

Presidential and National Assembly Elections in Zambia

31 October 1991

The Report of the
Commonwealth Observer Group

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Letter of Transmittal



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

3 November 1991

Dear Secretary-General,

In accordance with the request made to you by the Government of Zambia, you appointed us to observe the elections which have just concluded. A Statement was sent to you, on our behalf, by our Chairman on 1 November after the polls were closed and before the declaration of the results. We now have pleasure in forwarding our Report.

May we, all of us, say how privileged we feel to have been invited to participate in this most important exercise. It is our hope that we have contributed to the cause of the Commonwealth and in particular, that we have served the people of Zambia.

Yours sincerely,

Rt. Hon. Telford Georges
Chairman

Mr Fakhurddin Ahmed

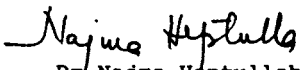
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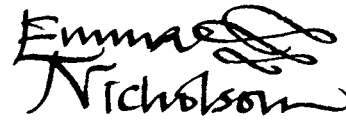
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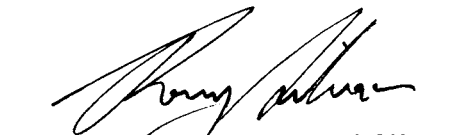
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Emma Nicholson, M.P.



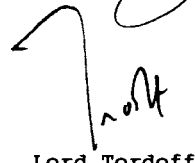
The Rt. Hon. Edward Schreyer



Senator The Hon. Kerry W. Sibraa



Mr. Raymond Sock



Lord Tordoff

H.E. Chief Emeke Anyaoku
Commonwealth Secretary-General
London SW1

Introduction

Commonwealth Heads of Government have expressed their collective wish to assist member countries in strengthening their democratic processes and institutions, and the Commonwealth has given priority to providing this assistance whenever a request has been received from a member country. In particular, it has, within the past year, mounted election observer missions to Malaysia and Bangladesh. The Commonwealth has also been helping Mozambique with its preparations for multi-party elections under the auspices of the Mozambique Special Fund set up by Commonwealth Governments and is preparing to observe the general elections in Guyana.

Following the decision in December 1990 by the Government of Zambia to hold multi-party elections, the Commonwealth Secretary-General was invited by the Government to send a mission to observe the conduct of the elections. Having secured the agreement of all political parties, the Secretary-General duly constituted our Group. In carrying out our mission, we were mindful of the renewed commitment to human rights and good government which Commonwealth Heads of Government had made at their meeting in Harare which ended the day before we arrived in Lusaka. This commitment reaffirmed the Singapore Declaration of 1971 which had first articulated Commonwealth support for the rule of law, human rights, economic development and accountable government.

Composition of Observer Group and Terms of Reference

It was against this background that our Group of thirteen members observed the Presidential and National Assembly elections. The composition of the Group and our support staff from the Commonwealth Secretariat is set out in Annex 1.

We had as our terms of reference the following:

The Group is established by the Commonwealth Secretary-General at the request of the Government of Zambia supported by the political parties. It is to observe every relevant aspect of the organisation and conduct of the elections in accordance with the law of Zambia relating to elections. Its function is to ascertain whether, in its impartial judgment and in the context of that law, the elections have been free and fair.

The Group has no executive role; its function is neither to supervise nor act as a commission of inquiry but to observe the process as a whole and to form a judgment accordingly. It is to submit its report initially to the Secretary-General and to the Government of Zambia, and thereafter to the leadership of the political parties taking part in the elections.

It was immediately clear to us that our terms of reference encapsulated a deceptively wide sweep of the election processes which we were to observe and on which we would have to report. The scale of our task was obvious. Zambia is a big country – 752,620 sq km of land, greater than the combined areas of France, Belgium, the Netherlands and Switzerland, with a recorded population of eight million spread thinly over the country. It is divided into nine administrative provinces with

high population concentrations in the urban area of Lusaka, the capital city, and in the cluster of towns and cities in the Copperbelt Province. The electorate was just under 3 million voters scattered over vast distances between the 3,489 polling stations widely dispersed throughout the country to service sparsely populated polling districts.

Nevertheless, we believed that adequate arrangements could be made to monitor an acceptably wide cross-section of the electorate. We were encouraged in this belief by the fact that other observers, both international and local, would be present and that they too had the support of all interested parties. Among these observers were the Carter/NDI Group; the Organisation of African Unity (OAU); the Zambia Election Monitoring Co-ordinating Committee (ZEMCC); the Zambia Independent Monitoring Team (ZIMT); and the Law Society of the United Kingdom. ZEMCC and ZIMT were recently formed NGOs, organised by Zambians, which appeared to have the confidence of both main political parties.

We were therefore satisfied that there was a desire on the part of all political parties that the conduct of the elections should be open to public scrutiny and efforts would be made to conduct the elections in accordance with the law. The decision to allow both international and local observers having been made, the Government issued a general information handbook for the guidance of Observers. We found this to be a useful document.

Method of Work

In keeping with established practice, a Planning Mission headed by the Deputy Secretary-General (Political), Sir Anthony Siaguru, visited Zambia in August 1991 with the objective of ascertaining whether the presence of a Commonwealth Observer Group would be welcomed by the major political parties and other interested groups in the country and of assessing the logistic needs of such a Group. The Planning Mission reported that the presence of a Commonwealth Observer Group would not only be welcomed but was seen as an important component in the efforts being made to hold genuinely free and fair elections.

By a happy coincidence the end of the Commonwealth Heads of Government Meeting (CHOGM) made it possible for us to be briefed in Harare by the Secretary-General immediately before we arrived in Lusaka on Wednesday 23 October. The Secretary-General emphasised the significance of our observation exercise for democracy, not only in Zambia but also in the wider Commonwealth, and our responsibility to discharge our task in an impartial manner. He said that leaders at the CHOGM had identified as a major goal of the Commonwealth the development of democratic institutions in which citizens participated fully and freely. We therefore saw our role as part of a process of encouraging the democratic ethos through the holding of free and fair elections.

