an analytical component, aiming at evaluating the

¹ *Radio Zambia*, 5.1.1991.

² T.C. Kabwe in *SAPEM*, September 1991, p. 26.

³ *Namibian*, 17.6.1991.

process leading up to the elections, the elections themselves, and the process of transition. As one of the authors of the original proposal explained, the intention was to use the Zambian elections as a case study for forthcoming elections in the region. This proposal was circulated among the donors in early 1991 but got no response (see appendices 4 and 5). According to a Lusaka-based diplomat the proposal was considered to be too vague and broad in scope.⁴

The ZIMT core group got under way in April 1991. It was chaired by Rodger Chongwe, a prominent lawyer and human rights activist. As chairman of the African Bar Association he had been involved in election monitoring in Chile, and had become a vocal supporter of the democratisation process in Zambia. The concept of ZIMT was to attract prominent, respectable Zambians as board members, who would have credibility in the eyes of both the ruling party and the opposition parties and be trusted by the Zambian public. In view of this premise Rodger Chongwe resigned as chairman of ZIMT and withdrew from the monitoring exercise once he got involved in MMD party politics and was later fielded as an MMD parliamentary candidate. In his stead David Phiri, a former Governor of the Bank of Zambia and Ambassador to Sweden, was in June 1991 appointed chairman of the ZIMT board. His appointment was strongly supported by Rodger Chongwe and Z-Vote Executive Secretary Richard Joseph. According to Z-Vote, David Phiri was "convinced to accept the ZIMT chairmanship only after Richard Joseph ... met twice in June 1991 with Kaunda to seek assurances that the monitoring effort was sanctioned and that Kaunda accepted Phiri as a credible chair".⁵ Also involved in the set-up of ZIMT were members of a number of NGOs, who served on the ZIMT board in their individual capacity rather than as representatives of their respective organisations.

ZIMT was accepted as non-partisan by both major parties and finally registered as a monitoring team in August 1991. The organisation thereby gained authorisation from the Electoral Commission to designate individuals who would be present during the balloting and counting procedures.

A cooperative agreement was drawn up between ZIMT and Z-Vote, the core of international monitors headed by representatives of the Carter Center and the National Democratic Institute for International Affairs (NDI). The agreement defines the objectives of ZIMT and the areas of cooperation between ZIMT and Z-Vote as follows: ZIMT is "to promote

⁴ Personal communication, Siavonga, February 1992.

⁵ Letter from the Carter Center/NDI to the authors of this report, dated 23 March 1992, p. 5.

an environment conducive for free multi-party general elections". It furthermore "aims to monitor the electoral process and shall ... advance an opinion as to the fairness of the results which will obtain". The activities related to this task were defined as encompassing the education of the Zambian public on their civil rights in relation to elections, to receive complaints on any infringement of these rights, to monitor the voting process, to lobby for the revision of electoral regulations if needed, and to set up a country-wide network of volunteers to monitor the election process.

The cooperation of ZIMT and Z-Vote basically related to the supply of advisory services by Z-Vote to ZIMT, as requested, as well as resource assistance. The role of Z-Vote in the ZIMT programme was defined as assisting ZIMT with an infrastructural grant, with the training of ZIMT volunteers, with the contribution of funds to support civic education, and finally with the supply of information on how to effectively monitor the election process.

Despite the apparent care that had been taken in the choice of the chairman of ZIMT problems and controversies surrounded the monitoring teams and their cooperation. These concerned both the composition and efficiency of ZIMT, and the relationship between ZIMT and Z-Vote, which according to Michael Bratton, a senior adviser to Z-Vote, was "rocky".⁶ Explanations and interpretations of the causes of the encountered problems differ widely and are highly controversial. Major differences have by various parties been attributed to reservations about the non-partisan standing of a number of ZIMT board members, doubts about the operational capacities of ZIMT, frictions over financial arrangements between ZIMT and Z-Vote, and accusations that Z-Vote acted somewhat paternalistically towards ZIMT. While none of these objections can be dispelled entirely by either of the teams, there are reasons to believe that a combination of the above factors contributed to the frictions.

Allegations that ZIMT was biased towards UNIP started in June 1991 when David Phiri was appointed chairman of ZIMT. The accusation was directed against Phiri personally. He was by some critics considered unsuitable as chairman on account of his longstanding friendship with Kenneth Kaunda. A number of ZIMT board members were also alleged to have or have had connections with the Special Branch, the security wing of the Office of the President. The University of Zambia students reacted strongly to these allegations, or indeed caused them, but they were calmed down by the original founders of ZIMT who were by then strong MMD

⁶ Letter of 18 March 1992 by Michael Bratton, appended to the Carter Center/NDI letter of 23 March 1992 to the authors of this report.

supporters. Z-Vote, and particularly Larry Garber of NDI, were also active in trying to convince the students, who formed the bulk of local election monitors, that their suspicions against ZIMT were misplaced, and on the first Z-Vote training session for monitors in August urged them to continue working with ZIMT. Allegations against ZIMT did continue, however, and in ZIMT's own view the adverse press coverage was felt as a major liability.⁷

Parallel to doubts about the impartiality of the ZIMT board, allegations about their operational weakness persisted. Representatives of the Z-Vote team and members of the diplomatic corps agree that ZIMT did have organisational difficulties which caused frustration in diplomatic circles as well as among concerned Zambians. Z-Vote maintains having spent considerable efforts to "jump start the domestic monitoring effort ... even before funds had been provided to Z-Vote"⁸ by inviting David Phiri to participate in a pre-election mission to Bulgaria. Z-Vote furthermore claims to have urged ZIMT board members in early August "to hire an executive director and core staff, to locate and lease office space, and to acquire equipment".⁹ Their efforts were, according to Z-Vote, ineffectual. When the first Z-Vote pre-election mission arrived in Zambia on 18 August 1991, no progress seemed to have been made with respect to the establishment of ZIMT. According to a member of that mission, such board members as had been invited by the chairperson of ZIMT were uninformed and unaware of their task, and many had either not been informed or not agreed to serve on the board.¹⁰ ZIMT, however, claims that already in January 1991 verbal assurances of nine proposed board members had been obtained.¹¹ Z-Vote also suggests that ZIMT failed to "exploit the considerable enthusiasm" generated by the first training workshop held by Z-Vote in conjunction with ZIMT in the latter half of August 1991. Two weeks after the workshop ZIMT had still not managed to acquire office space and a phone number,

⁷ ZIMT, *Fair Play for a Better Tomorrow*, Election Report 1991, Lusaka, January 1992, p. 17.

