

**Final Report**

**THE NOVEMBER 18, 1996  
NATIONAL ELECTIONS IN ZAMBIA**

**A  
POST-ELECTION ASSESSMENT REPORT**

## CONTENTS

List of Abbreviations	i
Executive Summary and Recommendations	ii
I. Introduction	1
II. Background to the 1996 Zambian Elections	2
III. Elections Framework	5
IV. The Campaign and The Contenders	6
V. Political Parties and Election Day Observations	7
VI. Voter Participation and the Voting Results	7
VII. Monitoring the Electoral Process	8
VIII. The Media and the Electoral Process	9
IX. The Inauguration Ceremony and Address	10
X. The Immediate Post-Election Environment	11
XI. Reflections on the 1996 Elections and Implications for Future Democratic Development in Zambia	11
Appendices	

## List of Abbreviations

AZ	Agenda for Zambia
CCC	Committee For A Clean Campaign
CCZ	Christian Council of Zambia
FODEP	Foundation of Democratic Process
NGOCC	Non-Governmental Organizations Coordinating Committee
IMF	International Monetary Fund
LAZ	Law Association of Zambia
LP	Labor Party
LPF	Liberal Progressive Front
MMD	Movement for Multiparty Democracy
NCP	National Congress Party
NP	National Party
PAREMO	Patriotic Rescue Monitors
PAZA	Press Association of Zambia
PPP	Poor Peoples Party
SADC	Southern Africa Development Committee
UNIP	United National Independence Party
USAID	United States Agency for International Development
WL	Womens Lobby
WFC	Women For Change
ZCTU	Zambian Congress of Trade Unions
ZDC	Zambian Democratic Congress
ZIMT	Zambia Independent Monitoring Team

# THE NOVEMBER 18, 1996 NATIONAL ELECTIONS IN ZAMBIA A POST-ELECTION ASSESSMENT REPORT

## Executive Summary and Recommendations

### Summary

On November 18, 1996, Zambia held its second multiparty elections since the end of one-party rule in 1991. The Movement for Multiparty Democracy (MMD) won 131 of 150 parliamentary seats and the MMD leader, Frederick Chiluba, won over 85 percent of the vote for the presidency. The United National Independence Party (UNIP, the main opposition party) and seven other political parties boycotted the elections claiming widespread fraud, manipulation of the voters lists and the systematic exclusion of the main opposition candidate from the presidential race.

From November 22 to December 2, 1996, the National Democratic Institute for International Affairs (NDI) conducted a post-election assessment mission to Zambia, holding meetings in Lusaka with key political and civic leaders from across the country. NDI hoped to determine if new areas of concern for the democratization process had arisen, to identify areas to consider for future international assistance, and to review the Zambian situation in comparison with political developments elsewhere on the continent of Africa.

Because of the UNIP boycott and increasing voter apathy, apparent even before the boycott announcement, no single view exists on how to interpret voter participation figures for the November elections. The Zambian population is estimated to be between 8 and 8.5 million people. The number of eligible voters was estimated to be 4.5 million by the Zambian Elections Commission in 1995. The number of Zambians registered under the NIKUV system<sup>1</sup> for the 1996 November elections totaled 2.1 million compared to a little over 2.3 million voters in 1991. During the election period, more than 1.3 million votes were cast at 4,600 different polling stations throughout the country and 1.13 million were accepted as being valid. Voter participation therefore was determined to have been around 50 percent of the registered voters and approximately 25 percent of the total eligible voting populace.

Zambia was once heralded as a model for democratic transition in Africa as a result of its 1991 elections, especially because of the peaceful transition in government that followed. The 1996 campaign and election results, however, have reflected the complexities and contradictions associated with democratic development elsewhere on the African continent. Although the election results suggest that the MMD has a strong national following and probably could have won in an open and fair contest with UNIP, during the 1996 campaign season, the MMD government acted in a number of ways that seriously compromised the likelihood that the election could be free or fair.

These actions included: the adoption of controversial constitutional reforms a few months before the elections (May 1996) that effectively eliminated major opposition candidates; electoral reform which led to the establishment of a new electoral commission only three weeks before the elections; the adoption of a statute that prevents challenges to the identity (or citizenship) of presidential candidates from being considered by the courts until 14 days after the election; restrictions on the freedom of assembly and association through the existence of a "public order act" that impacted negatively on political parties' ability

---

<sup>1</sup> A foreign firm, NIKUV Computers of Israel, was retained in November 1995 under a contract by the Zambian government to update the Zambian voter registration lists.

to get their message out to the public; biased press coverage including the media's refusal to run paid advertisements by the opposition; and political repression of selected political and civic opposition leaders.

Serious concern also centered around the continuing "blurred" distinction between the ruling party and the state, including the expansion of the paramilitary police with recruits from the ranks of MMD supporters; and the inability of numerous political parties to gain access to the final voters list. In addition, a number of other allegations, if proved, would suggest that the elections were anything but free and fair. Such allegations include: the issuing of duplicate National Registration Cards to some voters, vote buying, registration of underage voters, and the omission of other eligible voters from the voter rolls.

The immediate post-election conduct of the ruling party has been marked by repressive activities against civic organizations that issued statements declaring the elections were neither free nor fair and did not meet internationally accepted standards. In addition, the President has issued warnings to the media not to "stir up trouble."

Swift detention of selected NGO leaders, raiding of offices, freezing of bank accounts and charges of receiving money from a foreign government without presidential approval were characteristic actions by the MMD government initiated immediately following President Chiluba's inaugural address wherein he said he would not tolerate interference by foreign supported nongovernmental organizations. A number of opposition political party leaders have also been harassed and/or threatened with arrest or deportation. These actions were followed immediately by the dissolution of the cabinet and the president's statement that he would run the country with the assistance of the military and civil servants. While this a state of affairs lasted only a few days, Chiluba's statement initially raised fears among many in the opposition that a palace coup had occurred. Finally, because a military alert continued beyond the dates of the election period, rumors of an attempted coup d'etat have become a constant in the current political atmosphere.

