

**THE OCTOBER 31  
1991  
NATIONAL  
ELECTIONS IN  
ZAMBIA**

**NATIONAL DEMOCRATIC  
INSTITUTE FOR  
INTERNATIONAL AFFAIRS**

**CARTER CENTER OF  
EMORY UNIVERSITY**

PW-ABP-84b  
100 84346

# **The October 31, 1991 National Elections in Zambia**

**National Democratic Institute  
for International Affairs**

**Carter Center of  
Emory University**

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Library of Congress Cataloging-in-Publication Data

The October 31, 1991 national elections in Zambia.

p. cm.

ISBN 1-880134-14-4 : \$9.95.

1. Elections--Zambia. 2. Zambia. National Assembly--Elections, 1991. I. National Democratic Institute for International Affairs.

II. Emory University. Carter Center.

JQ2892.028 1992

324.96894'04--dc20

92-7072

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NDI Description, Board and Publications

# Acknowledgements

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This report is based on information gathered by the Zambia Voting Observation Project (Z-Vote), which was jointly sponsored by the Carter Center of Emory University and the National Democratic Institute for International Affairs (NDI). From August to November 1991, Z-Vote organized three pre-election missions and a large-scale international election observer delegation to Zambia. During the period, Z-Vote also based personnel in Lusaka and worked closely with local organizations that monitored the election process.

The report was prepared under the auspices of NDI and the Carter Center after consultations with members of the international delegation. While these consultations indicate a consensus for the conclusions described here, NDI and the Carter Center assume full responsibility for the accuracy of the report.

The report was written by NDI Senior Program Officer Eric Bjornlund and NDI Senior Counsel Larry Garber with help from Clark Gibson, a doctoral candidate in political science at Duke University, and NDI Program Assistant Gina Giere. The report was edited by Carter Center African Governance Fellow Richard Joseph, NDI President J. Brian Atwood, NDI Public Information Director Sue Grabowski, and Carter Center Diplomat-in-Residence Jay Taylor.

The Carter Center and NDI wish to express their appreciation for the excellent work and contributions of all the participants in the

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various Z-Vote observer delegations and training missions to Zambia. Drawn from 17 countries, these individuals (whose names are listed in Appendix I) travelled to Zambia, in many cases on very short notice, to contribute their expertise and their commitment to peaceful, democratic change. They worked diligently, tirelessly and without complaint. The Carter Center and NDI especially wish to thank Glenn Cowan and Michael Yanakiev for their indispensable advice and assistance in the planning, organization and implementation of the Z-Vote parallel vote tabulation, and Ronald Gould of Elections Canada for his careful consultations with the Zambia Electoral Commission.

The Carter Center and NDI also wish to acknowledge the invaluable contributions of their staff members. Jay Taylor ably directed the Lusaka office during the project's most critical phase, from late September through the elections. As Z-Vote program coordinator in Lusaka from August to November, Gina Giere advised and helped organize the tremendously successful efforts of the Zambian election monitoring groups; despite significant logistical and communications obstacles, she also organized and directed a highly effective nationwide parallel vote tabulation network. Michael Bratton, a political science professor at Michigan State University, contributed his deep knowledge and understanding of Zambian politics, culture and society and his keen political judgment. As the project's first director in Lusaka, Karen Jenkins provided insightful political analysis and kept the project on track during its difficult early days, and she later served as the important liaison person in Atlanta.

For the election delegation itself, Leticia Martinez flawlessly coordinated project logistics, with the capable and tireless assistance of Jennifer Cohan and Mary Hill. Carter Center Public Information Officer Carrie Harmon and NDI Program Assistant Joseph Hennessey oversaw press relations. NDI Grants Officer Donna Huffman handled support for Zambian election monitoring groups and coordinated teams deployed to the Copperbelt. Clark Gibson provided invaluable political insight and advice on the regions to which teams were deployed, and he ably led a team to Chipata in Eastern Province. Hilary Fyfe deserves special mention for her 24-hour-a-day dedication as office manager and for her encouragement and friendship to everyone on the Z-Vote staff, and Betsy Taylor contributed in countless ways and was always eager to take on any task.

A number of others — in Washington, Atlanta and Lusaka — made important contributions over the course of the project, including: Amy Biehl, Theresa Bowers, Alesia Brooks, Allison Calhoun, Jacqueline Dorsey, Abraham McLaughlin, Nkatyia Mutoni, Anne Schneller, Robin Simpkins, Rodney Washington and Lynora Williams. Richard Joseph and Larry Garber served as Z-Vote's executive secretaries and, along with Eric Bjornlund, managed the program.

The Carter Center and NDI also thank Electoral Commission Chairman Mathew Ngulube, Election Director Gabriel Phiri and all the officials involved in the electoral process throughout Zambia for their patience, cooperation and goodwill. We congratulate David Phiri, Reverend Foston Sakala and all the members of the Zambian Independent Monitoring Team and the Zambian Elections Monitoring Coordinating Committee for their outstanding efforts. We also thank President Kaunda and President Chiluba for their invitations to us to observe, and we wish to express our appreciation to all of the leaders and people of Zambia for their generous welcome.

Finally, the Carter Center and NDI wish to acknowledge their sincere appreciation for the assistance, support and cooperation we received from the governments and international development agencies of Denmark, Finland, Germany, the Netherlands, Norway, Sweden and the United States, as well as the coordinated support given directly to Zambian monitoring groups from Canada and the United Kingdom. It was this broad-based, international, coordinated effort that made this successful project possible.

*Jimmy Carter*

*J. Brian Atwood*

# Executive Summary

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On October 31, 1991, Zambians elected a new president and 150-member National Assembly in the nation's first multiparty elections since 1968. As the culmination of a four-month, comprehensive election monitoring effort of the Zambia Voting Observation Team (Z-Vote), the Carter Center of Emory University and the National Democratic Institute for International Affairs (NDI) organized a 40-member international observer delegation for the elections.

The delegation's principal findings, as discussed in this report, are as follows:

- *Opportunity for Democratic Change.* Notwithstanding serious difficulties in the administration of the elections and serious concerns about the fairness of the electoral system and the campaign, the elections offered the Zambian people the opportunity to change their government via the ballot box.
- *Election Authorities.* Working without sufficient resources, the Electoral Commission and election officials throughout the country demonstrated their dedication and professionalism and conducted successful, credible elections.

- *Political Leadership.* Political leaders acted in a spirit of tolerance and cooperation. President Kaunda opened Zambia to multiparty elections, invited international observers and then gracefully accepted the verdict of the people. New President Chiluba magnanimously praised Kaunda and called for brotherhood and tolerance.
- *Zambian and International Monitors.* The presence of independent monitors, both domestic and international, boosted confidence in the process and contributed to its fairness.

The delegation, however, was left with serious reservations about certain aspects of the electoral process:

- *Voter Registration.* Many otherwise eligible citizens could not vote because they were not registered, because they had misplaced the requisite documents (particularly their voter cards) or because of other problems with the voter registry. The last registration period had occurred in October 1990 at a time when some potential voters might not have anticipated the possibility of multiparty elections; moreover, no one who reached voting age between the registration period in October 1990 and the elections in October 1991 was able to register. While procedures were adopted to remedy the problem of lost or misplaced voter registration cards, they were not well publicized, and relatively few people were able to take advantage of them.
- *Ballot Counting Process.* Although few actual problems were reported, the practice of counting ballots at district centers, rather than at the polling sites, opened the process of transporting and counting the ballots to possible manipulation.
- *Impediments to an Open Campaign.* Although they did not hamper the parties' ability to convey their messages, many potential impediments to a free and open campaign environment emerged, including questions about media fairness, campaign finance and the continuing state of emergency.

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The nation had decided that it wanted change. By choosing change through the ballot box, Zambians sent out a message that now reverberates across Africa and around the globe.

## ***Chapter 1***

# **Introduction**

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On October 31, 1991, Zambians elected a new president and 150-member National Assembly in the nation's first multiparty elections since 1968. These elections marked a historic step in the country's return to multiparty politics after 18 years as a "one-party participatory democracy." Despite significant shortcomings with the election system and administration, the elections were universally seen as free and fair, and all parties accepted the results.

Credit for the successful and peaceful elections should be widely shared. Working without sufficient resources, the Electoral Commission and election officials throughout the country proved their dedication and professionalism. Political leaders acted in a spirit of tolerance and cooperation. The presence of independent monitors, both domestic and international, boosted confidence in the process. Above all, the Zambian people, by their peaceful conduct before the elections and their patience on election day, demonstrated a profound commitment to democracy.

The long period of one-party rule in Zambia had sown distrust of the ruling party in much of the country's population. Accordingly, President Kenneth Kaunda and leaders of opposition political parties

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invited former U.S. President Jimmy Carter and others to observe the October elections. The Zambian leaders hoped that the presence of international observers would increase public confidence in the electoral process and would permit an objective evaluation of the process to be presented to the Zambian people and the international community.

On the eve of the elections, in an act of profound statesmanship, Kaunda reminded his fellow Zambians that elections are just “a means to an important end,” namely, “a good government for the people.” Frederick Chiluba, leader of the opposition Movement for Multiparty Democracy (MMD), responded with equal magnanimity and dignity by acknowledging Kaunda’s exceptional contributions as the father of the nation and by asking MMD supporters to seek reconciliation rather than confrontation.

After the elections, the process of transition proceeded quickly and peacefully. On November 2, 1991 — just two days after election day — the country inaugurated its new president. The new National Assembly met on December 5 with 125 of its 150 newly elected members from the MMD.

In his eloquent inauguration speech, President Chiluba declared that “the stream of democracy — dammed up for 27 years — is finally free to run its course as a mighty African river.” (See Appendix II.) Extolling the values of freedom and democracy, Chiluba continued:

For we know what works — freedom works. We know what is right — democracy is right. We know how to secure a more just and prosperous life for man on earth — through the freedom to work, the freedom to toil, through free speech, free elections and the exercise of free will unhampered by the state. . . . The great nations, the prosperous nations, are the free nations. A new breeze is blowing in Zambia. The breeze of democracy and freedom. The breeze of human rights. The winds of change predicted for Africa decades ago have finally reached our land.

To Kaunda, Chiluba extended a “hand of friendship” and called for them to “make one nation and live together in harmony.” And, acknowledging the enormous challenges facing his new administration and the Zambian people, President Chiluba declared “Let us get to work.”

## *Chapter 2*

# **Project Z-Vote**

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Responding to invitations from President Kaunda and other Zambian political leaders, the Carter Center of Emory University and the National Democratic Institute for International Affairs (NDI) formed the Zambia Voting Observation Team (Z-Vote) in the summer of 1991 to undertake a comprehensive election monitoring effort in Zambia. The Z-Vote project sought to promote the integrity of the elections, to build public confidence and encourage participation in the electoral process, and to complement and support domestic observation efforts. The program would also provide the international community with an objective assessment of the process. The project received direct support from the governments and international development agencies of Denmark, Finland, Germany, the Netherlands, Norway, Sweden and the United States. Former U.S. President Jimmy Carter served as chairman of Z-Vote, and NDI President Brian Atwood served as vice chairman.

Z-Vote undertook a range of election monitoring activities in Zambia. Beginning in August, the project sponsored three pre-election assessment missions, conducted training sessions for and consulted with Zambian monitoring organizations, and established a

continuous presence in Lusaka throughout the period. Based on the information collected during the pre-election missions and from the on-site monitoring, Z-Vote prepared a pre-election report and distributed it to members of the Z-Vote delegation, members of other observer delegations, journalists and other interested persons, both in Zambia and elsewhere.

For the elections, Z-Vote organized a 40-member international observer delegation led by Jimmy Carter and Brian Atwood. The Carter Center and NDI intend to continue to work in Zambia following the elections to assist in the consolidation phase of the transition to a multiparty, democratic system.

NDI and the Carter Center, together and separately, have organized large-scale observer delegations to elections in more than 20 countries and have sent smaller teams to observe elections in many others. In 1990 alone, NDI and the Carter Center separately and jointly organized multinational observer delegations to elections in Bulgaria, Czechoslovakia, the Dominican Republic, Guatemala, Haiti, Hungary, Nicaragua, Pakistan and Romania.

## **A. Pre-Election Monitoring**

### **August Pre-Election Mission: Assessing the Prospects for Free and Fair Elections**

The first pre-election mission visited Zambia from August 18 to 24 to assess the campaign and the preparations for the elections. Swedish member of parliament Maria Leissner led the delegation, which also included Albert Tevoedjre, a member of the National Assembly and former presidential candidate in Benin, and Ronald Gould, assistant chief electoral officer of Elections Canada. Eric Bjornlund, NDI senior program officer, and Jay Taylor, diplomat-in-residence at the Carter Center, accompanied the delegation.

The mission evaluated the campaign environment, the legal and administrative framework for the elections, and the ability of competing parties to communicate their messages and organize their campaign operations. The team consulted with a wide range of Zambian individuals and organizations, including leaders and candidates from political parties, government and election officials, journalists and media representatives, and representatives of churches, business and professional groups, a farmers' association, trade unions,

civic organizations and student groups. Discussions took place both in Lusaka and elsewhere in the country.

On August 25 in Lusaka, the team issued a statement highlighting areas of concern. (See Appendix III.) The mission identified potential impediments to a free and open campaign environment, including questions about media fairness, campaign finance and the continuing state of emergency. It expressed the concern that many otherwise eligible citizens may not have had sufficient opportunity to register to vote. The team also stressed the need for enhanced safeguards in the balloting and counting processes. Specifically, it recommended modifications to the ballot numbering system, which potentially threatened the secrecy of the ballot, and to the plans for counting ballots at district centers. Finally, the team urged the government to publish the new constitution and to set a date for the elections.

#### **September Pre-Election Mission: President Carter's First Visit**

A second pre-election mission visited Zambia from September 22 to 27. The mission was led by President Carter and included Chris Bakwesegha, a senior representative of the Organization of African Unity, Adele Jinadu, a member of the Nigerian Election Commission, and Michelle Kourouma, executive director of the National Association of Black Mayors in the United States. Accompanying the delegation were the Z-Vote executive secretaries: Larry Garber, NDI senior counsel for electoral processes, and Richard Joseph, African governance fellow at the Carter Center of Emory University.

The mission met with President Kaunda and MMD presidential candidate Frederick Chiluba as well as with members of Electoral Commission and representatives of smaller political parties, journalists and leaders of various nongovernmental organizations.

At the end of his stay in Zambia, President Carter issued a statement congratulating Kaunda and the people of Zambia for the decision to accept multiparty democracy. (See Appendix IV.) Echoing concerns expressed by the Z-Vote delegation in August, the statement suggested changes in the electoral regulations to promote participation and openness in the process. Specifically, Carter emphasized the recommendation that ballots be counted at the polling sites. In place of the first team's general reservations about the inadequacies of the voter registration process, Carter suggested procedures to

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address the more specific, but apparently widespread, problem of registered voters who had lost their voter registration cards. (See “Election Framework – Voter Cards” below.) And following up on the first delegation’s concern about the state of emergency, Carter announced that Kaunda had agreed to lift the decree at the end of the month.

President Carter also raised serious reservations about the state of electoral preparations, which he attributed, in part, to inadequate resources. Carter’s statement did not repeat the earlier concern about ballot secrecy because the Zambian groups consulted had reached no consensus on this issue. As discussed below, the ruling party issued a pointed rebuttal to the Carter statement. (See Chapter 5, “Electoral Campaign - Controversy over International Observers.”) Z-Vote representatives subsequently pursued the points raised by Carter in meetings and correspondence with UNIP and MMD leaders, election officials and media representatives. (See Appendix V.)

### **October Pre-Election Mission: Clarifying the Role of International Observers**

After his visit to Zambia in late September, President Carter asked Lisbet Palme of Sweden, a member of the Carter Center’s International Negotiation Network, and Ronald Gould, a member of the first pre-election mission, to visit Zambia. Their mission was to reassure Kaunda and senior officials of the ruling United National Independence Party about the role of observers and to continue to press for specific changes in the election procedures.

Palme and Gould visited Lusaka from October 11 to 14. In their meetings with government and electoral officials and political party leaders, the team sought to make clear that the international observer delegation did not seek to dictate Zambia’s electoral rules. They also explained in more detail the rationale for some of the modifications proposed by the earlier Z-Vote missions. (See Chapter 4, “Election Framework.”) At the end of the visit, Palme issued a statement complimenting the Zambians on the changes that had been made to ensure a more open and inclusive electoral system. She also expressed the hope that further steps would be taken to reduce tensions and suspicions. (See Appendix VI.)

### **On-Site Monitoring**

In addition to conducting pre-election missions, Z-Vote representatives staffed an office in Lusaka from mid-August to mid-November. This presence allowed Z-Vote to monitor continually the changing political and campaign environment. From this base in Lusaka and from extensive travels throughout Zambia, Z-Vote personnel assessed the nature of political competition during the campaign, the political parties' access to the mass media and the government's preparations for the elections. In addition to suggesting changes in election procedures, Z-Vote used this information to brief the members of the international delegation before and after their arrival in the country. Z-Vote personnel also established close working relationships with Zambian monitoring groups.

### **B. Training Programs and Organization of Domestic Observer Groups**

On August 24 and 25, Z-Vote, in conjunction with the Zambian Independent Monitoring Team (ZIMT), sponsored a training program for Zambians interested in organizing nonpartisan efforts to monitor the elections. An international team advised Zambian activists drawn from a host of civic organizations on how to recruit volunteers, organize and train a nationwide network of pollwatchers, investigate pre-election complaints, carry out a nationwide civic education campaign, monitor the balloting process and conduct a parallel vote tabulation. The team included Monica Jimenez, executive director of Participa in Chile, Mariano Quesada, former secretary-general of NAMFREL in the Philippines, Vero Mbahuruua from the Council of Churches in Namibia, and Ronald Gould, Larry Garber and Eric Bjornlund. The following week, NDI adviser Glenn Cowan conducted two days of intensive training sessions for a core group of 15 workshop participants on the design and implementation of a parallel vote tabulation.

In September, Z-Vote conducted another training workshop with University of Zambia students interested in nonpartisan election monitoring. Z-Vote also participated in a subsequent training program organized by the Zambian Elections Monitoring Coordinating Committee (ZEMCC) and assisted with and supported the production of ZEMCC training manuals. In addition, during the elections, Z-Vote recruited personnel from the local monitoring

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groups to conduct a parallel vote tabulation, which was used to verify the official results reported by the Electoral Commission. (See Chapter 8, "Monitoring the Electoral Process.")

### **C. International Election Observer Delegation**

Z-Vote organized a 40-member<sup>1</sup> international observer delegation for the October 31 elections. In addition to President Carter, the delegation included parliamentarians, political party leaders, election experts and democratic activists from across the democratic political spectrum and from 12 countries in Africa, Europe and North America.

Delegation members arrived in Lusaka on Sunday, October 27. Before their arrival, delegates received extensive background materials and detailed terms of reference prepared by NDI and Carter Center staff. (See Appendix VII.) For two days, delegation members received briefings on the political situation and election preparations from election officials, political party leaders, civic activists, media representatives and Z-Vote staff members. (See Appendix VIII.) On October 30, the delegation divided into teams, which were deployed to locations throughout the country: Ndola and Kitwe in Copperbelt Province, Livingstone and Choma in Southern Province, Chipata and Petauke in Eastern Province, Kabwe in Central Province, Kalabo and Mongu in Western Province, and Kasama and Mpika in Northern Province. In addition, three separate teams observed urban and rural polling stations and counting centers in Lusaka Province. (See Appendix IX.)

To enhance the observation process, Z-Vote organized an independent vote count, or parallel vote tabulation (PVT). Based on a random sample of actual results, the PVT enabled Z-Vote to project the presidential election results within a specified margin of error.

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<sup>1</sup> In addition to the delegates sponsored directly by Z-Vote, this number includes the members of official delegations sponsored by the governments of Sweden and Norway, several individuals who participated at the personal invitation of President Carter, and senior NDI and Carter Center staff members and advisers. It does not include other NDI, Carter Center and Z-Vote staff members and advisers, who also participated in observing polling stations on election day.

(See Chapter 8, “Monitoring the Electoral Process — Parallel Vote Tabulation.”)

On Friday, November 1, the day after the elections, the teams returned to Lusaka for evening debriefing sessions. The delegation announced its preliminary conclusions at a press conference on Saturday, November 2. (See Appendix X.)

## ***Chapter 3***

# **Background**

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### **A. Geography, Demographics and Social Structure**

A vast, sparsely populated nation in the middle of southern Africa, Zambia is surrounded by eight countries: Zaire, Tanzania and Malawi on the north and east and Angola, Botswana, Namibia, Zimbabwe and Mozambique on the west and south. While the country encompasses an area of just under 300,000 square miles, slightly larger than the U.S. state of Texas and twice the size of Sweden, its population is less than 8 million, or about 26 people per square mile. This statistic is misleading, however, because the population is the most urbanized in sub-Saharan Africa: nearly half of all Zambians live in cities or towns, most of which are clustered along the railroad line that runs from the mines of the Copperbelt in the north to Victoria Falls and Livingstone in the south. Zambians refer to these urban areas collectively as the "line of rail."

The relative youth of Zambia's population threatens development; about half of all Zambians are under the age of 16. The 3.3 percent annual population growth rate overwhelms the formal economy's ability to absorb the growing workforce. Education

indicators are also troubling: Zambia's literacy rate hovers at about 54 percent, and school attendance is extremely low.

Like most African countries, Zambia is ethnically, linguistically and culturally diverse. The four largest linguistic groups generally correspond to areas of the country. The Bemba speakers inhabit the Northern, Luapula and Copperbelt provinces in the north. This group traditionally provides much of the labor force for the copper mines, the backbone of the Zambian economy. The Lozis form the majority group in Western Province, an area once administered as a separate protectorate by the British colonial government. At Zambia's independence, the Lozis sought, unsuccessfully, to achieve an autonomous status within the republic. The Tongas come from Southern Province, the agricultural heartland of the country. The Nyanja speakers, originating from Eastern Province, are now also in the majority in Central and Lusaka provinces.

Non-indigenous population groups include a small number of whites, mainly of British and South African origin, Asians and "coloreds" or people of mixed descent. The official language of Zambia is English. Nearly 75 percent of Zambians are Christian; most of the remainder adhere to traditional African beliefs.

Despite cultural and ethnic diversity, Zambia has avoided significant inter-ethnic strife. Former President Kaunda deserves some credit for this because he consciously attempted to balance ethnic representation in top government and party positions and was convincing in his repeated call for "One Zambia, One Nation."

## **B. Economic Conditions**

At independence in 1964, Zambia was one of the wealthiest countries in Africa. Falling copper prices, heavy state involvement in the economy, policies skewed against agriculture, and one of the heaviest debt burdens in the world, however, have resulted in a prolonged decline in national income and living standards. The physical infrastructure of roads, hospitals and schools have deteriorated dramatically.

### **Minerals**

Zambia's economy depends on copper, which accounts for more than 80 percent of the country's export earnings. Copper has been both a blessing and a curse. In the 1960s, per capita GNP was one of the highest in Africa; copper earnings funded industrial expansion

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and an ambitious plan of extensive social services. But prices for copper began to fall precipitously in 1973; by 1975, the purchasing power of Zambia's foreign exchange had dropped by 50 percent.

The long-term decline of copper prices — combined with the government's failure to diversify the economy and mismanagement in the mining parastatals — has left Zambia's economy in a desperate condition: GDP has shrunk by 26 percent over the last decade, and Zambia now carries one of the highest per capita debts in the world (approximately US \$900). Moreover, the future of the copper mining industry in Zambia is gloomy, given the steadily dwindling demand for copper in the industrialized nations, increasing production costs of mining Zambian copper and the opening of richly endowed, easily recovered ore bodies in other developing countries.

Zambia also exports smaller quantities of other minerals, especially cobalt and zinc. In addition, experts think that Zambia's reserves of precious gems, including emeralds, are considerable.

### **Agriculture**

Unlike many developing countries, Zambia is capable of feeding itself. But the lack of irrigation and the inefficiency of the government parastatals in the delivery of inputs and the purchase of crops have recently forced Zambia to purchase millions of dollars worth of maize meal (commonly called "mealie meal"), the country's staple food, from its neighbors.

Zambia receives only one rainy season each year, which limits production on what are considered reasonably good and underutilized soils. Zambia could easily export additional livestock and temperate climate crops if more land was placed under irrigation. Virtually all irrigated land sits close to the "line of rail" on 700 large commercial farms, most of which are owned by long-term white residents or foreign investors. Smaller-scale farmers depend on very unpredictable rainfall patterns, and Zambia has frequently experienced both droughts and floods.

As if trying climatic conditions were not enough, Zambian farmers also face long delays in the delivery of agricultural supplies. While commercial farmers can bypass the inefficiencies of the government agricultural parastatals through private transactions, smaller farmers enjoy few options. Late delivery of expensive fertilizer reduces yields. And the failure of the government to

retrieve and pay for the crops that farmers do manage to harvest further undercuts farmers' incentives to plant larger fields in the future and stimulates the illegal shipment of crops across Zambia's borders.

Zambian government intervention in the production and distribution of maize (*i.e.*, trying to supply credit, seed and fertilizer and to purchase all output) has severely distorted this important market. To keep maize meal affordable, the Kaunda government devoted enormous resources to consumer subsidies, amounting to millions of *kwacha* per day. In fact, it was the continuation of these subsidies that caused international financial institutions to suspend relations with the Zambian government in September 1991.

### **Structural Adjustment and Economic Reform**

In order to reverse its economic slide, Zambia embarked on its first structural adjustment program in 1985, in cooperation with the World Bank and the International Monetary Fund. After rioters protesting increases in the price of maize meal took to the streets in the Copperbelt, Zambia abandoned the plan and suspended relations with the international financial institutions.

The government then introduced its "New Economic Recovery Program," which reversed many of the free-market policies prescribed by the World Bank and the IMF. The foreign exchange auction was discontinued, the exchange rate revalued and debt payments restricted to 10 percent of export earnings. In response, most donors promptly suspended or curtailed financial support. Without desperately needed hard currency, Zambia's productive sectors slowed to a standstill, and the copper industry could not take advantage of a modest gain in world copper prices in 1987.

Zambia initiated another ambitious structural adjustment program during 1991. Under this program, the government began removing a variety of price controls, eliminating the dual exchange rate system, dismantling the administrative system for the distribution of foreign exchange, trimming the civil service and reducing government ownership of economic assets. Zambia was rewarded for these measures when Western donors at a Paris Club meeting rolled over \$2 billion worth of debt.

But due to the 1986 Copperbelt food riots, and the more recent June 1990 riots that left an estimated 50 dead and hundreds injured,

the government resisted removing price controls on maize meal. At the same time, commercial farmers and international experts warned that because of the government's intervention in the maize market, Zambia would not be able to meet its maize requirements by January 1992.

In September 1991, the International Monetary Fund and the World Bank announced that they were suspending additional aid because Zambia was in arrears on its debt payments. Several donor countries also threatened to suspend or reduce foreign assistance. The Zambian government suggested in response that these actions were attempts to influence the outcome of the election.

### **Health/AIDS Crisis**

Zambia faces an alarming healthcare crisis and a potentially catastrophic AIDS problem. Economic decline has reduced the government's ability to adequately support the medical infrastructure. To fill the need for health care, private pay-for-service clinics serve the urban middle and upper classes, and charitable organizations run clinics for the rural population. But the demand for health care outpaces available services, and the quality of existing services continues to deteriorate. The only government-funded hospital in Zambia, the University Teaching Hospital in Lusaka, routinely experiences shortages of basic supplies; workers receiving meager wages commonly steal drugs and hardware. Zambian doctors leave their country to pursue higher salaries and better working conditions, exacerbating Zambia's shortage of medical personnel.