⁸ Letter of 23 March 1992 from the Carter Center/NDI (Z-Vote) to the authors of this report, signed by Richard Joseph and Larry Garber, p. 5.

⁹ *Ibid.*

¹⁰ Personal communication from Maria Leissner, Siavonga, 27 February 1992.

¹¹ ZIMT, *Fair Play for a Better Tomorrow*, Election Report 1991, Lusaka, January 1992, p. 11.

both of which necessary to register prospective volunteers for the monitoring exercise.¹²

Members of ZIMT explain their operational difficulties, and to some extent the resulting tension vis-à-vis Z-Vote, in terms of wrangles over financial matters between the two organisations. Although Z-Vote denied that such problems existed, there seems little doubt that, in the words of Z-Vote advisor Michael Bratton, "financial arrangements for the administration of donor funds became a major source of friction".¹³ These arrangements seem to have been not only vague but also ill defined and were prone, therefore, to cause misunderstandings. It appears that a large part of the donor funding to ZIMT was initially channelled via Z-Vote. ZIMT sources maintained that their early problems to get off the ground were related to the fact that funds pledged to them both via Z-Vote and directly were not disbursed in time, and that some of the donors had not released funds until the date for the elections had been set. The ZIMT election report states that initially "funds from the donors did not match our intended activity level. Some decisions had to be withheld pending funding."¹⁴ Furthermore, members of the ZIMT board seemed at a fairly late stage not to have been sure about the amount of donor funds pledged to ZIMT, and if and when they were to be received. A Lusaka-based diplomat of a Commonwealth country recalled the lack of information flow between the various parties involved and noted that in August the ZIMT board apparently had little idea about the budget available to them.¹⁵ The full truth of the matter seems still far from clear.¹⁶

It seems to be accepted that Z-Vote had what Z-Vote itself terms a "fiduciary responsibility" to the donors with respect to the funds channelled through Z-Vote but earmarked for ZIMT. According to Z-Vote, therefore, ZIMT was required to produce a budget and a plan of action before the funds could be released. This requirement had not been fulfilled by early September, and one may assume, as a result, that no funds had been

¹² Letter of 23 March 1992 from the Carter Centre/NDI (Z-Vote) to the authors of this report, p. 3.

¹³ Letter of 18 March 1992 by Michael Bratton, appended to the Carter Center/NDI letter of 23 March 1992 to the authors of this report.

¹⁴ ZIMT, *Fair Play for a Better Tomorrow*, Election Report 1991, Lusaka, January 1992, p. 15.

¹⁵ Personal communication, February 1992, Lusaka, name withheld on request.

¹⁶ Despite repeated requests to the Carter Center/NDI to supply the authors of this report with details about the disbursement schedule for funds to ZIMT and details about the arrangements with the donors that contributed towards ZIMT's operations, no such information has been made available.

released by then.¹⁷ Meanwhile the ZIMT offices had been officially opened on 5 September, one day after the election date had been finally announced.¹⁸ Z-Vote had by then still not released the funds designated for ZIMT, pending the awaited plan of action. On 21 September ZIMT presented Z-Vote with a "Memorandum of Agreement"¹⁹, which according to Z-Vote "embarrassed even Phiri because it did not include what had been agreed upon"²⁰ and which others call "ill-tempered". The memorandum, which was never signed by Z-Vote, refers to the financial confusion: "We are concerned that you had set out a programme and budget on our behalf without consultation and at the same time you are asking us to accept your terms without discussion or clarification." Finally the memorandum calls for a mutually agreeable accounting and audit system for the resources provided by the donor community to ZIMT via Z-Vote and a disbursement schedule "setting out all the sums of funds made available by donors to ZIMT through Z-Vote".²¹

Controversies about the release of funds also reached the press. *Africa South* reported that "Z-Vote has failed to release the purse strings, because ZIMT has not come up with any project plan of how they expect to spend the money allocated to them".²² When these controversial funds were actually disbursed to ZIMT has remained a mystery to the authors of this report. According to an earlier statement by Z-Vote, provisional plans to transfer all ZIMT-designated funds to ZIMT were made in late September, but in a later statement Z-Vote declares never having disbursed any donor funds to ZIMT, and that on the behest of three unidentified donors "Z-Vote returned the pro-rata share of the amount that had been appropriated in the Z-Vote budget for direct support of the local monitoring group"²³ (see also section 4.4).

Apart from financial uncertainties the ZIMT memorandum points to the second source of friction between ZIMT and Z-Vote. It refers to the confusion surrounding the role of Z-Vote in the monitoring exercise: "We

¹⁷ Letter of 23 March 1992 from the Carter Center/NDI to the authors of this report, p. 6.

¹⁸ *Times of Zambia*, 6 September 1991.

¹⁹ Memorandum of Agreement between ZIMT and Z-Vote, letter by David Phiri to Richard Joseph, 21 September 1991.

²⁰ Letter of 23 March 1992 from the Carter Center/NDI to the authors of this report, p. 6.