We arrived in Lusaka accompanied by five Commonwealth Secretariat support staff. Four support staff had preceded us to set up our office and prepare for our arrival. Recognising that consultations with as many participants in the elections as possible would assist us in focusing on issues of controversy between the contesting political parties, useful contacts had been made prior to our arrival. On 15 October our arrival was foreshadowed in a press statement. On 18 October a letter was issued in the name of our Chairman and on behalf of our Group, advising all political parties of our presence and inviting them to contact us so that we could hear their views (Annex II). On our arrival we issued a statement setting out our task (Annex III).

Although we had been forewarned not to expect much logistic or material support from the Government, owing to the lack of resources, we received courteous co-operation from Government officials. This contributed in large measure to our ability to operate independently at regional level.

As a result of the publicity following our appointment and arrival, as well as the personal contacts made by our advance support team, we found a full programme of visits and meetings awaiting us. We had useful consultations with the Carter/NDI Group, ZEMCC and ZIMT on different aspects of the electoral process and agreed to co-operate to the fullest extent possible. At all our meetings with officials and the media, we emphasised our impartiality, independence, and our determination to canvass the opinion of as wide a cross-section of the electorate as possible. We also issued regular Press Releases in order to inform the media and the public of our activities. These Releases are at Annex iv. As a result we were contacted by a large number of interested groups representing a full cross-section of political opinion in the country. A list of our more significant engagements is at Annex v.

We spent four days together in Lusaka and, in the light of our consultations, decided on what we believed would be the most effective deployment of our Group. Accordingly, during the weekend prior to polling day and in teams of either two Observers or in some cases one Observer accompanied by a member of our support staff we dispersed to all nine Provinces, viz Lusaka; Central; Copperbelt; Eastern; Luapula; Northern; North-Western; Southern and Western (Annex vi). This gave us the chance to visit most of the districts we planned to cover on polling day and to inspect the arrangements that had been made by local election officials for the poll. We were able to meet local candidates and their support teams in urban and rural areas as well as members of the general public. We took every opportunity to explain the nature and extent of our task, and were heartened to note that those we met appeared reassured by our presence.

By polling day, 31 October, we were fully prepared, and well before 0600 hours when the polls were due to open, we were all deployed inside at least one polling station in each of the nine provincial capitals. We inspected not only the arrangements in place before commencement of polling, but also each stage of the process to determine whether procedures laid down in the election regulations had been followed. Due to the nature of the terrain and the distances involved we were limited in the total number of polling stations we were able to visit. This was particularly true of the vast Western, Northern and North-Western Provinces. Nevertheless, we travelled freely between polling stations within a wide radius. This allowed us sufficient flexibility and the option to revisit any polling station without losing one of our most valuable assets – the element of surprise. It also enabled us to be present at selected polling stations in order to observe the close of poll.

Our distinct Commonwealth emblem was prominently displayed on all our vehicles and our equally distinct armbands attracted attention wherever we went. We received the fullest possible co-operation from the public and the authorities. In the event we visited 215 polling stations on polling day. The observation notes which guided our inspection visits are at Annex vii.

We observed the count at a number of counting centres and were thus, on the basis of what we considered to be an acceptably wide sample of count reports, able to form a preliminary view, and issued a statement. This was immediately conveyed to the Secretary-General (see Annex viii). We finalised our Report before leaving Lusaka.

Political Parties

Background

The decision by the Government of Zambia to restore multi-party democracy was a significant one. We considered that the Zambian experience might serve as a useful example for other countries, not only in the Commonwealth, but in the developing world generally.

The background to the present situation is that nine years after achieving independence in 1964, Zambia elected to adopt a one-party system of government, described then as a one-party participatory democracy underpinned by a philosophy of humanism.

International pressure for democracy and multi-party elections served to assist the process of local political dissent which culminated in the formation of an opposition Movement for Multi-Party Democracy (MMD) in July 1990. This was followed by the formation of seven other political groupings.

Negotiations took place between the MMD, the Government and the ruling party, UNIP, and a referendum was planned to decide the issue of a return to multi-party parliamentary democracy. This was abandoned and instead a Commission was appointed to draft a new Constitution which would re-introduce multi-party democracy to the country after a lapse of 17 years. The new Constitution took effect in August 1991.

This Constitution provided the foundation for a new multi-party system. Perhaps, the centre-piece of this legal instrument was the provision guaranteeing the right to form new political parties. Indeed, we can do no better than quote it as follows:

Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and in particular to form or belong to any political party, trade union or other associations for the protection of his interests.¹

Current Position

On their arrival in Lusaka members of the support staff called on the Registrar of Societies, with whose office all associations including political parties must be registered, to ascertain the precise number of political parties. Although 12 'parties' had applied for registration, only seven had by then fulfilled the requirements for registration and were registered as such. We were informed that the policy was to allow a political party to operate from the date of its application while the formalities prerequisite to registration were satisfied. A full list of parties is at Annex IX.

¹ Section 21(1) of the 1991 Constitution of Zambia.

In the end the election was contested between the two major parties, the United National Independence Party (UNIP), and the Movement for Multi-Party Democracy (MMD). Their election logos are at Annex x.

UNIP was formed in 1958 when it broke away from the Zambia African National Congress during a period of intense political agitation for independence in many African countries under colonial rule. Six years later under the leadership of its President, Dr Kenneth Kaunda, it led Zambia into independence under a multi-party system of government. In 1973, a system of government described then as one-party participatory democracy was introduced and UNIP became the only recognised political party under the law.

Subsequently, as a result of a combination of deteriorating economic conditions and, more recently, internal pressures for political pluralism the Government was faced with increasing demands for political change. During 1990, influenced by political developments elsewhere on the African continent and beyond, the pressure for change became unstoppable. As had been indicated, international pressure and local political dissent created an atmosphere conducive to a return to multi-party democracy.

The election campaign was marked by bitter personal attacks. Many of the leaders of the MMD had held positions of influence in UNIP, and personal recriminations were inevitable. UNIP portrayed itself as an experienced party which had managed change in the past, established Zambia as one nation, improved the infrastructure, particularly in the field of education, and could be depended upon to manage the changes needed in the future to continue the process of development it had begun. The MMD stressed the need for change, an approach crystallised in a slogan which proved extremely effective - "*The Hour Has Come*". It championed human rights and free enterprise as catalysts which would release the energies and give scope to the talents of the Zambian people and promote development.