Zambia's political landscape has become increasingly fragmented and now suffers from new divisions that in the past were not as significant as those in other countries in the region or elsewhere on the continent. Issues of ethnicity and race have taken on new life, and the dilemma of "who is a Zambian" has emerged as a tool of political repression used often by the ruling party. It is also an issue used by the opposition who claim that President Chiluba was born in Zaire and that Frederick Chiluba is not his real name. Challenges to his citizenship status were raised but rejected by the courts because they could only be raised legally 14 days after the President had been elected. Massive unemployment and growing impoverishment of the population could also lead to instability, as promised growth and development have not yet arrived for the average Zambian.

The basic premise of this report is that during Zambia's all important second election, a free, fair and acceptable election process was not realized because an irregular and uneven "playing field" was imposed and maintained by the MMD government a number of months before the actual election date. The ruling party's response to many of the obvious shortcomings of the electoral process holds serious implications for the future of democratic development in Zambia. Many of those shortcomings were pointed out by opposition political parties and civic leaders, some of whom were key organizers of the original Movement for Multiparty Democracy.

The results of the November 1996 election and the flawed process leading up to it reveal at least five key implications which undoubtedly will have an impact on future democratic development in Zambia. They are:

1. The enormous social and economic problems confronting Zambia cannot be addressed without cooperation among the important political groups in the country; if not addressed, these problems could halt any progress made to date toward democratic consolidation in Zambia.
2. The blurred distinction between the state and the party in the use of public resources, especially the government controlled media, makes the political playing field so uneven that the opposition will continue to find it difficult to challenge the MMD.
3. The level of organization among the opposition political parties in Zambia is discouraging; if democratic development is to succeed, there must exist a strong opposition capable of challenging the ruling party and forming a government, if elected.
4. The actions of the MMD in 1995 and since the 1996 elections indicate clearly that there will be less tolerance or space for political dissent in the country; this will create conditions where extra legal options are likely to be considered by some political groups.
5. The ability of donor countries or SADC to influence developments or to hold in check the anti-democratic tendencies prevalent among the MMD leadership calls into question conditionalities associated with foreign assistance and the role of regional organizations with respect to democratic consolidation in member states.

The NDI post-election assessment mission found among the political opposition and civil society leaders a clear concern that the Zambian democratic process is at a dangerous crossroads. Most believe that the seeds of an emerging authoritarianism may inadvertently have been planted during the process of challenging the undemocratic one-party rule of UNIP. It is obvious that Zambia today is a *de facto* one-party state where the struggle for power is rife with corruption as well as a general disregard for the democratic yearnings of the average citizen. If external "prodding" is not forthcoming to complement internal challenges, the country may be in for another long period of depolitization, repressive manipulation and authoritarian rule.

The MMD's view, however, is that there has been external interference into Zambia's internal affairs and the Zambian democratic process is on a firm foundation that should be supported by donor countries--especially because the MMD government has not veered away from implementation of the politically unpopular structural adjustment program at a time when it could have to assure itself of re-election.

A few interlocutors expressed the belief that the opposition parties that participated in the elections confirm the MMD's view, despite those parties' pronouncements once the elections were concluded. Whatever is the whole truth, it is apparent that the consolidation of democracy in Zambia is far from a foregone conclusion. In fact, the process may well be in reverse.

### Recommendations

1. NDI should continue to monitor the situation in Zambia and register its concerns about the repression of civil society organizations with which the Institute has worked in the past directly to the MMD government.

2. NDI should provide USAID/Zambia with its thoughts regarding future governance and democracy options, based on the Institute's more than six years of experience in the country.
3. NDI should contact The Carter Center to organize a dialogue on current developments in Zambia, given the roles the two institutions played in the 1991 struggle for the multiparty option;
4. Zambia should be used as a model by NDI to examine the process of deciding when to leave a country and whether or not to return.
5. NDI should not return to Zambia now or in the immediate future. However, criteria for determining whether and/or how best to return, if requested, ought to be developed.
6. A more thorough assessment mission should be undertaken to determine areas for possible assistance if it is determined that NDI will return to Zambia at some point in the future.
7. The President of NDI or the NDI Southern Africa Regional Director should communicate with the new U.S. Ambassador to Zambia as a follow-up to the meeting held at NDI offices in Washington, D.C.
8. NDI should pay close attention to the proposed assessment of USAID/Zambia's implementation of its democracy assistance program by Carothers and Ottaway.
9. NDI may want to consider, as part of its developing evaluation program, analyzing the relationship in Zambia between the program of economic restructuring and the political liberalization process, especially the constraints to democratization posed by the former on the latter.

## I. INTRODUCTION

The November 18, 1996, elections allowed Zambians the opportunity to vote for president in only the second multiparty elections since the end of one-party rule in 1991. The Movement for Multiparty Democracy (MMD) won an overwhelming majority of parliamentary seats, 131 of 150, and the MMD's leader, Frederick Chiluba, won over 85 percent of the popular vote for the presidency. National Independence Party (UNIP), the major opposition party, and seven other parties boycotted the elections claiming widespread fraud, manipulation of the voters lists and the systematic exclusion of the main opposition candidate from being able to compete.

From November 22 to December 2, 1996, the National Democratic Institute for International Affairs (NDI) conducted a post-election assessment mission to Zambia to determine whether new areas of concern for the democratization process had arisen, to identify areas that might be appropriate to consider for future international assistance, to review the Zambian situation as compared to other developments elsewhere on the continent of Africa, and to assess the 1996 election results and their impact on the unfolding democratization process in Zambia. Keith Jennings, former NDI field representative conducted the mission between November 22 and December 2, holding meetings in Lusaka with key political and civic leaders from across the country as well as follow-up conversations by telephone and e-mail.

The scope of the mission and Jennings' pre-existing contacts with Zambians allowed NDI the flexibility to discuss the election, its results and their meaning with a broad range of political actors including political party leaders, civic organization executives, government officials, journalists and members of the

diplomatic corps.