²¹ ZIMT, Memorandum of Agreement, *op. cit.*

²² *Africa South*, October 1991

²³ Letter of 23 March 1992 from the Carter Center/NDI to the authors of this report, p. 6; and Memorandum from Larry Garber and Richard Joseph to Arne Tostensen, dated 6 May 1992, p. 2.

feel that it is absolutely necessary that your organisation's role as observers is not seen as usurping the rights of Zambians to monitor their own elections." ZIMT further requested Z-Vote not to discuss the ZIMT board with third parties without prior consultation with ZIMT, as this was felt to have given rise to doubts being cast "on the credibility of members of ZIMT as a group".²⁴

The memorandum also mentions ZIMT's impression that Z-Vote "considers that local monitoring capabilities are inadequate for the tasks ahead".²⁵ Feelings were prevalent within ZIMT that Z-Vote had assumed too much of a "paternalistic" attitude towards the operations of ZIMT and had been overriding ZIMT's own decision-making processes. The authors of this report heard numerous complaints by ZIMT members that Z-Vote had consulted them insufficiently and had come into the country with preconceived ideas about how to do things, and having disregarded Zambian expertise. Such sentiments, which have been confirmed by a number of individuals outside ZIMT, might well be a reaction against accusations of incompetence and inertia, but could also be considered relevant and in some measure justified in their own right.

The apparent operational difficulties of ZIMT might not only be attributable to, as a member of the Z-Vote team chose to phrase it, their being "both administratively incompetent and unwilling to accept technical assistance"²⁶ but also to factors external to ZIMT. The bulk of donor funds to ZIMT, for example, seems indeed to have been released only after the date of elections had been set (see also section 4.4).

ZIMT's delay in obtaining an operational telephone, which seems to have incensed Z-Vote, might also be due to the fact that ZIMT, with the help of Z-Vote, had leased the former office premises of the African National Congress of South Africa in exile, which had left a large unpaid phone bill on their departure, thus causing an embargo on that office phone. Z-Vote had to intervene to unblock the impasse.

The delays in hiring an executive director for ZIMT seems also to have contributed to accusations of ZIMT's incompetence. According to Z-Vote ZIMT failed to get in touch with the Zambian lawyer based in Oxford (Chaloka Beyani), whom Rodger Chongwe had designated for the position, and finally did so only when prompted by Z-Vote.²⁷ According to others

²⁴ ZIMT, Memorandum of Agreement, *op. cit.*

²⁵ *Ibid.*

²⁶ Letter of 18 March 1992 by Michael Bratton, p. 6, which was appended to the Carter Center/NDI letter of 23 March 1992 to the authors of this report.

²⁷ Letter of 23 March 1992 from the Carter Center/NDI to the authors of this report, p. 5.

the delays were also caused by divergent opinions about the stipulated salary level and other costs involved,²⁸ and possibly by indecision on the part of the lawyer himself.²⁹

A more serious point raised in the ZIMT memorandum is, however, the implicit assumption that Z-Vote had contributed to casting "doubts on the credibility of members of ZIMT as a group". This serious implication and ZIMT's request that Z-Vote refrain from discussing ZIMT with third parties, can only be seen in the context of the developments between the time of the establishment of ZIMT offices and the presentation of the memorandum.

4.2 The emergence of ZEMCC

Allegations of UNIP infiltration into ZIMT and accusations about incompetence on the part of ZIMT were made with increasing frequency during August and September. Frustration mounted not only among members of Z-Vote and the donor community but also amongst concerned Zambians. Doubts about ZIMT's credibility affected all ZIMT board members. On 17 September representatives of Zambia's church organisations met and decided to form their own monitoring group, the Christian Churches' Monitoring Group (CCMG). With its formation the three church members who had served on the ZIMT Board in their individual capacity withdrew and joined the new organisation. The reasons given were questions about the objectivity and independence of ZIMT, and the lack of a detailed plan of action. The churches felt also that they would have more authority as organisations rather than as individuals.³⁰ The new organisation was officially launched on 20 September 1991, one day prior to ZIMT's presentation of the controversial memorandum.

The CCMG was soon joined by a number of other NGOs, some of whose prominent members had served on the ZIMT board or supported ZIMT otherwise in individual capacities, such as the Students' Union, the Press Association, the Law Association, and the National Women's Lobby Group. Other powerful pressure groups such as the Commercial Farmers' Bureau

²⁸ Minutes from the ZIMT Board Meeting on 26 August 1991 record that a Z-Vote representative present at the meeting raised concerns about the need to recruit a lawyer from England on account of travel and relocation costs involved.

²⁹ Personal communication from both ZIMT members and representatives of the donor community, Lusaka, October 1991 and February 1992.

³⁰ ZEMCC, *Setting a standard for Africa: Free and Fair Elections*. Final Report. Lusaka, November 1991, p. 2 ff.

and the Truckers' Association offered their support. The new umbrella organisation of major NGOs was registered on 27 September 1991, merely 5 weeks before election day, under the name of Zambia Elections Monitoring Coordinating Committee (ZEMCC) and under the chairmanship of Reverend Foston Sakala.

Following the registration of ZEMCC the *Weekly Post* reported that ZIMT "which has just been disbanded and replaced by ZEMCC had in particular come under fire from various pressure groups and political parties as unfit in its composition to achieve the desired goal".³¹ According to ZIMT, ZEMCC officials had declared ZIMT dissolved during a 17 September press conference "as if ZIMT was its creation or indeed that of ZEMCC's constituent organisations".³² And Laurah Harrison, chairperson of the National Women's Lobby Group is reported to have declared that: "We cannot work together with ZIMT because we do not know what they stand for."³³ Under these circumstances it was hardly surprising that ZIMT, which did not disband, declined the invitation of ZEMCC, apparently at Z-Vote's behest,³⁴ to join as one of its constituent members.