The remaining ten parties showed no signs of posing a serious challenge to either UNIP or MMD and seemed to have been merely exercising the newly re-established right of freedom of association.

The Electoral Administrative Framework

The Electoral Commission

The 1991 Constitution established an Electoral Commission of three members appointed by the President to supervise the registration of voters, the conduct of Presidential and Parliamentary elections, and the review and delimitation of constituencies. This was followed by the Electoral Act of 1991 which, among other provisions, vested in the Commission a degree of functional autonomy. The Commission promulgated regulations which provided for the procedure and manner of conducting elections. It clearly recognised that the re-introduction of the multi-party system required the maintenance of new standards of impartiality.

The power to establish an Electoral Commission was vested in the President. This Commission had to be established in certain circumstances, namely whenever Parliament was dissolved; not less than eight or more than ten years after a constituency delimitation exercise was undertaken; whenever the number of seats in the National Assembly had been altered; and whenever a census of the population had been held. The President could, in other circumstances, establish an Electoral Commission whenever he wished.

The Electoral Act, 1991, provided that an Electoral Commission should consist of a Chairman and two other members, who would be appointed by the President. The appointee to the chairmanship or member of an Electoral Commission had to hold or have held high judicial office. Any vacancy on an Electoral Commission before the Commission was dissolved could be filled by the President. The life of an Electoral Commission was limited, and determined by the President. The Commission was not subject to the direction or control of any other authority and could, by statutory instrument, make regulations with respect to a wide range of election matters.

The Director of Elections and the Electoral Staff

The Director of Elections holds a public office, and his functions were to ensure that the election officers performed their tasks impartially; to issue instructions to election officers in order to ensure compliance with the Electoral Regulations; and to perform the functions conferred on him by the Electoral Regulations.

At the provincial level, the Permanent Secretary of each of the nine Provinces performed a co-ordinating role between the Commission and the Electoral Officers. He organised transport to carry election equipment and materials (including ballot boxes), and marshalled financial resources to support electoral activities within his province.

Election officers for each constituency were appointed by the Commission. These included an electoral officer, a registration officer, an assistant officer, a returning officer, a presiding officer, a polling assistant and counting assistants.

Preparations for the elections were the responsibility of the Chief Executives of local government administrative districts, called council areas. These officers were appointed electoral officers for the purpose of registering voters, and also served as election officers, appointed by the Electoral Commission. Their role was to ensure that the process was carried out in a proper manner. The Electoral Officer of each council area was expected to act as the agent in the field for both the Electoral Commission and the Director of Elections and was responsible for the selection and appointment of election officers to assist returning officers for constituencies in their respective council areas. There was also the added responsibility for organising transportation and establishing polling stations in their constituencies. There were 62 such council areas.

Among his other duties were the distribution of equipment and security items such as ballot papers, official marks and official seals, required for use on polling day, to the Returning Officers within his council area. It was obvious that the Electoral Officers had a pivotal role in the administration and management of elections throughout the country.

The Returning Officer's role was to ensure that the polling stations in his constituency were properly equipped and adequately staffed, and that all the procedures at the polling stations were strictly followed.

The Returning Officer for constituencies falling within the council area of the Electoral Officer had to rely on the latter to mobilise transportation and select suitable personnel for the election in their respective constituencies. Indeed, neither the Electoral Commission nor the Director of Elections had permanent staff based in the districts and so they relied on Electoral Officers as their agents in the field. Each Electoral Officer was required to prepare a list of election staff to assist the Returning Officers in his council area.

In a given constituency, the election administration was undertaken by a returning officer with counting assistants appointed by the Electoral Officer.

Annex xi illustrates the organisation of tasks in preparing for the elections for the National Assembly.

Delimitation of Constituencies

The 1991 Constitution provided for the division of the country into constituencies for elections to the National Assembly. It also stated that the boundaries of the constituencies should be prescribed by an Electoral Commission. When delimiting the constituencies, the Commission was required to act on three criteria: the availability of means of communication, the geographical features of the area, and the number of inhabitants. The population criterion was based on a formula called 'the population quota', which was obtained by dividing the number of inhabitants by the number of constituencies. The Commission could vary the strict application of the population quota in cases where either of the other criteria was found to justify such action.

Immediately prior to this election a delimitation exercise took place. This was due to the fact that the number of seats in the National Assembly had been increased to 150 from 125 by an amendment of the 1973 Constitution, and delimitation was based on the report of a Delimitation Commission which was set up under that Constitution. The terms of reference of the Delimitation Commission were similar to the provisions of the 1991 Constitution governing the delimitation of constituencies.

In their report, the Delimitation Commission indicated that they had applied the delimitation criteria when they said:

The factors that influenced the decisions 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 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.²

In the context of multi-party elections, we believe that there is a need to enshrine in the Constitution a clear procedure for the delimitation of constituency boundaries which could provide an important legal framework for the holding of free and fair elections.

² *Report of the Delimitation Commission, 1991.*

■ CHAPTER 3 ■

Preparations for the Poll

In preparing for the election, a number of steps were taken. The division of the country into 150 constituencies was confirmed, each of which would return a single member to the National Assembly. Procedures for nominations began to be put in place.

Dates for both elections for the President and to the National Assembly and nomination days were set by the Electoral Commission. The date for these was set by a Statutory Instrument issued by the Commission on 10 September for 31 October. Nomination day for the National Assembly was fixed in the same Instrument, for 1 October, between 0900 hours and 1500 hours, while an additional day, 30 September, was also fixed for the nomination of the Presidential candidates.

Voting was by secret ballot in a first-past-the-post system in which each voter indicated the candidate of his choice.

Nominations for the National Assembly

The Electoral Commission was responsible for the nomination process for election to the National Assembly. It had the power to name the day, and the times when nominations in each constituency were permitted. The Commission also announced the place in each constituency where nominations were to take place, and Returning Officers had to attend, during the period appointed, at nomination offices in all constituencies to receive nomination papers.