This weakened health care system now confronts a growing AIDS epidemic. Medical records from Lusaka-based clinics report that 21 percent of blood donors, 25 percent of mothers attending prenatal clinics and 54 percent of patients at clinics for sexually transmitted diseases carry the HIV virus. While both the government and donor countries have launched educational campaigns about AIDS, the effort apparently has not significantly affected the incidence of high-risk behavior. The number of illnesses and deaths from AIDS-related ailments is growing, which puts an increasing strain on the resources of the health care and the extended family support systems.

### **C. Historical and Political Background to 1989**

Zambia was established as the British protectorate of Northern Rhodesia in 1924. In 1953, Northern Rhodesia joined with Southern Rhodesia (now Zimbabwe) and Nyasaland (now Malawi) to form the Federation of Rhodesia. The federation was controversial because black leaders feared it would consolidate white minority rule. After intense opposition, the federation was eventually dissolved, and Northern Rhodesia became the independent Republic of Zambia on October 24, 1964. It was the first British colony to become a republic upon independence. Kenneth Kaunda, leader of the United National Independence Party (UNIP) from 1960 and prime minister since January 1964, became the country's first president.

During its first few years of independence, Zambia found itself in the midst of a region of conflict and burdened by troublesome relationships with its neighbors, which included the Portuguese colonies of Angola and Mozambique, the white government of Ian Smith in Rhodesia, and South African-controlled Namibia. At the same time, Zambia gained international recognition for its active support of liberation movements in neighboring countries, including the African National Congress in South Africa (which made Lusaka its headquarters), the Zimbabwe African People's Union and the South West Africa People's Organization.

These difficulties with surrounding countries caused substantial problems for Zambia's international transport and power supplies. The completion of the Kariba hydroelectric station on the Zambezi River, however, allowed Zambia to meet its own electrical power requirements, and the development of a railroad line through Tanzania helped reduce Zambia's dependence on South African railroads. Still, civil wars in Angola and Mozambique and South Africa's regional destabilization policies continued to cause problems for Zambia into the 1980s.

#### **Political Parties**

Before the proclamation of a one-party state in 1972, Zambia had three significant political parties: the United National Independence Party, the African National Congress and the United Progressive Party.

Although the African National Congress (not related to the ANC of South Africa), led by Harry Nkumbula, was the first political party

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in Zambia, Kenneth Kaunda's United National Independence Party proved more effective at mounting a civil disobedience campaign against the white-dominated government of Northern Rhodesia. In the independence elections of 1963, Zambian voters rewarded UNIP with a majority in the National Assembly.

The ANC rebounded strongly in the 1968 elections, winning the Southern, Central and Western provinces. Significant divisions within UNIP's own cabinet also challenged its ability to maintain control of the government. When the "old guard" from the Eastern Province won an internal battle over cabinet positions, Simon Kapwepwe, a prominent figure in Zambia's independence struggle, withdrew to form his own party, the United Progressive Party (UPP).

UNIP was in trouble. The UPP enjoyed strong support in the Northern and Copperbelt provinces, and the ANC stood dominant in three others. UNIP was in danger of winning only four of nine provinces and losing its majority in the National Assembly. UNIP responded by detaining 100 UPP organizers and banning the UPP as a political party.

Finally, in December 1972, the threatened UNIP government transformed Zambia into a one-party state, with UNIP as the sole legal party. The government banned all other political parties and, in August 1973, promulgated a new constitution. Elections held in December 1973 confirmed Kaunda, the single candidate, as president. The new constitution also established a unicameral National Assembly to which only UNIP members could be elected.

Notwithstanding the existence of only one legal party, the constitution of the Second Republic provided for elections every five years. Several UNIP candidates would compete for seats in the National Assembly after being cleared by central party officials; the president of UNIP was the only candidate for the office of president of the country. Voters, given the opportunity only to vote for or against Kaunda's candidacy, "re-elected" him in 1978 and 1983. In the 1983 election, official returns showed that 93 percent of the voters cast ballots in favor of the president.

During 1990, Zambia's deteriorating economic situation fueled the demand for a return to a multiparty system. Announced austerity measures aggravated an already volatile situation in June 1990, when anti-government demonstrations and the ensuing government crack-down led to violent riots and an attempted coup.

### **United National Independence Party**

Under the leadership of Kaunda, the United National Independence Party led Zambia to independence in 1964. UNIP was the sole legal political party in the country from 1973 until multiparty activity was again legalized in 1990. After the country began its return to a multiparty system, UNIP initiated the difficult process of “de-linking” the party and the government.

After 1972, UNIP referred to the Zambian ruling structure as “the party and its government.” This characterization revealed much about politics under UNIP. The constitution of the Second Republic institutionalized the hegemony of the party over government bodies; the secretary-general of the party, for example, outranked the prime minister. The 1973 constitution granted UNIP a monopoly on state power. While the cabinet managed the daily affairs of state, the party’s central committee made all key policy decisions. In each district and province of Zambia, the party selected all significant government officials — including the district executive secretaries, who were responsible for administering parliamentary and presidential elections. The party’s structure was actually more articulated than the government’s, as UNIP was organized down to the level of “sections,” groups composed of 10 to 25 households. The government, however, effectively ended its influence at the district level.

President Kaunda personally dominated policy-making in both the party and the government. Influence at “State House” was a necessary pre-condition for program approval. Because of this personalized decisionmaking, policies could contradict each other if the president changed his mind, or they could languish without implementation if he shifted his attention.

By 1990, several factions existed within UNIP. In 1987, a “hard-line” faction had even advocated that Zambia adopt a new name that would “embody the achievement of the establishment of a people’s democratic republic.”

As UNIP attempted to adapt to the new political environment during 1991, it appeared to be undergoing significant internal changes. In June, Enock Kavindele, a member of parliament and of the party central committee, announced that he would challenge Kaunda for the UNIP presidency at the party conference in the summer. Kavindele asserted that Kaunda should step down in favor

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of a younger party member and that the party should pursue a different economic agenda.

At the party conference in July, Kavindele dropped his challenge, reportedly under pressure from party stalwarts. Kavindele and some of his potential supporters feared that the election of the party president would not be secret because the badge number of each of the approximately 5,000 delegates was recorded on the ballot, and some delegates worried about the consequences of voting against Kaunda. Some delegates were also concerned about the danger of splitting UNIP and the possibility of having Kaunda remain as president of Zambia for several months after having lost as president of the party. Kavindele decided to withdraw as a "gesture of goodwill."

Meanwhile, to the surprise of many observers, five members of UNIP's central committee announced that they would not stand for re-election. These included some of the most powerful people in the party's old guard, including Grey Zulu, its then-secretary-general.

### **Kenneth Kaunda**

Kenneth David Kaunda was born in the Chinsali district of Northern Province in 1924. His father was a Malawian missionary. After a stint teaching school, Kaunda embraced politics by joining Harry Nkumbula's African National Congress. By 1953, Kaunda had become secretary-general of the ANC. Kaunda, however, became disillusioned with the accommodationist style of Nkumbula's politics toward the Northern Rhodesians. He left the ANC in 1958 to organize the Zambian African National Congress (ZANC).

The ZANC was effective in mobilizing popular discontent – to the extent that the Northern Rhodesian government banned the party and jailed Kaunda. Ex-ZANC members regrouped under the UNIP name, and when Kaunda emerged from detention he reclaimed the party's top position.

Under a 1962 political arrangement designed to include Africans in government while retaining white supremacy, Kaunda served as minister of local government and social welfare. He later became the prime minister of Northern Rhodesia. When Zambia finally achieved independence in 1964, Kaunda was elected its first president.

Kaunda displayed a deep commitment to international affairs during his 27-year tenure as president. Perhaps most significant was

his active opposition to the white minority government of South Africa. As the *de facto* leader of the front-line states, Kaunda provided a home for the African National Congress of South Africa, an action that imposed significant costs on Zambia. While other southern African countries did their best to appear neutral in South Africa's internal conflict — so as not to lose the significant benefits of trading “down south” — Zambia suffered invasions, bombings and boycotts for its government's outspoken and unwavering criticism of the apartheid regime.

#### D. Origin of the Transition

After the fall of Romanian dictator Nicolae Ceausescu in December 1989, Frederick Chiluba, the secretary-general of the Zambian Congress of Trade Unions, remarked that change was long overdue in Zambia, and the debate about multiparty politics, extant but muffled for years in Zambia, began in earnest. The debate went public in the pages of the *National Mirror*, a church-sponsored newspaper that had been one of the few sources of criticism tolerated by the UNIP government. Trade unionists, business leaders, professionals and intellectuals contributed to a startlingly open debate in the op-ed pages. Kaunda protested against church support of the dialogue and banned state and parastatal advertising in the *Mirror*, but the seeds of opposition had been sown.

In March 1990, Kaunda implicitly conceded a need for change by calling for a conference on political and economic reforms in Zambia. Some analysts believe that the president hoped the conference would consolidate his position by allowing a controlled venting of public frustration. If so, the strategy backfired as an alliance of business and trade unions leaders emerged among participants. Business interests strongly called for more accountable government institutions; labor went further by demanding a reintroduction of multiparty politics.

The March 1990 conference stimulated rather than stifled discontent. In a speech opening UNIP's fifth extraordinary national council in May, Kaunda rejected the reintroduction of a multiparty system and argued that Zambia was “fundamentally different” than Eastern Europe. But in response to growing domestic and international pressures, Kaunda agreed at the council to hold a referendum in October 1990 on whether to continue the one-party state.

In June, shortly after this announcement, a failed coup attempt further weakened the president's position, when an inaccurate broadcast report of his overthrow led thousands of Zambians to celebrate in the streets of Lusaka. Shaken by this joyous public celebration, Kaunda now needed to do something to legitimize UNIP's continued rule.

### **Movement for Multiparty Democracy**

The opposition-sponsored "National Conference on the Multiparty Option" in July 1990 solidified unions, businesses and intellectuals into a formal opposition group, the Movement for Multiparty Democracy (MMD). While papers supporting multiparty democracy were read to a packed room at the Garden Hotel, a group met behind the scenes to choose the leaders of the new organization: Arthur Wina, a former minister in the UNIP government, as chairman and Frederick Chiluba as vice chairman. Some people attending the conference criticized the selection process, pointing to the irony that a group formed to espouse democracy had not selected its own leaders in a more open, democratic manner.

Support for the MMD continued to grow. Zambian trade unions, together with students, church leaders, professionals and even some UNIP members of parliament, bolstered the MMD's efforts. MMD rallies, held to encourage people to vote in favor of a multiparty system in the referendum, drew enormous crowds. Kaunda, now on the defensive, claimed that the people in attendance were only expressing discontent with high consumer prices.

In September 1990, the government scrapped plans for a referendum and announced its intention to prepare a new constitution providing for a multiparty system, with elections to be held before the end of 1991, two years ahead of schedule. Upon the legalization of parties other than UNIP in December 1990, the MMD transformed itself into a political party.

During the MMD's first party convention in February 1991, both UNIP supporters and opponents again criticized the new party for allegedly anti-democratic internal practices. UNIP also accused MMD of an ethnic imbalance in its leadership. But amid the controversy and the tension among unlikely coalition partners, the MMD began to organize for the next elections, with Frederick Chiluba as the party's president.

### **Frederick Chiluba**

Although born in Zambia's Luapula Province, Frederick Chiluba spent most of his childhood in Kitwe, in the Copperbelt. His father was a miner. Raised by his grandmother after his father died, Chiluba eventually dropped out of school and went to work as a clerk on a sisal plantation in Tanzania. It was there that he developed an interest in trade union activity.

Chiluba quickly achieved prominence in the trade union movement. While working for Atlas Copco, Chiluba joined the National Union of Building, Engineering and General Workers (NUBEGW) in 1968. Three years later he was the NUBEGW's chairman, and in 1974, Chiluba became the secretary-general of the Zambian Congress of Trade Unions (ZCTU). Amid allegations of financial malpractice, Chiluba was expelled from the NUBEGW in 1987, but the Zambia Union of Financial and Allied Workers accepted him as a member, thereby allowing him to continue as ZCTU chief.

Chiluba became known to the government as he constantly petitioned for better worker benefits. He was detained in 1981, accused of fomenting labor unrest. In order to contain growing union demands, UNIP tried without success to co-opt him by offering government positions on at least two occasions.

The MMD selected Chiluba as its leader in March 1991. For the October elections, Chiluba was nominated as the MMD's candidate for president of the country. Chiluba campaigned on a platform of democracy, accountability and private enterprise. During the campaign, he also promised to dismantle the extensive linkages between party and government that had been institutionalized under UNIP's rule.

### **Other Parties**

Several other political parties fielded parliamentary candidates in the October elections. One party, the National Democratic Alliance (NADA), split off from the MMD and presented a well-defined economic policy agenda. Others included the Movement for Democratic Process, the Democratic Party and the National Democratic Party. None of these parties, however, mounted an effective campaign or won any seats in the new National Assembly.

## **E. New Constitution**

In early 1991, the government appointed a commission chaired by Dr. Patrick Mvunga to draft a new constitution for the Third Republic. Members of the Mvunga commission travelled throughout Zambia, soliciting advice from business, community and government leaders. The MMD, which was offered two of 23 seats on the commission, refused to participate in this process and objected to the strongly pro-UNIP character of the individuals consulted. Nevertheless, the commission's draft of the new constitution was introduced in parliament during the summer.

Under the 1973 constitution, the National Assembly comprised 125 elected members and up to 10 more who could be appointed by the president. Both the president and the members of the National Assembly served five-year terms. The president had the authority to appoint the secretary-general of UNIP and a cabinet of ministers from among the 25 members of UNIP's central committee. A house of chiefs, representing the country's traditional authorities, served as an advisory body.

The draft constitution made specific provisions for the transition to a multiparty system through free and fair elections. The MMD rejected the proposed system, however, on the grounds that it consolidated too much power in the office of the president. The MMD objected in particular to the provisions conferring on the president the power to appoint members of the cabinet from outside the National Assembly, to unilaterally dissolve the National Assembly and to veto acts of the National Assembly.

In response to the MMD's criticisms and threats to boycott the election process, President Kaunda invited the MMD and other parties to State House to discuss their concerns and recommendations. The MMD, however, objected both to the venue of the meeting and to its *ex post facto* inclusion in the consultative process.

In an effort to promote compromise during debate over the proposed constitution, university students organized a one-day convention in Lusaka on July 19, 1991. Representatives of nine political parties, including President Kaunda and MMD President Chiluba, attended the convention. Although the atmosphere was strained, the meeting resulted in Kaunda's agreement to meet with opponents of the proposed constitution during the following weekend before parliament reconvened.

On Tuesday, July 23, Kaunda and Chiluba met one-on-one, for the first time since Chiluba's election as leader of the MMD, to discuss the constitutional issues. In the meeting, which was held at the Anglican Cathedral and chaired by Bishop Stephen Mumba, Kaunda and Chiluba agreed that while the National Assembly would continue to consider the constitution, more time would be allowed for consultations with other interested parties about possible amendments. The meeting substantially eased tensions and made possible a compromise on the constitution.

Accordingly, on July 31, substantial constitutional amendments were proposed, including provisions:

- mandating that only members of parliament be appointed to the cabinet;
- increasing the number of appointed members of parliament from five to eight;
- removing a provision creating a constitutional court, which also had given the president the power to declare martial law; and
- requiring that the president consult the cabinet before declaring a state of emergency and providing for the termination of any existing state of emergency seven days after the election of a new president.

The parliament adopted the new constitution and election law on August 24, 1991 and dissolved soon thereafter. On September 4, President Kaunda announced that the elections would be held on October 31, 1991.

## *Chapter 4*

# **Election Framework**

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In the October 31 elections, Zambians chose both a new president and all 150 members of the National Assembly. The latter vied for seats in single-member constituencies. Winners in the presidential and legislative elections were determined in one round of voting on a first-past-the-post basis; that is, the candidate who gained a plurality was declared the winner.

The previous National Assembly approved a new election law in late August. Subsequently, the Electoral Commission approved regulations and prepared a handbook for use by the election administrators. The Electoral Commission based its regulations, for the most part, on those used in previous elections. Nonetheless, the MMD and the domestic monitoring groups, reflecting their lack of confidence in the ruling party and by extension the election administrators, sought various changes in the regulations to promote participation and transparency in the process.

Opposition political leaders, domestic observers and others raised objections to specific electoral regulations with each of the Z-Vote pre-election missions. Relying on their experiences as election administrators, as participants in electoral processes or as observers

of other transition elections, Z-Vote delegates suggested various approaches for resolving these controversies. As discussed below, the Electoral Commission (and UNIP) accepted some of these suggestions and made appropriate changes in the electoral regulations; authorities rejected other recommendations as impractical, unnecessary or inconsistent with Zambian electoral practices.

### **A. Electoral Commission and Subordinate Personnel**

Under the Zambian constitution, an autonomous Electoral Commission was responsible for conducting elections. The president appointed the members of the Electoral Commission. For the 1991 elections, the commission was chaired by Mathew Ngulube, the deputy chief justice of the Supreme Court. W.P. Nyirenda also served on the commission. The third position remained vacant during the electoral period, the previous member having resigned because of his support for the MMD.

Subordinate to the Electoral Commission was an election directorate, a body of civil servants responsible for carrying out the commission's decisions and for implementing commission regulations. The director of elections, Gabriel Phiri, headed this elections office. It was directorate staff members who conducted training seminars and delivered the necessary election materials such as ballot boxes, ballot papers and voting booths throughout the entire country. The directorate also recruited agents in the districts to undertake election operations on behalf of the directorate and the commission.

The commission appointed a district executive secretary (DES) as the electoral officer responsible for coordinating elections in each of the country's 63 districts. The DES provided legal guidance on the conduct of elections in the district to other election officials, candidates and the general public. In addition, the DES also supervised the distribution of materials to polling stations and reported to the director of elections and the Electoral Commission.

For each of the 150 constituencies, the commission and the appropriate DES appointed a returning officer to administer the elections. Each returning officer was assigned two assistant returning officers. The returning officer managed the efforts of all the presiding officers and was responsible for training the presiding officers and polling staff. The returning officer also ensured that election materials were properly distributed to all polling stations in

the constituency. Finally, the returning officer administered the counting of the ballots at the designated counting centers. The chief justice of the Supreme Court, Annel Silungwe, served as returning officer for the presidential election.

There were 3,489 polling stations in the country. For each polling station, the returning officer appointed a presiding officer and five additional polling officials. The presiding officer screened the voters by checking their names in the register. He or she also distributed and accounted for every ballot paper.

Resource, logistical and time constraints hampered the administration of the elections, despite the Electoral Commission's best intentions. Distributing information to the electoral officials in the more remote areas about changes in the election procedures, delivery of election paraphernalia to the polling sites and transport of ballot boxes from the polling sites to the counting centers posed the most critical challenges.

## **B. Delimitation Process**

Several months before the scheduling of the October elections, the government decided to increase the number of seats in the National Assembly from 125 to 150. A three-member delimitation commission headed by Electoral Commission Chairman Ngulube drew new boundaries to accommodate the 25 new seats.

The delimitation commission issued a report establishing the new districts in September. (See Appendix XI.) The report acknowledged that, given the increase in the number of constituencies, it would have been better to "have quashed all the existing constituencies and allocated the 150 of them afresh." Considering such an approach impractical, however, the commission instead "confined itself mainly to allocating the 25 additional constituencies to deserving areas." It simply divided certain constituencies to obtain the requisite number. In doing so, the commission considered "the need for effective representation in areas which have severe physical and communication difficulties," thus reinforcing a strong bias in favor of rural constituencies. The commission also conceded that it was handicapped by the limited and partially inaccurate census data that was then available.

The number of voters registered in a given constituency varied dramatically: from 6,376 in Constituency 148 to 70,379 in Constitu-

ency 79. The average constituency size in each province ranged from 15,020 voters in North Western Province to 32,193 in Copperbelt Province. These extraordinary variations would seem to unfairly favor voters in the smaller, largely rural constituencies. Nevertheless, all parties accepted the delimitation process without significant complaint.

### **C. Voter Registration**

In the past, the Zambian government had conducted a general registration of voters every five years, which took place one year before the scheduled national elections. Each subsequent year, the electoral rolls were revised to reflect additions, deletions and changes. To register, a person obtained the duplicate of an identification card with his or her name, address, age and thumb print or signature. The other copy of the card remained in the voter registry.

The last general registration was conducted in 1987. Authorities, in anticipation of the expected national referendum, held a supplementary registration during a three-week period in October 1990.

Before the elections, much speculation arose about the proportion of the voting age population that was registered and about the political sympathies of those whose names were not on the voter lists. Zambia has an estimated population of about 8 million, with more than half of the population assumed to be under the age of 18. The delimitation commission relied on data showing 3.2 million people on the electoral rolls. Under these assumptions, some 75 percent or more of the total voting age population was registered.

Initially, opposition groups sought a new registration period before the elections to accommodate people who had not previously registered or, at the very least, those individuals who had turned 18 after the October 1990 registration period. Under the single-party system, it was argued, many Zambians had found little incentive to register. Moreover, in October 1990 some potential voters might not have been aware that multiparty elections would be conducted on the basis of that registration. Critics also argued that a new registration period would permit those who had moved to another constituency to register anew, rather than requiring them to return to the constituency where they had previously lived in order to vote.

Ultimately, MMD leaders did not press to re-open the registration process. They recognized that such a new registration process would most likely cause the elections to be postponed until the spring of 1992, after the rainy season, and they evidently decided to proceed despite the fact that some people would be disenfranchised.

#### **D. Electoral Rolls**

The Electoral Commission made available for a short period the tentative electoral rolls during the summer of 1991 to allow the public to review the lists and propose corrections. The commission released the final electoral rolls in mid-September.

After reviewing the final rolls, the MMD identified serious discrepancies with the delimitation commission's report, including the appearance of polling sites in the electoral rolls that were not listed in the report. The Electoral Commission acknowledged the problems and claimed that the data used by the delimitation commission report had since been updated. The Electoral Commission agreed to publish an updated list of all polling sites and the number of voters assigned to each polling site.

In October, the MMD again complained that "there are no agreed numbers of voters in all polling districts." This time, the MMD alleged that inconsistencies existed between the certified voter registers and the registers being used by the election directorate. The MMD also charged that the lists of polling district locations issued by returning officers differed significantly from those issued by the election directorate, with the former being more reliable. The MMD expressed concern that the discrepancies would cause confusion on election day and would undermine efforts to ensure the integrity of the process.

#### **E. Voter Cards**

The electoral law required only that a prospective voter be listed on the electoral roll and be properly identified. To ensure that only eligible voters cast ballots, however, the Electoral Commission, as in previous elections, promulgated regulations providing additional safeguards: voters were required to produce both national identity and voter registration cards and to have their thumbs marked with indelible ink.

These additional requirements effectively meant that individuals on the electoral rolls who had lost their voter cards would be disenfranchised. Because the cards had been issued in 1987 and had not been used since then, critics feared that many otherwise eligible voters would be unable to produce their cards and would thus be unable to participate. Accordingly, Z-Vote urged that the electoral regulations be modified to permit voting by any person listed on the rolls, even if the prospective voter did not possess a voter card. In meetings with the commission, Z-Vote representatives maintained that safeguards in the current electoral regulations were sufficient to prevent multiple and unauthorized voting by non-Zambians.

In early October, Electoral Commission Chairman Ngulube announced that the commission was considering, as had been suggested by Z-Vote, the possibility of amending the electoral regulations to address the issue of lost voter cards. The Electoral Commission subsequently adopted a procedure that allowed prospective voters who had lost their voter cards to obtain a substitute certificate. The commission authorized local electoral officials, for a period of several days, to issue these certificates to prospective voters. While the commission's agreement to undertake this effort appeared to be an important concession to ensure broader participation, the new procedure to obtain new voting credentials was not well publicized, and relatively few people were able to take advantage of it.

## **F. Ballot Secrecy**

The first pre-election mission expressed reservations that the electoral system did not sufficiently ensure the secrecy of the ballot. Each ballot was numbered, both on the ballot itself and on the stub, or counterfoil. When issuing a ballot to a voter, the polling official would write the registration number of the voter on the counterfoil. Thus, it was theoretically possible to trace a given ballot to a particular voter even after the ballot was placed in the ballot box.

The official justification for this practice was that it permitted detection of unofficial or improperly cast ballots. According to the Electoral Commission, voters had no reason to fear that politicians or government officials would trace how ballots had been cast because only the High Court, responding to a formal petition challenging the validity of an election, could examine the ballots and ballot stubs. Few, if any, such petitions had ever been filed in previous elections.

The Electoral Commission cited the election law provision requiring procedures that would permit the High Court to verify the presence or absence of illegal ballots. The law did not explicitly mandate, however, that the court be able to identify an individual ballot. Rather the High Court would need only to determine, based on the evidence presented, whether to declare a particular election void or to proclaim the candidate duly elected. Thus, Z-Vote representatives suggested that, in responding to a post-election challenge, the key issue would be to determine the eligibility of the voter rather than for whom the person voted. According to customary practice in other countries, ballots cast by ineligible voters do not invalidate the results if the margin of victory is greater than the total of such ballots. Only if the number of illegally cast ballots exceeds the margin of victory would the election in that constituency be declared null and void and new elections scheduled.

While Z-Vote representatives conceded that scrutiny of individual ballots after the elections was unlikely, they believed that the presence of the number on the ballot was inherently intimidating. Z-Vote proposed that the Electoral Commission remove numbers from the ballots, so that ballots could not be traced to particular voters when detached from the stubs. Z-Vote believed that the combination of other safeguards — including an official mark on the ballot, careful record-keeping with regard to ballot books and strong security measures against tampering with sealed ballot boxes — would enable authorities to detect fraudulent ballots while protecting the perception of a secret ballot issues.

The MMD ultimately did not make ballot secrecy a primary concern; indeed the party did not even include it on a list of 12 issues that it raised with the Z-Vote pre-election delegation in September. In this context, it is not surprising that the Electoral Commission declined to change Zambia's traditional practice of numbering the ballots in a manner that they could be traced to a given voter.

## **G. Controversy Over the Count**

The question of where the ballots should be counted was a particular source of controversy during the pre-election period. In previous Zambian elections, ballots had been counted at district counting centers, and the Electoral Commission saw no reason to change this practice. Opposition political parties, international

observers and domestic monitoring groups, however, advocated a polling site count. They contended that a polling site count was the more common practice in democratic countries and that it would disarm suspicions about ballot box tampering during transport to the counting centers.

The Electoral Commission ballots decided to maintain the traditional procedure of counting ballots at centralized locations. Several reasons were cited as justification for this decision. First, when the polls closed at 6 p.m., darkness would have made counting difficult at the many sites that lacked electricity or suitable lighting. Second, counting the ballots at the polls would have substantially increased the need for security to prevent possible disruption or manipulation of the count and the possibility of violence once the results became known in a local area. Third, parties might not have had sufficient personnel to place agents at every polling station during the count. Fourth, it would have been difficult to field and train qualified personnel to conduct the count in all of the country's 3,489 polling stations; hence decisions about rejected and spoiled ballots would have been inconsistent. Fifth, counting at the polling site level would have allowed candidates to determine which localities — and, in certain circumstances, even which individuals — supported specific candidates and thus would have left them vulnerable to possible retribution.

Advocates of a polling site count challenged the validity and significance of these arguments. They pointed out, for example, that authorities in many countries conduct local counts after dark by means of candles or “tilly lamps.” While a local count could be manipulated or disrupted, they contended the transport of ballots before they were counted provided even greater opportunities for tampering.

The Z-Vote pre-election missions made the integrity of the vote counting process a central concern. From the outset, Z-Vote stated that, given existing suspicions, a polling site count — or even a “preliminary count” at the polling site — would be the preferable procedure. At the same time, Z-Vote acknowledged that a centralized count would be acceptable if certain safeguards were implemented.