In early October ZEMCC held its first public workshop at the University of Zambia, where it introduced itself to the public and to the donor community. The response was overwhelming, and *Africa Confidential* felt it justified to report a week later that ZEMCC was favoured as the more trustworthy local monitoring team by Z-Vote and a number of donors.³⁵ ZIMT felt that "the split also affected the close relationship that existed between Z-Vote and ZIMT, with the former opting to work with ZEMCC".³⁶

Z-Vote strongly denies such suggestions. Its representatives maintain that they "insisted that ZIMT should not be summarily dismissed as an entity" and that "Richard Joseph was accused at some point of defending and protecting ZIMT".³⁷ When such efforts failed they claim to have "played a key role, together with the diplomatic community, in ensuring some

³¹ *Weekly Post*, 27 September 1991.

³² ZIMT, *Fair Play for a Better Tomorrow*, Election Report 1991, Lusaka, January 1992, p. 17.

³³ *Weekly Post*, 20 September 1991.

³⁴ Letter of 23 March 1992 from the Carter Center/NDI to the authors of this report, p. 6.

³⁵ *Africa Confidential*, 11 October 1991.

³⁶ ZIMT, *Fair Play for a Better Tomorrow*, Election Report 1991, Lusaka, January 1992, p. 18.

³⁷ Letter of 23 March 1992 from the Carter Center/NDI to the authors of this report, p. 6.

degree of cooperation between the groups in the period preceding the elections”.³⁸

The split of the local monitoring teams did, however, continue to give scope for controversies and allegations, not only amongst its members, but also amongst Zambian citizens and the donor community (see also section 4.4). A week after the successful ZEMCC workshop and a day after the Scandinavian countries presented ZIMT with their funds, the *Times of Zambia* reported that University of Zambia students had called for the dissolution of ZIMT and that ZEMCC “has expressed surprise at the continued aid from the Canadian government to the dismantled ZIMT”. The article goes on to quote ZEMCC board member Mutale, who had previously been serving on the ZIMT board, as having said in Ndola that “ZIMT had been totally rejected by Zambians” and that “assistance must be given to meet the aspirations of the people of Zambia”.³⁹

If ZIMT had blamed their initial operational difficulties on belated disbursement of funds, ZEMCC proved that organisation was possible with very limited funds. The ZEMCC monitoring organisation moved ahead with astonishing speed and success. Using the infrastructure of the churches, their transport and communication network, ZEMCC managed to register and train volunteers in a short period of time. Mobile training units, covering all the provinces did the rest. It soon became evident that ZEMCC had few difficulties in fulfilling its aim of having a trained monitor at virtually every polling station in Zambia. Bishop John Mambo, ZEMCC’s public relations man, declared one day before the elections that ZEMCC was “the only monitoring group with monitors throughout Zambia”.⁴⁰

ZEMCC’s appeal and success was very much based on the fact that theirs was a broad-based organisation, which was able to use the highly efficient and trusted grassroots infrastructure of the churches to pursue their aims. Their efficiency and commitment despite limited funds initially, which in the eyes of Z-Vote was “refreshing”⁴¹ (presumably compared to ZIMT), also added to their appeal and success. Therefore, ZEMCC emerged forcefully as the more people-oriented monitoring group, and the prominence of the churches among its constituent member organisations helped preempt serious accusations of partiality. Since ZEMCC was also able to represent the churches as a body, it had the scope, authority, and more importantly the legitimacy to appeal for peace and reconciliation. The

³⁸ *Ibid.*

³⁹ *Times of Zambia*, 10 October 1991.

⁴⁰ *Times of Zambia*, 30 October 1991

⁴¹ Letter of 23 March 1992 from the Carter Center/NDI to the authors of this report, p. 6.

leaders of ZEMCC were highly successful in easing the tensions between the two main contending political parties and continued to try and arrange a second meeting between Kaunda and Chiluba until the very last day before the elections.

After the withdrawal from ZIMT of the churches and other NGOs ZIMT, with its somewhat eroded popular support base, turned into an urban-based organisation of eminent, high ranking Zambian citizens. The formation of ZEMCC has been interpreted as a reaction to the top-down organisational structure of ZIMT and the somewhat "undemocratic" nature of the appointment of individuals to its board. A number of critics of ZIMT, representatives of Z-Vote included, now believe that ZIMT's initial organisational difficulties were due to its structure, rather than belated funding.⁴² Some go even further to suggest that ZIMT was indeed over-funded.⁴³ If the church-dominated ZEMCC did command popular support and did have the authority and legitimacy to call for peace, ZIMT with its "hand-picked" board of professional Zambian citizens did command expertise, which came to bear in the efficient and professional handling of legal complaints of both parties and individuals by its Legal and Security Committee, in its civic education programme, in its efforts at proposing changes in the electoral procedures, and in its involvement in the Z-Vote coordinated parallel vote tabulation.

It is somewhat unfortunate and sad that differences and competition between the two local monitoring teams prevailed over the realisation of united complementary strength. However, the two monitoring teams did eventually meet in the immediate pre-election period and established a joint working group to coordinate their monitoring efforts during the elections. The rift between them, nonetheless, outlasted their joint success on election day.

4.3 The position of parties

Democratic forces in Zambia had called for the presence of international observers and had initiated the formation of local election monitoring teams. The Kaunda government had eventually agreed to national and international monitoring, but it emerged that the consent was given grudgingly and only partially.

⁴² *Ibid.*, p. 10.

⁴³ Personal communication from member of the donor community who wishes to remain anonymous.

The different values attached to the monitoring exercise by the government and UNIP, on the one hand, and the opposition parties and the Zambian public, on the other, was very apparent even in the day-to-day work of the authors of this report. We found it more difficult to get interviews with UNIP and government officials, but were treated with utmost courtesy by MMD candidates and staff. At MMD rallies international observers were ushered to a place on the tribune, and an emphatic and warm welcome marked the beginning of speeches. This attitude also marked the majority of the Zambian population. When wearing the official tag of an international observer, one was often stopped and thanked on the streets and people volunteered their opinions and grievances about the election campaign.