The actual nomination procedure was quite simple and required the prospective candidate to submit to the Returning Officer a completed form in the prescribed time and manner. A nomination could be declared invalid on the ground that the paper was not in order, was not lodged within the stipulated period or that the prospective candidate did not pay the appropriate fee. If this occurred, the declaration that a nomination was valid or invalid could only be challenged by an election petition. A person seeking nomination in more than one constituency by lodging nomination papers in many constituencies, would have all these nominations declared invalid. Where only one candidate was nominated in a constituency, the Returning Officer had to declare that person elected in that constituency. Each Returning Officer had to inform the Commission of the names of the candidates validly nominated and had to give local notice that a poll would be held in the constituency. The notice would announce the polling day and the names of the candidates, in alphabetical order of surnames.

Although we were unable to be present for the National Assembly nominations which took place on 1 October, we established on our arrival in Lusaka that they went smoothly and we received no complaints about them. There was a total of 328 valid nominations for the 150 seats in the National Assembly.

Presidential Elections

Separate provision was made for the nomination of Presidential candidates. The returning officer for the election to the office of the President is the Chief Justice, and the process is similar to that covering the nomination of candidates for election to the National Assembly.

Persons registered as voters for this election were entitled to vote by secret ballot. The election date and nomination day were selected by the Electoral Commission, and were announced by Statutory Instrument dated 10 September 1991. Nomination day was fixed for 30 September and 1 October 1991 between 0900 hours and 1500 hours at the High Court building in Lusaka in the same Instrument.

The poll for the Presidential election was held at the same polling station in every constituency as for the National Assembly elections. Each voter was required to vote first for the Presidential candidate and then for the National Assembly candidate. This procedure was designed to avoid putting the respective ballots into the wrong ballot box.

Voting for the Presidential elections and the National Assembly elections were counted at the same counting centres and there was provision that where counting room facilities permitted, the count for both elections was conducted simultaneously. However, where this was not possible, the Presidential count preceded that for the National Assembly. The final collation of the votes for the President was carried out at the Electoral Commission's office and the results announced by the Returning Officer, the Chief Justice.

The candidates nominated for the 1991 Presidential election were Dr Kenneth Kaunda, President of Zambia and leader of UNIP, and Mr Frederick Chiluba, President of the MMD. Mr Chiluba was the successful Presidential candidate.

■ CHAPTER 4 ■

The Campaign

When we arrived in Lusaka, election day was just a week away. We were aware that there had been predictions of violence and intimidation, and we expected that there would be the usual rumours and display of partisanship which characterise most election campaigns. But our immediate impressions were that this election campaign was being conducted in a relatively calm manner and the absence of excitable crowds, of any great numbers of party emblems, buntings, or photographs of candidates were most notable. We were also struck by the low-key approach to the issues before the electorate and we were impressed by the good-humoured way in which most people signalled their support for one or the other of the two main parties.

The election campaign had begun in earnest some weeks before our arrival and had clearly settled into a pattern which made it easy for us to begin to make judgements about it. Regular political rallies were held by the contesting parties and these were prominently advertised in the newspapers and on radio and television.

Both parties used the media for advertising their manifestos and criticising their opponents. In fact, full-page advertisements often dealt with such issues as the activities of the independent monitors, and a particular advertisement placed by the Public Relations Unit of UNIP, made specific reference to the presence of observers. This attracted the attention of our Group and a response was sent to the Chairman of UNIP (Annex XII). The reply we received is at Annex XIII and our response at Annex XIV.

We attended political rallies throughout the country, including some held by the Presidential candidates in Lusaka, the Copperbelt and the Northern Province. These were attended by thousands of people, many dressed in T-shirts and caps sporting the emblems of their party and we were impressed by the orderly crowds and by the way they appeared to be enjoying themselves despite having to stand in the broiling sun for hours on end and in one case, throughout a heavy shower of rain. This pattern was repeated in the Provinces, where we attended many small rallies and where we were able to talk to people about their views on the elections.

We paid particular attention to the presence of the police at these rallies. At two of the biggest rallies in Lusaka, we noticed that there were few uniformed policemen on duty although we have no doubt that there must have been a full complement of plainclothes security officers. On the few occasions in the Provinces when we were able to identify paramilitary forces, their presence was light and unobtrusive.

A new feature of this election was house-to-house campaigning. The opposition told us that problems arose when the candidate or an agent attracted a large and often admiring crowd which followed enthusiastically the campaigning from house to house. This was in breach of a law which prohibited processions of more than 10 people without a permit and it meant that the police had the right to put a stop to this activity. However, this problem did not appear to be widespread.

There was also concern about unofficial police curfews which began at 1900 hours in some rural and urban areas. This could have been a serious limitation of the freedom of activity of people in these areas, particularly during an election campaign, when it would be expected that they would wish to participate in political activities after coming home from work. However, we were unable to verify the truth of these complaints, which were denied by Government officials.

But by and large, the campaign was a relatively peaceful one. We were impressed that in spite of the operational difficulties which faced the political parties, they were able to get their message across to an electorate that was widely dispersed and often difficult to reach.

Permits for Meetings

In Lusaka, we were told that the MMD was having great difficulty in obtaining permits for rallies, particularly in the urban areas. We took very seriously the complaint by the MMD that they were denied permits to hold rallies in urban Lusaka between Wednesday 23 and Sunday 27 October because the President was due to address a UNIP rally in Lusaka on Sunday 27 October. We sought clarification of this situation from the Minister of Foreign Affairs, Lt General B Mibenge, in his capacity as Chairman of UNIP's election campaign, and the Inspector-General of Police. The latter told us that permits were issued by an Assistant Commissioner of Police in the Lusaka area but at a relatively lower level in the Provinces. We made determined efforts to see the officer responsible for issuing permits in the Lusaka area, but were unable to get any response from him.

There were also complaints that the manner in which permits were issued in some areas left much to be desired and was particularly irksome for party agents who were forced to spend a great deal of time attempting to get a permit. It was time consuming and irritating, and required many visits before a permit was granted. While we do not believe that this police action greatly retarded the opposition's campaign, we have to record that it did give rise to the suspicion that the difficulties encountered by the opposition in obtaining permits were part of a deliberate attempt to frustrate their campaign in the Lusaka urban area. In several provinces, however, the opposition reported that they had no problems in getting permits from the police to hold their rallies.