In this context, Z-Vote suggested five specific safeguards: (1) providing specific and definite identification for the ballots and ballot boxes used at each polling site, such as using a unique numbering

system for the ballot boxes; (2) allowing all party agents to affix tamper-proof seals to the ballot box; (3) permitting agents from at least two parties to accompany all ballot boxes to the counting centers; (4) counting each ballot box separately; and (5) granting party agents and domestic monitors full access to all aspects of the counting process. Several of these suggested safeguards were already included in the electoral regulations and simply required the Electoral Commission to commit itself and to dedicate sufficient resources to ensure full implementation.

The Electoral Commission concurred with four of Z-Vote's five recommendations. The commission agreed to guarantee that agents of at least two parties could accompany the ballot boxes at all times. The commission also agreed that when a seal appeared broken or tampered with, or if the number of ballots in the box differed from the number of ballots cast, the returning officer would prepare a special report.

The commission, however, initially rejected the recommendation that ballot boxes be counted separately. Commission members cited the possibility of retribution being directed against individual polling districts that voted the "wrong way." Z-Vote argued that sound administrative reasons existed for a count by individual polling district. Most importantly, if complaints arose about the balloting process at a given polling station that were later upheld upon review, the commission could disregard the results from that polling site and determine whether to invalidate the election for the entire constituency. Z-Vote also asserted that counting ballot boxes separately would facilitate the implementation of a credible parallel vote tabulation, which would enhance public confidence in the accuracy of the results.

After extensive consultations with Z-Vote representatives, the Electoral Commission agreed to count each ballot box separately. On October 8, the commission adopted a regulation that eliminated the provision that would have required ballot boxes to be mingled before being counted. The commission attempted to inform returning officers throughout the country of the new procedures, but the change was not well publicized, and the issue proved problematic on election night. (See Chapter 6, "Election-Day Observations – Ballot Counting Procedures.")

## ***Chapter 5***

# **Electoral Campaign**

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### **A. Party Strategy and Regional Politics**

The campaign messages of UNIP and MMD rarely included serious discussions about future policy. Even party manifestos presented few concrete programs. Instead, political speeches and advertisements sought to undermine the legitimacy of rival parties. While regional political issues sometimes overwhelmed the parties' broader accusations, the campaign generally focused on the comparison of UNIP's known and somewhat tarnished record with MMD's hopeful calls for change.

UNIP attempted to avoid any debate on Zambia's dismal economic performance. Rather, the ruling party tried to project an image as a steady and experienced party that had steered Zambia clear of the civil wars and ethnic unrest that has plagued other African countries. Kaunda repeatedly emphasized that Zambia was one of the few nations on the continent that had maintained peace and did not have refugees streaming across its borders. He claimed that a vote for MMD, on the other hand, might plunge Zambia into "chaos." UNIP leaders also declared that the ethnic imbalance within MMD's

leadership portended domination of the government by Bemba-speakers and would inevitably lead to ethnic strife. UNIP touted itself as "tested leadership" and the "voice of reason and love."

MMD's electoral strategy aimed to tie all of Zambia's economic ills to UNIP. Only UNIP's "gross mismanagement" of Zambia's resources had led to the nation's penury. MMD claimed UNIP was rife with the corruption and inefficiency that always accompany one-party states. A vote for UNIP would merely continue a pattern of confused policies that benefit only the party hierarchy, leaving the rest of the people without adequate schools, hospitals, homes or jobs. MMD's slogan, "the hour has come," embodied the party's attempt to tap the intense desire of Zambians for change.

Regional idiosyncracies added twists to these more general campaign themes. In Western Province, for example, where the traditional king or *litunga* still enjoys great influence over the Lozi-speakers, the multiparty elections engendered local debate about the proper political role of traditional rulers. The current Litunga Lewanika belonged to UNIP's central committee, but many Lozis complained that *litungas* should have no direct role in government affairs. The multiparty electoral campaign increased the calls for the removal of the *litunga*, who urged his people to vote for UNIP. Some of his royal family defied him openly by supporting the MMD, and one relative even ran as an MMD candidate for parliament.

The Copperbelt Province boasts the highest number of unionized workers in Zambia. Because of Chiluba's popularity as a trade unionist, the MMD was expected to do well in this area on election day. The MMD used this strong regional support to place some of its national-level leaders in Copperbelt constituencies so that they could win what would be considered safe seats. Local MMD officials, however, loudly protested the imposition of outside candidates. Some MMD supporters predicted that the electorate might even reject the "strangers" at the polls.

Similar resistance surfaced in Southern Province where the popular Daniel Lisulo, a former UNIP prime minister, was denied the chance to run as the Livingstone MMD candidate. Lisulo chose to stand as an independent, which threatened to split the opposition vote. (The MMD candidate eventually won the seat.) Emotions reached a peak when, in October, MMD youths ejected Lisulo from a political rally, citing his "treacherous behavior."

## B. Media

Before the 1991 campaign only two daily newspapers existed in Zambia, the *Times of Zambia* and the *Daily Mail*, owned and controlled by UNIP and the government, respectively. The government-controlled Zambian National Broadcast Company (ZNBC) managed the broadcast media: one television station that broadcast in English throughout the country and four radio stations that broadcast in English and indigenous languages. Only a church-sponsored weekly paper, the *National Mirror*, voiced any criticism of the incumbent regime.

### News Coverage

Several new newspapers emerged during the multiparty campaign. Sponsored by local businessmen, the *Weekly Post* began publishing in late July 1991 and quickly distinguished itself through its investigative journalism. Later, a more strident opposition daily, the *Daily Express*, was launched. While neither paper rivaled the geographic reach or circulation of the *Times* or the *Mail*, they provided the first sustained criticisms of Zambia's political system since the inception of the one-party state in 1973. And as the elections drew near, the *Times* and the *Mail* began to increase their own coverage of the opposition. By election day, the print media taken as a whole seemed to provide adequately balanced coverage of the leading parties' electoral campaigns. This characterization seemed true despite the fact that some journalists continued to protest that their reports were often edited and even censored for political reasons.

The role of the broadcast media, however, raised significant concerns. The MMD complained that television and radio largely ignored MMD activities and engaged in "biased reporting." In particular, the MMD alleged that ZNBC covered the UNIP campaign under the guise of reporting on the activities of President Kaunda.

The MMD singled out Stephen Moyo, director-general of the ZNBC, for particular criticism, claiming he was active in the UNIP campaign. In meetings with Z-Vote pre-election missions, Moyo denied that he was involved with the UNIP campaign. Nonetheless, on October 10, the Press Association of Zambia obtained an injunction barring Moyo and Bwendo Mulengela, the editor of the *Times of Zambia*, from supervising news reporting until after the elections. The judge cited the need to ensure that the public interest

was served by the balanced reporting of news. (The Supreme Court reversed the injunction on October 29, two days before the elections, and reinstated Moyo and Mulengela to their positions.)

In order to analyze the complaints levelled against ZNBC news coverage, Z-Vote initiated an independent review of the mid-day radio news report and the nightly television news. Beginning September 30 and continuing until election day, Z-Vote staff monitored these programs and systematically recorded both the amount of time given to each party's campaign and the content of these stories. Z-Vote found that for the week beginning September 30, the time and quality of coverage given to the major parties and candidates were relatively balanced. The following week, however, showed UNIP receiving more and better reporting about their campaign than the MMD. In the week before the elections, ZNBC increased its attention paid to MMD, but its coverage still favored UNIP. (See Appendix XII.)

### **Political Advertisements**

Even before the official campaign began, ZNBC authorized the sale of air time to political parties for political advertisements. The MMD prepared 14 radio and television spots and in July submitted them to ZNBC for broadcasting. ZNBC refused to air the spots, ostensibly on the ground that they violated advertising ethics, because the advertisements attacked the governing party rather than merely promoted the MMD. ZNBC claimed it would be at risk, under Zambian law, of being sued for libel if the spots were aired.

The MMD challenged ZNBC in the High Court. On August 14, a High Court judge issued an injunction requiring the television station to air the commercials. ZNBC complied, but aired the ads with a disclaimer explaining that the commercials were being broadcast only because of a court order. Several days later, the judge revoked the injunction. The MMD then agreed to delete portions of the commercials that ZNBC considered inappropriate.

At a September 24 press conference in Lusaka, President Carter criticized ZNBC for censorship:

I can certainly understand why [ZNBC] will not want to publish television advertisements that [are] scurrilous in nature or might encompass a slander or would have immoral or filthy words in them. . . .But they are also

maintaining to have a right to decide what is truth and what is not truth in a heated political campaign.

After reviewing transcripts of the proposed commercials and the compelled deletions as provided by ZNBC, a Z-Vote representative argued in a letter to Moyo that, even acknowledging for purposes of argument the potentially libelous nature of certain MMD allegations, the station's insistence on the deletion of MMD's claims that UNIP had engaged in "27 years of mismanagement" appeared indefensible. (See Appendix V.) He continued by maintaining that such claims were certainly legitimate election campaign issues in a plural polity. The letter urged that ZNBC "refrain from setting itself as the arbiter of 'truth' and avoid censorship except in the most obvious cases of libel, slander and obscenity."

### **C. De-linkage of the Party and the State**

The introduction of multiparty elections meant that the "party and its government" could no longer be considered a single entity. Before the elections, UNIP attempted to initiate the "delinking" of party and state institutions. Cabinet directives gave UNIP employees and officials notice to vacate government houses, demanded the return of all government property on loan to UNIP — from vehicles to stationery — and ordered the resignation of government employees who desired to work for the ruling party. But separating the personnel, finances, assets and operating procedures of the party and the government, after 17 years of union, proved difficult. Moreover, in accordance with the national budget, the government had allocated funds to UNIP; the government did not, however, ever make any allocations on any basis to opposition parties.

Many UNIP candidates took advantage of the blurred distinction between the party and government to aid their campaigns. Government offices were used as campaign headquarters and were often rife with UNIP campaign materials, and both government and party officials running for parliamentary seats were seen driving government vehicles on the campaign trail. Some opposition supporters alleged that certain candidates wrote government checks to local leaders to encourage a UNIP vote. There were also concerns raised about the impartiality of UNIP-appointed electoral officers.

In some instances, delinkage threatened the very process of governing. The Local Administration Act of 1980 fused party and

state organs at the local level. To unravel who was responsible for what between the government and party was nearly impossible. An August circular from the Ministry of Decentralization claimed that some district councils had actually ceased operations because of the confusion: governors and councilors at this level had been appointed by the party to administer state affairs. Despite the ministry's appeal to the chairmen of district councils "to ensure a smooth transition between the old and the new system," the uncertainty of the political environment confused and incapacitated civil servants.

Although a great number of UNIP officials made concerted efforts at delinkage, the ruling party itself sometimes openly compromised the policy. In August, the government appointed seven cabinet ministers to administer provincial governments. Four of the ministers also ran for seats in parliament as UNIP candidates. In Western Province, the party allegedly spared no expense in providing UNIP candidates with public resources to run their campaigns. The prime minister commandeered the district council's only functioning vehicle; a senior party official used the vehicle not to ferry essential voting equipment to outlying polling stations, but rather to put the finishing touches on the UNIP election campaign.

#### **D. Campaign Environment**

The months preceding the elections witnessed Zambians taking full advantage of a new, more open society. For the first time in nearly two decades, Zambians discussed political issues freely. UNIP members of parliament criticized their own party in the media, and some even "crossed the floor" to join the MMD. The Supreme Court handed down decisions that were inconsistent with the ruling party's interests. New forms of opposition media were launched.

With the expanding freedoms of speech and political activity, however, came an increasing threat of civil disorder. Indeed, part of both the UNIP and the MMD campaign strategy was to blame current and future civil unrest on the other party. During most of the campaign, candidates' rhetoric did little to mitigate fears that serious bloodshed might accompany the elections. While few actual acts of violence occurred, security issues were a constant topic throughout the campaign.

Specific incidents exemplified the growing tension. Upon arriving at a soccer match in July, Kaunda and his entourage were

pelted by fans throwing stones, bottles and fruit. At the home of Dipak Patel, a prominent Lusaka businessman running for parliament on the MMD ticket, unknown assailants severely beat a security guard and destroyed two vehicles. In Eastern Province, a UNIP stronghold, there were frequent reports that huts and granaries of MMD sympathizers were being burned to the ground. Certain chiefs in different parts of the country allegedly expelled villagers from their homes because of their political affiliations. Youths from both parties intimidated those attending rallies of their opponents.

Rumors increased the public's anxiety. At various stages of the campaign, it was said that the MMD was urging followers to take to the streets in the event of electoral defeat; that UNIP had transported arms and men across borders to prepare for insurgency in case UNIP lost; and that South Africa, Malawi and Zimbabwe had all contributed men and materials for such military efforts. Speculation about the political sympathies of Zambia's armed forces contributed to the rumors, and each branch in turn was viewed as the lackey of some party. Combined with intimidation at the local level, these rumors probably contributed to lower voter turnout on election day.

In the latter stages of the campaign, party officials, candidates and representatives of domestic monitoring groups joined religious leaders to urge calm. These public statements helped ease some of the tension by the time voting began.

## **E. State of Emergency**

The state of emergency that had existed in Zambia since before independence continued throughout the election period. Under the state of emergency, a permit from the police was required to hold a rally or any meeting, even an indoor meeting, of more than five persons. The original rationale was that the country's security was at risk because it was surrounded by countries in conflict and served as the home for several national liberation movements. Whatever its merits in the past, though, the state of emergency could no longer be justified in such terms in 1991.

From the date of its formation, the MMD, supported by the Law Association of Zambia (LAZ) and other organizations, pushed for lifting the state of emergency before the beginning of the campaign. The MMD, the LAZ and others argued that the existence of a state of emergency was incompatible with a free campaign. The

MMD also complained that the police often denied or greatly restricted the availability of rally permits for the opposition while failing to require such permits of the governing party. During the campaign, in addition to calling for lifting the state of emergency, the MMD sought to transfer the authority to issue permits from the police to the Electoral Commission, through district returning officers and their assistants, as was the case during the 1990 referendum campaign.

At his July meeting with Chiluba, President Kaunda talked of lifting the state of emergency before the campaign began as long as there were no threats to Zambia's peace and security. Kaunda repeated this commitment in a private meeting with President Carter in September and authorized Carter to announce that the state of emergency would be lifted by September 30 if peaceful conditions continued to prevail.

On September 27, however, three days after Carter left the country, Kaunda announced that Zambia's attorney general had advised him that he did not possess the legal authority to lift the state of emergency without the concurrence of the National Assembly, which had been dissolved several weeks earlier. Claiming an innocent mistake, Kaunda explained at a press conference that he had been unaware of these limits on his authority. At the same time, he asserted that the state of emergency had never been used in Zambia to "play havoc with the fundamental rights of the people."

Several Zambian groups contested the attorney general's interpretation of the constitutional provisions governing authority to lift the state of emergency. They viewed the president's retreat from his position as an act of bad faith. Others, including representatives of Z-Vote, sought a commitment from Kaunda that he would not use the state of emergency to restrict political campaigning. Lisbet Palme, in her departure statement, reported that Kaunda had confirmed to her that he would not "implement restrictive measures under the state of emergency."

Ultimately, the MMD decided not to make the lifting of the state of emergency a litmus test for its participation in the elections. Moreover, the existence of the state of emergency did not prevent a vigorous campaign from being waged throughout the country. Political parties seemed to have a reasonable opportunity to organize

rallies and political meetings and to communicate their messages to the public through other means.

## **F. Controversy Over International Observers**

President Kaunda's invitation to international observers, which was issued in response to pressure from MMD leaders, did not silence discontent within UNIP about the perceived interference in Zambia's internal affairs. By the time of the elections, UNIP leaders, in meetings with Z-Vote representatives, were openly expressing their displeasure with the presence of international observers. On two occasions, this hostility contributed to public controversies.

The first public controversy over international observers followed the second Z-Vote pre-election mission, which was led by President Carter. UNIP leaders objected to specific suggestions in Carter's departure statement. In a full-page advertisement in the *Times of Zambia*, UNIP responded point by point to the Carter statement. (See Appendix XIII.) Even President Kaunda, at the press conference where he explained why the state of emergency could not be repealed, admonished international observers and suggested that perhaps he had erred in not tendering specific terms of reference to Carter and the other international observers.

The UNIP advertisement was particularly critical of the proposed Z-Vote support for civic education efforts conducted by Zambian monitoring groups: "[C]ivic education in as far as it involves teaching people how they should vote or who they should vote for should not be conducted by the observer/monitoring teams." The advertisement acknowledged the right of the monitoring groups to recruit and train pollwatchers, but it requested that political parties be represented at training sessions "in order to guard against hostile indoctrination of these agents that will later comb the countryside." Z-Vote responded by stating that it welcomed party representatives to its training sessions and stressed again that it would in no way suggest for whom people should vote.

At a press conference following the Carter visit, Electoral Commission Chairman Ngulube complimented the international observers and stated that they had made several constructive recommendations about the election process. Indeed, in response to one of Carter's recommendations, the Electoral Commission adopted

a regulation that allowed registered voters to obtain substitute registration certificates.

After a series of meetings with Z-Vote representatives in early October, UNIP temporarily ceased its public criticisms of observers. The third pre-election mission further reassured President Kaunda and UNIP leaders that Z-Vote understood the limited role of observers and did not intend to intervene inappropriately in Zambia's internal affairs. Kaunda responded by committing not to invoke any of the restrictive provisions under the state of emergency. Kaunda also praised the efforts of the Zambia Elections Monitoring Coordinating Committee (ZEMCC), a domestic monitoring group that UNIP had previously attacked as partisan, and he expressly endorsed ZEMCC's activities and explanation of nonpartisanship as described in its training manual.

This apparent appreciation for the role of independent observers did not endure. On October 24, less than a week before the elections, UNIP launched a surprisingly harsh and aggressive attack on monitoring groups in another advertisement in the *Times of Zambia*. (See Appendix XIV.) The full-page advertisement, which ran again on the following day, dismissed the entire election observer exercise as an "imperialist strategy" to remove the UNIP leadership and install "a puppet government" in Zambia. The lengthy advertisement described a "big imperialist plot. . .to influence the outcome of the elections in favour of the MMD." It asserted that "in the event that UNIP wins the elections. . .the observer groups will certify the elections were not free and fair" and warned that observers might create an "ungovernable" situation and then leave Zambians "to butcher each other." The advertisement attacked ZEMCC and each of its constituent groups by name. It also referred specifically to a former student leader on the ZIMT board of directors and to the "American" international observers.

Observers, both domestic and international, reacted strongly to the UNIP newspaper attack. In a public statement, the Commonwealth delegation demanded from UNIP "a public retraction of the allegations in so far that they include the Commonwealth Observer Group." (See Appendix XV.) ZEMCC and ZIMT representatives explained publicly that they were strictly nonpartisan and did not support either UNIP or MMD. They also restated their belief that as

Zambians they had a right and responsibility to be involved in the process.

In frank communications with UNIP, Z-Vote representatives strongly maintained that Z-Vote had from the outset been wholly impartial. In addition, they pointed out that the winning party would need the international and Zambian monitors to confirm that the results reflected the expressed will of the Zambian people.

In a speech at a rally two days before the elections, Kaunda disassociated himself from the attack and called on Zambians to support the work of the monitors. He declared that observers had come to Zambia at his invitation and that he hoped that all Zambians would welcome them. Then, speaking on national television on the eve of the elections, Kaunda expressly thanked, "on behalf of all the people of Zambia and all their political parties, the international community who have come to observe and bear witness to our historic national transformation. We are grateful to them all." (See Appendix XVI.) Encouraging Zambians to cooperate, Kaunda added that observers "must freely arrive at their own candid conclusions on the efforts we are making to go through this important transition successfully."

### **Criticism of Parallel Vote Tabulation**

Z-Vote's plans to conduct a parallel vote tabulation (PVT) also created controversy. Z-Vote first discussed the PVT operation at the August training session for Zambian monitors. At the time, ZNBC broadcast interviews with Z-Vote representatives who described in detail the purposes of the PVT and the methodology and experience of such operations in other countries.

UNIP leaders, particularly the UNIP campaign manager, Foreign Minister Benjamin Mibenge, objected to the Z-Vote PVT because:

we find no good cause for this exercise when results will likely be known within 48 hours of the conclusion of voting. We view it as an exercise that can cause unnecessary disorder especially when the projections erroneously pick a losing candidate or party as a winner. As Zambians conducting elections for Zambians we find nothing to benefit from this. (See Appendix XVII.)

On October 25, ZNBC broadcast an evening television editorial that called the Z-Vote-sponsored parallel vote tabulation a “foreign scheme” to undermine Zambian sovereignty. The editorial expressed fears that the PVT “would produce widely contradictory results” that would leave the country “on a precipice for social disorder.”

Similarly, in a meeting with the Z-Vote delegation a few days before the elections, senior UNIP officials continued to express their hostility toward election observers. In particular, they requested that Z-Vote not follow through on its plans to implement a parallel vote tabulation. They said that UNIP would instruct its supporters not to cooperate with Z-Vote’s efforts.

To alleviate concerns about the PVT, President Carter sent letters to Commissioner Ngulube and to the UNIP and MMD party chairmen in which he committed to withhold all results from the PVT until they had been consulted. (See Appendix XVIII.) While this commitment satisfied Ngulube and the MMD, UNIP’s Mibenge continued to object. Kaunda, though, in his election-eve broadcast, appeared to sanction the PVT when he urged Zambians to continue to assist the observer groups “in every way possible to enable them to carry out their tasks in the best way they know how.”

Despite this pre-election controversy, Z-Vote successfully implemented the PVT on election night. (See Chapter 8, “Monitoring the Electoral Process – Parallel Vote Tabulation.”)

## *Chapter 6*

# **Election-Day Observations**

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Zambians lined up early to cast ballots on the morning of October 31, 1991. Long lines – generally separated into one for men and one for women – greeted polling officials when they opened their stations at 6 a.m. One by one, voters filed into polling booths, located in structures ranging from dilapidated schools to bars, to choose leaders for the Third Republic. Administrative irregularities occurred at many polling sites across the country, but fears of social unrest proved unfounded. Zambia's first multiparty elections in nearly two decades were peaceful and orderly.

With few exceptions, election officials welcomed international observers and allowed them access to all voting procedures. Domestic monitors experienced more difficulties, especially those who had been unable to secure all the requisite credentials. But both domestic and international monitors agreed that, despite considerable logistical problems, these historic transition elections were generally free and fair.

## **A. Balloting Process**

Polls on election day were open from 6 a.m. to 6 p.m. Polling staff were instructed to arrive at the polling station an hour before the polls opened. Before balloting began, the presiding officer showed witnesses that the ballot boxes were empty and then sealed the ballot boxes in the presence of candidate representatives, each of whom was permitted to affix a personal seal to the ballot boxes.

The voting process began by determining the identity of each voter by checking his or her voter card or certificate and national identity card. After comparing the details from the cards against the information on the electoral roll, a polling official crossed out the voter's name on the register, recorded the voter's number on the ballot stub and issued to the voter a presidential election ballot paper stamped with an official mark. The voter then took the ballot paper to a booth, where he or she marked the ballot, folded it and, upon leaving the booth, deposited it into the presidential ballot box in the full view of polling staff and candidate polling agents. Incapacitated voters could request assistance in marking their ballots from a relative, friend or the presiding officer.

After casting a ballot in the presidential election, the voter went to another polling official to receive a ballot, stamped with the official mark, for the parliamentary election, and the process of issuing, marking and casting the ballot was repeated. For each polling station, there was one ballot box for the presidential election and one ballot box for the parliamentary election.

Each ballot paper listed the name, party affiliation and party symbol of each candidate and was marked with the official stamp, signifying its authenticity. The voter marked the ballot by making an "X" or a "tick" in the space next to the name and symbol of his or her preferred candidate.

Problems hampered the actual process of casting ballots, but observers did not detect any pattern of abuse. Many polling sites did not open on time because of the late delivery of balloting supplies or the tardy arrival of necessary staff. Ballot boxes, for example, only arrived at 9 a.m. on election day at Chisokone polling station in Luanshya, Copperbelt Province. The wrong voter register appeared in Nyika, Eastern Province, causing a one-hour delay. Electoral officials were brought from their homes to open the Matero site in Lusaka at 9 a.m. and one site in the Kanyama constituency at 10 a.m.

Some polling stations operated without sufficient basic supplies of stamps, ink pads, official forms, voting registers and ballot papers. Officials at the Woodlands East station in Lusaka were forced to borrow a stamp from another site to mark the back of their ballots. Several voting booths in Chipata district did not have the cloth to screen the inside of the voting booth from onlookers. Many ballot boxes lacked proper serial numbers or were still marked with names and numbers from the previous elections. Had it rained, many stations across the country would have experienced difficulties coping with the weather because they lacked roofs.

Electoral officials were not always familiar with the appropriate procedures. In some polling places, ballot boxes were not sealed before the voting began. In Sikongo constituency in Western Province, for example, the presiding officers claimed they had been trained to seal the boxes only after all ballots had been cast. At another place in the same constituency, keys to ballot box locks were lying loose on the presiding officer's table, despite the fact that the instructions required sealing keys in an envelope and taping the envelope to the ballot box. These lapses generally did not appear to affect the integrity of the polling process in any significant way. Zambian monitors frequently reported officials borrowing ZEMCC manuals or asking ZEMCC or ZIMT representatives for advice on regulations and procedures.

Some district executive secretaries, including some in Western and Northern provinces, authorized the issuance of replacement voter certificates on election day. This procedure certainly allowed at least some people to vote who otherwise would not have been able to do so.

The most serious problem detected by delegates on election day was the inaccuracy of the voter registration lists. Individuals with the necessary national registration cards and voter cards (or substitute certificates) were turned away from polling places because their names either did not appear on the voter lists or were marked "replaced." Occasionally these people were redirected to nearby polling stations. But for most, no assistance was available to determine where they could vote. Unfortunately, complete national registries were unavailable at the polling stations, thus disenfranchising thousands of Zambians for these elections.

## **B. Ballot Counting Procedures**

At the conclusion of the balloting process, the polling officials sealed the ballot boxes and completed a prescribed form, which recorded an account of the ballot papers.<sup>2</sup> Returning officers dispatched vehicles from the counting centers to pick up the presiding officers and collect the ballot boxes and various polling documents and to transport them to the counting centers. During the weeks before the elections, the Electoral Commission agreed to amend the regulations to make it clear that party agents could also accompany the ballot boxes at all times.

The returning officer for each constituency was responsible for counting the ballots, with the help of assistant returning officers and counting assistants. Candidates and their agents were authorized to observe the count, as were international observers and designated members of domestic monitoring groups.

The count did not commence until all ballot boxes from a single constituency arrived at the center. Election officials opened each ballot box, counted the number of ballots and then compared this number to the number recorded on the tally sheet. The returning officer also reconciled records for the ballot papers to ensure that the number of ballot papers issued and the number of ballots cast were identical, and he noted any discrepancies. Officials repeated the process for each balloting box in the constituency and continued until the entire count, for both the presidential and the parliamentary elections, was complete.

Upon completion of the count, the procedures called for the returning officer to announce the results to those present in the room. The chief justice was responsible for announcing the presidential results in Lusaka, although the returning officer in each constituency was to announce preliminary results in the presidential race for that constituency. After the completion of the count, each returning

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<sup>2</sup> Z-Vote had recommended, without success, that officials also count the number of names crossed off the voter registry and record this number on the form to be sent to the returning officer. This procedure would have provided the returning officer with a basis for determining whether there were more ballots in the ballot box than actual voters at a given polling site.

officer travelled to Lusaka to deliver the ballot papers and other election materials to the Electoral Commission.