It was very clear that the election observers were seen by the majority as representatives of democratic ideals who had come to make sure that UNIP would not rig the elections. This perception, while it is almost logical, created, however, a number of problems. One of the board members of ZIMT made a valid point when she suggested that true non-partisanship was almost impossible in Zambia at that moment: People who were identifying with the democratic process and were willing to ensure its validity during the elections, were almost automatically identifying with the main opposition party. This feeling was particularly strong since that party had started off as a popular democratic movement.

A major part of this dilemma, and the fact that it was UNIP, not MMD, that had a record of rigging and, moreover, had the machinery at hand to attempt it, meant necessarily that election monitoring was perceived to be synonymous with watching UNIP. The fervour with which allegations against ZIMT were treated must also be understood in these terms. Accusations from UNIP that ZEMCC was infiltrated by MMD never had the effect of discrediting ZEMCC's ability to monitor the elections. Nor had the suggestion that members of ZEMCC's board were outspoken MMD supporters any bearing on the group's credibility. It did, in fact, rather help establish their credibility.

President Kaunda and the UNIP government certainly reacted to national and international observers with the defiance of the accused. After the Z-Vote team had sent their first pre-election missions to Zambia in August and again in September with former US President Jimmy Carter himself as its head, and issued their first concerns about the conduct of the election campaign, President Kaunda put his foot down.⁴⁴ Under the heading

⁴⁴ According to an *Africa Confidential* (11.10.1991) report Kaunda's "prickly response" to the Carter teams was sparked off "when a member of the Carter team asked a UNIP

“Meddlers Out”, the *Times of Zambia* reported that President Kaunda had declared that international observers had no mandate to interfere in domestic politics and “dismissed recommendations made by former US President Mr J. Carter and his team as alien to the Zambian situation”.⁴⁵ And the *Zambia Daily Mail* on the same day quoted the then Minister of Mines, Mulondwe Muzungu: “They [the observers] give the impression that they are not here to observe but to dictate to us what should be done as if we do not have election procedures.” He added that “the country had held elections since independence and at no time did any one complain that the elections were rigged”.⁴⁶

The Ndola political secretary of UNIP expressed a similar line of argument, when he told authors of this report that international observers assumed Zambia was America. Referring to the suggestion of the Carter Team, that votes be counted at the polling stations, he declared that “one can’t count in the dark”. Supplying polling stations with paraffin lamps as was suggested by the team, moreover, was in his mind surely an act of wastefulness out to destroy the Zambian economy.⁴⁷

What had evidently upset UNIP and the government most at this point was clearly a misunderstanding. The monitoring teams, Carter included, suggested starting a campaign aimed at educating the electorate on how to vote.⁴⁸ UNIP read this suspiciously to mean telling the people *what party* to vote for, rather than informing them about their constitutional rights. The misunderstanding was later cleared up, but the suspicion lingered.

The final UNIP blow against the monitoring teams came on 25 October, when the Government- and UNIP-owned papers repeatedly printed a full-page advertisement, published by the Public Relations Unit of UNIP, which alleged that the monitoring teams were plotting to remove the UNIP government. Under the heading “How non-partisan are the Zambia Election Monitoring Groups?” the advertisement stated that the groups that make up ZEMCC have been proven to be hostile to UNIP: Parts of the church had openly expressed their anti-UNIP stand; the Law Association had openly declared their support for MMD, the Press Association had shown their hostility to UNIP by filing a court injunction against heads of the state owned media (see section 3.3), the leader of the Students Union was known

representative why he had chosen to stay with the ruling party instead of joining the opposition MMD”.

⁴⁵ *Times of Zambia*, 1.10.1991.

⁴⁶ *Zambia Daily Mail*, 1.10.1991.

⁴⁷ Interview, Ndola, 29.10.1991.

⁴⁸ *Times of Zambia*, 1.10.1991.

to be an MMD member, and the National Women's Lobby Group had not only MMD members on its membership, but also MMD parliamentary candidates. In the same vein ZIMT was accused of being the brainchild of an MMD parliamentary candidate, who had put forward the name of its present chairman.⁴⁹ The fact that this very same chairman was accused by other quarters of being biased towards UNIP did not stop the argument being advanced.

What was judged to be even more frightening and outrageous, however, were accusations levelled against the international observer teams and the US in particular. The National Women's Lobby Group, so the advertisement suggested, was sponsored by the US, because "the UNIP leadership has been targeted for removal".⁵⁰ Alleging that the monitoring teams were involved in a "big imperialist plot against the country" the advertisement went on to say that "the so-called observer groups are in actual fact not election monitors, their assignment is to facilitate the removal of the UNIP Government and replace it with a puppet one like had happened in many parts of the world". With the backing of the international observers the imperialist plot was to use local observers to influence the election in favour of MMD such as declaring the elections rigged when UNIP wins.⁵¹

On the same day the UNIP paper, *Eagle Express*, carried a similar advertisement which in addition to the above accusations demanded that monitoring teams should *not* engage in civic education, vote counting and, most astonishingly, vote monitoring. Instead they "must undress itself (sic!) of any political bias otherwise we shall accuse them of election rigging".⁵²

In the following days the advertisements were strongly condemned by both national and international observer teams and their diplomatic representations. The US Embassy, for example, strongly protested its alleged role in using local groups to destabilise UNIP. The US Embassy was also surprised that ZIMT, identified publicly by the Foreign Affairs Minister as the appropriate point of contact for foreign observers coming to Zambia, was now in UNIP's line of fire.⁵³

Following the protests, Kenneth Kaunda apologised publicly for "the offensive UNIP advertisement", and declared that it was not a reflection of

⁴⁹ *Times of Zambia*, 25.10.1991.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² *Eagle Express*, 25.10.1991.

⁵³ *Times of Zambia*, 29.10.1991.

government views.⁵⁴ He stressed that international observers were welcome in Zambia, but again objected to observers who “wanted to do things which could not be implemented under the Zambian law”.⁵⁵

As it were, none of the accusations against national or international observers were voiced after the elections had been declared fair and free. During the election monitoring exercise, however, some local monitors reported to have been prevented from “actively interfering” at the polling stations. These cases, however, were exceptions.