Access to Funds and Facilities

For 17 years under one-party rule, there was little difference between UNIP and government in Zambia. The party was the supreme decision-making body. At every level of government, party officials held the most senior post. In the Provinces, UNIP offices were often located in the District Council building, next door to the office of the District Executive Secretary, the chief government administrator. UNIP officials had free access to government vehicles and other facilities. Once a multi-party system was introduced, there was an urgent need to separate the party from the government.

By the time we reached Zambia, it was not surprising that this delinking process was not complete. It was constantly drawn to our attention that UNIP enjoyed an unfair advantage over the opposition because it was still able to deploy government resources at will. We observed many UNIP officials who were not Government Ministers, campaigning in government offices and making free use of government vehicles. From this, it could be inferred that the UNIP campaign benefited from the

use of taxpayers' money. This charge was certainly made by the opposition. But in our discussions with UNIP officials, they stated that government funds were being used to underpin the party's normal administrative functions carried out on behalf of the Government and not for the election campaign.

It was interesting to note that as the campaign progressed, government officials began to assert their independence and we saw clear signs that many of them understood what was required of them in a multi-party system.

The Role of the Media

The media had a crucial role in this election, because with the restoration of multi-party democracy, it had to begin to make adjustments to bring its operations in line with the expectations of a democratic society. In such a society the media has a pivotal role, providing information, shaping opinion, presenting a range of views, as well as becoming a watchdog for freedom. Since the media can influence the outcome of an election, it became a matter of intense interest to us to see how the media would perform in this new situation. For this reason we decided to look at how the Zambian media had evolved in order to be in a position to make an assessment of its performance during the election campaign. At independence, there were a number of new privately-owned newspapers and a Government-owned radio service. With the advent of the one-party state 17 years ago, private ownership of newspapers ceased, while radio and later television were established as part of the Government's information services and operated by Government departments.

Three daily newspapers survived. They were the *Times of Zambia*, *Zambia Daily Mail* and the *National Mirror*. The latter was a long-established church paper, while the two other newspapers were, in effect, an integral part of the official information network.

As the economic situation in Zambia deteriorated, newspapers suffered from shortages of newsprint and many good, trained journalists left the profession. Papers were limited in content and in the number of pages printed and were unable to devote enough space to the coverage of national and international news. Circulation peaked at around 60,000 for both the *Daily Mail* and the *Times*, but since this was limited to the urban areas of Lusaka and the Copperbelt as well as in Livingstone and the Southern Province, vast areas of the country were unable to rely on the print media for information. In any case, with an estimated literacy rate of about 50%, newspaper readership would remain limited for a long time to come.

Radio, with an estimated 650,000 receivers throughout the country, has become the most important medium for the dissemination of information and provided an important link between the urban and rural areas. In order to improve reception, transmitters have been erected at provincial centres. Zambia radio broadcasts on three internal and one external channels and the services are provided in English and in 7 local languages (Bemba, Nyanja, Lozi, Tonga, Kaonde, Lunda and Luvala). Radios 1, 2, and 3 are on the air for about eighteen hours, while Radio 4 is an FM station broadcasting on a twenty-four hour basis.

Television provides a restricted service with a limited daily output except on weekends when programmes are transmitted for about 12 hours daily. It is estimated that there are about 80,000 TV sets in the country and these are clustered in the urban areas. Like radio, television provided programmes in the local languages but the majority of its programmes were in English.

Access to the Media

Because the media in Zambia had been Government-owned or UNIP-controlled for a long time, there were grave doubts that fair coverage of the issues in the election campaign could be expected. As in so many developing countries, coverage of national affairs tended to focus on the activities of the political leadership. Political analysis and critical comment were virtually non-existent, except in cases where criticism had been voiced in Parliamentary debates or by the courts. The reporting of serious issues affecting the economy, education and health of the nation was at best perfunctory and it would be fair to say that if the primary role of the media was to inform its readers, listeners and viewers, then by any reckoning, the Zambian media had failed to perform this basic function well.

There was also the perception that the Government-controlled media would be biased in favour of the ruling party, and that the opposition would be disadvantaged. Moreover, with the advent of multi-party elections, no guidelines covering neutrality or fair-play had been issued to the established media. Because of these factors, the Press Association of Zambia obtained an injunction on 3 October to prevent the Director-General of the Zambia National Broadcasting Corporation and the Managing Editor of the *Times* from carrying out their duties during the campaign. On the eve of polling, the High Court lifted the injunction pending an appeal.

But the situation was not as bad as it was made out to be. Two new daily newspapers and a weekly had been quickly established earlier this year and two of them clearly supported the opposition. These were the *Daily Express*, which also publishes a Sunday edition, with a circulation now estimated in the region of 20,000 and the *Weekly Post*, estimated to be selling about 18,000 copies weekly. The other daily, the *Eagle Express*, supported the ruling party UNIP and its circulation was not available.

While these papers brought a measure of even-handedness to the reporting of the campaign, our monitoring of the media in the fortnight prior to the elections showed that both parties were given a fair chance to put across their message in the Government-controlled media. Political rallies were reported as news items and paid advertisements for both parties were regularly aired on television during the main newscast at 1900 hours every night and at intervals throughout the rest of the evening. The same was true of radio with advertisements for both parties being aired regularly.

Analysis of Coverage

Our analysis of the coverage by the leading daily newspapers showed that both the *Times of Zambia* and the *Zambia Daily Mail* made real efforts to report the campaign in a fair manner. While the other newspapers made no efforts to conceal their partisanship, the two established dailies covered the campaign in a reasonably impartial manner. Every day, their front pages were devoted to news items featuring both Presidential candidates, while other leading Parliamentary candidates were accommodated in the limited news pages inside. Both papers used their comment columns to criticise aspects of the electoral process, the retention of the State of Emergency and the claims by both parties that violence would inevitably follow the announcement of the results. They made real attempts to identify and serve the interests of the Zambian people.