During the mission, Jennings met with the Minister of Finance; the Zambian Ambassador to the United States; the MMD Committee Member and Copperbelt Provincial Chairman; the MMD Elections Officer; officials at the Elections Commission; the President, Secretary General, Deputy Secretary General, and Administrative Secretary of UNIP; the President of the Liberal Progressive Front; the President of the Agenda for Zambia; the Vice President of the National Party; the Vice President of the Zambian Democratic Party; the Executive Director of FODEP; the Executive Director of ZIMT; the Executive Director and several board members of the NGOCC; the Assistant Director and Board Chair of Women for Change; the Executive Director of the Women's Lobby; the President and Secretary General of the Zambian Students' Union; the Executive Director of the Catholic Peace and Justice Committee; the Chair of the Committee for a Clean Campaign and selected members of the diplomatic corps.

Before leaving for Zambia, Jennings held discussions with NDI President Kenneth Wollack and with the newly appointed U.S. Ambassador to Zambia and, once in Johannesburg, South Africa, with NDI Southern Africa Regional Director Patricia Keefer. The mission occurred just two days after the final vote count was announced and President Chiluba's swearing-in ceremony was held. In fact, Jennings arrived at the very moment when security forces were raiding the offices of several civil society organizations.

In addition to interviews conducted and meetings held, this report also relies upon the findings of the main Zambian domestic monitoring agencies with which NDI had pre-existing relationships. These agencies included, FODEP, ZIMT and the CCC.

## II. BACKGROUND TO THE 1996 ZAMBIAN ELECTIONS

The 1991 elections in Zambia were hailed as a watershed event for democratic development on the African continent. Zambia was heralded as a model for democratic transition in Africa as a result of the elections and the peaceful change of government from the authoritarian one-party rule of five-time president Dr. Kenneth Kaunda, head of the UNIP party, to rule by the Movement for Multiparty Democracy, headed by Frederick Chiluba. The MMD in 1991 had promised change, a liberalized economy and political system. The party had denounced the heavy handed polices of the Kaunda regime including the constant state of emergency, the lack of distinction between UNIP and the State, and lack of protection for human rights.

In the referendum-like October 1991 elections, the MMD won 126 of 150 seats in parliament and its presidential candidate, Frederick Chiluba, received 76 percent of the popular vote for president. After the election, the MMD instituted the most vigorous structural adjustment program on the African continent. As a result of the 1991 elections, Zambia was able to receive close to \$1 billion annually from donor countries and multilateral financial institutions, principally the World Bank and the IMF. This amounted to close to 70 percent of the country's gross domestic product.

The economic situation, however, had not improved for the majority of Zambians. In fact, many were worse off than they were during the late 1980s. The MMD government had implemented a structural adjustment program that had adversely affected the living standards of most Zambians. Moreover, the agricultural sector suffered due to neglect and the ongoing drought in most of the provinces of the country. The growing impoverishment and expanding unemployment and underemployment led to what was perceived to be a very hostile electorate.



In the run-up to the 1996 elections, the vice president of UNIP and several of the party's central committee members were arrested, charged with treason and accused of involvement in an allegedly existing anti-reform organization, the "Black Mamba." According to press reports, members of the Black Mamba were bent on a campaign of violence to prevent the enactment of then proposed constitutional reforms. Their arrest and the refusal of the MMD to initiate or participate in an all-party dialogue on the issues led to an acute political impasse, including threats of an election boycott by major opposition parties. It was not until September 27, 1996 that the state closed its case against the defendants. On November 1, 1996, all were acquitted of treason and murder charges because of the lack of any evidence to link them to the so-called Black Mamba.

The contention surrounding the 1996 elections is attributed primarily to the May 1996 constitutional amendments. The constitutional reforms had been vigorously challenged by opposition parties, civic associations, human rights and women's groups. In fact, civil society organizations organized in December 1995 a week-long Citizens' Convention to consider the proposed changes and mode of adoption. Their views, termed the "Green Paper," were forwarded to government and promptly ignored. Civic leaders were upset not only by the content of the proposed changes but also by the proposed mode of adoption. The MMD wanted the MMD dominated parliament to amend the constitution, while the Citizens' Convention advocated a constituent assembly to be the mode of adoption, as recommended by the constitutional commission.

One of the most critical constitutional amendments ruled that only second generation Zambians could contest for the presidency. Article 34 of the Constitutional Amendment Act states that a person would be qualified to be a candidate for the presidency if he/she met the following criteria: (1) he is a Zambian Citizen; (2) both his parents are Zambian by birth; (3) he has attained the age of 35 years; (4) he is a member of, or sponsored by, a political party; and (5) he is qualified to be elected as a member of the National Assembly.

The amendments, which were passed by the MMD dominated parliament, also declared Zambia to be a Christian nation and required chiefs to relinquish their traditional roles if they wished to be active in public politics. UNIP's president, Dr. Kaunda, was affected by the citizenship clause and by another clause stipulating that a presidential candidate can be elected to office only twice. UNIP's vice president, Senior Chief Inyambo Yeta, was affected by the traditional ruler clause which states that "A person shall not while remaining a chief join or participate in partisan politics." UNIP thus believed that the MMD's recommended changes had been specifically aimed at prohibiting their leadership from challenging the governing party during the 1996 elections.

The three most contentious political issues that remained unresolved in the run-up to the November 1996 elections can be summarized as follows:

*A. The Constitution of Zambia Amendment Act of 1996.*

The return of Kenneth Kaunda to active politics and to the UNIP presidency was a major political development in Zambian politics. Kaunda's return and the untimely deaths of Baldwin Nkubula and Kebby Masokatwane meant that the main candidates for the presidency of the country would once again be Chiluba and Kaunda.

The Constitution of Zambia Act was passed by the MMD dominated parliament during a walkout by the opposition on May 22, 1996 after its second reading. It was signed into law a few days later at a

ceremony at State House, just after President Chiluba had assured several Nordic ambassadors that he would not sign the Act. The Act provides for classifications of Zambians and prevents any "second generation" Zambian from seeking election to the highest office. As pointed out by Human Rights Watch/Africa, "the requirement that not only the candidate, but the candidate's parents be born in the country was viewed as being extreme and unreasonable" especially given Zambia's colonial history and unique state formation process. The opposition therefore believed that the Presidential Qualification Clause in the Act rendered any electoral process unfair. The Act also allowed a presidential candidate to be declared duly elected if there were no contenders.