Before the elections, observers and participants expressed great concern about potential problems with the transportation of the ballot boxes to the counting centers. The Electoral Commission had few reliable vehicles. Because the logistics of the transportation process appeared extremely difficult and would make ballot boxes vulnerable to manipulation, national and international observers and opposition political leaders repeated their calls for a local ballot count. District executive secretaries around the country implored the government to make all government vehicles available for election use. The Electoral Commission's assurances that party agents would be permitted in all cases to accompany the boxes only made the vehicle shortage problem more acute.

Poor roads, vehicle and fuel shortages, and long distances made transportation of the ballot boxes difficult in many parts of the country. In most cases, mobile teams dispatched from the counting center collected ballot boxes from a number of polling stations. Distant, rural polling stations faced the greatest obstacles in collecting the boxes. In Petauke, a truck carrying the boxes became stuck on an impassable road, and officials had to dispatch a smaller vehicle to retrieve the boxes. The counting center for Petauke constituency received all the ballot boxes and began counting only at 11 p.m., but the same counting center had received all the ballot boxes and could not begin the count for the Msanzala and Kapoche constituencies until the following day. Similarly, the counting center for Liuwa constituency in Western Province did not begin counting until 3:30 p.m. on Friday. In Mpika, the returning officer sent a helicopter on Friday to collect ballot boxes from some remote polling stations. In the Luangwa Valley in Eastern Province, one of the most isolated parts of the country, polling stations relied on local villagers to carry the boxes on their heads until they found vehicles willing to ferry them to counting centers.

Urban areas also endured transport hardships. Matero constituency in Lusaka possessed only one vehicle to transport ballot boxes from 64 separate polling stations. Lack of vehicles affected even the State House site, which did not deliver its boxes to the Nakatindi counting center until 10 p.m.

The party polling agents demonstrated their determination to remain with the ballot boxes until the boxes were opened for counting at the district centers. And several thousand volunteers from the Zambian monitoring groups showed similar perseverance.

The counting of ballots continued, without interruption, until it was completed. In virtually every counting center in the country, counting continued through the night. Local banking clerks, business people and others recruited because of their ability to count paper quickly often took turns sleeping with their heads on tables, as their companions struggled through stacks of ballots. In many places, counting was not completed until late on Friday, the day after the polling, and in other areas counting was not finished until even later.

There were some arguments over procedures among observers, candidates and counting officials. Hundreds of ballots from across the country were not counted because they had not been officially stamped, as the regulations required. After heated debate, all of the ballot boxes at one entire station in Petauke in Eastern Province, for example, were declared null and void because the ballots had not been stamped. At one polling station in Kitwe in Copperbelt Province, a polling assistant forgot to stamp 190 ballots, and the counting official decided that the ballots should not be counted. At the Chapata Central counting center, the returning officer eventually rejected unstamped ballots. This caused a bit of controversy, especially when it turned out that one station had failed to stamp 250 of its 320 ballots.

Many polling officials had never received notice of the new regulation that stipulated that ballot boxes be counted separately; the Chipata Central counting official, for example, did not initially require that ballot boxes be counted separately. And some counting officials refused to announce results by polling site. These officials took the position that they would only publicly announce results for the entire constituency.

The refusal of some counting officials to count or announce results by polling station complicated the efforts of PVT volunteers around the country to obtain and report results from the polling places selected in the random sample. In most cases, after PVT volunteers or observers explained the revised procedure, counting officials were cooperative. In certain counting centers in the Copperbelt and Western provinces, however, counting center officials still refused to

follow the new procedures, making PVT reporting virtually impossible. PVT personnel in a number of places employed ingenuity and enterprise to determine the polling site results.

In most cases, though, counting officials displayed competence and professionalism. Most appeared to follow the counting procedures to the letter. Around the country, they worked through the night under extraordinarily trying conditions to complete the job and report the results to the Electoral Commission's national headquarters in Lusaka.

## ***Chapter 7***

# **Election Results and Election Aftermath**

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As early election results trickled in from around the country, a clear trend emerged: Chiluba and the MMD were headed for a landslide victory. Counting center after counting center reported the opposition outpolling UNIP by wide margins. The people of Zambia, speaking through the ballot box, had made their choice loud and clear.

According to the official final results, Chiluba received 76 percent of the electorate's votes. (See Appendix XIX.) Chiluba collected at least 70 percent of the vote in each of the eight provinces that he carried. In the Copperbelt Province, he outpolled Kaunda by 91 percent to 9 percent. Only in Eastern Province did Kaunda win a majority, his 75 percent to 25 percent victory demonstrating UNIP's entrenched support in this region.

The MMD's parliamentary candidates fared equally well against their UNIP rivals: the MMD won 125 of the 150 seats in the National Assembly. The electorate ousted top UNIP leaders, including members of the UNIP central committee, cabinet officials, governors and ministers. As returns came in, it became increasingly

clear that MMD had swept the country. UNIP was left a minority, regional political party, winning 19 seats in Eastern Province. UNIP won six other seats to bring its total to 25. None of the smaller parties or independent candidates won any seats.

Before the elections, many had feared that in the event of an MMD victory, President Kaunda would be unwilling to relinquish power. There was no tested or agreed upon process for transferring power. These fears, however, proved groundless. Two days after the elections, in an act of great statesmanship, Kaunda humbly accepted defeat in a television and radio address.

On Saturday, November 2, 1991, a mere two days after the elections, and indeed before all of the counting centers had reported final results, tens of thousands of Zambians and hundreds of foreign dignitaries — including President and Mrs. Carter and the Z-Vote delegation — gathered outside the High Court to witness Frederick Chiluba take the oath of office as president of the Third Republic. Amid dancing and singing and the ever present chants of “the hour — the hour has come,” President Chiluba opened the noon ceremony with a prayer. He then delivered a stirring inaugural speech. After admitting that “the Zambia we inherit is destitute,” the new president exhorted Zambians to “get to work.” “The hour has come,” he said, “to put Zambia first. . . . [L]et’s do whatever we can, every day to slowly pull ourselves through our sweat and toil, out of the mud and to build a new Zambia.”

### **New Government**

In one of his first presidential acts, Chiluba took the symbolic step of eliminating the title “His Excellency” for the president; with characteristic good humor, he claimed it was too long a title for such a short president.

Chiluba’s first weeks in government were occupied with forming a new cabinet and overseeing the changes in the civil service and other positions under government control. Shortly after being sworn in, Chiluba set to work firing the heads of a number of parastatal companies — most notably Francis Kaunda (no relation to the former president), the chairman of the Zambia Consolidated Copper Mines (ZCCM) — as well as Stephen Moyo of ZNRC and Bwendo Mulengela of the *Times of Zambia*. UNIP officials were ordered to vacate government housing and turn over government vehicles. Within the first month, Chiluba recalled all the country’s

ambassadors and replaced all but five in the field. In late November, he announced the removal of the commanders of the army, air force and national service and the inspector general of the police.

Chiluba had stated before the elections that he would streamline the government, beginning by reducing the size of the cabinet. But the new cabinet ended up being larger than the previous one. The new cabinet did not contain any real surprises and appeared to observers to strike a reasonable balance between politicians and policy experts and among ethnic groups. Among the most important appointments were Emmanuel Kasonde as minister of finance, Vernon Mwaanga as minister of foreign affairs, Ben Mwila as minister of defense, Newstead Zimba as minister of home affairs, Rodger Chongwe as minister of legal affairs and Michael Sata as minister of local government and housing.

By his actions and rhetoric, President Chiluba has declared war on corruption. Shortly after the elections, paramilitary officers raided the headquarters of ZCCM in order to seize documents that might prove corruption allegations. In a December speech to civil servants, President Chiluba declared that “[t]he time of corruption and bribery is over. Let us put aside the deeds of darkness.” As Zambia emerges from years of single-party rule, Chiluba’s war on corruption is important both symbolically and practically. Such messages are especially critical from the new ruling party given the very weak UNIP opposition.

Chiluba’s greatest challenge today is to confront the country’s deep economic crisis while he simultaneously faces the high expectations of his supporters. He has begun to try to restore the country’s relationship with foreign donor countries, the World Bank, the IMF and the African Development Bank. “Accountability and good governance are our key words,” Chiluba said recently, “and we intend to take it from there and restore confidence in donor agencies and lending institutions.” As the first step in the necessary program of structural economic reform, the new government doubled the price of maize meal in December. The new finance minister said that the government subsidy of maize meal was averaging \$10.4 million per month. The government has also announced an ambitious plan to privatize state-controlled companies, resulting in lay-offs for thousands of civil servants and copper company employees. Many more painful steps will certainly follow.

## ***Chapter 8***

# **Monitoring the Electoral Process**

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Elections in countries in transition to multiparty systems often take place in an atmosphere of uncertainty, confusion and concern about the ability of election administrators to deliver an accurate and impartial electoral result. In these circumstances, domestic and international election observer groups have come to play an increasingly important role in promoting free and fair elections that can lead to the establishment of accountable, effective governance.

### **A. International Observers**

International observers have no juridical authority. Rather, their presence is designed to encourage confidence in the process, to deter electoral manipulation and to report on the fairness of the elections to the international community. In addition, if requested and if appropriate, international observers can mediate disputes among competing political groups in an effort to reduce tensions before, during and after the elections.

The practice of international election observing has gained increased acceptance in recent years. The Conference on Security and Cooperation in Europe, for example, which includes all European countries and the United States and Canada, adopted a declaration in June 1990 requiring all member states to accept the presence of international observers for all national elections. In an effort to "enhanc[e] the effectiveness of the principle of periodic and genuine elections," the United Nations General Assembly and the U.N. secretary general have endorsed the practice of international election observing, including observing by nongovernmental organizations. Throughout the world, there has been a growing recognition of the potential contributions of international observers to an election process.

Still, in many respects, the invitation of international observers for the October 31 elections in Zambia was unprecedented. Previously, international observation of elections in Africa had taken place in the context of a transition from colonial rule, as in Zimbabwe in 1980 and in Namibia in 1989, or in the absence of a centrally controlled authority, as in Uganda in 1980, or in an informal manner involving a visit for a short period around election day by a relatively small international team. The Zambian elections marked the first time that a sovereign African country with an internationally recognized government in power had invited a high-level international observer presence.

In addition to the Z-Vote team, the Commonwealth sponsored a 12-member observer delegation. The Organization of African Unity also sent a delegation of several officials, marking the first time that it had agreed to organize such a mission for elections in a sovereign country. The AFL-CIO, because of its long relationship with trade unionist Chiluba, sent its own team of observers. Several governments and private organizations also dispatched small teams.

The Z-Vote effort was particularly notable because it received support from a broad consortium of international donors. Diplomatic representatives in Zambia of a number of European and North American countries came together to coordinate their resources in support of the democratization and electoral process. They chose to support a multinational and Zambian effort coordinated by the Carter Center and NDI. This extraordinary support and cooperation provided Z-Vote important legitimacy and credibility as a representative

of the international community and greatly increased the effectiveness of the program.

## **B. Domestic Monitors**

In the months before the elections, a number of Zambian civic and professional organizations announced their intention to “monitor” the elections in a nonpartisan manner. Two distinct organizations eventually emerged: the Zambia Independent Monitoring Team (ZIMT) and the Zambia Elections Monitoring Coordinating Committee (ZEMCC).

### **Zambia Independent Monitoring Team (ZIMT)**

When former President Kenneth Kaunda initially rejected the opposition’s demand for international observers, a group of Zambians led by a prominent lawyer, Rodger Chongwe, proposed the creation of the Zambia Independent Monitoring Team in early 1991. Accordingly, by the time Kaunda agreed to invite international observers, the importance of creating a Zambian counterpart had already been established.

ZIMT was formally registered as a society under Zambian law in July with David Phiri, former governor of the Bank of Zambia and Zambian ambassador to Sweden, as its chair. ZIMT recruited a board of directors composed of prominent Zambians, including businessmen, representatives of the legal, medical, accounting and architecture professions, two student leaders, and several members of the clergy.

ZIMT, however, encountered some early internal difficulties. Many of ZIMT’s natural constituents, including members of the clergy, students and others, charged that ZIMT was unduly influenced by UNIP. ZIMT Chairman David Phiri was criticized regularly for his close relationship to Kaunda, despite the fact that Chongwe, who subsequently became an MMD candidate (and now serves in the MMD government), had originally recruited Phiri for the ZIMT post and despite Phiri’s public and repeated commitment to operate a nonpartisan organization.

Although ZIMT had recruited representatives of the churches and the Law Association for its board, ZIMT insisted that it was not an umbrella organization and that all members of the board served in their individual capacities; they were not designated or chosen as representatives of other groups. Representatives of churches, the Law

Association and other civic organizations, however, sought an institutional role in the process. (The Law Association had already made its own plans to monitor the campaign and the electoral process and had secured separate funding.) In early September, as dissatisfaction with ZIMT grew, three church representatives on the board resigned.

#### **Zambia Elections Monitoring Coordinating Committee (ZEMCC)**

At the end of September, six Zambian organizations combined to form the Zambia Elections Monitoring Coordinating Committee: the Christian Churches Monitoring Group, the Law Association of Zambia, the National Women's Lobby Group, the Press Association of Zambia, the University of Zambia Student's Union and the NGO Coordinating Committee. The Christian Churches Monitoring Group was itself a coalition of the country's three leading denominations: the Zambia Episcopal Conference, the Evangelical Fellowship of Zambia and the Christian Council of Zambia. ZIMT was invited to join ZEMCC but declined.

Each of ZEMCC's constituent organizations chose two delegates to serve on the board. Reverend Foston Sakala of the Evangelical Fellowship of Zambia was selected as ZEMCC's chair.

ZEMCC published training manuals, sent mobile teams to train volunteers around the country, and used the media and the pulpit to deliver messages about their activities and the responsibilities of the citizenry. An estimated 3,500 people participated in ZEMCC training sessions.

#### **Success of Zambian Monitoring Groups**

In early October, as ZEMCC hosted its first successful recruiting and training workshops, ZIMT began to run educational advertisements in all of the daily papers. Indeed, both ZIMT and ZEMCC conducted civic education programs. As discussed, UNIP criticized the idea of ZIMT and ZEMCC "educating voters," which, the party argued, was the task of the political parties. The monitoring groups, however, tried to make clear the distinction between educating the public about election-day procedures and the importance of participating on the one hand and instructing individuals for whom they should vote on the other.

ZIMT also provided free legal advice about election-related questions and complaints. ZIMT lawyers interacted with the Electoral

Commission on issues of concern, and key ZIMT personnel were active in training volunteers.

In the last week before the elections, ZEMCC also attempted to reduce tensions and promote reconciliation by trying to arrange a meeting between Kaunda and Chiluba. Although both agreed in principle to attend, the meeting was never held; but the effort served to highlight the need for peace and calm.

In the weeks before the elections, Z-Vote spent considerable energy encouraging ZEMCC and ZIMT to coordinate their activities. In the final week, the two organizations met to compare notes and develop a joint strategy on issues of common concern, such as prompting the Electoral Commission to issue the necessary credentials that would allow access to the polling and counting sites. Each organization designated a three-member subcommittee to meet on an almost daily basis during the last week, and the two chairmen signed and delivered a joint letter to the director of elections requesting an expeditious issuance of blanket credentials. The two organizations also agreed to maintain constant contact on election night, to share their field reports and to closely coordinate their efforts in preparing their overall assessments and drafting their post-election statements, even though each would maintain its independence and autonomy.

Both ZIMT and ZEMCC sought and eventually received authorization from the Electoral Commission to designate individuals to be present during the balloting and counting processes. On election day, ZIMT volunteers were on hand at most polling sites in the Lusaka and Copperbelt provinces, where they were immediately identifiable by their distinctive t-shirts.

Because of the Electoral Commission's delay in issuing credentials, ZIMT and ZEMCC representatives in some areas did not receive them in time. In Petauke, for example, some monitors never received the requisite credentials and hence were not allowed into the polling stations. But Z-Vote observers met ZEMCC and/or ZIMT volunteers in virtually every polling station the observers visited. And Z-Vote observers were tremendously impressed with the seriousness and sincerity of the leaders of both organizations.

### **C. Parallel Vote Tabulation**

Z-Vote decided to organize its own independent vote count, known as a parallel vote tabulation, when it became clear that the belated organization of the domestic monitoring groups would make it impossible for them to mount such an effort on their own. While domestic groups or intergovernmental organizations, such as the United Nations and the Organization of American States, have performed such independent tallies in past transitional elections, such as in Nicaragua and Haiti, Z-Vote's effort in Zambia marked the first time that a private group of international observers independently conducted a PVT.

Using a network of Zambians recruited specifically for the independent vote count, drawn largely from the ranks of several of ZEMCC's constituent groups, Z-Vote developed the methodology and plan of operation for a parallel vote tabulation of polling sites representing 10 percent of the eligible voters within each of the country's nine provinces. Zambian statisticians and demographers advised on the plan and generated the random sample of 350 polling sites.

Z-Vote prepared a PVT manual, trained provincial and counting center coordinators, developed a nationwide communications network, supervised the activities of the data processors and organized the distribution of PVT materials throughout the country. As the ballot tabulation was completed in counting centers throughout the country on election night and the following day, PVT representatives obtained and reported the results from the pre-selected sample back to the Lusaka headquarters. PVT data processors, statisticians and demographers at the headquarter entered the information in computers, calculated partial results and prepared periodic reports.

The PVT served as an important deterrent to fraud. As designed by Z-Vote, the PVT allowed the international observers to verify officially announced results and to check the integrity of the ballot box transportation process. This arrangement would have been critical had there been serious allegations of electoral manipulation. The PVT in Zambia, however, was not designed to provide a "quick count" to be announced to the public. The procedure for counting the ballots, which required waiting until all of the ballot boxes from a given constituency arrived at the counting center before a tally could begin, precluded the PVT from announcing results on election night.

Moreover, in response to UNIP's continuing objection to the PVT, President Carter had agreed to withhold the results of the PVT until he had consulted with the Electoral Commission and leaders of the two major parties.

By Friday morning, November 1, when television newscasters announced results from the first two constituencies reporting, the PVT headquarters in Lusaka had already received results from 12 percent of its sample. As sample points continued to report during the day, the trend showing an overwhelming victory for the MMD did not change. Z-Vote had received 65 percent of the sample points by the time it closed the PVT operation on Saturday night. (See Appendix XX.)

Even working with an extremely slow official counting process, PVT results available two days after the elections showed that MMD's Chiluba had won the presidential race with 74 percent of the vote to 23 percent for UNIP's Kaunda with a margin of error of plus or minus 5 percentage points. (See Appendix XXI.) The estimated turnout was 45 percent. The official results announced much later by the Electoral Commission put the final count at 76 percent for Chiluba to 24 percent for Kaunda.

The PVT procedures also provided that, for each sample point, the PVT volunteers verify that the ballot boxes had not been tampered with during balloting or transport to the counting centers. The volunteers would either rely on their own observations or obtain the certification signatures of both of the party agents who had accompanied the ballot boxes. PVT volunteers in almost every polling station reporting were able to obtain both of the requested certifications.

Given the landslide results and the early concession by Kaunda, it is difficult to estimate the importance of the PVT. It may well have deterred anyone tempted to manipulate the count and perhaps provided the electorate with added confidence that the elections would be conducted fairly.

#### **D. Assessment of the Role of International and Domestic Observers**

Zambia's October 31 elections were not only the first multiparty elections to take place in Zambia in more than two decades, they were also the first elections in Africa, outside of the decolonization context, that were so carefully monitored. It was not easy for the

former ruling party to accept the meticulous scrutiny to which the electoral procedures were subjected or to accede to the various suggestions made for improvements.

Unlike many other African countries in which the national conference has ushered in a transitional government with responsibility for organizing new elections, in Zambia the election monitoring teams assumed this mediating role. As a consequence, they were subjected to strident criticism, especially from UNIP campaign headquarters. On election day, though, Zambian voters throughout the country showered praise on the national and international monitors. They saw the monitors as the chief guarantors of free and fair elections.

As has been discussed, the Electoral Commission did not by any means accept or subscribe to all of the monitors' recommendations. Instead of eliminating the voter card requirement, for example, the Electoral Commission ultimately instituted a procedure to allow registered voters who had misplaced their registration cards to obtain replacement certificates. The procedure was only open for a few days, however, and it is unclear how well publicized this new procedure was or how many people were able to take advantage of it.

The comprehensive monitoring effort yielded many benefits. The presence of observers defused potentially heated conflicts over electoral procedures by seeking compromises from government and electoral officials on issues in dispute. Visiting election experts and democratic activists from various parts of the world provided technical assistance to domestic monitoring groups. Zambian civic groups had an opportunity to play an active role in the process and to lay the foundation for their continued involvement in the consolidation of multiparty, democratic politics. Freedom of expression increased, and the media showed increasing independence and fairness in its coverage of the campaign. Electoral officials displayed a fairness and impartiality in the administration of the elections that provides a model for other countries on the continent. And the international community demonstrated its support for multiparty politics and for the new government's efforts to meet the challenge of economic as well as political restructuring.

The beneficiaries of this effort were the Zambian voters, who went to the polling stations with great confidence. From now on, independent monitoring will be seen as an integral part of the

electoral process in Zambia. Moreover, the exemplary conduct of the ZEMCC and the ZIMT monitors at polling stations and counting centers throughout the country should make it easier for other African countries to accept domestic monitors as well as international observers. In this respect, at least, ZEMCC's choice of a motto — "Setting a Standard for Africa: Free and Fair Elections" — was particularly prescient.

When President Kaunda relented to opposition pressure and decided to invite international observers, he said: "Let them come. We have nothing to hide." As it turned out, not only was there little that could be hidden on election day, but Zambians were able to display a profound sense of civic virtue, tolerance and commitment to democratic values. Observers from around the world — sophisticated politicians, seasoned public servants and experienced democratic activists — went away deeply moved by what they had seen and shared. They left with indelible memories of how precious truly free elections are to a people who had been denied that right for many years.

## *Chapter 9*

# Reflections on the Zambian Transition

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After the decision in December 1990 to amend the constitution to permit opposition parties to form, the government of Kenneth Kaunda retained all the typical attributes of a single-party state: monopolization of public resources by the ruling party, extensive controls over the leading organs of the media, a semi-autonomous but materially dependent electoral bureaucracy, and complete command of the military and police forces. The fact that 10 months later the opposition was able to attain power can be attributed to several factors: the depth of the economic crisis, the broad composition of the Movement for Multiparty Democracy, the increasing assertiveness of the judiciary as well as the Electoral Commission, the professionalism and the determined work of the monitoring teams, and the commitment of political leaders to the democratic process.

A remarkable element of the Zambian elections, and the reason for the elections' extraordinary outcome, is the Movement for Multiparty Democracy. Despite many obstacles, the MMD was able to carry its message to the people. The party fielded candidates in

every constituency in the country. Its organization as displayed on election day was extremely impressive. The MMD placed party agents in every polling site, and these agents were well-versed in election procedures and committed to cooperating with electoral officials.

The electoral process itself was certainly flawed, and much work needs to be done to reform the election law, improve the voter registration process and ensure the fairness of future elections. There is little time to waste: local elections are planned for 1992.

With Kenneth Kaunda planning to step down as the UNIP party president at the extraordinary party congress in April, UNIP must be prepared to transform itself from a badly defeated party into a vigorous opposition. The fact that the MMD holds such a dominating majority in the National Assembly makes a healthy respect for dialogue and diversity all the more critical to the country's future.

President Chiluba has made serious efforts, both symbolic and practical, in his first months in office to reassure the Zambian people that he will keep his promises and tackle the difficult problems ahead. He is to be commended for encouraging Zambians to extend "the hand of brotherhood" to all, including Kaunda, and for issuing the call for "honest toil" and hard work. But Kenneth Kaunda, too, is a hero of the transition because he gracefully accepted the people's will and has allowed Zambia to set an example for the continent and the world.

Chiluba took the oath at a time of daunting economic problems in Zambia. Voted into office on a wave of hope and promise of change, Chiluba now faces the unhappy legacy of years of government mismanagement. In order to rescue the economy and to attract assistance from foreign governments and international financial institutions, the new government will have to implement radical economic reforms, including lifting price controls on maize meal. The next year's copper earnings have reportedly already been mortgaged to pay for past government expenditures. Per capita government debt is among the highest in the world. He also faces the raised expectations of poor and hungry supporters, people who are looking to the new government to address their economic miseries. Against these odds, the honeymoon for Chiluba's government will be short.

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But the Zambian elections send a clear message throughout Africa and the world. Given the chance, the people of Zambia spoke, in effect, on behalf of many Africans living under authoritarian rule. Their vote, by a margin of four to one, was for plural politics, accountable government and democratic change.

## **APPENDICES**

*Appendix I*

**Participants in Pre-Election Assessment  
Training and Election Observer Missions**

**First Pre-Election Mission  
August 18-24, 1991**

**ERIC BJORNLUND**  
NDI Senior Program Officer  
United States

**KAREN JENKINS**  
Z-Vote Program Director  
United States

**ALLISON CALHOUN**  
Carter Center of Emory  
University  
United States

**MARIA LEISSNER**  
Member of Parliament, Liberal  
Party  
Sweden

**GINA GIERE**  
NDI Program Assistant; Z-Vote  
Program Coordinator  
United States

**JAY TAYLOR**  
Diplomat-in-Residence, Carter  
Center of Emory University  
United States

**RONALD GOULD**  
Assistant Chief Electoral  
Officer, Elections Canada  
Canada

**ALBERT TEVOEDJRE**  
Member of Parliament;  
Secretary-General, Notre Cause  
Commune  
Benin

**First Training Mission for  
Zambian Election Monitoring Groups  
August 24-28, 1991**

**GLENN COWAN**

Adviser to the National  
Democratic Institute  
United States

**MONICA JIMENEZ**

Executive Director, Participa  
Chile

**LARRY GARBER**

NDI Senior Counsel for  
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**VERO MBAHUURUA**

Namibian Council of Churches  
Namibia

**RONALD GOULD**

Assistant Chief Electoral  
Officer, Elections Canada  
Canada

**MARIANO QUESADA**

Former Secretary-General,  
National Citizens Movement for  
Free Elections (NAMFREL)  
Philippines

**Second Pre-Election Mission  
September 22-27, 1991**

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Senior Political Officer,  
Organization of African Unity  
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**ADELE JINADU**

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Former President of the United  
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Program Coordinator

**LETICIA MARTINEZ**  
NDI Logistics Coordinator

**Second Training Mission for  
Zambian Election Monitoring Groups  
October 4-10, 1991**

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Namibian Council of Churches  
Namibia

**Third Pre-Election Mission  
October 12-14, 1991**

**RONALD GOULD**  
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**LISBET PALME**  
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Sweden

**International Election Observer Delegation  
October 31, 1991**

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**ANNE SCHNELLER**  
Z-Vote Assistant

**BETSY TAYLOR**  
Z-Vote Assistant

*Appendix II*

**Inauguration Speech  
President Frederick Chiluba**

November 2, 1991

Mr. Chief Justice, fellow citizens, neighbors and friends.

To us here today, this is a sobering most momentous occasion. To the nation, it is an affirmation of the power of patience and forbearance. This ceremony is indeed testimony to the will of the people. Zambia demanded democracy. Today, Zambia achieved that goal.

My first act as the President is a prayer. I ask you to bow your heads.

Heavenly father, we bow our heads and thank you for your love. Accept our thanks for the peace that yields this day and the shared faith that makes its continuance likely. Make us strong to do your work, willing to heed and do your will and write on our hearts these words: "Use power to help people," for we are given power not to advance our own purposes, nor to make a great show in the world, nor a name. There is but one just use of power, and it is to serve people. Help us remember this, Lord, and make us strong to do your work. Amen.