4.4 Supporting democratic elections: The role of the donor community

Funds for the Zambian election process was contributed by the governments of the four Nordic countries (Denmark, Finland, Norway and Sweden), Germany, the Netherlands, the United States, Canada and Great Britain. The beneficiaries included the monitoring teams — both international and national — and the Zambian Electoral Commission, which was desperately short of funds and election materials.

Support of the Electoral Commission was probably most straightforward. Funds were to be used for election materials, such as ballot boxes and the printing of ballot papers etc. Contributions were substantial and in many cases the largest single budgetary item of election support. Norway and Sweden, for example, contributed NOK/SEK 1.5 million each, Denmark DKK 1 million, Finland FIM 400,000.

Z-Vote received possibly the largest share of the election support from all Nordic countries, as well as Germany, the Netherlands and the United States and indirect support from Canada and Great Britain. The Nordic countries alone appear to have contributed some US\$ 900,000 to the operations of Z-Vote alone.⁵⁶ Contributions to other international monitoring teams, such as the Commonwealth Team, or international country delegations who operated both under the auspices of Z-Vote and independently were funded either by their governments or other donors directly.

As already indicated (see sections 4.1 and 4.2 above) funding of the local monitoring teams ZIMT and later ZEMCC has been controversial and

⁵⁴ *Times of Zambia*, 30.10.1991.

⁵⁵ *Zambia Daily Mail*, 30.10.1991.

⁵⁶ Contributions were split between the Nordic countries thus: Finland FIM 200,000; Denmark DKK 1 million; Norway NOK 1.7 million; and Sweden SEK 2.4 million.

difficult both in terms of modalities and timing. Although the finer details have remained patchy to the authors of this report,⁵⁷ indications would have it, that both the conflicts between Z-Vote and ZIMT, Z-Vote's mode of operation, the emergence of ZEMCC, and ultimately the reactions of the donor community contributed to the controversial nature of the funding.

The modalities of funding have apparently been quite different for the respective donors. Some made grants available directly to the beneficiaries, others initially channelled their contributions through Z-Vote, each stipulating their own conditions. According to Z-Vote "some of the donors did not wish any of their contributions to go to ZEMCC, others approved partial use of their funds for ZEMCC and still others gave Z-Vote full leeway to use the money designated for local monitors as they saw fit".⁵⁸ Furthermore, agreements between donors and Z-Vote seemed to have been subjected to considerable change as time passed by.

According to the Carter Center/NDI sources unidentified donors had already in July 1991 "allocated the sum of US\$ 319,000, funnelled through Z-Vote, for ZIMT's direct use, and an additional \$100,00 for Z-Vote training programs".⁵⁹ Minutes of a ZIMT board meeting on 2 September 1992, suggest that ZIMT was "concerned with the role of Z-Vote in securing and administration (sic!) of funds likely to be given to ZIMT" when the representative of Z-Vote at that meeting announced that Z-Vote would be the channel for all available donor funds to be extended to ZIMT. The minutes record that the chairman thereupon "clarified the position and expressly stated that ZIMT funding specifically to be channelled directly" to the trust account designated by ZIMT.⁶⁰ On the next day, apparently in response to Phiri's clarification, the then Z-Vote Project Director, Karen Jenkins, wrote to ZIMT that: "According to the proposal submitted by the Carter Center and NDI, and under which the funds were pledged to the Z-Vote project by donors, the Carter Center and NDI are responsible for disbursing all funds except for [Canada, Great Britain, and Denmark] and will be accountable for all the money expended on the entire project

⁵⁷ Strenuous efforts have been made to obtain details of financial arrangements from both the major donors and from the Carter Center/NDI, but not always successfully, either because documents containing such details were declared restricted, contact could not be made, or responses were not forthcoming. The account here rely on elements of such information that was made available by a number of parties. Unfortunately, the discussion is, therefore, incomplete.

⁵⁸ Letter of 18 March 1992 by Michael Bratton, which was appended to the Carter Center/NDI letter of 23 March 1992 to the authors of this report.

⁵⁹ Letter of 23 March 1992 from the Carter Center/NDI to the authors of this report, p. 4.

⁶⁰ ZIMT, Minutes of the ZIMT Board Meeting, 2 September 1991.

including all disbursements to ZIMT.”⁶¹ In view of the fact that Z-Vote apparently encouraged their role as trustees of ZIMT vis-à-vis the donors, it is interesting to examine why their fiduciary responsibility towards ZIMT was evidently withdrawn subsequently by the majority of the donors.

Funds from the three governments that did circumvent Z-Vote were the first to reach ZIMT. One of the earlier contributions made available to ZIMT came from the Canadian government, which had out of internal reasons opted to fund ZIMT directly with C\$ 50,000 in cash and kind.⁶² The contract, signed on 22 August 1991 stipulated the immediate use of funds. In a letter from Z-Vote to ZIMT, dated 3 September 1991, Z-Vote indicates that the Canadian government had deposited a K 1.2 million cash share into the ZIMT account.⁶³ This is confirmed by the minutes of a ZIMT Board meeting a day later, which mention the above amount as the only money received, and suggest that at that point no further written pledges had been received from the donors.⁶⁴ A further direct contribution to ZIMT in cash and kind amounting to £ 10,000 was made available by the British Government shortly afterwards. A newspaper article also quotes Phiri as having announced that Denmark “had donated K 1 million which was being used to rent office accommodation”.⁶⁵ It is confirmed by other sources that Denmark did hand over a cheque to ZIMT to cover 6 months’ rent for the ZIMT offices.⁶⁶ The balance of pledged Danish funds, together with those of Norway and Sweden, which were initially to be channelled through Z-Vote, were finally made available to ZIMT in October 1991.