### *B. The Public Order Amendment Act of 1996.*

The Act and its selective enforcement disadvantaged opposition political parties. The Act required 14 days' notice for a permit to hold any public meeting or rally. Yet, it was widely understood that the requirement did not apply to MMD party activists and officials. The efforts of opposition political parties to get their message out and to have contact with the public were circumscribed by the Act, thereby tilting the political playing field in favor of the ruling party. One of the key principles of free and fair elections--i.e., the ability of political parties to get their message to potential supporters--was impaired.

In effect, the Public Order Amendment Act placed an undue burden on the exercise of freedom of association, assembly and speech. UNIP challenged the constitutionality of the Act in court after its president had been arrested for violation of the Act and threatened with deportation. The high court concurred, citing the law as unconstitutional; however, after a short period wherein civic organizations made use of the new freedoms, the MMD government initiated an amendment in Parliament that would re-establish the Act. Upon learning of this, the opposition walked out of the session. The MMD dominated parliament went ahead during the walkout and extended the time period for notice for a permit for public assembly from the original seven to 14 days' notice. The Amendment in part stated, "Any person intending to assemble or to convene a public meeting, procession or demonstration shall notify the police in writing of such intent fourteen days before the meeting."

### *C. Voter Registration*

The MMD government's contract with a foreign firm, NIKUV Computers of Israel, at a cost of \$18.7 million to update the Zambian voter registration lists (an essential government function) was opposed by almost all opposition groups and civil society agencies. The original contract was signed for \$ 6.8 million in November 1995 between NIKUV and the MMD government represented by its Defense Minister, Ben Mwila. According to the government, the contract was granted to NIKUV because the organization was the only bidder capable of preparing the voter lists in time for local elections.

Conflicting stories regarding the contract with NIKUV Computers were also a source of discord, prompting calls for the elections to be delayed, for use of the 1991 voter register as the basis for the 1996 elections, for an independent electoral commission, and for a continuous registration process in the future.

The MMD government continued the NIKUV contract despite the fact that both the Zambian High Court and the Supreme Court viewed the exercise and the contract as unconstitutional. The courts questioned both the tender process and NIKUV's employment of registration officers--a constitutionally defined governmental function of the Elections Commission.

Public confidence in the process was seriously undermined by a number of issues including: court challenges, the semi-secret operating methods of NIKUV, fading voter cards that were supposed to last for 15 years, and the registration of underage voters. Finally, it was not clear who was in charge of determining the eligibility of voters whose cards had faded or been lost--i.e., NIKUV or the Elections Commission.

Serious differences of opinion and a lack of political will on the part of some of the key political actors precluded meaningful dialogue or compromise on the major points of contention. Instead, the political parties talked to each other through the media or on the street, often in brutal language. The lack of dialogue was particularly discouraging to most observers because, at a critical point in 1991, dialogue between the MMD and UNIP kept Zambia peaceful during the electoral season. Traditional leaders, religious leaders and trade union officials all made pleas, to no avail, for interparty talks to occur. The failure of interparty dialogue may well be considered one of the most important setbacks for the democratic consolidation process in Zambia.

### III. ELECTIONS FRAMEWORK

Zambia's electoral framework is governed by the Electoral Act and the process is administered by the Electoral Commission which, until recently, was connected to the Office of the Vice President. Under the Electoral Act, registration of an individual as a voter requires the production of a National Registration Card. Upon registration, a citizen is given a voter's card which must be shown on the day of the elections. A voter who loses his/her card must get a "voter's certificate" in order to vote.

The appointed Electoral Commission is responsible for the overall conduct of elections. The Commission is an officially autonomous body whose members are appointed by the President. The Commission is assisted by an Election Directorate, a body of civil servants whose responsibilities include carrying out the Commission's decisions and implementing its regulations. Practical tasks include preparation and distribution of ballot boxes, delimitation of constituency boundaries, training of presiding officers, and actual registration of voters. In the past (during both the Second and Third Republics) the Commission and the Election Directorate have been criticized for various reasons, among them: inadequate resources; poor logistics, i.e., poor networks in remote areas, poor communications systems, and lack of adequate transport; lack of confidence on the part of the electorate; lack of independence from the ruling party.

The November 18, 1996 election date was announced by President Chiluba on October 18, 1996 at an MMD party rally in the Copperbelt Province, a stronghold of the MMD. The one-month notice was discounted by some because most parties had already been campaigning; but it shocked many others, including most opposition leaders, because in addition to the constitutional concerns, the Public Order Amendment Act, and the NIKUV voter registration system, many had unresolved concerns about the electoral process in general.

#### *A. An Independent Electoral Commission*

In September 1996, the National Assembly enacted a law which paved the way for the creation of an "Independent Electoral Commission." Names of Commissioners were also ratified by Parliament.

Nevertheless, the Commission's impartiality was questioned. One commissioner admitted to being an MMD supporter. Many also felt that Judge Bwalya's refusal to hold serious discussions about the electoral crisis in Zambia with South African President Nelson Mandela's representative, the renowned Judge Richard Goldstone, failed to inspire public confidence in the "independence" of the Commission.

#### *B. Access to the Final Voters Roll*

Access to the final voter list cost 11 million Kwacha (US\$9,500), thereby rendering it inaccessible to almost all the political parties. When one copy was purchased by FODEP so that the political parties could have access, the payment had to be made to NIKUV, not to the Elections Commission. In the past, access to the list had cost as little as K500. Most opposition political parties pointed to this as a maneuver by the ruling party to limit access to registered voters and/or to "hide planned rigging."

#### *C. Access to the Public Owned Media*

Access to the public owned media was curtailed by strict government directives not to broadcast any UNIP advertisement associated with an election boycott. Observers documented the almost unimpeded access to the media enjoyed by the MMD and its candidates in contrast to the lack of coverage and limited access experienced by most opposition parties. In fact, paid advertisements were refused and at least one journalist was suspended for announcing UNIP's boycott of the 1996 national elections as a major news item.

### **IV. THE CAMPAIGN AND THE CONTENDERS**

The new Zambian Electoral Commission, which was announced at the MMD's Copperbelt rally on October 18 and sworn in on October 22, announced on that same day that they were ready to conduct presidential and parliamentary elections nationwide.