Payment for Radio and Television Advertisements

The question of payment for radio and television advertisements was raised with us and a complaint made that while the opposition party had to pay for them, UNIP was not required to do so. We immediately raised the matter with the Chairman of the UNIP campaign committee, following it up with a letter (Annex xv) seeking information. In his reply (Annex xiii) the Chairman informed us that he had requested ZNBC to send us receipts of payment by UNIP for all advertisements placed on radio and television. In reply, we received a full statement of accounts, and we attach the accompanying letter at Annex xvi. At the same time we wrote to the MMD (Annex xvii) asking them to provide us with similar information about expenditure on this item. The reply is attached at Annex xviii.

Voter Education Programme

Given the change to a multi-party system, we would have expected an intensive and widespread voter education programme about the rights, processes and implications of the new system. The Electoral Commission had commendably used the electronic media to educate voters, but this had a limited impact largely because radio and particularly television were not widely available outside the urban areas. The Commission also issued to the public a leaflet (Annex xix) explaining the background and procedures for the elections, but we were unable to get information on how widely this was distributed. Newspapers made little attempt to explain the new political system to their readers. In a democratic society, the media plays its part by educating voters about the electoral process and about the issues at the centre of the political debate. We were disappointed that the newspapers in Zambia carried minimal analysis of pertinent issues and paid little attention to the role they should play in voter education.

State of Emergency Powers

The existence of a state of emergency during the election period was a matter of concern shared among a wide section of the population. There were numerous allegations of unofficial evening curfews in some rural and urban districts when people were picked up and detained overnight. There was also a general fear on the part of many that they too might be detained, or that operational security zones would be declared to facilitate redeployment of the army and manipulation of the voting by military personnel.

This was one of the most pressing issues brought to our attention and we raised it at every meeting with government officials. In our discussion with the President, he assured us that he had publicly given an undertaking that emergency powers would not be used to affect the elections and that it was normal police security operations which were criticised as being of political intent. Moreover, since Parliament was dissolved, the President said it was no longer constitutionally possible to remove the State of Emergency. The opposition, however, was understandably suspicious in these circumstances and it was regrettable that the issue had not been given priority earlier in the day when constitutional remedy was available.

Intimidation

It was widely believed that the army, police and other security personnel would be involved in intimidating voters. However, these fears were unfounded. In fact, special instructions were issued to the police to ensure that they understood the need

to play an impartial role. We saw paramilitary personnel at polling stations, but their presence was in no way obtrusive.

On the other hand, we were surprised at the extent of charges of political intimidation in some Provinces by senior government officials and by traditional Chiefs. We were told of cases of Chiefs advising voters that how they voted would be known, and that if they voted for the opposition, they would be punished, for example, by being evicted from their land.

Despite all the irregularities we have noted, we came to the conclusion that the overall campaign was fair and did not adversely affect the opposition to any extent.

Was the Poll Properly Conducted?

In considering whether the poll was properly conducted we focused on the following issues, namely:

- a) Independence of Electoral Commission
- b) Professionalism of the election officers
- c) Adequacy of the registration system
- d) Events on polling day
- e) Security of ballot papers and boxes
- f) Conduct of the count

Independence of the Electoral Commission

During the preparation for the elections the independence and impartiality of the Electoral Commission came under close scrutiny. One problem with the Commission, constituted as it was, was that its members lacked security of tenure, since the President had the power to remove them. This was criticised as lacking that degree of independence which would create a feeling of trust among the opposition parties. Notwithstanding that the Commission was legally constituted, the fact that the third member who resigned was not replaced by the President attracted much criticism.

The judgement of the Commission in not permitting the counting of the ballots to be undertaken at polling stations was also severely criticised by the opposition parties and although the Commission gave reasons these proved to be unacceptable to the critics. Another decision of the Commission which drew considerable criticism was the insistence that voters produced their voters' cards in order to vote on polling day. The high incidence of loss of voters' cards and the absence of a proper procedure to obtain a replacement on a timely basis deprived a lot of voters of their right to vote. This was anticipated by the opposition parties who made representation to the Commission to dispense with the use of the voters' card in such cases.

The Commission dealt with the situation by approving the issuance of certificates of registration which permitted voters who lost their cards to vote. However, the procedure for issuing the certificates was flawed and as a result many voters were unable to get these certificates. The Commission was also criticised for the slow pace at which they processed accreditation permits for local monitoring groups. Despite all these criticisms there was no suggestion that the Electoral Commission acted partially towards any of the political parties or was not acting independently of the Government and the ruling party.

Professionalism of the Election Officers

We were generally impressed by the competence of the election officers. They performed their various election tasks with dedication and impartiality. They were

friendly and helpful to voters, parties' agents, international observers and local monitors. In some cases however, we observed lapses on the part of election officers which were due in part to inadequate training or political bias. We believe that in the future more attention should be paid by the Electoral Commission to this aspect of election preparation.

Adequacy of the Registration System

The compilation of a comprehensive and accurate register of voters is an essential prerequisite for the holding of free and fair elections under the electoral system existing in Zambia. To achieve this the qualifications for registration must be clearly stated and the registration process efficiently executed. Every Zambian citizen who has attained the age of 18 years is qualified for registration. Although so qualified, no person can be registered who is under a declaration of allegiance to some country other than Zambia; or who has been declared of unsound mind, or is under sentence of death or imprisonment imposed by some court in Zambia, or who is not in possession of a national registration card issued under the National Registration Act.

A qualified person must register in the district where such person is normally resident and on registration, receives a voters' card. Since only persons who are registered can vote, it is important that the closing date for the register be a date shortly before the date of the election. This ensures that as many citizens as possible who attain the age of 18 years before the election can register and exercise the right to vote. The registers used in this case were compiled in October 1988 and revised in October 1990 – a year before this election. The opposition complained that this registration exercise was for a referendum and first response from the electorate was lower than would have been the case for registration for multi-party elections.

It may well be that the limitations of financial and administrative resources precluded a later revision, but in the event many young persons attaining the age of 18 and those who changed their address after the register was closed were precluded from registering and thus prevented from voting.