How great is one's belief in your fellow citizens, your friends and neighbors, when you realize that the stream of democracy — dammed up for 27 years — is finally free to run its course as a mighty African river. Not because of arms, not because of bullets, not because of any other time, but the patience of Zambia with corruption, repression, and dictatorship had run out. The voice of the Zambian people, weak as it was at one stage, faint against the thunder of one party and one man, is once again strong, a roar asserting itself. But let us not forget, that we cannot replace the tyranny of an elite with the tyranny of the many.

The Zambia we inherit is destitute — ravaged by the excesses, ineptitude and straight corruption of a party and a people who have been in power for too long. When our first president stood up to address you 27 years ago, he was addressing a country full of hope

and glory. A country fresh with the power of youth, and a full and rich dowry. Now the coffers are empty. The people are poor. The misery endless.

The economic ills we suffer have come upon us over several decades. They will not go away in days, weeks or months. But we are determined they will go away. They will go away because we as Zambians have the will to apply ourselves to do whatever needs to be done to rebuild this glorious country.

In this present crisis, government alone is not the solution to our problems. For too long, government *was* the problem. This crisis needs discipline, hard work, honesty, clean government and a determination to grit our teeth, to look our problems squarely in the face, and to tackle them head-on.

Let no one believe otherwise. This Zambian government has the will, the courage and the ability to deal with the problems of the day, to make the hard decisions, and to do the things now that will allow this country to never again sink to the depths of misery which Zambian democracy has rescued us from now.

So with all the energy and discipline at our command, let us begin anew. Let us renew our determination, our courage and our strength and let us renew our faith, our hope and our pride. We have the right to dream heroic dreams. But more importantly, we have the obligation to make them come true. Perhaps not for our own sake, but for the sake of our children. Never again may we allow the next generation to inherit debt, corruption and misery.

For the first time in the history of this country, the Zambian citizens do not have to invent a system by which to live. We don't have to wrest justice from the kings or the chiefs. We only have to summon it from within ourselves.

For we know what works — freedom works. We know what is right — democracy is right. We know how to secure a more just and prosperous life for man on earth — through the freedom to work, the freedom to toil, through free speech, free elections and the exercise of free will unhampered by the state. We know that upon the individual rests the ability to make his own dreams come true. The state must allow every individual that freedom in security and in justice. The greatest lesson we can learn from the past 27 years is that freedom is at the core of every successful nation in the world and in Africa today.

The great nations, the prosperous nations, are the free nations. A new breeze is blowing in Zambia. The breeze of democracy and freedom. The breeze of human rights. The winds of change predicted for Africa decades ago have finally reached our land.

When Winston Churchill offered his people nothing but blood, toil, tears and sweat, they rose to the occasion and swept away the forces of tyranny, and I am proud that when we told Zambians that the hour has come, they rose to the hour with dignity, with compassion, but with determination. Zambia would not be denied.

Allow me now to address my colleagues who will join me in the new government. The Zambian people await action. They didn't send us here to bicker or procrastinate. They did not send us here to enjoy the trimming of power and office. They sent us here to represent them and to work.

President Bush of the United States of America said in his inaugural speech: "Great nations, like great men, must keep their word." This is my pledge to you, Zambia. This government will keep their word. And this is my message to the new government and to the civil service: You must keep your word. Let honesty and honest toil be the pillars on which we build the future.

We deserve today not the victory of a party, but a celebration of sweet freedom after a long and sometimes, bitter struggle. An end as well as a beginning.

Zambia is like a patient who woke up from a long coma. We are weak, but we are awake. We are ill, but we are still alive. And most important: We are determined to get well again.

No government can change a country on its own. I am asking you, Zambians from all political persuasions, friends and neighbors, UNIP and MMD, and those who want to start new parties still, let there no longer be enemies in this land. At the most, let there be political opponents, free to speak their minds, but free to be Zambians. And let us take hands and face the cruel and destitute present, let us take hands and work, let the patient get well again. Let Zambia rise up.

I am extending my hand of brotherhood to all Zambians — of all political persuasions — and particularly their leaders. My plea to Dr. Kaunda is to take my extended hand of friendship, for this is the very essence of this change; that we make one nation and live together in

harmony. I urge you as ordinary members of UNIP and citizens of Zambia to extend your hands to your neighbor too - and embrace them, so that we go forward as one. Let Zambia rise in unity.

For that is not Democracy.

But what exactly is to be done? I believe we ought to concentrate on the basics. Our priorities must be the basic needs of the people of Zambia. One such a priority is education. It is simply not good enough that Zambia has 126 school and college students per 100,000 population, when there are countries in Africa with three and four times that ratio. It is simply not good enough to have a literacy rate of less than 70 percent, when we have skilled and schooled people to drive our economy toward productivity and prosperity.

Another priority is health care. Here too, we face enormous challenges, with only one medical doctor for every 5,000 Zambians with only 32 hospital beds for every 10,000 people, and infant mortality rate of 127 deaths per 1,000 children under the age of five, and with less than half the population having access to safe and clean drinking water.

Also the spheres of housing, transportation, telecommunications and other aspects of infrastructure are well behind the average in Africa. It is of crucial importance that we give infrastructure development all the urgent attention that we can afford, because this in turn determines the extent and the eagerness with which foreign investors would flock to Zambia.

But most important of all is the need to create a sustained confidence in the socio-political stability of our country. For without it, our children won't study, our human resources will not become a productive work force, our economy will not grow, our exports will not be competitive in international markets, our foreign investment growth will remain a pipedream.

If what I have said thus far sounds unduly ominous, do not misunderstand me: I am not pessimistic about the future of Zambia. In fact, I am all too aware of the exceptional opportunities that we have with our mineral resources, and our abundance of land in a country that is not overpopulated.

But I am also a realist. The ills of Africa and of Zambia are such that our prosperity will not come about overnight. Forward on the path to prosperity we must go, but let nobody labor under the

illusion that the progress we seek will be easily and speedily attained for the hour has come.

In our time of need, we will look to the world. Not for hand-outs, but for help to stand on our own feet again. To get well. We will look to our neighbors — not to strut around on the stage of the world, like a king without clothes, but to look them in the eye and to take their hands. In Africa today the era of dictators, of hypocrisy and lies is over. As usual, the Zambians realize that first. We will therefore not share in the hypocrisy and the self-deceit, but we will say to our neighbors, let us live in peace. Let us trade. Let us get to work.

Zambia is not the center of the universe, but Zambia is the center of our universe. We say the hour has come to put Zambia first. To put Zambians first. Let's do whatever we can, every day to slowly pull ourselves through our sweat and toil, out of the mud and to build a new Zambia where prosperity, decency, human rights are normal parts of life. So on this inaugural day, I say, let us not have false pride. Let us rather get to work.

So, the hour has come. We have seized it. And now, to work!

*Appendix III*

**First Pre-Election Survey Mission Statement**

**The Carter Center of  
Emory University**

**National Democratic Institute  
for International Affairs**

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**First Pre-Election Survey Mission Statement**

August 25, 1991

A pre-election monitoring delegation organized by the National Democratic Institute for International Affairs (NDI) and the Carter Center of Emory University announced its findings in Lusaka on August 25. The delegation visited Zambia to assess preparations for the October elections. From August 18 to 24, the monitoring group consulted with Zambian political leaders, candidates, government and election commission officials, journalists, and representatives of churches, business and civic groups.

In addition, on August 24 to 25, NDI and the Carter Center organized a training program for members of the Zambian Independent Monitoring Team (ZIMT), a nonpartisan Zambian organization recently formed to monitor the elections. International participants in the training program advised 175 ZIMT organizers on how to recruit volunteers, organize a nationwide network of pollwatchers, conduct a parallel vote tabulation, investigate pre-election complaints and carry out a national civic education campaign.

Both multinational teams were present at the invitation of Zambian government and opposition leaders in order to help ensure the integrity of the elections and, by doing so, build public confidence and encourage participation in the electoral process.

The multinational delegation was encouraged by the dedication of the people of Zambia to holding free and fair multiparty elections. It found a constructive atmosphere in which all parties were participating in a spirit of compromise and cooperation.

At the same time, the delegation found a few problems that remain to be addressed.

1. The team noted a few concerns about the parties' ability to communicate their messages to the voters. Among other things, there were complaints about publishing of advertisements, and there was widespread concern about unbalanced media coverage. Concerns were also expressed about the government funding only one of the political parties and about difficulties in obtaining permits for rallies.
2. The team observed potential problems with the election law and administration. Most notably, the team identified the need to guarantee the secrecy of balloting and security measures to ensure the integrity of the ballot counting process. Also, the team was concerned that some citizens cannot participate because they did not register during the last registration period in October 1990, which took place at a time when some potential voters might not have anticipated the possibility of multiparty elections.
3. The team noted that the new constitution and the new election law have not yet been made public and the date of the elections is still to be announced.

The delegation, however, expressed confidence in the will and ability of the Zambian authorities to overcome these problems and to administer the elections in a fair and impartial manner.

The pre-election mission included Maria Leissner, a member of parliament from Sweden; Albert Tevoedjre, a deputy of the national assembly of Benin and a candidate for president in the 1991 elections in Benin; and Ronald Gould, assistant chief electoral officer of Elections Canada. Accompanying the delegation were Jay Taylor, diplomat-in-residence at the Carter Center; and Eric Bjornlund, NDI senior program officer. The election monitor training team included Mariano Quesada, former executive director of NAMFREL in the Philippines; Monica Jimenez, executive director of Participa in Chile; Vero Mbahuurua, director of the legal aid unit of the Council of Churches in Namibia; and Larry Garber, NDI senior counsel for election processes.

*Appendix IV*

**Second Pre-Election Survey Mission Statement**

**The Carter Center of  
Emory University**

**National Democratic Institute  
for International Affairs**

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**Departure Statement of President Jimmy Carter**

**September 24, 1991**

President Kaunda, the government and people of Zambia deserve great credit for making the decision to accept multiparty democracy as the basis for the election to be held on October 31. Substantial progress has been made in achieving this goal.

It is the responsibility of the international monitoring team to carry out the mandate of President Kaunda, supported by leaders of the opposition parties, to help insure that the election will be conducted successfully and that the results of the election will accurately represent the will of Zambian voters who carry out their duties as citizens. Lacking any authority and desiring none, we can only describe to officials and to the general public our early concern about possible obstacles in achieving this goal, and then give our assistance as requested.

Having consulted with President Kaunda and leaders of UNIP and the opposition parties, Electoral Commission officials, representatives of the churches, students, lawyers, the news media, women's groups, the business community, trade unions, and other interested citizens, we have come to share some common concerns:

1. The Electoral Commission, still lacking one of its three members, seems to be seriously understaffed, underfunded and without adequate transportation and other resources to carry out its enormous duties before and during the election.
2. During the last month of the campaign there is a need for maximum freedom of movement and expression of ideas. With relative stability within contiguous nations and among the

peaceful people of Zambia, the state of emergency should be lifted. President Kaunda has repeated to me and authorized me to announce his promise to lift the state of emergency on September 30 if the country seems to be committed to stability and there is no serious threat to the peace.

3. In order to avoid any unnecessary tension or fear among the people, we urge all those in authority or involved in the elections to refrain carefully from any statements that might imply threats or intimidation. Following the elections, victors and vanquished must come together to form a united populace, mutually committed to an even greater and more progressive Zambia.
4. There is a threat of substantial disfranchisement of qualified voters. The election law guarantees that anyone whose name is on the voter's list has a right to vote provided they can produce adequate evidence of their identity. However, the Electoral Commission has contemplated the additional requirement that everyone must produce not only identification but also the voter's documents received in 1987 or 1990. Many qualified voters have lost or misplaced these documents. The chairman of the Electoral Commission has promised to take steps to alleviate this concern.
5. There is clear evidence that favored treatment is being given to one party in preference to the others in some of the news media. Although substantial progress has been made in the print media, radio and television broadcasts have not equaled this degree of equity. Top officials who make these decisions are, in some cases, highly partisan leaders in the political arena. The Elections Commission, legal officials, and the general public should demand fairness in these vital media.
6. There can be a serious opportunity for ballots, once cast, to be lost, exchanged, or otherwise rendered unreliable as an accurate and unchallengeable expression of the will of voters. We strongly recommend that votes be counted at the individual polling places, at least in a preliminary way. Subsequently, the final and official count can be made at central sites. Present plans to transport ballots from almost 3,500 polling places to a few central counting sites before they are counted creates enormous logistical problems and opportunities for violations of the integrity of the elections. If this procedure is not changed,

elaborate precautions must be taken to insure that the votes counted are exactly the same as those cast:

- a) The procedures must guarantee specific and permanent identification of each box by number with its own polling place;
- b) individual and fool-proof seals affixed by all major parties on each box;
- c) the absolute requirement that every box be accompanied by representatives of the major parties at every step in its transport;
- d) the counting of ballots from each box separately before they are mixed; and
- e) the witnessing of the entire process by qualified observers.

In rejecting the simple counting of ballots at polling places, these formidable burdens are added to the already difficult task of providing supplies, training of poll officials, and massive transportation needs on election day.

7. It is necessary for citizens to know that the secrecy of their ballots will be preserved. If the numbers cannot be deleted from the ballot itself, no examination of the ballots should be submitted except by High-Court officials in response to an official challenge of the ballots integrity.

Some other concerns of less significance have been shared with the appropriate officials.

We have been pleased and thrilled at what seems to be a unanimous commitment to hold free and fair elections. President Kaunda and others are to be congratulated on initiating these multiparty elections and bringing the process this far. We are confident that, with a concerted and unified effort, the concerns enumerated above can be alleviated.

Appendix V

**Text of Z-Vote Letters to  
Steven Moyo and Mathew Ngulube**

**The Carter Center of  
Emory University**

**National Democratic Institute  
for International Affairs**

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September 29, 1991

Mr. Steven Moyo  
Director General  
Zambia National Broadcasting Corporation  
P.O. Box 50015  
Lusaka, Zambia

Dear Mr. Moyo:

Thank you for meeting again on Friday with members of the Z-Vote delegation and staff and for providing the delegation with the materials relating to ZNBC's operations and the transcripts of the MMD advertisements that were the source of the controversy in August.

As we discussed, the issue of television and radio coverage of an election campaign is being debated in many countries, including both longstanding democracies and nations undergoing a transition from one-party to multiparty rule. While there are no indisputable formulae, there are certain basic principles of fairness that are designed to ensure all major contestants in an electoral process with adequate and relatively equitable access to the media.

In this context, the provision in the Code of Conduct and Ethics, adopted by ZNBC, that "*the principles of equal opportunity and equal time will be observed in the acceptance and transmission of all political campaign materials*" is welcomed. As discussed at the last meeting, it is our conviction that these principles apply not only to

paid advertisements and general programming, but also to the news coverage prepared and disseminated by the electronic media.

In this regard, Z-Vote commends ZNBC for assuring reasonable balance in public affairs programming, at least as represented by the guest lists for the sample of discussion programs made available to us by your organization (*This Political Year, Personalities In Politics, and Palaver I*). However, as reported in our last conversation, Z-Vote has received numerous complaints that radio and television news programs devote undue attention to the campaign of the ruling party and neglect or under-report the activities of opposition parties.

To ensure that Z-Vote is in a position to substantiate or refute allegations of undue bias in ZNBC's news coverage, we intend to systematically analyze the content of radio and television news broadcasts during the month of October 1991. We therefore appreciate your offer to allow Z-Vote representatives to meet with ZNBC staff and to review tapes of news programs previously broadcast.

As for commercial advertising, we appreciate ZNBC's unwillingness to broadcast material that can be construed as indecent or libelous. Accordingly, the editing of proposed MMD advertisements to excise references to "the dishonest rule of UNIP" (ad No.2) or statements that "the UNIP government has taken billions of your money" (ad No.7) may be justified under this standard. But requiring the deletion from the MMD advertisement of allusions to UNIP's alleged "27 years of mismanagement" (ad No.12) or "destroying our children's future" (ad No.5) raise serious questions.

Statements by political parties that challenge the record of their opponents are a legitimate part of election campaigning in a plural polity. As President Carter noted in his remarks prior to leaving Zambia, "there is a lot of difference about what is truth and what is not the truth in a heated political campaign. If there weren't many differences of opinion about that, there wouldn't be an election." Given the circumstances, ZNBC should refrain from setting itself as the arbiter of "truth" and avoid censorship except in the most obvious cases of libel, slander and obscenity.

I look forward to meeting you again and discussing these issues.  
In the meantime, many thanks for your consideration and cooperation.

Yours sincerely,

Larry Garber, Esq.  
Executive Secretary  
Z-Vote Project

**The Carter Center of  
Emory University**

**National Democratic Institute  
for International Affairs**

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September 30, 1991

Deputy Chief Justice Mathew Ngulube  
Chairman  
Central Electoral Commission  
Lusaka, Zambia

Dear Justice Ngulube:

The other day when we visited your office you expressed interest in our providing additional information regarding the role of international election observers and the administrative practices used in other countries regarding the balloting and counting processes. This letter is intended as a response to your request. Please do not hesitate to contact the Z-Vote office in Lusaka if you would like me to expand on any of the points included here. Due to a change in plans, I will remain in Lusaka until the afternoon of Thursday, October 3.

The practice of international election observing has been gaining increased acceptance in recent years. For example, in June 1990 the Conference of Security and Cooperation in Europe (CSCE), which includes all European countries plus the United States and Canada, adopted a Declaration that requires all member states to facilitate the presence of international observers sponsored by governments and nongovernmental organizations for all national elections. In other regions too, there has been a growing recognition of the potential contributions of international observers to an election process.

In undertaking to observe the October 1991 Zambian elections, Z-Vote recognizes that it has no juridical authority. Instead, as has been done elsewhere, Z-Vote seeks, by its presence, to encourage confidence in the process, to deter electoral manipulation and to report on the fairness of the elections to the international community. In addition, where appropriate and upon request, Z-Vote may offer

its good offices to help resolve contentious issues that emerge between the parties.

Turning now to the specific suggestions included in the Preliminary Report of the International Monitoring Team, let me reiterate a point I made when we met: the suggestions would not require changes in the election law, but modification of the electoral regulations, which we understand are within the authority of the Electoral Commission. Further, these recommendations are designed to facilitate voter participation and ensure the transparency of the process.

With respect to voter participation, the election law requires that a prospective voter be on the voter registry and be properly identified. The electoral regulations, by requiring that a voter produce both a voter registration card and a national identity card, imposes additional requirements not mandated by the election law. Admittedly, these requirements provide additional safeguards in preventing unauthorized individuals from voting. However, given that some eligible voters may have lost their voter registration cards, the benefit of the additional safeguards is outweighed by the potential disenfranchisement of prospective voters. Also, the additional safeguards may be redundant since there are other provisions in the law and regulations that prevent unauthorized voting by non-Zambians and multiple voting.

Concerning the venue for counting the ballots, we believe that the more common practice is a polling site count. The arguments in favor of a polling site count include: the avoidance of suspicions that arise when ballot boxes are transported and the avoidance of confusion and delay that results when transport does not arrive on time to take ballot boxes to the counting site. In addition, in the context of Zambia, at least one of the parties and several of the independent groups believe that a polling site count is essential.

At the same time, we recognize that Zambia is not unique in providing for counting at a district center. Still, as the Electoral Commission appreciates, where a centralized count is conducted, additional safeguards must be built into the system. Indeed, for the most part, most of the specific suggestions mentioned in the preliminary report are included in the electoral regulations. The one exception is the question of counting each ballot box separately, as

opposed to the mingling of at least two boxes as authorized by the regulations.

There are several reasons why Z-Vote believes that the separate counting of ballot boxes from a given polling site is critical for the transparency of the electoral process. Such separate counting allows the parties and independent observers to verify that the results from a given polling site are accurate. From an administrative standpoint, such separate counting also serves to ensure that if there are complaints regarding the balloting process at a given polling site, which upon review by the Electoral Commission or by the courts are upheld, then the results from that particular polling site can be disregarded; without such individualized counting of ballot boxes, the whole election in the given constituency might have to be invalidated. (It seems somewhat anomalous that the election law provides a mechanism for allowing the identification of an individual ballot after it is deposited in the ballot box, but does not provide a mechanism that would allow the results from a particular polling site to be determined.)

Further, we note that the individualized counting of ballot boxes facilitates the implementation of a parallel vote tabulation, which domestic and international monitoring groups have used to verify the election results. A parallel vote tabulation is an unofficial tabulation of the results, which relies on results from either all or a sample of individual polling sites. In essence, the observer certifies that he or she has watched the closing of the poll and the counting of the ballots, and that the results of the count for a particular polling site could not have been altered. Without a parallel vote tabulation, it will be difficult, if not impossible, for the observers to offer an assessment of the process in circumstances where the results are contested.

Finally, we understand the rationale of mingling boxes is to avoid retribution being directed at individual polling sites that vote the "wrong" way. However, the same argument could be used at the constituency or province level. In any event, we believe that the benefits of an individualized count outweigh the detriment of potential retribution.

Ultimately, we realize that these are decisions that must be made by the Electoral Commission in consultation with Zambian citizens. In this context, let me suggest a process that has worked well in other

countries. The Electoral Commission should invite each of the parties to designate a high ranking member to attend a weekly meeting at which matters relating to electoral administration would be discussed. The Church and other independent monitoring groups could be invited to attend the sessions as observers.

I hope you will accept these suggestions in the spirit in which they are offered. For your information, I am enclosing an article, forthcoming in the fall issue of the *Journal of Democracy*, that covers some of the issues discussed in this letter.

Sincerely,

Larry Garber, Esq.  
Executive Secretary  
Z-Vote Project

*Appendix VI*

**Third Pre-Election Survey Mission Statement**

**The Carter Center of  
Emory University**

**National Democratic Institute  
for International Affairs**

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Departure Statement of Lisbet Palme

October 14, 1991

**Introduction**

It is a great pleasure for me to be back in Zambia, particularly at this historic time. This is an era of great and positive change. Central to this transformation in world affairs is the movement to multiparty democracy. Free and fair elections in Zambia and a peaceful and stable result will of course be critical to Zambia's future. Such an outcome here will also have a major effect on developments in the region, including in South Africa. I know your brothers and sisters in South Africa are closely watching the unfolding of the democratic process here in Zambia.

Thus it is a great honor for myself and the Carter Center and the National Democratic Institute to have been invited to take part as observers. When President Carter asked me to undertake this mission, I saw it as an opportunity to contribute at least modestly to the decision of the Zambian people to move to a multiparty system. Obviously, the elections are entirely a Zambian exercise. International observers come because all the parties invite them. Their role is a limited one. It is to verify that elections were in fact free and fair and thus to legitimize the outcome in the eyes of the people as well as of the international community.

To make a clear and convincing judgement, the observers must have credibility, and this means that they must systematically examine the entire process, including the election laws and procedures, the registration process, the campaign atmosphere, the polling mechanics, and finally the tabulation of the results.

### **The Atmosphere**

We have found encouraging progress on a number of fronts, particularly electoral procedures. But, there are still serious concerns expressed by Zambians about specific elements in the process. In addition, close monitoring of the implementation of electoral procedures will be primary task of local and international observers. Basically, however, we believe the prospects for free and fair elections are increasingly encouraging.

I will report to President Carter that many safeguards have been accepted by the Director of Elections that, if implemented, would partially offset the absences of a preliminary count at the polling sites. These safeguards, if implemented, would enable local and international monitors to detect significant fraud after the fact. The political parties, we believe, should now encourage all Zambian citizens to exercise their right and their civic duty to vote. The Electoral Commission should make every effort to ensure that the regulations and procedures facilitate the exercise of that right.

As the campaign enters its final stage, there is an inevitable heating up of emotions. Unfortunately, this can get out of hand and threaten the fundamental objective of democratic elections — a peaceful resolution of conflicting political views within a society. We were disturbed to hear charges and counter charges of intimidation and political violence. Free and fair elections are critical to the future of Zambia, but so also is the spirit of plural democracy that requires tolerance, compromise and a willingness to accept the verdict of the people.

The participants in this democratic contest in Zambia must not only have an equal opportunity to present their views but they all have an obligation to avoid inflammatory language and to condemn violence and the threat of violence. Democracy requires a political culture that includes not only open competition for political power but also moderation and civility.

President Kaunda has made several important commitments to a peaceful process. He has reiterated that he will accept the decision of the people. Moreover, he categorically affirmed to our delegation on television that he would not implement restrictive measures under the state of emergency and that he is willing to issue a statement to that effect. Accepting the views of a citizen monitoring group, which recently met with him, he agreed to withdraw a UNIP television

advertisement that the monitors felt was inappropriate. MMD leaders said that they have long supported the idea of a code of conduct for all political parties.

We were encouraged to learn that the two local monitoring groups, the Zambia Independent Monitoring Group (ZIMT) and the Zambian Election Monitoring Coordination Committee (ZEMCC) are both exerting efforts to create a nonviolent atmosphere. Zambian students and churches have played a leading role in building a national consensus that understands and supports the give-and-take of plural democracy. Through their efforts and that of the political parties and the Zambian government we saw earlier a number of promising developments, including the compromise agreement among the parties on a new constitution, the establishment of an Inter-Party Liaison Committee, and the creation of the independent monitoring groups.

The political parties, particularly UNIP and MMD, now have a heavy responsibility to reverse the budding atmosphere of threats, including limitations of vindictive action by the winner after the elections. We hope that the churches and the citizens groups will succeed in using their great energy and dedication to encourage the parties to move decisively. These groups are trying to encourage a dialogue and a code of conduct among the parties. In such a code, we would hope that the parties would pledge not to tolerate violence, intimidation, or inflammatory language and to respect the results of free and fair elections.

Recently we have seen an improvement in the relative balance of the amount of time devoted to the two main political parties in news broadcasts. However, these improvements have been erratic and there are still complaints that, in quality and selection of coverage, news reporting is not as unbiased as it should be. We hope the positive trend will not be reversed. We call on all journalists and editors in the print and electronic media to be equitable in their political reporting and above all to avoid inflammatory reporting.

Meanwhile, media on all sides appear to have avoided covering the campaigns of the 12 women candidates, both UNIP and MMD. How many journalists here know the names of most of these women candidates? Women are the majority voters in Zambia, and I would hope to see much more attention to the few women candidates that

there are in the contest. Hopefully in future years there will be many more women candidates.

Zambia is a large country. Thus the success of the international observers will depend in good measure upon the work of party pollwatchers and the independent monitoring groups. In a short time, two citizen groups have made impressive progress toward the organization and training of a vast monitoring effort. These groups, to which I referred earlier, are the Zambia Independent Monitoring Team and the Zambian Elections Monitoring Coordinating Committee. It is good news that ZIMT and ZEMCC intend to cooperate in this noble cause.

### **Conclusions**

To sum up, there are encouraging developments in the electoral process. While strong differences remain among the parties on some procedures, it is our feeling that the prospects are improving for free and fair elections. We are most disturbed, however, over the building atmosphere of intimidation and threat. We again urge both the parties and all Zambians of goodwill to exert every effort to have a clean and peaceful campaign and thus assure that the Zambian example will indeed be one that inspires the people of Africa and the world.

Finally, I would like to express my appreciation to President Kaunda, the Zambian government, the political parties and all of the other many Zambians who extended to us the warm hospitality and friendship of their country.

*Appendix VII*

**Terms of Reference**

**The Carter Center of  
Emory University**

**National Democratic Institute  
for International Affairs**

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**M E M O R A N D U M**

**TO:** Members of the International Observer Delegation

**FROM:** Z-Vote

**DATE:** October 18, 1991

**RE:** Terms of Reference

**Background**

The Zambia Voting Observation Team (Z-Vote) is a joint project of the Carter Center of Emory University and the National Democratic Institute for International Affairs (NDI). The purposes of Z-Vote are to support free and fair elections in Zambia and to encourage political stability and consolidation of multiparty democracy. A major Z-Vote objective is to assist local groups organized and led by Zambians to monitor the elections.