For presidential candidates, the nomination period was set for October 25-28, 1996. Nominations for parliamentary seats were set for October 28, 1996. This left only a two-and-one-half-week window of opportunity for campaigning. It should be noted that many of the larger parties had been campaigning for some time and may not have been affected by the short period. Most opposition parties, however, were restricted by the advance notice requirement of the Public Order Act, even though the notification time for public meetings had been reduced to the original seven days from the higher 14-day notice when the Act was ruled unconstitutional.

The campaign was characterized by debate about many unresolved issues and a lack of dialogue during the pre-election period. Policy differences tended to be secondary to concerns about personality or citizenship status. Most campaigning was through public rallies, grassroots outreach and press conferences.

On October 23, 1996 (one day before Zambian Independence Day), UNIP announced that it would not participate in the elections because there had been no resolution regarding the "discriminatory Constitution and fraudulent electoral process." UNIP further cited 11 reasons why it was not participating. Among the most prominent of these was the view that NIKUV Computers of Israel and the Government of Zambia had mismanaged the entire registration exercise with the result that, of the 4.6 million eligible voters, only 2.2 million had been registered with less than 900,000 having received their voter cards by the end of the process.

The National Party (NP), the Zambian Democratic Congress (ZDC), the Agenda for Zambia (AZ) and the Movement for Democratic Process all fielded presidential candidates. The ZDC leader, Dean Mung'omba, said that, since the new Constitution was law and Parliament had been dissolved, his party was ready to take part in the polls. The NP also refused to be constrained by the opposition alliance's boycott option. NP President Humphrey Mulemba sent mixed messages regarding his opinion about whether the elections could be conducted in a nonpartisan manner; however, he did sanction the nomination and participation of National Party candidates. AZ presidential candidate Aka Lewanika said that the entire process was fraudulent but that it was equally important that vital public policy concerns consequential to the country's future be communicated and debated by a credible opposition.

The MMD fielded 150 parliamentary candidates; the ZDC fielded 142; the NP, 99; the National Lima Party and Agenda for Zambia, 80 and 11 respectively; the National Congress, Real Democratic Party, Movement for Democratic Process and Poor Peoples' Party had a total of eight candidates. Ninety-six candidates stood as independents.

## V. POLITICAL PARTIES AND ELECTION DAY ACTIVITIES

By all accounts--including those by opposition parties that participated, opposition parties that boycotted, domestic monitors and diplomatic observers--election day was one of the most peaceful days Zambians have had in recent memory. There were differences of opinion, however, as to why this was the case. The opposition claimed it was because they appealed extensively to their supporters to stay calm and to protest by boycotting the elections. The government said that the day's peaceful proceedings confirmed the public's rejection of the opposition boycott and attempts to incite violence. The 1996 elections, according to observers, were the first in Zambia to be manned so heavily by armed personnel.

Most political parties were unable to have party agents at all 4,600 polling sites. They depended heavily, therefore, upon reports from official sources or from the monitoring agencies. The monitoring groups noted a number of irregularities such as late opening of several polling areas, duplicate voter registration cards, the disappearance of a few ballot boxes, and some harassment and intimidation.

## VI. VOTER PARTICIPATION AND THE VOTING RESULTS

To prepare for the 1996 elections, the Zambian government awarded an electoral registration contract to NIKUV Computers of Israel, on a bid of \$18.9 million. Justifying the contract in a speech in September 1995, Defense Minister Ben Mwila, who had signed the contract on behalf of the government, said that an American firm had offered to do the job at \$27 million, while a British company made a bid of \$22 million. The facts were other than Mwila had stated. The NIKUV bid was the highest one made. The decision to award the contract to NIKUV, according to a public government statement, was in the interest of having the voter rolls ready in time for local government elections that the President had postponed in November 1995.

Voter registration of Zambian citizens for the 1996 elections originally was set to take place between December 1995 and March 1996. Registration was extended three times subsequent to the original dates thereby providing a three-month period to register.

At the conclusion of the registration period, a provisional voter list was prepared by NIKUV. The list was considered to be seriously flawed. For instance, in August 1996, 30,000 names were reported to have been omitted from the provisional voter lists in Eastern Province, the UNIP stronghold. In August, the Luangwa district provincial register recorded more than 3,000 extra names. NIKUV admitted in September 1996 that 52,703 duplicate National Registration Cards had been entered into their data base. By September 13, 1996, there were 2,162,907 registrations and 1,348,616 people had collected their cards. These discrepancies caused opposition parties to question the integrity of the process.

According to the Elections Commission 1,190,025 votes were cast and 1,138,570 were valid. The MMD won 131 of the 150 seats in the national assembly. Ten independent candidates won seats in Parliament as well (of the 10, eight were former MMD members). The opposition parties that participated in the election won a total of nine seats combined (NP, 5; AZ, 2; and ZDC, 2).

---

***NATIONAL TOTALS FOR PRESIDENTIAL CANDIDATES***

CANDIDATE	VOTES RECEIVED	% CAST	% REGIS.
Chakomboka, Chama (MDP)	41,471	3.13	1.83
Chiluba, Frederick (MMD)	913,770	68.96	40.30
Mbikusita, Lewanika (AZ)	59,250	4.47	2.61
Mulemba, Humphrey (NP)	83,875	6.33	3.70
Mung'omba, Dean (ZDC)	160,439	12.11	7.08

---

**VII. MONITORING THE ELECTORAL PROCESS**

Monitoring Zambia's 1996 elections proved to be very a different experience than monitoring the 1991 elections. In 1991, two main domestic groups, the Zambia Independent Monitoring Team (ZIMT) and the Zambian Election Monitoring Coordinating Committee (ZEMCC), monitored the elections. In addition, monitoring teams representing the Commonwealth and the Organization of African Unity (OAU), and a joint team organized by The Carter Center and the National Democratic Institute for International Affairs were all present.

For the November 1996 Zambian elections, the following international organizations either refused or were not invited to send monitors: the Commonwealth States; the European Union; The Carter Center; the

National Democratic Institute for International Affairs; the West European African Institute; and Southern African Development Committee. The United Nations (UN) did send two observers and the Organization of African Unity (OAU) sent four observers. Neither the UN nor the OAU commented on the election results.