On 9 October 1991 a ceremony was held at the premises of ZIMT headquarters to mark the signing of the agreements on the Danish, Norwegian and Swedish contributions to ZIMT which amounted to more than US\$ 200,000 and constituted a large share of total donor support to ZIMT. Finland drew up a separate agreement with ZIMT to the amount of FIM 50,000 which was signed and took effect on 28 October 1991 — three days before the elections.

⁶¹ Z-Vote letter to David Phiri of ZIMT, dated 3 September 1991.

⁶² The money for ZIMT was drawn from a Canadian fund designated for projects proposed by non-governmental organisations for development activities. Therefore, it had to be provided to a Zambian organisation rather than a foreign-based one, such as Z-Vote.

⁶³ Z-Vote letter to David Phiri of ZIMT, dated 3 September 1991.

⁶⁴ Minutes of the ZIMT Board Meeting held on 4 September 1991.

⁶⁵ *Ibid.*

⁶⁶ See Z-Vote letter to David Phiri of ZIMT, dated 3 September 1991; and Minutes of the ZIMT Board Meeting, 4 September 1991.

The Swedish government had on 13 August 1991 signed an agreement with the Carter Center to the tune of SEK 3 million to be used for election monitoring. The agreement specifies that the Swedish contribution was to be shared by the Carter Center, NDI and ZIMT "*as the CC finds suitable*". The Carter Center, moreover, was made responsible for all planning, coordination, follow-up as well as financial and narrative reporting. The disbursement of funds to the Carter Center was made conditional upon the formal announcement of the election date by the Zambian government. Interestingly SIDA also reserved the right to "reconsider or even withdraw support" should "significant changes or problems" arise.⁶⁷ As it were, the Swedish government subsequently invoked this escape clause, and drew up a separate agreement with ZIMT. Signed on 9 October 1991 it made available SEK 600,000 to ZIMT directly, to be transferred to the ZIMT account on the date of signing. Presumably this agreement superseded the earlier one with the Carter Center.⁶⁸

The Norwegian government had with effect from 16 August 1991 signed an agreement with the Carter Center/NDI covering NOK 2 million and giving that organisation the responsibility to disburse a share to ZIMT. At a later date, and after the emergence of ZEMCC, the Norwegian government decided with the Carter Center to make available to ZIMT the specified amount of NOK 200,000 and at the same time authorise the Carter Center to support ZEMCC with a similar amount.

There is little doubt that the emergence of ZEMCC during September 1991 was one of the major reasons for the contractual changes of earlier agreements between the various donors and Z-Vote. The donor community, which had initially chosen to support ZIMT as the sole local monitoring group was now faced not only with mounting allegations about the unsuitability of ZIMT and growing frustrations over ZIMT's lack of efficiency, but also with new decisions on how to relate to ZEMCC. The donor community was split over the issue and conflicts abounded. The existence of such conflicts are clearly reflected in the speech of the Swedish Ambassador to Zambia, Per Taxell, at the 9 October ceremony, when he was reported to have expressed "that it was not appropriate for the donors to be seen taking sides".⁶⁹ His criticism, it seems, was mainly directed at those who had taken the liberty to discredit ZIMT, since on the

⁶⁷ Swedish International Development Authority (SIDA), Agreement on Swedish contribution to the Carter Center, 13 August 1991. Emphasis added.

⁶⁸ Swedish Embassy Lusaka, Agreement on Swedish Contribution to the Zambian Independent Monitoring Team, 9 October 1991.

⁶⁹ *Times of Zambia*, 10.10.1991.

same occasion he expressed “a sincere hope that the time of incrimination and mudslinging on the part of certain national monitoring groups will cease” and make way for more productivity and cooperation.⁷⁰

The Swedish ambassador had indeed been one of the most active and outspoken country representatives in his attempts to mediate between ZIMT and Z-Vote and later in trying to reconcile ZIMT and ZEMCC. His government did, however, also take sides, and vocally supported ZIMT as the more impartial local monitoring team. Denmark took the same stand, and explicitly supported ZIMT only, suggesting that ZEMCC was not considered impartial.⁷¹ Norway, as already mentioned, renegotiated its contract to provide equal contributions to ZIMT and ZEMCC. Finland also supported both organisations with equal amounts and did so directly. The German government, on the other hand, supported only ZEMCC via Z-Vote almost at the last minute, covering the cost of chartered planes to distribute credentials to ZEMCC monitors countrywide.⁷²

The conflicts and the discord among the donors involved in funding Zambian elections monitoring efforts are now in retrospect recalled by individuals of the diplomatic community as unfortunate and inappropriate. One participant in the proceedings characterised the reactions of the donors as “hysterical” and too involved. Another believes that the conflicts between the monitoring teams threw some representatives of the donors off balance and opened up to them a new arena of opinionative politicking, hitherto unknown in Zambia. Whatever the reasons, the outcome was far from intended. The agreed choice of the donors had initially been to support the Carter Center/NDI, mainly because it represented a presumably impartial third party of international standing, legitimacy and credibility. Pledging funds via the Carter Center as a conduit promised to keep the direct involvement of the donors to a minimum, and, moreover, promised to ensure that the donors were absolved from having to take sides or to make judgements about the suitability of local monitors.

As it turned out these laudable intentions proved unrealistic. Most likely the reasons lie with the doubts raised about the suitability of ZIMT, and in their wake doubts about the operations of Z-Vote. It seems to the authors of this report that many of the inherent conflicts were, as the election date

⁷⁰ *Statement by the Swedish Ambassador at the Signing of the Agreements on the Danish, Norwegian and Swedish Contributions to the Zambian Independent Monitoring Team, October 9, 1991.*

⁷¹ Information provided by the Danish Embassy in Lusaka, telex of 5 December 1991.