Z-Vote was created in response to invitations to President Carter from President Kaunda and opposition leaders in Zambia asking him to observe the forthcoming elections. A number of governments expressed interest in the project and generously provided the necessary funding.

### **Pre-Election Missions**

The first Z-Vote pre-election mission, which was led by Swedish Member of Parliament Maria Leissner, visited Zambia August 18-24, 1991. The mission evaluated the political situation in Zambia as it pertains to the elections and identified potential impediments to free and fair elections. The mission report underscored a number of positive developments. It also reported a number of concerns expressed by opposition leaders and other Zambians regarding the secrecy of the voting and security of the ballots. Other issues included fairness of media coverage and broadcast media acceptance of political advertisements, government funding of the ruling party, and the status of eligible voters who did not register in the October, 1990 registration campaign.

A second Z-Vote pre-election mission led by President Carter visited Zambia September 22-27. By this time, the new constitution and election law had been adopted and the official campaign was about to commence. In meetings with government and electoral officials, leaders of the various political parties, journalists and representatives of various nongovernmental organizations, the mission focused on the issues identified by the earlier mission as impediments to a free and fair election process. In addition, the mission sought to ensure that the international observer delegation would be in a position to evaluate objectively the fairness of the process.

As several issues remained unresolved at the end of the second mission, Z-Vote requested that Lisbeth Palme of Sweden and Ronald Gould of Canada visit Zambia October 11-14. Their visit resulted in several changes in the election procedures that should ensure a more transparent and inclusive process.

The statements issued following each of the pre-election missions are included in the briefing book.

### **Training Programs**

A Z-Vote office was established in Lusaka in mid-August. From August 24-25, approximately 200 Zambian volunteers attended a training session sponsored by Z-Vote. For the occasion, Z-Vote brought to Zambia individuals from Namibia, Chile and the Philippines with personal experience in establishing and running large citizens monitoring organizations.

The individuals who participated in the August training seminar form the nucleus of the two nonpartisan monitoring organizations now operating in Zambia: the Zambia Independent Monitoring Team (ZIMT), which is led by David Phiri, a former governor of the Bank of Zambia; and the Zambia Election Monitoring Coordinating Committee (ZEMCC), which is led by Reverend Sakala and includes representatives of six groups on its board of directors. Both organizations are recruiting volunteers, and have sponsored training programs and prepared manuals for use by volunteers on election day. Z-Vote is encouraging ZIMT and ZEMCC to coordinate on certain matter, including a parallel vote tabulation, which is being organized under Z-Vote auspices.

### **Program**

Z-Vote will sponsor a 40-member international delegation to observe the October 31, 1991 national elections in Zambia. The delegation includes parliamentarians, political party leaders and election experts from across the democratic political spectrum and about 12 countries in Africa, Europe and North America.

Delegates will arrive in Lusaka on October 27 and be briefed on the political situation and the preparations for the elections. Prior to the elections, the delegation will meet with senior government officials, ruling and opposition party leaders, the Electoral Commission and leaders of local monitoring groups. In addition, the delegates will meet with media representatives, student leaders and participants in the Inter-Party Liaison Committee.

On October 30, the delegation will divide into teams that will visit Chipata, Choma, Kabwe, Kasama, Kitwe, Livingston, and Lusakae Mpika, Ndola, Mongu, Petauke. The day before the elections, the teams will meet with local election officials, legislative candidates and representatives of the two monitoring groups. On election day, the teams will visit polling sites and counting centers in their assigned areas.

The delegation will regroup on November 1 in Lusaka for a debriefing. Based on the findings of the teams, the delegation will likely issue a statement in Lusaka on Saturday, November 2, that will present a national perspective on the election process. Until that time, delegation members are urged not to offer substantive

evaluations on the election process to the Zambian and international media.

### **Objectives**

The delegation's presence will demonstrate the international community's support for the transition to multiparty democracy in Zambia. The delegation also seeks by its presence to deter fraud and manipulation. In addition, it will provide an objective assessment of the Zambian electoral process for the international community. Finally, members of the delegation will have an opportunity to learn from the Zambian transition experience.

The delegation's observations and other reports from credible sources will form the basis for the delegation's conclusions about the elections. The delegation, therefore, must attempt to document observations and in all instances to distinguish facts from subjective judgements.

In undertaking this effort, the delegation should follow the internationally recognized guidelines for observing elections. These guidelines require that the delegation remain neutral regarding the outcome of the elections. Furthermore, the delegates should, in all instances, abide by the relevant Zambian laws, and avoid interfering on the process in any way. Statements should not be made to the press, except in accordance with the press guidelines. Delegation members should understand that their role is limited; the Zambian people will make the ultimate judgement about the process.

Based on the Z-Vote's work in Zambia during the past three months, the following are among the issues that the delegation should consider:

#### **I. ELECTION LAW**

1. How were the laws governing the electoral process developed? When were they approved? What changes were made to the previous laws? What were the main issues involved in the negotiations concerning the laws? What innovations were introduced by the laws?
2. How do the laws compare with those of other democratic countries? What complaints have been raised regarding substantive provisions of the law?
3. Was the law adequately understood by the election administrators, political parties and the electorate? Were the

constitution and election law made public? Was the date of the elections made public early enough for voters to prepare and consider the issues?

## II. ELECTION ADMINISTRATION

1. Who were the election administrators at the national, regional and polling site levels? How were they selected? Have concerns been raised regarding partisanship and competence?
2. What was the relationship between national and local election administrators? What mechanisms were in place to ensure that the local administrators use uniform procedures in administering elections?
3. Did the law provide adequate safeguards to prevent fraud in the balloting and counting processes? Were other safeguards required?
4. How quickly were unofficial and official results released? Were there ways that the counting and tabulation process could have been expedited while maintaining safeguards to ensure a fair and honest count?
5. What provisions have been made concerning access of political parties, independent monitoring organizations and international observers to information and polling sites prior to and on election day? Specifically, will party agents, nongovernmental groups and international observers be able to monitor all phases of the counting, transportation and tabulation processes?
6. Are the political parties and independent monitoring organizations satisfied with the administrative preparations that were made and the information they were provided by the election administrators?
7. Were large numbers of qualified voters disenfranchised? Were voters not allowed to vote because they did not have papers proving they registered during the 1990 or 1987 registration periods?
8. Was the Electoral Commission so understaffed and underfunded that it was unable to adequately perform its duties?

### III. POLITICAL PARTIES

1. Did all parties participate in the elections? If not, what were the grounds for not participating? Did the electoral law unreasonably limit the number of parties or individuals contesting the elections?
2. What role did the political parties play in developing the administrative rules for the elections? What role did the parties play on election day in monitoring the balloting process?
3. What was the procedure for nominating candidates? Could independents secure a place on the ballot?

### IV. ELECTION CAMPAIGN

1. Did the campaign period provide an adequate opportunity for the parties to communicate their messages to prospective voters? How did the parties communicate their messages (e.g., media, rallies, posters, workplace meetings, door-to-door campaigning etc.)?
2. What complaints were presented about the nature of the campaign? Were the laws governing the conduct of the campaign enforced?
3. Were there any restrictions that interfered with the ability of parties or citizens to compete in the elections? Were there reports of politically motivated harassment associated with the campaign?
4. Did parties have difficulty obtaining permits for rallies or other campaign events? Did the existence of a state of emergency hinder the campaign of any party or candidate? Was the state of emergency enforced during the last months of the campaign?
5. What role did public opinion surveys play in the effort to prepare for these elections? What role did nongovernmental groups play in the electoral process?
6. Were government resources used to give an advantage to any party or candidate? How did opposition parties fund their campaigns? What effect did this have on the campaign?
7. Was there adequate freedom of movement and expression of ideas during the campaign period?

V. MEDIA

1. What laws govern the operation of the media in Zambia? Are there laws adequate to ensure a free and open campaign? Was there any censorship of the press or broadcast media?
2. What rules governed access to the government-controlled media during the campaign? What role did media play in the election campaign? Was there any difference in coverage among different types of media – print, radio and television? Did the media provide equitable coverage of all parties?
3. Was the media used to educate the public regarding the election procedures?
4. Were parties provided free time on television and radio? How was this time distributed?
5. What complaints have been filed with respect to the media?
6. What was the effect of judicial rulings with regard to media access and control of ZNBC and the *Times of Zambia*?

VI. ELECTION DAY

1. How was voter eligibility at the polling site established? Were there provisions in the law for absentee balloting?
2. What procedures insured the integrity of the process (*i.e.*, only those eligible are permitted to vote, no one votes more than once, secrecy is guaranteed, the votes are counted correctly, etc.)?
3. Were any ballots lost, exchanged or otherwise rendered unreliable as a accurate and unchallengeable expression of the will of voters? Where were votes counted – at the polling places, or district counting centers? Was every ballot box counted separately? Were seals affixed by all major parties on each box? Did the field observers remain in visual contact with the ballot boxes at all times until the ballots were counted? Were the ballot boxes in the sample count mixed with any other ballot boxes?
4. Were the results announced in accordance with the prescribed procedures and without unreasonable delays? Were these results disseminated to the public expeditiously? Were there unofficial parallel tabulations of the results? Were they consistent with the official results?

5. Did the political parties accept the official results? How were the post-election challenges filed by the political parties handled?
6. Were ballots, once cast, examined by anyone other than high court officials in response to an official challenge of the ballot's integrity? Did voters feel assured that their votes were confidential?
7. What were the measures to prevent multiple voting?

#### VII. INTIMIDATION

1. Were there any restrictions, *de jure* or *de facto*, on individuals joining political parties or participating in campaign events?
2. What complaints have been presented regarding intimidation? What was the nature of these complaints and against who were they directed?
3. Were voters intimidated into voting for (or not voting for) a particular, party or candidate by the armed forces, political parties or government officials? Did party leaders make statements that implied threats or intimidation?
4. Did candidates feel free to advocate any position?

#### VIII. PROSPECTS

What is the likelihood that a successful multiparty polity will develop in Zambia? What types of democratic development assistance, if any, are needed (*e.g.*, strengthening political parties, the media, the judicial system, the election process; promoting civic education; etc.)?

*Appendix VIII*

**Z-Vote International Delegation Schedule**

**The Carter Center of  
Emory University**

**National Democratic Institute  
for International Affairs**

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Z-Vote International Delegation Schedule

October 27-November 3, 1991  
Lusaka, Zambia

**SUNDAY, OCTOBER 27, 1991**

Pre-Registration:

10 am        Welcome and Registration  
2 pm        Issuance of Observer Credentials at Foreign Ministry  
6 pm        Informal Delegation Dinner  
              Z-Vote briefing on upcoming meetings/schedules

**MONDAY, OCTOBER 28, 1991**

9 am        Delegate briefing by Z-Vote staff  
              Welcome, Introductions and Description of Project  
              Richard Joseph and Larry Garber  
              Terms of Reference  
              Richard Joseph and Larry Garber  
              Electoral System Overview  
              Eric Bjornlund and Jay Taylor  
              Background on Zambia and Regional Observer  
              Deployment  
              Michael Bratton  
              Parallel Vote Tabulation  
              Gina Giere

- 12:30 pm Lunch
- 2 pm Local Monitoring Briefing  
Zambia Election Monitoring Coordinating Committee  
(ZEMCC)
- 2:45 pm Local Monitoring Briefing  
Zambia Independent Monitoring Team (ZIMT)
- 3:30 pm Roundtable: The State of the Zambian Economy  
Ben Mweene, Ministry of Finance  
John Hudson, O.B.E., Commercial Farmers' Bureau
- 4:15 pm Roundtable: Political Transition in Zambia  
Michael Bratton, Michigan State University  
Mike Hall, British Broadcasting Corporation  
Melinda Ham, Associated Press

**TUESDAY, OCTOBER 29, 1991**

- 9 am Briefing for Team Coordinators
- 10 am Legal and Constitutional Issues Briefing  
Law Association of Zambia
- 11 pm The Media and the Election Campaign Briefing  
ZNBC and *Times of Zambia*
- 12 pm Lunch
- 1:30 pm United National Independence Party (UNIP) Meeting
- 2:30 pm Meeting with representatives of smaller political parties
- 3:30 pm Movement for Multiparty Democracy (MMD) Meeting
- 5:30 pm Media and the Campaign Briefing  
Press Association of Zambia and independent media
- 6 pm President Carter meets delegation
- 6:30 pm Press Conference: President Carter and Delegation
- 8 pm Delegation Dinner: Hosted by U.S. Ambassador

**WEDNESDAY, OCTOBER 30, 1991**

AM OBSERVER TEAMS DEPLOY FROM LUSAKA TO  
REGIONS  
Meetings with local election officials, candidates and  
monitors

**THURSDAY, OCTOBER 31, 1991**

**ELECTION DAY**

5:45 am Delegates arrive at first polling station to observe set-  
up and opening of polls  
Breakfast at hotel/report to Lusaka Z-Vote office  
Continue observation of voting sites  
5:45 pm Return to polling site to observe closing  
PM Observe count

**FRIDAY, NOVEMBER 1, 1991**

AM Observe count  
Consult with local election officials, parties and  
monitors  
Delegates report to Lusaka Z-Vote office  
PM Return to Lusaka  
7 pm Debriefing and working dinner

**SATURDAY, NOVEMBER 2, 1991**

8 am Continue debriefing and review of draft statement  
10 am Revision of statement  
12 pm Attend Inaugural Ceremony  
1:30 pm Press Conference

**SUNDAY, NOVEMBER 3, 1991**

Delegates depart

*Appendix IX*

**Team Deployment List**

Z-Vote Delegation  
October 31, 1991

**CHOMA**

Marianne Berglund

Ronald Sims

**CHIPATA**

Clark Gibson

Madeleine Ströje-  
Wilkens

**KABWE**

Thord Drugge

Svante Renstrom

**KALABO**

Michael Bratton

Monika Rosenqvist

**KASAMA**

Anders Eriksson

William Vendley

**KITWE**

Astrid Heiberg  
Michelle Kourouma

Masipula Sithole

**LIVINGSTONE**

Susan Johnson

Pentti Vaananen

LUSAKA  
Team One

Jimmy Carter  
Rosalynn Carter  
Peter Anyang'Nyongo'o

Brian Atwood  
Larry Garber  
Richard Joseph

LUSAKA  
Team Two

Terry Miller  
Erna Solberg

Franklin Sonn  
Eric Bjornlund

LUSAKA  
Team Three

Jim Brasher  
Michael Giglio  
Kari Helliesen

John Snobelen  
Jay Taylor  
Michael Yanakiev

MONGU

Ed Brown

Peter Stenlund

MPIKA

Lennart Jemt

Anne Schneller

NDOLA

Elisabeth Arnold  
Walter Carrington  
Donna Huffman

Adele Jinadu  
Maria Leissner

PETAUKE

Jan Hult

Margaret Novicki

*Appendix X*

**Z-Vote Delegation Post-Election Statement**

**The Carter Center of  
Emory University**

**National Democratic Institute  
for International Affairs**

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**Z-Vote Delegation Post-Election Statement**

November 2, 1991  
Lusaka, Zambia

The Z-Vote delegation congratulates the Zambian people on their demonstration of a profound commitment to democratic values. They displayed great patience and fortitude on election day, despite certain administrative and logistical difficulties. Our observers have been deeply impressed by the high degree of professionalism shown by the electoral officials and by the cooperation and goodwill that prevailed throughout the exercise.

On the eve of the elections, President Kaunda, in an act of the highest statesmanship, reminded his fellow Zambians that elections are just “a means to an important end,” namely that of “a good government for the people.” Mr. Chiluba responded with equal generosity and dignity by acknowledging Dr. Kaunda’s exceptional contributions as the father of the nation and asking his supporters to seek reconciliation rather than confrontation with the opposition.

Credit for the successful conduct of the elections will be widely shared. In addition to the dedicated work of the Electoral Commission, despite its insufficient resources, it is important to acknowledge the contributions of the various groups of independent monitors, national and international. Above all, we will never forget the great determination of the Zambian people to express their voting choice calmly and patiently. The nation had decided that it wanted change. By awaiting the moment when such a change could be

effected via the ballot box, Zambians have sent out a message that will reverberate throughout the rest of Africa and around the globe.

The October 31 elections were not only the first multiparty elections to take place in Zambia in more than two decades, they were also the first that were so carefully monitored. It was not easy for the former ruling party to accept the meticulous scrutiny to which the electoral procedures were subjected or to be pleased with the various suggestions made for improvements. Nevertheless, they eventually accepted even what they sometimes did not appreciate.

The beneficiaries of the cooperative attitude were the Zambian voters who went to the polling stations with great confidence. From now on, independent monitoring will be seen as an integral part of the electoral process in Zambia. Moreover, the exemplary behavior of the ZEMCC and ZIMT monitors at polling stations and counting centers throughout the country should make it easier for other African countries to accept national and international observers.

After the celebrations, Zambians will confront many hurdles in the consolidation of plural democracy. There are many expectations for immediate material improvement that cannot be satisfied. The implementation of needed economic restructuring will require increased austerity in the short run. Moreover, recent gains involving widened freedoms of expression will have to be entrenched. Finally, a ruling party that has governed for three decades will be challenged to transform itself into an effective but loyal opposition, as Dr. Kaunda indicated in his televised address today.

Our commitment to plural democracy in Zambia cannot, therefore, end with the announcement of the winners of this election. Many African countries have experienced multiparty elections only to see the new system crumble as the new governments proceeded to disregard the very constitutional provisions they had fought to introduce. In some cases, the democratic system is undermined by the gravity of the economic situation or by serious abuses of power, especially in the resumption of corrupt practices. We will offer to assist the Zambian people as they seek to realize the benefits of their arduous crossing to the Third Republic. How can we contribute?

- We will share with the new government all that we have learned about the electoral system during the past several months, especially regarding the voter register. Many desired changes were introduced, such as additional requirements to ensure the

security of the ballot boxes. Some were unfortunately rejected, such as the desirability of counting the ballots at the polling stations, thereby eliminating the costly, complicated and cumbersome procedures for transporting the ballot boxes.

- We will extend our assistance to the members of the new government and parliament as they implement the provisions of the new constitution. These leaders and officials were groomed in a single-party system. They have to adapt to the demands and give-and-take of a multiparty democracy. We are ready to assist in that learning process in a spirit of true partnership.
- We will work to strengthen the capacity of Zambian institutions such as the political parties, the judiciary, and the press, which are essential to the functioning of a democratic system.
- We will encourage the Zambian civic organizations that played such an important role in providing an infrastructure for the national monitoring teams to remain actively involved in the nation's political life, especially in view of the overwhelming victory of the MMD. Zambia should not substitute one single-party system for another. A vigorous civil society, composed of dynamic, vigilant and autonomous organizations, is an essential component of a healthy democracy.
- We will bring our collective influence to bear on all international and bilateral financial agencies to ensure that Zambia is given most favored treatment in the handling of its external debt, its receipt of new capital inflows, and its access to world markets for its products. The Zambian economy has to be restored to its former health and we, as international observers who have been deeply impressed by the democratic commitment of the Zambian people, will insist that the work community provide the appropriate level of financial support during the entire period of economic reconstruction.

We leave Zambia profoundly moved, and even changed, by what we have seen and experienced. We thank the Zambian people for permitting us to share in this historic moment and to witness an extraordinary display of civic virtue. We will never forget that we were invited to Zambia by Dr. Kaunda and that he called on all Zambians to assist us in our work, even in the face of opposition within his own party. In a democratic system, as he reminded all of us, there are no permanent winners or permanent losers. Those in

power today could be clearing their desks a few years hence: it is the people who decide.

Wherever we go, we will be ambassadors, of the new Zambian democracy. Whenever we speak of democracy, we will recall the exemplary Zambian model of a peaceful transition. Once again, we express our profound thanks for the great hospitality and courtesy accorded to us and we extend our best wishes for a successful and enduring Third Republic.

*Jimmy Carter*  
*Chairman*

*Brian Atwood*  
*Vice Chairman*

*Appendix XI*

## **1991 Delimitation Report**

*The following is excerpted from the summary pages of the Delimitation Commission Report, published in September 1991.*

### **2. TERMS OF REFERENCE**

2.1 The Constitutional Amendment Act No. 20 of 1990 provides among other things that there shall be 150 elected Members of Parliament as provided for in Article 64 (a).

2.2 Our terms of reference were under Article 74 of the Constitution of Zambia whose provisions included the following:

(1) Zambia shall be divided into constituencies for the purpose of elections to the National Assembly so that -

(a) the number of such constituencies shall be equal to the number of seats of elected members in the National Assembly; and

(b) the boundaries of such constituencies shall be such as a Delimitation Commission may prescribe.

(2) In delimiting the constituencies the Delimitation Commission shall have regard to the availability of means of communication and the geographical features of the area to be divided into constituencies.

Provided that the constituencies shall be so delimited that there shall be at least ten constituencies in each administrative Province except Lusaka.

(3) Each constituency shall return one member to the National Assembly.

(4) The boundaries of each constituency shall be such that the number of inhabitants thereof is as nearly equal to the population quota as is reasonably practicable.

Provided that the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of means of communication, geographical

features and the difference between urban and rural areas in respect of density of population, and of the Proviso to Clause (2).

- (5) Where a Delimitation Commission is established under Article 73 it shall review the boundaries and may in accordance with the provisions of this Article alter the constituencies to such extent as it considers desirable.
  - (6) Any alternations of the constituencies shall come into effect upon the next dissolution of Parliament.
  - (7) In this Article “the Population Quota” means the number obtained by dividing the number of inhabitants of Zambia by the number of constituencies into which Zambia is to be divided under this Article.
  - (8) For the purpose of this Article the number of inhabitants of Zambia shall be ascertained by reference to the latest census of the population held in pursuance of any law.
- 2.3 However, having regard to recent developments, including the fact that there is an increase in the number of seats which was not the case during the previous delimitation and the views and sentiments of Parliament and the people of Lusaka Province, there was no longer any need or justification to adhere to the proviso which permitted this province to have the number of seats below the national minimum for each province.
3. PREPARATORY WORK BY THE COMMISSION
- 3.1 Following the appointment, the Commission sat to plan the Modus Operandi.
  - 3.2 Apart from the materials which the Commission gathered during its preparations, the Commission toured and sat in all Provincial Headquarters to receive both written and oral representations from the members of the public.
  - 3.3 While the Commission went round, there was an overwhelming response from the public which resulted in the commission receiving numerous written submission and many persons, some of whom led groups, gave verbal representations.
  - 3.4 The Commission has been grateful to the public for the tremendous interest which it has shown in its work. With the addition of the twenty-five new elective seats and the resultant increase in the number of constituencies into which the Country

had to be divided, the Commission received spirited submissions which generally tended to be quite detailed and within the framework of its constitutional terms of reference. Many of the representations were quite valuable although there were also some which tended to make demands for the sake of it with little or no regard to the terms of reference. A striking feature in most submissions was the perceived need for effective representation so that the elected representative can provide not only political leadership but more importantly that vital link and channel of communication for development purposes between his/her constituents and the authorities and other agencies. Many underprivileged and largely under developed rural areas feel that much more could have been done and can be expected to be done to alleviate their plight if they and their parliamentary representatives could have meaningful access to each other through the provision of more manageable constituencies.

- 3.5 Having regard to the terms of references (set out above) and in view of the fact that this exercise was taking place against a background of intense political interest engendered by the reintroduction of Multiparty Politics, there was a general outcry that the number of new constituencies ought to have been more than twenty-five in order to do fuller justice to the competing claims between areas with very high population figures and concentration but enjoying better overall development and communications and the less densely populated mostly rural areas with their complex problems arising from under development, communications and physical difficulties.
- 3.6 Part of the preparatory work of the Commission was to acquire population data resulting from a census of population held in 1990 which turned out to be a preliminary report.

#### 4. POPULATION DATA

- 4.1 According to the terms of reference a very important factor in the delimitation of constituencies is the population distribution in the country. As provided for under Article 74 (8) of the Constitution of Zambia, the Commission took into account in its task of delimitation of constituencies population as reported in the 1990 census.

4.2 At the time of preparing this report, it was not possible to obtain the population data for each polling district because they were not used as enumeration areas. However this did not pose a problem because the Commission used population data obtained in each administrative district together with the evidence of population concentration elicited from the many people who gave evidence which enabled the commission to envisage with some confidence the population which was being allocated to each constituency. Notwithstanding what has been stated in this paragraph, the population of most of the newly created administrative districts was considered as part of the whole original district.

4.3 Some complications arising out of the establishment of new administrative districts are worth mentioning. These districts fall into distinct categories, namely, those already formally approved, those proposed for the near future and those envisaged in the distant future. Since the establishment of the current polling districts, seven new administrative districts have been approved, that is to say Kafue, Kapiri Mposhi, Nyimba, Mambwe, Siavonga and Sinazongwe. Every effort has been made to adhere to the boundaries of such districts where known but it has not been possible in every case to confine the polling districts at the edges wholly within the district boundary. The result is that, until the opportunity arises in the not too distant future to redemarcate such polling districts, a certain amount of overlapping is inevitable in as far as the polling districts on the new district boundaries are concerned. This is so because, for electoral purposes, such polling districts must remain as single units despite straddling the new district boundaries.

#### 4.4 POPULATION QUOTA

Under the Provisions of Article 74 (4) the Commission was required to calculate a population quota which was a major determining factor in the delimitation of constituencies and for the purposes of this delimitation, the population quota was around 52,000 for an ideal constituency.

#### 4.5 POPULATION DENSITIES

Generally the population densities in Zambia are in three broad categories of density i.e. urban, semi urban and rural which meant that the highest population was found in urban areas

followed by semi urban with the lowest being in the rural areas. The population tends to be concentrated where there are mining, industrial and agricultural activities.

## 5. PROVINCIAL AND DISTRICT BOUNDARIES

5.1 The Commission still maintained the policy of delimiting constituencies within the boundaries of any given district in a given province. Though outside its terms of reference, the Commission was, however, faced with the request urging it to create one or more provinces in addition to the existing ones.

## 5.2 NEWLY CREATED DISTRICTS

The Commission was aware that eleven new administrative districts namely, Chavuma, Kafue, Kapiri Mposhi, Lafwanyama, Mambwe, Milenge, Nakonde, Nyimba, Shangombo, Siavonga and Sinazongwe had been proposed although their definite boundaries had not been known. However, the Commission took note of their intended status by ensuring that each would have a constituency identifiable as theirs wherever possible.

5.3 Notwithstanding what is stated in paragraph 5.2 in this report the Commission was greatly assisted by District Council Officials concerned who provided useful information which enabled the Commission to ensure that each one of them was associated with a constituency.

## 6. GEOGRAPHICAL FEATURES AND MEANS OF COMMUNICATION

6.1 Although these factors are mentioned separately in the Constitution, they have more or less the same effect in a given area for the purposes of delimitation: important geographical features usually indicate good or (more usually) bad means of communication.

6.2 The Commission made allowances, wherever it was practicable, for areas with particular difficulties of communication. Most constituencies with smaller populations have such difficulties. This situation prevails in almost all the provinces, especially in their rural parts.

7. DISTRIBUTION OF CONSTITUENCIES

7.1 Strictly speaking and ideally, the Commission could have quashed all the existing constituencies and allocated the one hundred and fifty of them afresh.