There were justified criticisms of registers on that ground, particularly by the MMD which felt its support was strong amongst the youth. We were told that these and other criticisms had been made to the Director of Elections about alleged inaccuracies in the list of voters. In a statement issued to the media the Director said that these inaccuracies were due to human error and gave a public assurance that corrective measures would be taken. Attention should be given to devising and implementing mechanisms to make possible a revision of the register not earlier than three months before the holding of an election, and the preparation of an accurate list.

Some persons who had had voting cards and whose names had appeared on the provisional list learnt when they appeared to cast their vote that the notation 'cancelled' or 'replaced' appeared against their names. Those whose names were marked 'replaced' could not locate the new section of the register to which they had been transferred, they were thus unable to vote. Some names failed to appear altogether on the register. The indications were that the revised lists prepared from the original list were not adequately publicised to enable persons to note errors and take steps to have them corrected. This is a matter which needs attention.

We noticed errors in some registers at polling stations which indicated that defects must have crept into the computerisation process during their compilation. There were missing numbers within the sequence of the voters' register which in some

cases could only be explained by a faulty computerisation process.

The regulations which governed the registration process required voters to present both their national registration and voters' cards at the polling station. The high incidence of lost voters' cards presented a particular difficulty for many voters on polling day. Although the Registration of Voter Regulations set out a procedure for the replacement of lost voters' cards during the annual revision of the voters' registers, the absence of any such revision in 1991 made it impossible for that procedure to be used. Instead the Electoral Commission decided to permit the issuance of Certificates of Authority to vote.

The procedure laid down for issuing the certificates proved to be inadequate in some districts since initially they were issued from a central point in the districts and voters had to travel long distances to obtain them; sometimes without success during their first visits. There was also no uniform procedure for the issuance of these certificates, as in some districts they were not issued after Sunday 27 October, while in other areas issuance continued up to and even on polling day.

We believe that the possibility of using the national registration card alone for the purposes of identification of voters at the polling station should be examined and that, if the voters' cards were retained in the end, a procedure should be devised to replace lost cards at any time and not only during the period when the registers are being revised.

Events on Polling Day

Polling day marked the climax of the preparations for the elections. In Zambia, events commenced with the opening of the polls at 0600 hours, by staff who were required to arrive at least an hour earlier. Agents for candidates and parties who were assigned to the polling stations had also been instructed to be present in good time before the doors were open.

The procedure required the identification of voters by checking their cards or certificates as well as their national identity cards. When the voter was properly identified by checking the details of the voter's card against the information on the register, the presiding officer crossed out the name off the register and recorded the number on the ballot stub. A ballot paper with an official mark was issued to the voter, who went to a booth, marked it, folded it and then deposited it into a ballot box in full view of the Presiding Officer and polling agents as well as independent monitors. However, concern was expressed by opposition parties that the practice of recording the registration number on the stub jeopardised the secrecy of the vote.

Each party had a symbol and the ballot paper bore that as well as the name and party of each candidate. An independent candidate was issued with an individual symbol. Each party and candidate had an agent at each polling station to observe the proceedings and these agents had to take an oath before being admitted to the polling station. As accredited observers we were authorised by the Director of Elections to enter polling stations to observe the polling proceedings.

Well before sunrise, queues of voters had formed at many polling stations. There was an air of peace and quiet as the mainly silent, or quietly whispering, voters waited to cast their votes. We were interested to see that the women and men usually formed separate lines. Most polling stations opened promptly but some were delayed, because of lack of transportation, inadequate lighting and other administrative problems. Where stations opened late, the voting hours were often extended

to make up for the lost time. The general polling environment at the opening stages of the polls was peaceful, and conducive to the voters expressing their choice freely.

For the most part, polling sites, being schools or other public premises, offered adequate accommodation for the staff, equipment and materials required. Polling officials, political agents and observers were accommodated without much difficulty, but there were a minority of cases where temporary facilities (mostly canvass tents) were erected as polling stations because no suitable premises could be found in the area. Some of these tents were cramped and less than ideal. The actual physical layout was important as each station had two ballot boxes – one for the Presidential election and another for the National Assembly elections. The ballot boxes were made of metal and appeared sturdy and well suited for their function, while the polling booths although not strong were generally adequate.

We were generally satisfied with the distribution of election materials which arrived at the majority of stations well before polling commenced. But as could be expected in the business of organising elections, inevitably some polling stations experienced late delivery of election materials, while at others these were in short supply.

Polling officials were generally friendly and helpful to voters and observers alike. They appeared to be confident and impartial in the execution of their tasks. The few complaints received were due more to ordinary human error than political corruption or bias. There was some evidence to suggest that inadequate training led to simple mistakes by some polling officials, and we think that this is an area which will require future action by the Electoral Commission.

Agents of the political parties were present in almost all polling stations, and they maintained friendly relations throughout the day despite representing opposing parties. They also appeared to behave responsibly in co-operating with the polling staff and observers.

We were satisfied that polling officials made a serious effort to observe the electoral law and procedures, particularly at the opening and closing of the polls. Indeed, we witnessed a few instances where a liberal interpretation was placed on the rules to accommodate cases of genuine difficulty faced by the voters.

The security measures at the stations were visible but low key, and were in no way intimidating to the voters or observers. The security officers were friendly and helpful and, in a few cases which we witnessed, responded responsibly under pressure.

As we expected, the movement of the ballot boxes was hampered by transport difficulties. This was partly responsible for the late start of the count in some constituencies.

Overall, the counting of the votes was greatly delayed and was further held up in some constituencies due to overcrowding at the counting centres. We believe that the procedures adopted in Zambia contributed to this. We would urge the Electoral Commission to re-examine this aspect of the electoral process.

We encountered certain irregularities at several polling stations. Many of these flowed from imperfect voters' registers which, in a large number of cases, failed to include the names of persons who were issued with voters' cards. Notations such as 'removed' or 'cancelled' were found on the registers without any explanation. This left the aggrieved prospective voter confused. In other instances, people turned up

at the wrong polling station and found it impossible to find their way to the correct one.

We have already pointed to human error leading to irregularities, such as the failure to seal ballot boxes properly and omitting to stamp ballot papers with the official stamp. We believe that these lapses can be prevented in future by more rigorous training of election officers.