⁷² Embassy of the Federal Republic of Germany in Lusaka, letter to the authors of this report, 22 May 1992.

drew closer, mutually reinforced by all those involved in the operation, Z-Vote, local monitoring teams, the Zambian public and not least the donors themselves. That this was allowed to happen seems to some degree to be due to the fact that the majority of the donors chose to delegate to Z-Vote the difficult task of disbursing to the Zambian monitors sums of money which were often not broken down by beneficiary and extended under unspecified terms. In fulfilling its fiduciary responsibility vis-à-vis the donors Z-Vote then established what, at least in its own assessment, seemed reasonable conditionalities for disbursement. But of course serious delays resulted, particularly in the case of ZIMT, which might well have contributed to ZIMT's operational difficulties. The fact that at least three donors, Sweden being among them, chose to request Z-Vote to return ZIMT-designated funds to them for direct disbursement seems to confirm that dissatisfaction with Z-Vote's handling of ZIMT funds did exist on the part of some donors.

The availability of foreign aid towards election monitoring seems to have become not only subject to political speculation and guessing but also to the rumour mongering that characterised the pre-election period. The initial concentration of funds in the hands of one organisation, Z-Vote, seems to have exacerbated inherent tensions as much as did the initial choice of the donors to avoid direct involvement by refraining from giving specific and unambiguous instructions to Z-Vote.

4.5 Implications for election monitoring

Although the setting up of the election monitoring teams and cooperation between them was riddled with difficulties, the Zambian election monitoring and observation exercise was a triumphant success, which indeed set a standard for Africa.

The authors of this report strongly believe that it was the interplay between both national monitors and international observers and monitors that enlisted, in a situation like that obtaining in Zambia, the confidence of the voters in the fairness of the election and gave them security as voters. As such election monitoring and observation as a whole made an invaluable contribution towards the promotion of a peaceful democratic change of government.

In the run-up to the elections international observers and monitors, and particularly the Carter Center/NDI team, were instrumental in pressing for changes and modifications in the election campaign and the electoral process. Their recognised authority and international reputation and their status as disinterested outsiders made them invaluable spokespersons for the

democratic elements of Zambian society. The fact that even they immediately faced scepticism or even hostility by the incumbent government is but one indicator of the difficulties local monitoring teams would have had to overcome in pursuing these aims on their own, particularly in view of the fact that the then government only hesitantly agreed to the monitoring of the elections. An international presence was, therefore, undoubtedly necessary.

The reassurance that the actual elections had indeed proceeded in a free and fair manner did largely rest, however, with the local monitors. It was they who were present in virtually each and every polling station over the whole period of the electoral process — the polling, the moving of polling boxes, and the counting. The local monitors were, therefore, the ultimate reference point for the final judgement of international observers. Outsiders could not have established such a complete surveillance system, if only due to the sheer number of people required, let alone the insights into local conditions needed.

But the impact of the local monitors reaches beyond election day. While the international observers have moved out after the elections, thousands of local monitors remain and now form a core of Zambian citizens who have not only experienced democracy by voting but also committed themselves to safeguarding that democratic right for others in the future. Many will without doubt make valuable contributions towards the deepening of the democratic process in the future.

However, successful election monitoring and observation can, and the Zambian context has made this clear, be fraught with problems. They relate mainly to the fact that the impartiality required of an election observer is very hard to define in a situation where an undemocratic government is challenged through democratic elections. Concerned citizens who are willing to ensure the democratic principles are upheld during such an election (i.e. prospective monitors) tend almost by definition to be biased towards the democratic forces that challenge the undemocratic government. In Zambia this was particularly clear-cut, since the main opposition party had in fact grown out of a broad popular movement for democracy.

Such a situation necessarily creates suspicion and confusion. Impartiality and the meaning it assumed in the Zambian context at that particular point in time was a major issue affecting the local monitoring teams. At the time a slight bias towards MMD was clearly considered by many as more compatible with non-partisanship than was a corresponding bias towards UNIP, which was identified — again at that particular juncture — as tantamount to upholding undemocratic principles. The fact that UNIP in

many ways had never exhibited any real commitment to democracy in the period preceding the elections, heightened the conflict.

The inevitable element of suspicion and mistrust will always affect local monitoring teams and their individual members much stronger than it will international observers. Establishing a team that satisfies the contending parties and the electorate is, therefore, bound to be a highly contentious issue. It is also bound to be a matter of precarious balance, particularly with regard to choosing members that are known to be democratically minded persons without too strong a leaning towards the opposition, lest they not be acceptable to the government in power. It is in such a situation almost impossible to satisfy the aspirations of all groups and individuals concerned.

Keeping this in mind, the authors of this report believe that involved outsiders should recognise that these problems are inherently related to a nascent democracy. Given the large security apparatus that is often part of one-party, authoritarian state structures, it is, in fact, almost impossible to preclude any involvement of undemocratically minded individuals. As a result, anybody is potentially "dangerous". However, basic principles of monitoring do exist, such as the requirement that a monitor should not be actively involved in party politics or indeed be a candidate for a contending party and should in his/her capacity refrain from publicly favouring any one party. These principles alone should be applied in judging the suitability of any monitor. Outside this framework foreign observers should by all means avoid making hasty — and possibly wrong — judgements. One would assume that international observers would strongly protest if local monitors would make rash judgements about the democratic inclinations of international observers and be ready to disqualify some of them.

Such sentiments were also voiced by the chairman of ZEMCC, whose group had called the impartiality of ZIMT into question. In an interview just before the election he strongly opposed the active involvement of donors in the democratisation process. He believed that at present democracy had a different meaning and value for Africans, who had to grapple with the fact that a supporter of a different party is not automatically an enemy you want to destroy. Foreign donors should, therefore, be careful not to interfere — they should rather keep strictly to their role as observers and, if need be, offer their ideas of a democratic process.⁷³

In the Zambian case, some of the international observers and donors did, however, make such judgements and took sides with regard to their

⁷³ Interview with Rev. F. Sakala, Lusaka, 29.10.1991.