Because of the international community's lack of interest in monitoring the elections and the MMD government's skepticism of some international agencies (despite of their 1991 roles certifying the elections as being free and fair), greater responsibility and attention fell on the shoulders of domestic monitoring agencies. The main domestic monitors were the Foundation for Democratic Process (FODEP) and the Zambian Independent Monitoring Team (ZIMT) along with the major NGO coalition involved in ensuring a peaceful process, the Committee for a Clean Campaign (CCC). All of these groups were familiar with the internationally accepted view that the main purposes of independent monitoring operations is to guarantee the integrity of the election process.

At the conclusion of the November election, all of these groups ruled the election to be unfree and unfair, or as not having met internationally accepted standards. Other newly formed monitoring groups issued statements contradicting those of the major bodies. One group, the Patriotic Rescue Monitors, (PAREMO) said that the elections were free and fair based solely on the fact that election day was peaceful. The Christian Council of Zambia (CCZ) also issued a statement saying that the elections were free and fair. Shortly thereafter, some of the religious leaders who had been invited as CCZ monitors contradicted the statement saying that they had visited only 10 polling areas in Lusaka and were not therefore in a position to declare the entire election free and fair.

The major monitors responded by stating that the electoral process and impartial electoral administration do not begin on election day and, thus, it is imperative that the entire process be evaluated critically.

## VIII. THE MEDIA AND THE ELECTORAL PROCESS

The generally accepted role of the media in a democratic society is to inform and educate, to serve as a watchdog over government and to promote public debate. These functions are extremely important during the electoral season.

The media's role is very crucial during election campaigns, when few voters will have the opportunity to see much less talk with candidates in person. Instead, they must rely on newspapers, radio and television to explain the issues and characterize the respective positions of candidates and their political parties.

First, citizens need information to make intelligent decisions about public policy. People need accurate, timely, unbiased information. Since opinions differ, people also need access to a wide range of viewpoints. Second, by holding to a standard of independence and objectivity, however imperfectly, the news media can expose the truth behind government claims and hold public officials accountable for their actions.

In the Zambian case, the ruling party, the MMD, had spoken consistently through its Ministry of Information about freedom of the press and the principle of freedom of expression comparing the present with the days of the Second Republic under the UNIP government. In practice, however, as Human Rights Watch/Africa observed, MMD officials waged a campaign to undermine that independence and to censor the publicly owned press.

During the 1996 election process, repression of the independent media--in particular, *The Post* newspaper--was classic. *The Post* was the target of illegal telephone tapping by the police; three of its editors were charged with receiving and publishing classified information; and two editors and one columnist were held in contempt of Parliament and sentenced *in absentia* to prison for an indefinite period. When then National Party MP Aka Lewanika dissociated himself from the actions of the Zambian Parliament's Standing Orders Committee and defended the democratic rights of the editors, he was expelled from Parliament.

During the campaign, the government owned media seemed to be predisposed to suppressing reports of events that were troublesome or embarrassing for the ruling party, including the boycott by the major opposition party. In addition, according to observers, the rallies of opposition parties were not covered to the same degree as the activities of government ministers who, clearly, were out campaigning. An atmosphere of self censorship existed among a good number of journalists. Ben Kanga, one of the most respected journalists in Zambia, was temporarily suspended from ZNBC for running a UNIP advertisement explaining the party's position on why it was boycotting the elections.

## IX. THE INAUGURATION CEREMONY AND ADDRESS

President Chiluba was inaugurated for his second term on November 21 at the Supreme Court in Lusaka. The swearing-in ceremony was conducted by Chief Justice Matthew Ngulube at one o'clock in the afternoon, the exact time that symbolizes the MMD slogan, "The hour has come." The Chief Justice announced that out of the 1,190,025 votes cast, 1,138,570 were valid. Chiluba received 835,537 against his closest rival, Mung'omba (ZDC), who polled 144,366.

The audience attending the ceremony were largely MMD members and supporters, members of the diplomatic corps, selected civil servants, the press and members of the armed forces. The event was perceived by observers as a "party affair" rather than a national event. The only election monitoring group in attendance was the pro-government Patriotic Rescue Monitors (PAREMO). In fact, no opposition leaders attended the ceremony and, unlike in 1991, a heavy military presence was felt as the Zambian armed forces remained on alert.

In his inaugural address, Chiluba warned Zambia neighbors that his new government would not tolerate unnecessary interference. He said that Zambia cherished good relations with other countries in the region but that did not mean allowing the country to be treated with contempt. He further stated that Zambia had always respected the sovereignty of its neighbors and the gesture needed to be reciprocated.

The President also castigated nongovernmental organizations for their apparent anti-government stance. He said, "Let us have genuine and indigenous NGO's. We love freedom of expression and freedom of speech and we will promote NGOs, but they have to be genuine in their operations." He continued by stating that, as much as government appreciated the role of NGOs, these groups should not overstep their limits because his government would not accept a situation where those organizations appeared to be instructing authorities. "We will not tolerate any invitation from NGOs to discuss by-gones. My resolve is to be firm but fair. I am in control and my government has a duty to maintain law and order. We will deal with all trouble makers."

The President's address also scoffed at suggestions that the elections were rigged. He said, "I lost two ministers and some deputy ministers in the polls and, if the elections were not free and fair, I do not know



how they could have been better." With respect to the opposition, Chiluba said that there is need for there to be dialogue with opposition parties and that the MMD government would intensify the process for the good of the nation. "Without dialogue, democracy is at stake and it cannot succeed. I invite my colleagues in all parties to come and dialogue with me. Even parties that exist for the sake of statistics are welcome to dialogue," he said.

Chiluba thanked his opponents for participating in the contest and the electorate for casting their votes, saying that this confirmed the existence of democracy in Zambia. He also thanked Zambians for the violence-free elections, noting that the good turnout at the polls symbolized unity among Zambians. He also promised, in an attempt to relieve the concerns of donor countries and agencies, to ensure that investigative wings including the Anti-Corruption Commission and Drug Enforcement Commission remained free to exercise their duties. In addition, he said that the Electoral Commission and related wings would operate without interference.