On such basis, the Commission calculated as to how many constituencies would have been allocated to each province. If the Commission had based its allocation solely on the population quota of 52,000 as quotient of dividing the total population of 7.8 million this would have given the following results:

PROVINCE	POPULATION	NUMBER OF SEATS
Central	725,611	14
Copperbelt	1,579,542	30
Eastern	973,818	19
Luapula	555,705	10
Lusaka	1,207,980	23
Northern	867,795	17
North Western	383,146	7
Southern	946,353	18
Western	607,497	12
	TOTAL	150

If the Commission had used this criterion alone, then the position should have been as follows:

PROVINCE	PRESENT NUMBER	GAIN	LOSS
Central	11	3	-
Copperbelt	19	11	-
Eastern	16	3	-
Luapula	12	-	2
Lusaka	8	15	-
Northern	18	-	1
North Western	10	-	3
Southern	16	2	3

- 7.2 However, the Commission did not quash all the existing constituencies but instead confined itself mainly to allocating the 25 additional constituencies to deserving areas. This was in order to avoid over representation in areas which have severe physical and communication difficulties.

### 7.3 INFLUENCING FACTORS

The factors that influenced the decision of the Commission in allocating new constituencies included geographical features and means of communication and not population alone. In this case, it will be noted that the rural areas gained more constituencies than urban areas and even where a rural area was allocated a constituency, such allocation was based comparatively on population and geographical features and means of communication difficulties. This meant that the Commission tolerated a rural constituency with a minimum population of about 25,000. Conversely the Commission allowed constituencies far above the population quota in urban areas because of easy means of communication and geographical features.

**7.4 ALLOCATION**

At the conclusion of its deliberations, the Commission finally allocated the new constituencies as follows:

<b>PROVINCE</b>	<b>NUMBER OF CONSTITUENCIES</b>
Central	3
Copperbelt	3
Eastern	3
Luapula	2
Lusaka	4
Northern	3
North Western	2
Southern	3
Western	2

**7.5 KALABO DISTRICT**

Kalabo District needs a special mention in this report on account of having lost a constituency that had been allocated to it during the 1982 delimitation as a result of the criterion which had then been laid down at the time the then Commission re-aligned boundaries of the overlapping constituencies. In the present circumstances, therefore, the Commission has determined that the district would be over-represented and has consequently moved one seat from there to another deserving district within the province.

**8. CONSTITUENCY NAMES**

The Commission attempted to find for each constituency a name of a centre of population or of a geographical feature included in the constituency which, while avoiding controversy, would convey a more lively impression of a natural feature or location of the constituency. In some districts including the four wings of the compass; it hopes that everywhere, no one will search for hidden motives behind the names which have been chosen purely for the sake of interest and variety.

**9. CONCLUSION**

In conclusion the Commission would like to state that neither the body nor the appendices make mention of population

constituency by constituency as was expected due to unavailability of detailed data; instead district population has been used. Although there is no direct mention of the total number of registered voters in the terms of reference, these have been made available by the Director of Elections for interest's sake.

## **10. NOTES ON THE APPENDICES**

**10.1** Appendix 1 is a summary of the constituencies.

**10.2** Appendix 2 is a summary of polling districts falling under each constituency.

**10.3** Appendix 3 District Constituency Maps.

**10.4** NOTE: It is hoped that in due course the provincial maps will become available and be included in the final printing of this report. However, the information available is adequate at this stage when we are fast approaching the time for the elections 1991.

## **11. ACKNOWLEDGEMENTS**

**11.1** The undersigned Members of the Commission wish to place on record their thanks to the Commission's Secretary, Mr. J.D. Sikazwe for making all the necessary arrangements for the Commission's tours and sittings.

**11.2** The Commission wishes to thank the Director of Elections for his unfailing advice and assistance in many ways. We also wish to thank the Director of Census and Statistics for his assistance in providing population data: to thank Cabinet Ministers, Ministers of State, District Governors, Provincial Permanent Secretaries, UNIP Officials in various capacities and MMD Officials all of whom greatly assisted the Commission in its task. Further, the Commission also wishes to place on record their thanks to the Surveyor General and the Government Printer for the production and supply of maps and the preparation of the final form of this report: and to thank District Councils Officials and Members of the public who contributed to the work of the Commission by submitting their valuable representations and all those who assisted the Commission directly and indirectly.

Honorable Justice M.M.S.W. Ngulube  
CHAIRMAN

*Appendix XII*

**Fairness in the Media?  
Elections in Zambia**

Independent Research Report  
Prepared for Z-VOTE

Summary Report  
September 30-October 27, 1991 ONLY

This is a final report that brings together the findings of four weeks of news analysis.

Each day at 19hrs Z-NBC presents the evening news on television, and at 13hrs it presents the daily news on radio. This report is an attempt to analyze these two news broadcasts for their fairness with regard to election coverage. Note: This report does not appraise local language radio broadcasts, or morning or evening radio news broadcasts.

Each broadcast was listened to with stop watch in hand and the election coverage was coded according to the party covered in the report. It was noted whether or not the television report was accompanied by a video or still photo of the event, or the radio report was accompanied by an interview or a speech.

The analysis was undertaken as objectively as possible, but subjective judgments were necessary in, for example, determining which news items about activities of the President were general news and not part of the election campaign. No assessments were made as to the quality of the news items about the MMD and the UNIP except a judgement on the tone (positive or negative) and to note the absence or presence of video or still pictures.

The parties, listed in the report by their acronyms are: United National Independence Party (UNIP) - the ruling party and Movement for Multiparty Democracy (MMD) - the main opposition party. All other opposition parties were combined, but the parties reported on during the month were: Party for Democratic Socialism (PDS); Social Democratic Process (SDP); Democratic Debating Party (DDP) and National Democratic party (NDP); Movement for Democratic

Process (MDP); Christian Alliance for the Kingdom of Africa (CHAKA); National Democratic Alliance (NADA); Democratic Debating Party (DDP); Revolutionary Socialist Party (RSP).

“KK” or Dr. Kenneth Kaunda, President of Zambia, is included simply as a reference by which to judge the other parties’ coverage. News about the President while performing his duties as Head of State is not considered when judging the fairness of the election coverage.

Unless otherwise indicated, all of the measurements are in seconds.

## Section I - Television News

**Table A. Placement of News Items**

The order of stories in the newscast implies their relative order of importance. This chart shows the total number of seconds, throughout the month, that each party received in each reports of — first, second, third, and so on.

Item #	KK	UNIP	MMD	Other Opposition Parties
1	:588	:1089	:245	:19
2	:256	:493	:338	
3	:170	:813	:172	
4		:520	:123	:90
5		:241	:264	:52
6		:68	:357	:116
7	:46	:37	:164	:64
8		:256	:221	
9	:56	:87	:127	:105
10		:29	:47	:105
11				:151
12		:33		:46
Total	:1116	:3666	:2058	:748

Note: In several instances in the report a column will include reports in which the party is not the actual subject, but that had a definitely negative tone — that is reports from which viewers would gain a negative view of the subject (party) reported on. For example, the UNIP column includes reports in which MMD was the subject but the

report was critical and not positive. The same is true with MMD — negative UNIP reports are added into the MMD column. That being said, unless a report was strongly biased against a particular party, it was kept in its own column.

UNIP had 61 minutes, 6 seconds of coverage throughout the month, compared to MMD's 34 minutes, 18 seconds — a difference of 26 minutes, 48 seconds.

**Table B. Visuals of Reports**

Video footage or still pictures of an event make it more real to the viewer, therefore placing more emphasis on the subject. This table shows the total seconds of reports in which videos or still pictures were shown. The “% of Total” row refers to the total seconds of reports (visual and non-visual) during the month. In other words 82 percent of reports on KK had visuals.

	KK	UNIP	MMD
Time	:916	:2615	:1218
% of Total	82%	71%	59%

**Table C. Percentage of News Items Devoted to Campaign**

This table gives an overall picture of Z-NBC's coverage of the campaign including UNIP, MMD, other opposition parties, and other campaign news. It is derived from the averages of Table C from each week. The chart is useful when connected with events of the week. It is also helpful to see the general trend in campaign news coverage.

30/9-6/10	7/10-13/10	14/10-20/10	21/10-27/10	Average
24%	36%	29%	36%	31%

**Table D. Daily Equality Evaluation  
(+ UNIP, - Opposition)**

With the standard of equal coverage being set at zero, this table shows all of the positive UNIP reports and negative MMD/other opposition parties reports added together and compared with all the positive MMD/other opposition parties and negative UNIP reports. Ideally, each day would be very close to zero, and an extreme number in either direction betrays a bias.

30/9- 6/10	7/10- 13/10	14/10- 20/10	21/10- 27/10	Total
+214	+716	+100	+386	+1416

**Section II - Radio News**

The analysis of the radio includes both the main news that starts at 13hrs and lasts 10 minutes, as well as "Radio Newsreel" (when it was broadcast) that starts immediately afterwards and continues for about 15 minutes.

The format of Section II will follow that of Section I, so explanations of the tables will not be included.

**Table A. Placement of News Items**

Item #	KK	UNIP	MMD	Other Opposition Parties
1	:298	:473	:47	:23
2	:151	:281	:56	
3		:293	:77	:60
4		:42	:165	
5	:512	:247	:42	
6	:28	:697	:405	
7		:231	:580	:70
8	:100	:808	:213	
9		:161	:550	
10		:545	:69	:130
11		:21	:132	
12			:282	
13			:165	
14		:82		
15			:199	
16		:97		
Total	:1089	:3978	:3055	:283

**Table B. Interviews or Speeches in Reports**

As videos enhance a report on television, so do interviews or speeches on the radio.

	KK	UNIP	MMD
Time	:0	:1651	:1357
% of Total	0%	41%	44%

**Table C. Percentage of News Items Devoted to Campaign**

30/9-6/10	7/10-13/10	14/10-20/10	21/10-27/10	Average
21%	47%	56%	55%	44%

**Table D. Daily Equality Evaluation  
(+ UNIP, - Opposition)**

30/9-6/10	7/10-13/10	14/10-20/10	21/10-27/10	Average
-256	+351	+500	+110	705

### Section III - Paid Commercials

Paid commercials are an important part of an election campaign. They too can be analyzed according to their quantity in order to assess the equality in access to media. However, differences in amounts of commercial time simply may reflect the resources of each party. This study includes no assessment of the content of the advertisements.

**Table A. Paid Television Commercials**

This table totals the seconds of commercials of each main party during the nightly TV news broadcasts. The smaller opposition parties have not had commercials.

	30/9- 6/10	7/10- 13/10	14/10- 20/10	21/10- 27/10	Total
UNIP	:431	:637	:474	:1948	:3940
MMD	:234	:340	:346	:1267	:2187

**Table B. Paid Radio Commercials**

	30/9- 6/10	7/10- 13/10	14/10- 20/10	21/10- 27/10	Total
UNIP		:12		:230	:242
MMD	:373	:77	:45	:45	:540

*Appendix XIII*

**Text of September 26 UNIP Advertisement  
Criticizing Observers  
Printed in *Times of Zambia***

The Voice of Reason and Love Speaks

The Truth About Independent Election Monitoring Teams

There has been great excitement over the formation and arrival of many Independent Election Monitoring Teams. However, it is important to set matters straight right from the beginning before you think that these teams are the best answer to Zambia's programme of change to political pluralism. Let us look at the facts:

- a) Some of these teams have assigned themselves strange responsibilities like:
  - i) civic education by approaching voters in a door-to-door campaign,
  - ii) vote counting,
  - iii) vote monitoring.

It is our opinion that civic education in as far as it implies teaching the voter what he or she should do and how he or she should vote is not the responsibility of these teams.

In our view, it is the responsibility of the political party interested in obtaining votes from its registered members. Vote counting and vote monitoring is a direct responsibility of the Electoral Commission and its officials.

- b) The composition of the Zambia Independent Monitoring Team is certainly pro-MMD in that it has men like Mr. Edward Sefuke who claimed at MMD rallies that 70 percent of university students are members of the MMD. How can these MMD students belong to Mr. David Phiri's independent team? How independent are the university students?

The ugly side of the Independent Monitoring Teams is the use to which they can be put by the losing party or by external powers who

may be interested in a political party that has lost elections. Experience in other countries has shown that:

- a) The Monitoring Team would announce that elections were not free and fair. This would immediately set the scenario for a constitutional crisis and chaos in the nation. Can you imagine the outcome?

**Advice:**

- a) We strongly advise that the Independent Monitoring Teams should not involve themselves in door-to-door campaigns teaching people how they should or should not vote. Where this happens you have every right to chase such teams from your premises as they are infringing upon your individual right of freedom of choice.
- b) The **Zambian Independent Monitoring Teams** must undress itself of any political bias otherwise we shall accuse them of election rigging.

**BE WISE VOTE FOR UNIP AND K.K.**  
(Your tested leadership)

*Appendix XIV*

**Text of October 25 UNIP Advertisement  
Criticizing Observers  
Printed in *Times of Zambia***

**The Critical Choice You Have to Make**

**How Non-Partisan are the Zambia Election Monitoring Groups**

**Election Observers' Judgment Will Determine Zambia's Future**

Many Zambians today are worried about what Zambia is to become in the Third Republic. The feeling is that of uncertainty. They fear that come October 31st, Zambia will go down the road of violence and bloodshed which many countries the world-over have experienced. As a result, a national day of prayer has been declared. This scenario demands that all political parties and organizations involved in managing the current political process in the country ensure the continuity of peace that people of Zambia so much desire irrespective of who wins the forthcoming elections. In other words, if selfish and secret agendas override their obligation to this country, then Zambia will go down the abyss of darkness from which many countries have never resurrected.

Quite obviously, politics is partisan. Political parties, with their divergent philosophies and ideologies protect their interests as national. These interests may not, after all, be national as in a number of cases in developing countries, some of these parties may actually be on the puppet string of foreign powers who, in the final analysis, may actually be the ones that will determine a country's political future. Perhaps, a genuine national character is one that represents a non-partisan position. This is, however, impossible because individuals belonging to particular organization have their own views of the world which will determine their judgment.

## **ZAMBIA ELECTION MONITORS COORDINATING COMMITTEE**

How nonpartisan, therefore, is the Zambia Election Monitors Coordinating Committee (ZEMCC)? ZEMCC has taken on the role of an arbiter in a bitter political debate currently going on in the country. The fair and just resolution of this, sometimes acrimonious debate will determine as to whether or not Zambia continues to be peaceful. The resolution of this conflict, therefore, demands neutrality on the part of the arbiter. Is ZEMCC neutral?

Among the organizations that form ZEMCC are the Church, the Law Association of Zambia (LAZ), the Press Association of Zambia (PAZA) and the Women's Lobby Group.

### **THE CHURCHES**

Furthermore, the Churches, as a group are not homogeneous just as they follow different doctrines. Who does not know, for example, that some prominent Church groups have been against UNIP and have even gone to the extent of using Church gatherings to drum up support for the opposition. They have even used the facilities of such publications as the *National Mirror* and "Icengelo" to promote the interests of the opposition. What judgment are they expected to give on these elections? They should realize that they carry a moral obligation not only to the people of Zambia but to the Creator, Almighty God himself to ensure that the peaceful change that the people so much desire is achieved.

### **THE LAW ASSOCIATION OF ZAMBIA**

Is the Law Association of Zambia (LAZ) politically neutral? Every Zambian remembers that only last year, LAZ declared to the people of Zambia that it was supporting the MMD. LAZ imposed this decision on its members whose right to choice was infringed. Until LAZ retracts its earlier announcement of support for the MMD, then its credibility as an honest broker will be at stake. Indeed, its verdict over these elections will not be acceptable. Already, LAZ has issued a statement indicating that the giving of campaign materials such as T-shirts to supporters could lead to election petitions. Once again, showing its true colours. This is obviously directed at UNIP.

### **THE PRESS ASSOCIATION OF ZAMBIA**

The Press Association of Zambia (PAZA) is of course in a similar situation. They have time and again shown their hostility to UNIP, a party they are expected to give a fair judgment. At the same

time, they have shown their biasness towards the MMD whom they have widely promoted through the Press clubs. It was not a strange thing, therefore to see PAZA apply for a Court injunction against the heads of [s]tate-owned media. That state is, of course, the UNIP government. The injunction was effected despite the fact the state-owned media, in contrast to the privately owned one, has been giving adequate and balanced coverage of all the political parties. Since the privately-owned media does not give any positive coverage at all to UNIP, the objective of the injunction is to shut out UNIP from the media so that the people are only exposed to MMD propaganda.

The strategy is designed to condition the minds of the people to the fallacy that the MMD are winning the elections, and any other result would be electoral fraud. The objective of this imperialist strategy is to cause a bloodbath should UNIP win. As is well known, the MMD have, up to now, not declared that they will respect the outcome of the elections, irrespective of the winner. They have instead declared that if UNIP won, then MMD will trigger a civil war. Only a few days ago, at an MMD rally at Soweto market in Lusaka, Mr. Michael Sata told the crowd of mostly youths that if UNIP won, MMD would incite the youth to loot and riot. Throughout their campaign, the MMD have fanned an atmosphere of tension which most people are now worried about.

#### **WOMEN'S LOBBY GROUP**

What about the Women's Lobby Group? According to information, this group was sponsored by the Americans. As is well known, the UNIP leadership has not been acceptable to the Americans for the only reason that it stands for independence and sovereignty. Like the Sandinistas in Nicaragua, the UNIP leadership has been targeted for removal. It is an open secret that the MMD are the favorite of the Americans who would want a puppet government in Zambia. It will be important to note that Ms. Josephine Mapoma of the Lobby Group is a member of the MMD. She is even on the Editorial Committee of a newsletter called "TODAY" published by the so called Zambia Research Foundation. Another member of this committee is Dr. Mathews Mpande, the MMD parliamentary candidate for Senga Hill. This newsletter is in effect an MMD paper. In its first issue of April this year which was distributed at an MMD rally which was held near the Flying Club grounds, the headline for that newsletter was "UNIP, KUYA BEBELE: THE VERDICT IS

OUT.” How neutral therefore, are the so-called Women’s Lobby Group? The verdict from this group is indeed out.

### **ZAMBIA INDEPENDENT MONITORING TEAM**

It should also be of interest to note that the Zambia Independent Monitoring Team (ZIMT) is not independent as the name portrays. This team was a brain-child of Dr. Rodger Chongwe, the MMD parliamentary candidate for Mandevu constituency. He was even the one who proposed the name of the chairman to the Americans. As it is, the Americans played a major role in its formation.

### **THE STUDENT’S GROUP**

Furthermore, the student group led by Edward Sefuke will never be neutral. As most Zambians already know, Sefuke is a confessed member of the MMD. He is a student leader whose reliability is highly questionable. In one breach, he says students will remain neutral, while in the other, he claims that seventy percent (70%) of the students at the University of Zambia were MMD supporters. He has appeared at more than three (3) MMD rallies where he was one of the main supporters.

### **IMPERIALIST STRATEGY FOR ZAMBIA**

From the foregoing, it is clear that there is a big imperialist plot against this country. We should in this regard, realize that most of 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. Nicaragua is a classic example of this plot. Zambians should realize that there are powerful foreign forces behind certain parties which were being portrayed as saviours of this country. The central issue in this election, therefore, is the preservation of national sovereignty and independence. It is a battle for survival.

What is the imperialist strategy for Zambia? The strategy of imperialism is to use the so-called election monitors to influence the outcome of the elections in favour of the MMD. In the event that UNIP win the elections, which is most likely, the observer groups will certify that the elections were not free and fair. Then, in the absence of the State of Emergency, the MMD will incite the people to rise against the UNIP Government. This situation will receive “international” backing since international elections observers would have disapproved of the outcome of the elections. The MMD will,

furthermore, through the ZCTU instigate industrial unrest which will result into the situation being ungovernable. This will then facilitate the formation of an interim government. In short, there will be bloodshed. Their nationals will be evacuated while Zambians will be left to butcher each other. The focus on Zambia, which they will say will be a model of change, is not genuine. As pointed out earlier, they have a secret agenda for this country. In their view, change is not that of political systems, but that of leadership. Zambians must reject the imperialist inspired plot against peaceful change.

Appendix XV

Response of Commonwealth Observer Group  
to UNIP Advertisement



Zambian Elections

Commonwealth Observer Group

Telephone: (260) (1) 227975-81  
Fax: (260) (1) 254005/250995  
Telex: ZA44720 PAMHO

c/o Pamodzi Hotel  
Church Road  
PO Box 35450  
Lusaka, Zambia

27 October 1991

**EMBARGO - 1600 HOURS LUSAKA TIME**

I write as Chairman of the Commonwealth Observer Group in connection with allegations made in full page advertisements published in recent issues of The Times of Zambia by the Public Relations Unit of your Party.

The allegations include the statement that "most of 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." The advertisement further states that "the strategy of imperialism is to use the so-called election monitors to influence the outcome of the elections in favour of the MMD. In the event that UNIP wins the elections, which is most likely, the observer groups will certify that the elections were not free and fair".

We raised the issue when we met with you on Friday, October 25, and we understood you to say that the language of the advertisement had been bungled, that reference to the Commonwealth Observer Group was not intended, that the advertisement had been aimed at local groups and dealt solely with matters of internal controversy. We repeated our protest in the interview with the President, H E Dr Kenneth Kaunda, at which you were present and nothing was said then to indicate that your earlier statement had been in any way altered.

It was therefore with considerable surprise that we noted that the offending advertisement appeared again unchanged in the edition of The Times of Zambia on Saturday, October 26 - the day after our interview.

In the circumstances, I must ask that you make a public retraction of the allegations in so far that they include the Commonwealth Observer Group, having regard to the fact that you

private retraction has been followed by another publication of the advertisement.

The circumstances leading to the presence of the Commonwealth Group in Zambia are too well known to need elaboration. In his statement to us the President himself made clear that he had issued the invitation to the Commonwealth Secretary-General to send the team. Similar teams have observed elections in Malaysia and Bangladesh and the assessment has been that their labours have contributed to the proper conduct of the polls and the creation of public support for the credibility of the results.

You will appreciate that the distinguished members of the Group, all of whom serve or have served in positions of great responsibility from the many countries from which they come, are particularly outraged at the allegation that they are part of a plot against this country.

It is therefore important that you should publish promptly a full retraction of the allegations.

The Rt Hon Telford Georges  
Chairman  
Commonwealth Observer Group

Lt General B Mibenge  
Chairman, Campaign Committee  
UNIP  
Freedom House  
Cairo Road  
Lusaka

*Appendix XVI*

**Text of Television and Radio Address  
by President Kenneth Kaunda**

October 30, 1991

My countrymen and women,

As a fellow citizen of this beloved beautiful land of Zambia and as one among you privileged to be the president of your Republic at this historic moment, I speak tonight to reach the innermost part of the heart of each and everyone of you as countrymen and women and citizens of this, our one and only home, Zambia.

The 8 million of us — children, women and men — have no other country, no other living space we can call our own on this planet except this little peace of land God gave us through our forefathers. Its air, water and resources are the only means we, 8 million Zambians, possess today for our livelihood now and the livelihood of many generations of Zambia who must come after us in the times ahead.

In the interest of our own lives as Zambians now and for all future, we have, as our direct challenge, the unavoidable obligation to defend this land for ourselves and to protect the lives of our people — each and every Zambian — in this land wherever they may be regardless of their name, regardless of their community, regardless of their District and regardless of their province.

Every Zambian is inseparable from every other Zambian. Every Zambian is an integral part of every other Zambian. Where, therefore, one Zambian rises, all Zambians rise. Where one Zambian falls, all Zambians fall. The loss of one drop of blood from one Zambian is a loss of a drop of blood from all Zambians.

The fate of one Zambian is the fate of all Zambians. It is the fate of all of us. This is so whether we like it or not. If anyone of us works to ignore this fact for any reason at all, then the action of that brother, that sister takes the life of every Zambian towards no good whatsoever.

This land, these resources, this population in order to hold together as Zambia, we ourselves must hold together as Zambians — all of us together — regardless of whatever we may think, say and do about ourselves and about any subject. And, indeed, regardless of whatever anyone else may think, say and do about us and about any matter concerning us. Zambians to remain Zambians must allow nothing, I repeat, must allow nothing to break this binding oneness as Zambians, if this land, these resources and this population are to remain free.

Countrymen and women, this is the oneness of Zambians, the integrity of our Fatherland which we must take into polling day that falls upon us tomorrow. The polling day that takes place tomorrow is a Zambian thing, created by Zambians for the purpose of holding the Zambians together in a balanced political process in order to establish and maintain an open interaction for the development of Zambian lives as a people who are more free than before within their own country.

The presidential and general elections, for which Zambians go to the polls tomorrow were designed by us Zambians so as to build this land for our own good in a better manner than we have done these past years. These elections are Zambian in thought, word and action.

On polling day tomorrow and after polling day, what comes out of the election process must continue to remain Zambian in thought, word and deed.

We as Zambians started to think, speak and act to bring out these elections for the good of Zambians. We must complete them tomorrow for the good of Zambians. We must all accept the end results of what we have thought, said and done together during these past months of creative action. The people of Zambia have followed our thoughts, have listened to our words and have observed our actions and tomorrow they pass their honest judgement on our total performance.

The people of Zambia's judgement which come out of polling day tomorrow must be accepted by all of us — each and every Zambian — with humility, an open heart and a totally clean mind.

Countrymen and women, polling day tomorrow will complete two national tasks for our country. Firstly, it will establish the

political mechanism by which the people working from several political parties will be able to choose from among the political groups a government for themselves. This is a mechanism the people have set out for all future times. Secondly, one political group will be chosen to be the Government by the people tomorrow when they apply for themselves this new democratic process.

It is important for our country that all of us as individual citizens and as political groups respect these two decisions of the people so that our country can move to the next tasks of development.

As we work to improve our political system, we have to appreciate that elections are not an end in themselves. They are only a means to an important end. That important end is a good government for the people under which as individual citizens they are free to work for themselves and build their own material and spiritual lives to the best of their abilities without let or hindrance across their national life and across the resources of their country.

I want, therefore, to urge each and every fellow citizen — every Zambian without exception — to do their uttermost to ensure that we go into polling day peacefully, we come out of polling day peacefully and we continue with that peace in order to give maximum opportunity to those chosen by the people to set up and operate a good government for Zambia.

The truth is that under the political system which the people of Zambia have now accepted to set up, there are no political losers just as there are no sole and permanent political victors. Those who go into position are still an active catalyst to good government. Indeed, an integral part of the people's government. Those who win the first place go into the people's government are not going into that government alone. And, in any case, at the next elections or even before that, the people may again decide to re-arrange the whole set up for themselves. They have the power and freedom to do so.

So, Zambia as a country has now created for herself a good system for changing its own government in a popular-democratic manner. It is important that as we go into polling day we pledge ourselves to continue steadily to build upon our new democratic system. We must restrain ourselves from political excesses, political selfishness and political ill-temperers which can destroy our new system.

While we remain active different political parties and groups we must, at the same time, be ready to give and take among ourselves because we are one national political family which is defending one national interest. We must be alert and quick to reconcile in all situations of national conflict that may arise because we are an integral part of one another. We share national life together.

We must do more. We must give no leverage whatsoever to any external enemy or even friendly interests that work to divide us to our own peril. We have to learn very fast that all important democratic lesson which has eluded many, that different political parties or groups in one country are not sworn enemies who must kill and destroy one another. On the contrary, they are people groups that are necessary to preserve and, indeed, must preserve to assist the population to have an intensive and extensive democratic dialogue on the life issues within their own and only country.

Countrymen and women, political parties and political pressure groups in Zambia are just different sides of the same golden coin of national interests. If these sides are removed or frustrated then the national interest represented by that valuable coin will become invisible to people.

In emphasizing this point, I want to say, UNIP needs MMD and MMD needs UNIP. Both MMD and UNIP need the other political parties which are struggling to build up their own active lines of political thought, word and action in our country.