## **X. THE IMMEDIATE POST-ELECTION ENVIRONMENT**

The immediate post-election conduct of the ruling party has been marked by repressive activities against civil society organizations that issued statements saying that the elections were neither free nor fair. The detention and arrest of selected NGO leaders, the raiding of offices, and the freezing of bank accounts have been characteristic of this conduct. A number of opposition political party leaders have also been threatened with arrest. This was followed closely by the dissolution of the cabinet and the President's statement that he would run the country with the assistance of the military and civil servants, all of which raised fears among many in the opposition that a palace coup had occurred.

The idea that a donor plot existed to discredit the MMD's victory hurt the landslide victors' foreign image and bilateral relations. Currently, a new push is underway to repair the damage. The unfolding democratic political process in Zambia is likely to be constrained.

The November election further fragmented Zambia's political landscape which already suffered from new divisions that in the past were not as significant as those in other countries within the region or on the continent. Issues of ethnicity and race have taken on new life, and the dilemma of "who is a Zambian" has emerged as a tool of political repression used often by the ruling party.

## **XI. REFLECTIONS ON THE 1996 ELECTIONS AND IMPLICATIONS FOR FUTURE DEMOCRATIC DEVELOPMENT IN ZAMBIA**

The November 1996 election process and results hold at least five key implications for future democratic development in Zambia.

First, the enormous social and economic problems confronting Zambia cannot be addressed without cooperation among the important political groups in the country. If these problems are not addressed, any progress made toward democratic consolidation in Zambia could halt. Foreign assistance has been declining and is likely to continue to do so as donors begin to set priorities in the southern Africa region and to focus on countries such as South Africa and Angola.

Second, the blurred distinction between the state and the party in the use of public resources, especially the government controlled media, makes the political playing field so uneven that opposition parties and civic organizations will continue to find it difficult to challenge the MMD government on essential public policy issues.

Third, the level of organization among the opposition political parties in Zambia is discouraging when one considers the precept that, for the liberal democratic project to work, a strong opposition capable of challenging the ruling party and of forming government, if elected, ought to exist.

Fourth, based on the actions of the MMD in the 1995-6 period and since the 1996 Elections, it is clear that there will be less tolerance or space for political dissent in the country, thereby creating conditions where extra-legal options will more than likely be considered by some political groups. The immediate post-election conduct of the ruling party has already been marked by repressive actions by State security agencies against civic organizations that merely issued statements declaring the elections neither free nor fair nor meeting internationally accepted standards. Such action by the MMD government suggests that not much time was spent enjoying a landslide victory.

Fifth, the ability of the donor countries or SADC to influence developments in Zambia or to hold in check the anti-democratic tendencies prevalent among MMD leadership calls into question the use of conditionalities associated with foreign assistance and the role of regional organizations with respect to democratic consolidation in member states. At the same time, the question must be raised: Are there some actions by foreign governments that go too far when it comes to assistance for democratic development? Or, is it possible that conditionalities work only when the leaders of the recipient country believes that they can be disciplined in some manner?

The November elections raise several other important questions for those providing democracy assistance. Primary among them are the following:

- What should institutions dedicated to democratic development do when the political party claiming to be ushering in the new era of democratic dispensation establishes undemocratic rule?
- How should donors respond when the policy of economic restructuring is proceeding along the lines agreed upon, however, the process of political liberalization has stalled or even gone into reverse?
- What may be legitimate points of engagement with a governing party even if the democratic process is stymied by its anti-democratic practices?

In conclusion, it must be noted that NDI's post-election assessment mission found a clear concern among the opposition and civil society leaders that the Zambian democratic process is at a dangerous crossroads. Most believe that the seeds of the emerging authoritarianism may inadvertently have been planted during the process of challenging the undemocratic one-party rule of UNIP and have grown through the form of presidentialism practiced by the MMD government.

It is obvious that Zambia today is a *de facto* one-party state, and the struggle for political power waged by the country's elites is rife with corruption as well as a general disregard for the democratic yearnings of the average citizen. Because of this, most donors face a policy dilemma. If they withdraw

support from the MMD government, what is likely to happen at a time when Zambia is presenting itself as the leader of a new front line, one that keeps the chaos of west and central Africa from coming south? Moreover, where is the alternative to the MMD? If, on the other hand, donors continue to support the ruling party and ignore its obvious anti-democratic behavior, will they have rendered themselves ineffectual?

While donors must figure out their policy posture, the Zambian people are likely to revitalize the democratic movement in a new way and with the experience of the November 1996 elections under their belts. It seems rather apparent from the foregoing that if external "prodding" is not forthcoming to complement internal challenges for further democratization, Zambians may be in for another long period of depolitization, repressive manipulation and authoritarian rule.

## Chronology of Activities Impacting the Electoral Process

- June 1995 Kenneth Kaunda defeats Kebby Musakatowne by 1,916 to 400 votes and regains the presidency of UNIP.
- June 16, 1995 The Mwanakatwe Constitutional Review Commission report is submitted to government. The report includes a draft constitution.
- September 6, 1995 Munyama Human Rights Commission report submitted to President Chiluba. Chiluba reveals the existence of secret tunnels under State House and claims that Kaunda used them as torture chambers.
- October 17, 1995 MMD Minister of Home Affairs threatens to deport Kaunda and "strip him of his nationality because the government is satisfied the former president is not a Zambian."
- November 1, 1995 President Chiluba postpones the local government elections to allow more time for people to register as voters. A contract between NIKUV Computers and the Government of Zambia is signed for \$18,700,000 for electoral registration.
- December 11, 1995 Voter registration closes but is extended to January 10.
- January 10, 1996 The voter registration exercise is extended for another 30 days to allow more people to register.
- February 5, 1996 Ndola youth riot over delays in the issuing of National Registration Cards. A UNIP petition against the NIKUV Computers contract with the government to update the voter register is thrown out by the High Court. The Elections Office extends the voter registration exercise again, for 21 days.
- February 7, 1996 Lusaka police use teargas to disperse MMD youths trying to disrupt a UNIP rally.
- March 2, 1996 Voter registration exercise extended again.
- March 1-10, 1996 Citizens Convention is convened to develop proposals on the mode of adoption of the constitutional reforms; the recommendations and summary of resolutions are released in the "Green Paper."
- April 1, 1996 Police Inspector General Francis Ndhlovu reveals the existence of the "Black Mamba," a shadowy group ostensibly formed to resist proposed changes to the electoral laws that effectively ban UNIP President Kenneth Kaunda from standing for elections.
- April 2, 1996 Three UNIP and one MMD supporters are injured in inter-party clashes in Katete's Mkaika constituency.
- April 3, 1996 Eastern Province Minister Hosea Soko is manhandled in inter-party clashes in Mkaika. UNIP central committee member Tiayonse Kabwe storms into a ZNBC studio to disrupt a talk show on the proposed electoral reforms.