Each political party is a window which allows the people with different vision in our population to look at the vital body politic. The more our population can see the different sides, angles and facets of their body politic, the more they will know what is politically best and most useful for them to do for themselves

All political parties and groups in our country must treat one another as sister parties and sister groups. Yes, they must compete but they do so within the family and to serve the same family members. They do not compete within the family to kill the family, to kill the family members or to kill all the sister political groups.

The people of Zambia must build in the Third Republic, a tolerant national pluralism centered on offering a broad and articulated political service to an active democratic population.

To come to the present stage of transformation, our political process in Zambia has come a very long way. Like the rest of Africa, we have been baptized not with water but with fire along this difficult road. The past hundred years have been the most formative and the last 50 years of these have been the most active to us as a united people and a rising nation. What the people have been able to build in the face of extreme hazards, especially in the past 30 years must not be destroyed. We must improve upon and break up a new and wider ground of development in the Third Republic.

The future for Zambia is positively bright. Any people who have not just participated but given active leadership in the kind of hazardous political environment such as Zambia has gone through in Southern Africa can never fail when in triumph and final victory that hostile political environmental changes for the better. While Zambia receives no thanks from many and, indeed, we do not need any thanks from anyone, Southern Africa would not be what it is today if Zambians had not paid the highest price for this region. God knows.

Zambians must now use that unparalleled experience to build the Third Republic which is emerging out of the ballot box tomorrow. With a liberated Southern Africa, our Third Republic will not only be dynamic but must be fully democratic in all areas of human endeavor — political, economic, social and cultural scientific and technological as well as in the defense and security of our national interest.

Countrymen and women, I think, on behalf of all the people of Zambia and all their political parties, the international community who have come to observe and bear witness to our historic national transformation.

We are grateful to them all. Indeed, I urge all Zambians to continue to assist the observer groups in every way possible to enable them to carry out their tasks in the best way they know how. They must freely arrive at their own candid conclusions on the efforts we are making to go through this important political transition successfully.

Fellow Zambians, let us all pledge ourselves to pull our country to greater political heights in the Third Republic. We can only do this by all of us accepting the historic decisions of the people as they will come out of the polling day tomorrow.

I welcome on your behalf, the Third Republic whose bright star we are all eagerly gazing to see rise proudly upon new political horizon.

God bless you all

God bless all our political parties

God bless the Third Republic.

Thank you.

*Appendix XVII*

**Paper Distributed by  
Minister of Foreign Affairs and  
UNIP Campaign Manager Benjamin Mibenge**

**October 1991**

*(Editor's Note: Appendices distributed with the paper are not included herein.)*

**Introduction**

1. This paper is a summary of the major issues covered by the Minister of Foreign Affairs in his brief to the Diplomats and Observers Missions on 20 October, 1991. Issues relate to the current process of political change which will culminate into the plural elections on 31 October, 1991.

**Government Commitment to Change and Creating of a Good Environment for Elections**

2. From 2 September, 1990 when a decision was announced to introduce a plural political system, the Government has done everything possible to create an environment conducive to the holding of free and fair elections. The following are examples to show the Government's genuine commitment to realizing this objective.
  - 2.1 **Acceptability of Change.** A One-Party State was introduced in 1973 to bring to an end the inter-party violence which had characterized the holding of every election after independence. However, against its well-founded concern from this past experience, the Government agreed to change to a plural system in order to keep with the changed international circumstances notably in Eastern Europe and as demanded by a part of the Zambian people. Examples abound in the world where to-date this change is being resisted.
  - 2.2 **Referendum.** It had been the wish of the Government that a referendum should be held for the people to decide on whether or not they wanted to re-introduction of a plural political

system. After assessing the mood in the country, as fanned by the opposition groups that wanted direct elections, the Government decided to forego the referendum and go straight for an election.

- 2.3 **Re-registration of Voters.** The past practice, for logistical considerations, has been that voter registration is done once every five years, that is, prior to the holding of a General Election. Hence for the 1991 elections, available voters' rolls for the 1988 General Elections should have been used. However at the call of the opposition, the Government agreed not only to conduct a re-registration of voters which was due from 1 October to 14 October, 1990 but in fact actually extended the period by seven days to 21 October 1990.
- 2.4 **Reduction of Mandate.** The next General Election was due for 1993, but the opposition insisted for an election within one year. The Government agreed and our General Election is now due for 31 October, 1991, thus reducing the five year mandate to three.
- 2.5 **Observers.** Zambians have for the past 27 years, under both plural and single party periods, successfully conducted election without the necessity of any Observers. However, the personal invitation of Observers by the President was done to satisfy the demand of the opposition who remain obsessed with the belief that the elections will not be fair.
- 2.6 **Diplomatic Missions.** There are 126 accredited Missions and International Organizations in Zambia, whose personnel could only travel 40km radius outside Lusaka upon clearance by the Ministry of Foreign Affairs. This restriction has since been lifted to facilitate their observers, there is no restriction on the movement of diplomats above except of course to Defense and Security installations.
- 2.7 **Coup d'Etat Plotters.** If these can be termed as political offenders, they were in the spirit of reconciliation and creating a correct electoral environment released in July 1990. These included those condemned to death after the coup attempt of 1980 and those undergoing trial after the June 1990 attempt. It is significant that over the period that they were being released, other coup plotters in other African States were being executed.

- 2.8 **Amendment of Article 4.** In the single Party Constitution, this Article barred the formation of other Parties. In order not to give an unfair advantage to UNIP as the only Party to launch its campaign early, the Article was amended on 17 December, 1990. Parties were therefore legalized and allowed to commence campaigning even before the new Constitution was passed in August 1991.
- 2.9 **New Constitution.** A Constitution Committee was appointed on 8 October, 1990 and included some members of the MMD Executive Committee. MMD declined to participate on the grounds that they had not been consulted before hand as a Party, albeit some written MMD submissions were made to the Committee. This notwithstanding, all Parties were afforded an opportunity to discuss the draft Constitution even when it was already being debated in Parliament. Indeed, substantial changes were made as proposed by MMD and other Parties to the extent that MMD withdrew its threatened boycott of the elections.
3. The foregoing is an illustration of the determination of the Government to ensure that an atmosphere and environment conducive to free and fair elections was established.

### **State of Emergency**

4. The assertion made is that the continuation of the State of Emergency will adversely affect the need for maximum freedom and expression of ideas during the election period. The reality of the actual situation does not support this concern.
5. The background to the State of Emergency is that it was inherited at independence in 1964 and then continued thereafter to-date because of the external destabilization and insecurity Zambia had faced for her support of Liberation Movements in the Region. Admittedly, while the situation has improved with the independence of all our neighboring countries, even as at now, attacks by RENAMO have continued in the Eastern Province. The State of Emergency was never intended to suppress Zambians as can be demonstrated by the fact that:
  - 5.1 **Political Executions.** Zambia has never executed anybody for political reasons since 1964 - not even those who had been convicted for plotting to overthrow the Government, such as

Mr. Shamwana and others as has already been explained in para 2.7 above.

- 5.2 **Political Prisoners.** Zambia does not hold any political prisoners.
- 5.3 **Refugees.** Of all the refugees in the world and of all the 18 million Refugees, Returnees and Displaced Persons in Africa, not a single Zambian is among them. This clearly shows in real terms the true nature of the State of Emergency. These facts in sub-paras 5.1-5.3 can be verified with UNHCR, WHO Amnesty International and UNICEF.
- 5.4 **Freedom of Movement.** There is no case of the MMD or any other Parties being denied to travel to any part of or indeed outside Zambia. An example is as per an MMD Advert attached which is only a part of the intensive MMD country-wide tour undertaken by most of their leaders (APPENDIX 1).
- 5.5 **Freedom of Expression.** The MMD have based their campaign on a routine campaign of preposterous lies and insults both in the press and at their rallies. The MMD leadership including Mr. Chiluba himself has called the President a foreigner, a mad man, a man with a black heart, corrupt, incompetent etc. Apart from the President indicating his decision to sue them for one such lie, no harm has befallen any member of the opposition. How else or how far must the opposition go before it can be accepted that there is indeed unfettered freedom of expression? (APPENDIX 2).
6. **Lifting of State of Emergency.** Irrespective of whichever Party wins, the State of Emergency will as per new Republican Constitution be lifted seven days after the elections. The President has promised to lift the emergency by 30 September, 1991 if the situation continued to be peaceful. However, it later transpired that in the New Constitution, only Parliament, which had since been dissolved, could lift a State of Emergency. Hence the status quo will prevail until after the elections albeit it needs to be emphasized that the freedom of the Press and Movement will continue to be assured as already exemplified above. The President has made a public undertaking to this effect.

**Tension**

7. Pleas are being made for all Parties to refrain from any statements that might imply threats or intimidation. This indeed is the prayer of the Government.
8. The Government has pledged itself to a free and fair election and a peaceful transition into the Third Republic. The President has repeatedly talked of peace, love and the unity of all our 73 tribes. He has warned of possible instability in the context of MMD's continued rhetoric of violence and lies as elaborated below.
9. **Acceptability of Result of Elections.** To-date, UNIP remains the only Party which has declared that it will accept the result of the election irrespective of the outcome. On the other hand, MMD's strategy is to maintain the impression that the only way they can lose is through UNIP rigging the elections.
10. **Integrity of Electoral Commission.** Even when the Commission has made assurances that elaborate steps have been taken to prevent any possible rigging of election as provided for in the Act, MMD has continued to spread an atmosphere of mistrust. This has got to a stage where they are now systematically attacking the very integrity of the Electoral Commission which will therefore cause people - notably their supporters - to doubt the outcome of the election even when it is fairly conducted. To this effect, any errors noted by any Party in the process, must be brought to the attention of the Electoral Commission as corrective and not accusatory of the Commission being an accomplice to rigging (APPENDIX 3).
11. **Incitement.** The MMD instead of helping promote an atmosphere of trust in the Nation, they are systematically making false and irresponsible statements which can only promote anxieties and therefore tension during this delicate period. A few examples are:
  - 11.1 Accusations of rigging and therefore promotion of an atmosphere of mistrust as in para 10 above (APPENDIX 3).
  - 11.2 Threats that if MMD is not happy with the elections, they will resort to the military to address the situation (APPENDIX 4).
  - 11.3 **Commandos in Lusaka.** On 9 October, 1991, MMD claimed that the President had deployed commandos in Lusaka Chamba

Valley for the creation of a civil war if the President loses the polls (APPENDIX 5). They have to-date not taken the challenge to lead observers including the press to the house where the commandos are supposed to be harbouring.

- 11.4 **Border Closure.** On the same day as above, MMD also claimed that President Kaunda planned to close the borders on 16 October, 1991 as a scheme to oppress people and create chaos in Zambia (APPENDIX 6). Borders have and will remain open before, during and after elections.
- 11.5 **Secret Movement of Arms and Ammunition.** On 12 October, 1991 at an MMD rally in Chipata, Mr. Chiluba accused President Kaunda of having moved military trucks with arms to Malawi to prepare for fighting if UNIP lost the election. This, as for the other pronouncements above, is another preposterous lie which can only heighten anxieties in the population. The Malawi Government has since denied this charge (APPENDIX 7).
- 11.6 **Intimidation of Voters.** On 13 October, 1991 Mr. Mwanawasa the Vice President of MMD used intimidatory language during his tour rallies to the effect that any Constituency which will not vote MMD, will remain undeveloped for the next five years. Our challenge for him to retract this threat has yielded no response.
- 11.7 **Peace-keeping Force.** On 17 October, 1991, MMD President Mr. Chiluba called for a Peace-keeping Force claiming that MMD was afraid of the post-election period and compared Zambia's situation to that which prevailed in Namibia during their independence elections process. There is obviously no slightest similarity between the two situations. However what this statement achieves is to cause further alarm in the Nation.

### **Disenfranchisement**

12. The NDI's Preliminary Report speculated that a *substantial* disenfranchisement may occur if voters who have lost either a Registration or Voter's Card are not allowed to vote. It has, however, to be understood that this requirement was made to ensure that any possible element of defrauding the process by individuals was eradicated. Of note too is that the opposition has played up this issue thus giving the false impression that

only they stood to lose votes and yet the phenomenon affects all Parties equally.

13. This problem has however, been addressed by the Electoral Commission in that those who have lost Voters' Cards can obtain certificates which will enable them to vote. This has therefore ceased to be an issue. However, we challenge the claim that the number of those who have lost cards is substantial - a fact which will be borne out at the conclusion of the elections.

#### **The Press**

14. The NDI Preliminary Report asserts that there was evidence that favoured treatment was being given to one Party - which was UNIP - in preference to others in some news media. Evidence availed to Mr. Carter and the NDI however, contradicted this claim. In fact in the print media there is a greater coverage in favor of MMD than UNIP while statistics clearly show the same for the radio and television broadcasts. However after statistics and proof had been availed to the NDI, there has been a welcome recognition of this fact as brought out in their second Report by Mrs. Palme. Statistics can be obtained from the Zambia National Broadcasting Corporation on request.

#### **Ballot Counting**

15. The MMD position which was initially supported by NDI is that ballots be counted at Polling Stations otherwise there would be a serious opportunity for them to be lost, exchanged or tendered unreliable. With precautions against rigging as in para 16 below, we as UNIP find no problem with the system of central counting. Therefore we fully support the decision of the Electoral Commission to maintain the system as per Act.
16. **Problems.** To our understanding, counting at Polling Stations would raise the following problems.
  - 16.1 The sun sets at the end of polling at 1800 hours. Most places especially in the far out rural areas do not have any lighting.
  - 16.2 To ensure the security of the ballot boxes from incensed supporters of a losing candidate would require the deployment of more than one police officer provided for at each of the

3489 Polling Stations. Police strength would be inadequate to provide for such a dispersal. Central counting provides for an effective security protection of the ballots.

- 16.3 If agents and supporters do not know the voting pattern of a box, each group will assume that they are the winners. Hence it will be in their interest to ensure that the box safely gets to the Central Counting Place. While if results are known, the temptation is greater from losing candidate/party to get rid of the box while enroute in order to contest the count which cannot therefore be verified.
- 16.4 The Act provides for a Returning Officer to conduct the count process at each Central Location. It would be impractical to try and mobilize 3489 qualified Returning Officers instead of the 150 provided for in the Act.
17. **Precautions.** Of pertinence is that this genuine concern has always been recognized and hence the elaborate precautions which are provided for in the Electoral Act. These in fact go far beyond and already includes the few concerns/recommendations as are contained in the NDI Preliminary Report but which gladly have been recognized in Mrs. Palme's second NDI report. These include (APPENDIX 8 ELECTIONAL ACT):
  - 17.1 Ballot boxes shall have official seals and marks for identification;
  - 17.2 The entire process of voting up to the counting of votes will be observed by no fewer than 11 specified interested Parties which includes observers, agents for contesting Parties, individuals and Presidential Candidates and Electoral Officials with Police;
  - 17.3 Ballot boxes will physically be accompanied by all or selected representatives of the observers as above to the Central Counting Location to ensure that boxes are not switched.

### **Separate Box Counting**

18. The proposal by NDI is that ballots should be counted separately for each box. The variation in our procedure is that after taking stock of the contents of each box, the ballots are then mixed with at least one other in order to guise the voting pattern of individual Polling Stations. If an individual station

- was identified as having voted against a winning candidate, it would be subject to victimization as already explained above.
19. This variation in itself should not compromise the integrity of the vote. This notwithstanding, the ultimate decision remains that of the Electoral Commission albeit we believe that concerns are being heightened where in fact there should be none to cause anxiety to the voters.
  20. **Z-Vote Quick Count Projection.** The proposal by the NDI to conduct a quick count projection has been rejected by the Electoral Commission. We totally support the decision of the Commission as we find no good cause for this exercise when results will likely be known within 48 hours of the conclusion of the voting. We view it as an exercise which can cause unnecessary disorder especially when the projections erroneously pick a losing candidate or Party as a winner. As Zambians conducting an election for Zambians we find nothing to benefit from this proposed quick count.

#### **Logistical and Administration Problems**

21. The problems considered an impediment to the smooth conduct of elections fall within the jurisdiction of the Commission. However as a Government, we remain committed to providing whatever support as is necessary to ensure that the Commission executes its functions efficiently as has always been the case e.g:
  - 21.1 **Manning of Electoral Commission.** The Commission comprises three members who are part-time. Hence the temporary absence of one does not cripple the functions of the Commission especially that most of the ground work has already been done. However, the office which is full-time is the Office of the Director of Elections which is responsible for the actual execution of the elections. The needs of this office is catered for in the budget and two points raised in the NDI Report are elaborated as below.
  - 21.2 **Funding.** This has been made available as budgeted for. Additionally, assistance has been received with appreciation from donors.
  - 21.3 **Transport.** Transport used is from that allotted to Provincial and District Government Institutions such as Ministries of

Education, Agriculture, etc. As in the past, it is never actually mobilized and parked at the Electoral Office - an erroneous impression NDI seem to have had.

- 21.4 **Training of Poll Officials.** Zambia has conducted six elections since independence (three under plural and three under single party system). The training of Polling Officials has near been and is not even for this election a problem.

#### **Secrecy of the Ballot**

22. The Report states that citizens must know of the secrecy of their vote and that subsequently no examination of the ballots should be done except by High Court officials.
23. Zambians already know this - this is the seventh time they will be voting since independence. This concern is in fact already catered for in the Act and even at the time of the Report, adverts were already being carried on TV, Radio and newspapers to assure voters accordingly. Further it is a matter which all Parties are taking up with the supporters during the campaign. It was a concern raised which in fact was non-existent.

#### **Voting with National Registration Cards**

24. In spite of the Government having accepted the opposition's demand for the re-registration of voters last year, now they are demanding that we do away with the rolls altogether in order that people can merely vote with their National Registration Cards. We find this unacceptable as in the absence of computers nation-wide to reject or detect people who try to vote more than once, there would be a massive defrauding of the system.
25. UNIP fully supports the Electoral Commission's rejection of this MMD's call.

#### **Call for a Peace-Keeping Force**

26. Mr. Chiluba, the President of MMD has called for a Peace-keeping Force and proceeded to compare Zambia's current situation to that which prevailed in Namibia during their independence.
27. This is a surprise demand which has no basis as shown below:

- 27.1 The South African Government was illegitimately in Namibia as declared internationally by the United Nations under Resolution 435. The present Zambian Government is legitimately in power having been popularly elected under the Republican Constitution of 1973.
- 27.2 Namibia was at war during the period leading up to the independence process. Hence a Peace-keeping Force was necessary to monitor the ceasefire and among other tasks supervise the withdrawal of South African Forces and return of SWAPO cadres to Namibia as unarmed returnees. Which force is fighting the other in Zambia?
- 27.3 Right through the independence process and even after, there remained elements of no less than six armed camps which had to be monitored closely as any one of them had the potential of sparking off a conflict. Broadly these were: the South African Defense Force which included the Bushmen battalions which remained in Namibia almost up to independence day; the demobilized South West African Territorial Forces but which remained organized in unit formations, the dreaded Koevoet Police (Counter-Insurgency United), the white population and the extreme white rightists. There is no such scenario in Zambia.
- 27.4 Zambia has a Defense Force whose loyalty has always been to the Government of the day - this remains the situation before, during and after the elections. What role is a Peace-keeping Force supposed to play? We see none, and as already indicated such demands can only succeed in raising tension and anxieties in the Nation.
28. From the fore-going, as a Government, we reject out off hand this demand which should not be encouraged by any other quarter.

### **Security of Diplomats**

29. The irresponsible and unsubstantiated alarmist statements already brought out above, have only gone to arouse a sense of insecurity in the Nation and notably in the foreign nationals working in Zambia. In preparation for the prophesied breakdown of law and order, reports are being received of people stock-piling food, foreign nationals being withdrawn

from rural areas to the safety of Lusaka, and contingency plans are being made for evacuation.

30. The Zambian Government would like to herewith rest assure the foreign nationals – and indeed the Nation – that it has at its disposal adequate means for their safety and security. The Zambia Security Forces remain at the service of any Government in power so that even in the untimely event of UNIP losing the elections, they will smoothly pass onto the next Government.

### **Campaign Funds for UNIP**

31. The opposition has regularly complained that UNIP has been using public funds for its campaign. This is incorrect which the opposition is well aware of it as some former Ministers of Finance under UNIP Government are now members and even candidates of MMD.
32. To be appreciated is that under a One Party State, the Party UNIP received an annual grant from the State in the authorized Budget. This was in recognition of the fact that constitutionally, there were some Party functionaries who also performed Government duties e.g the Party Secretary General who served as the State Vice President.
33. For 1991 Budget therefore an allocation had been made in January 1991 for the current year for authorized expenditure. However for the financing of the campaign, funding has come from the following sources:
  - 33.1 Membership card purchases and annual renewal subscriptions.
  - 33.2 UNIP has over the past 27 years set up a number of business enterprises under Zambia National Holdings Ltd, e.g Duly Motors and part of the profits realized have gone towards the campaign.
  - 33.3 Individuals and friendly business people make standing voluntary subscriptions to the Party.
  - 33.4 Friends from abroad have also offered UNIP assistance. For instance, all the T-shirts, caps and badges were given to us free. Hence UNIP has in turn given them to our followers freely.

**Observers**

34. The role of observers is that of reassuring all the Parties that the elections would, and should, be conducted fairly. This remains an important input albeit the Zambians themselves remain the critical factor in determining and accepting the extent to which the electoral process and the election as a whole will have been free and fair.
35. The presence of the observers is therefore welcome and we wish them successful participation in this important process.

**Conclusion**

36. In conclusion, we wish to point out that the views expressed above constitute UNIP's position on this process. The Electoral Commission retains its own independence under the laws of the Country contrary to the allegations being made by the opposition as can be seen from APPENDIX 3 to this brief.

*Appendix XVIII*

**Letter from President Carter to  
Electoral Commission Chairman Ngulube  
Regarding Release of PVT Results**

*(Editor's Note: Similar letters were sent to the chairmen of the UNIP  
and MMD campaign committees.)*

THE  
CARTER CENTER  
OF EMORY UNIVERSITY



October 30, 1991

To Mathew Ngulube

I am writing to clarify certain aspects of the Z-Vote parallel vote tabulation, which is being used by the Z-Vote delegation to enhance our observation process. It has been developed in full compliance of Zambian law and will be based on information available to all observers present at the counting center. We have fully informed the Electoral Commission of our plans and have not requested special privileges.

We are, of course, aware of potential harm that can be caused by the premature release of partial results. Thus, we will not make public any results obtained from the parallel vote tabulation until we consult with leaders of the political parties and the Electoral Commission.

An effective and credible parallel vote tabulation is in the interest of all Zambians, making it possible for us to confirm the official results of a free and fair election, regardless of who wins.

We appreciate your interest in the parallel vote tabulation. We assure you that we will act in a wholly responsible manner in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jimmy Carter".

Jimmy Carter  
Chairman  
Z-Vote

Appendix XIX

**Zambia Election Results**

**Presidential Results**

October 1991

(Percentage of Total Valid Votes)

<b>PROVINCE</b>	<b>MMD - CHILUBA</b>	<b>UNIP - KAUNDA</b>
Central	75	25
Copperbelt	91	9
Eastern	25	75
Luapula	90	10
Lusaka	76	24
Northern	85	15
North Western	70	30
Southern	85	15
Western	81	19
<b>TOTAL</b>	<b>76</b>	<b>24</b>

**Parliamentary Results**

October 1991

(Percentage of Total Valid Votes)

<b>PROVINCE</b>	<b>MMD</b>	<b>UNIP</b>
Central	73	27
Copperbelt	90	10
Eastern	26	74
Luapula	86	14
Lusaka	77	23
Northern	86	14
North Western	70	30
Southern	84	16
Western	81	20
<b>TOTAL</b>	<b>75</b>	<b>25</b>

Source: Calculated from data in *Zambian Independent Monitoring Team, "Election Report 1991,"* Lusaka, January 1992.

## Appendix XX

**Z-Vote Parallel Vote Tabulation Results**

Table I  
Parallel Vote Tabulation by Province

Province	Sample PTS	PTS Reporting	% Reporting	MMD	UNIP	Spoilt	Turn-out	Con-firm 1	Con-firm 2
Central	32	12	37.5	79.8	17.1	3.1	41.5	12	12
Copper	78	37	47.4	88.3	9.5	2.2	41.3	37	36
Eastern	43	30	69.8	22.9	72.4	4.7	48.9	29	28
Luapaula	24	22	91.7	89.1	9.22	1.7	30.3	20	20
Lusaka	45	42	93.3	73.9	23.5	2.6	51.7	42	42
Northern	39	23	58.8	80.9	15.9	3.1	57.7	19	19
North Western	19	14	73.7	73.1	23.4	3.5	46.2	14	14
Southern	42	31	73.8	82.2	14.8	2.9	41.2	30	30
Western	28	13	46.4	76.4	21.3	2.3	44.6	13	13
<b>TOTAL</b>	<b>350</b>	<b>224</b>	<b>65.8</b>	<b>74.1</b>	<b>23.0</b>	<b>2.9</b>	<b>44.7</b>	<b>216</b>	<b>214</b>

## Appendix XXI

## Z-Vote Parallel Vote Tabulation Incremental Results

Table II

Date-Time	Polling Sites Reporting	MMD Percent	UNIP Percent	Spoilt Percent	Percent of Sample
11/1-7:30	31	68.0	28.4	3.6	12.1
8:05	37	73.2	24.0	2.8	13.0
8:40	44	73.7	23.7	2.6	15.4
9:50	53	73.5	23.9	2.6	18.9
—	77	70.4	26.4	3.2	24.9
15:12	107	71.2	25.5	3.3	32.7
19:07	157	72.7	24.3	3.0	46.9
23:57	199	74.3	22.8	2.9	59.0
11/21-9:45	224	74.1	23.0	2.9	65.8

Estimated Turnout: 44.8 percent

## The Carter Center of Emory University

The Carter Center in Atlanta, Georgia is a non-profit organization founded by former President Jimmy Carter in 1982. In addition to addressing U.S. public policy issues, the Carter Center works to resolve conflict, promote democracy, preserve human rights, improve health, and fight hunger in Africa, Latin America, the Middle East, the former Soviet Union and other parts of the world.

Under President Carter's leadership and anchored by a dynamic affiliation with Emory University, the Center combines scholarly research with outreach programs. Distinguished fellows and associates from Emory work together with President Carter to implement initiatives designed to improve the quality of life. Other world leaders, scholars, and institutions are drawn into the activities of the Center, providing each program with a global perspective. By bringing together these resources in a nonpartisan atmosphere, the Carter Center has become singularly effective in addressing contemporary issues and applying constructive solutions to global problems.

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## **The National Democratic Institute for International Affairs**

The National Democratic Institute for International Affairs (NDI) was established in 1983. By working with political parties and other institutions, NDI seeks to promote, maintain, and strengthen democratic institutions in new and emerging democracies. The Institute is chaired by former Vice President Walter F. Mondale and is headquartered in Washington, D.C.

NDI has conducted democratic development programs in more than 40 countries. Programs focus on six major areas:

*Political Party Training:* NDI conducts multipartisan training seminars in political development with a broad spectrum of democratic parties. NDI draws expert trainers from around the world to forums where members of fledgling parties learn first-hand the techniques of organization, communication and constituent contact.

*Election Processes:* NDI provides technical assistance for political parties and nonpartisan associations to conduct voter and civic education campaigns, and to organize election monitoring programs. The Institute has also organized more than 20 international observer delegations.

*Legislative Training:* In Eastern Europe, Latin American and Africa, NDI has organized legislative seminars focusing on legislative procedures, staffing, research information, constituent services and committee structures.

*Local Government:* Technical assistance on models of city management has been provided to national legislatures and municipal governments in Central and Eastern Europe and the Soviet Union.

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*Civic Education:* NDI supports and advises nonpartisan groups and political parties engaged in civic and voter education programs.

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