- April 8, 1996 A man is stabbed in inter-party clashes at a UNIP rally in Mkaika.
- April 1996 The Committee for a Clean Campaign (CCC) is launched comprising some 20 NGOs who either worked for the promotion of human rights or were engaged in election monitoring.
- April 9, 1996 Police use teargas to break clashes between UNIP and MMD supporters in Mkaika.
- April 29, 1996 Preparatory meeting for inter-party talks failed to make tangible progress
- May 2, 1996 The Lusaka High Court rules that it cannot declare the controversial NIKUV contract null and void with the judge saying in part, "...while I acknowledge that this exercise was fraught with irregularities, I reluctantly refuse to nullify the registration of voters and to order a fresh registration of voters exercise."
- May 6, 1996 Second inter-party meeting held. The opposition object to the State President chairing the meeting; they want a neutral chair. As a result, President Chiluba and his entire entourage walk out.
- May 12, 1996 Law Association of Zambia convenes third inter-party meeting.
- May 22, 1996 Controversial Constitutional Amendments Act is passed in parliament after its second reading when 121 MMD members vote for it. National Party and UNIP's MPs walked out of parliament in protest because the government refuses to submit the constitutional proposals to a Constituent Assembly and referendum as had been proposed by the Mwanakatwe Constitutional Review Commission.
- May 28, 1996 Signing ceremony for the Constitutional Amendment Act (1996) held at State House. UNZA students supporting Amendments march to State House without a permit.
- June 8, 1996 A massive joint opposition rally is held amid heavy police presence.
- June 18, 1996 National Democratic Institute for International Affairs announces it is closing its offices in Zambia because shrinking political space makes its programs ineffective.
- July 3, 1996 Inter-party liaison meeting of the main opposition parties results in a joint statement calling for the repeal of the Constitutional Amendment Act, re-registration of voters, the repeal of the Public Order Act and the need for dialogue with the government.
- August 25, 1996 President Chiluba announces that he will engage in dialogue with opposition leaders on a one-on-one basis.
- August 30, 1996 Chiluba and Kaunda meet face-to-face for the first time since the 1991 elections
- September 10, 1996 President Chiluba addresses the nation and announces "concessions" including an "independent" electoral commission and the reduction in the days needed to notify the police of a rally under the Public Order Act. But the main area of contention, the Constitutional Amendment Act, is described as non-negotiable.
- September 24, 1996 Parliament reconvenes.

- September 27, 1996 State closes its case against UNIP leaders accused of treason and murder.
- October 1, 1996 Munyama Human Rights Commission report finally released to the public. In its White Paper response, the government announces that it will establish a permanent human rights commission and will submit annual reports to the president and parliament.
- October 18, 1996 President Chiluba announces at MMD political rally that parliament has been dissolved and November 18 is the date for presidential and parliamentary elections. During the rally clashes break out between police and MMD members protesting the adoption of an unpopular candidate for the Kabwe constituent. Chiluba is heard on television telling the police to "sort them out."
- October 22, 1996 New members of the Elections Commission sworn in and announce that same day that they are ready to proceed with elections and give dates for the nominations periods
- October 23, 1996 UNIP announces that it will not take part in the forthcoming elections unless the contentious clauses of the 1996 amendments to the constitution are removed or the unamended 1991 constitution is used.
- October 28, 1996 Three ZDC officials assaulted in Chawama constituency by MMD supporters. Two of the three require hospital treatment.
- November 3, 1996 In Chayissa Compound 13 MMD supporters and UNIP members clash resulting in 16 injured.
- November 7, 1996 The Royal Foundation, representing many of Zambia's Traditional Leaders, petition the government to postpone the elections and announce that they will also boycott the elections.
- November 11, 1996 The MMD government closes the University of Zambia. Four opposition parties challenge in the Supreme Court the nomination of President Chiluba as a presidential candidate on the basis of his citizenship and the nationality of his parents.
- November 14, 1996 The Supreme Court rules that the petition submitted by opposition parties challenging the Chiluba candidacy was premature and, under the electoral law, could be heard only after the elections.
- November 18, 1996 Zambian elections for president and parliament.
- November 1996 Chiluba declared winner of presidential race.
- November 1996 CCC declares that the elections were not free or fair.
- November 21, 1996 Frederick Chiluba is sworn in and makes inaugural address amid heavy police presence
- November 24, 1996 Chair of the CCC and Executive Director of ZIMT detained by state security police and office raided. Press conference organized by the MMD former ZIMT vice president accuses the United States and Japan of having funded monitoring agencies in scheme to declare the elections neither free nor fair.

## Appendices

- A. Schedule of Post-Election Mission Meetings
- B. UNIP Boycott Advertisement
- C. CCC Post-Election Statement
- D. ZIMT Post-Election Statement
- E. FODEP Post-Election Statement
- F. PAREMO Post-Election Statement
- G. Rainbow Monitors Post-Election Statement
- H. Christian Council of Zambia Post Election Statement
- I. Women's Lobby Post-Election Statement
- J. USA Statement on Zambian Elections
- K. Isaac Zimba's Statement of Alleged Donor Plot
- L. USA Statement on Alleged Donor Plot
- M. British Statement on Alleged Donor Plot
- N. Japanese Statement on Alleged Donor Plot
- O. Opposition Alliance 21 November 1996 Letter to SADC
- P. Opposition Alliance Post-Election Statement
- Q. MMD Letter on Recruitment and Training of Paramilitary Police
- R. Newly Elected Members of Parliament
- S. The 1997 Cabinet
- T. Zambian Presidential and Parliamentary Elections Results
- U. National Democratic Institute's June 1996 Statement
- V. Chronology of Events Leading Up to the November Elections