Finally, we feel that the role played by local monitoring groups and foreign observers contributed to the conduct of free and fair elections. Our task was made much easier by the training given to local monitors and by the exchange of information, the helpful briefings and warm co-operation which characterised our relationships with both local and foreign observers.

Transportation of Ballot Boxes

The decision of the Commission not to permit the counting of the ballots at the polling stations, which was widely condemned, made the transportation of ballot boxes to constituency counting centres the focus of much attention. This was an important link in the chain of activities which followed the close of the polls. It is one of the most vulnerable points in the electoral process, particularly in the distant rural districts, and fears for the integrity of this process were widely voiced. In fact, there were allegations that the ballot boxes would be tampered with while they were being transported to the counting centres.

We therefore considered it important that the boxes were kept in the secure custody of presiding officers in full view of party agents and independent observers, until they were handed over to the Returning Officers at the respective counting centres.

In these circumstances, we stressed the importance of allowing the agents of political parties or candidates to travel in the vehicle with the boxes to the counting centre, as we did not believe that merely following behind the vehicle would generate confidence in the process.

It was also important that reliable vehicles were available to transport the ballot boxes, this was vital to the success of the operation because if a breakdown occurred along the route, suspicion was likely to develop at a time of considerable excitement for party supporters.

As it happened, we were not aware of a single incident of tampering or that any attempt to do so had been made.

Security of Ballot Papers and Boxes

Before polling day, we received several complaints relating to the security of ballot boxes and ballot papers. The principal fear was that the transportation of ballot boxes from the polling stations to the counting centres was likely to attract hijacking of ballot boxes or other forms of tampering. The opposition parties expressed concern that their agents would not be able to travel with the ballot boxes from the polling stations to the counting centres because of inadequate means of transportation. These fears were not borne out by the events of polling day. There were however considerable delays in the transportation of the ballot boxes from the polling stations to the counting centres. Except for one incident resulting in the loss of 4,000 ballot papers, we were not aware that any loss of ballot boxes or ballot papers

took place. An announcement was made of the missing numbers and the ballot papers were replaced.

Conduct of the Count

One of the most controversial decisions made by the Electoral Commission was that votes should be counted at centres designated in various parts of the country. After the closing of the polls the ballot boxes would be transported to these centres by the Presiding Officer together with all the other documents pertaining to the holding of the poll and would be delivered to the Returning Officer.

The MMD had proposed that ballots be counted at the polling stations. They feared that with polling stations sited in isolated outlying areas accessible only by very bad roads there would be ample opportunity for interference by UNIP agents and partisan government officials. The Electoral Commission refused to reconsider its decision which was vigorously supported by UNIP. This decision was seen by the mmd as confirmation of their perception that the Commission was not impartial and aggravated the atmosphere of mistrust.

There are arguments on both sides which we have carefully considered. Counting at polling stations does strip some of the protection of secrecy from the voting process. A small community can be identified as having overwhelmingly voted for the losing side and be discriminated against in the allocation of development funds. The arrangement which was put in place considerably weakened the force of that argument since boxes were in fact counted polling station by polling station at the centres.

On the other hand, the Commission could have had doubts as to whether physical conditions at the more isolated polling stations would be conducive to a proper count. We have commented on poor lighting and cramped accommodation. The counter argument was that these were difficulties which could be overcome by the provision of better polling stations, a desirable goal in any event.

There were also doubts as to whether Presiding Officers and their assistants could be depended upon to make the somewhat difficult decisions that may have to be made as to the validity of ballot papers. Counting at centres required a far smaller number of counting agents supervised by a Returning Officer – usually a more experienced official. This argument could be met by providing training for presiding officers and their assistants in counting – a mammoth task considering that there were 3,489 polling stations.

Undoubtedly the final results would have been known more quickly had the votes been counted at the polling station. We have already mentioned the superhuman efforts which were required of the counting assistants and returning officers at the centre.

In the end the ballot boxes were transported to the centres without interference and the worst fears of the MMD were not realised.

We could not achieve a consensus as to which of the arrangements was preferable. The issue is one of the greatest sensitivity and should be discussed and hopefully amicably resolved well before the next election.

Pursuant to the decision to use counting centres, the Commission was forced to make two important concessions to meet the complaints by opposition political

parties and other interested groups and individuals. It made it mandatory (instead of discretionary) for the Presiding Officers at polling stations to allow the parties' agents to accompany the ballot boxes when they were being transported from the polling station to the counting centre. It also dropped the practice of mixing up ballots from a number of boxes, which was believed to safeguard the secrecy of the vote.

An important aspect of the counting exercise was the treatment of invalid ballots caused by the failure of voters to adhere to the voting procedures. We were favourably impressed by the detailed instructions set out in the handbook issued by the Election Office with respect to the counting procedure to be followed in determining whether a ballot was valid or otherwise. (Please see Annex xx for examples of valid and invalid specimen ballot papers given in this handbook).

Wherever we went we observed that parties' agents, particularly those of UNIP and MMD, were taking an active part in observing the proceedings at polling stations. We did in one or two instances come across cases of the absence of parties' agents from the polling station, but this was by no means a widespread occurrence. In the majority of cases UNIP and the MMD had two agents each, one observing the Presidential, and the other the National Assembly elections.

Monitors from the two main local monitoring groups, namely ZMT and ZEMCC were at the majority of polling stations. In some cases each group had two monitors, but there were cases where monitors from only one of the two groups were present. Despite considerable initial difficulties with obtaining passes to visit polling stations, these were eventually issued and the monitors were allowed access to polling stations throughout the country. They performed a very useful role and were eager to share their experience with representatives of international observer groups.

Representatives of the several international observer groups monitoring the elections were also given access to polling stations throughout the country on polling day. Information was exchanged with the monitors who were permanently based at the polling stations. We formed the view that the elections were held in a calm and good spirited atmosphere, free of violence and intimidation for the greater part, which was endorsed by every other monitoring group.

■ CHAPTER 6 ■

Conclusion

The Zambian multi-party elections were conducted in a calm and orderly manner and gave the people of Zambia the opportunity to vote for the Presidential and National Assembly candidates of their choice. The results should therefore fully reflect the will of the Zambian people. The entire election process has shown that there is a basis in Zambia for the development of multi-party democracy. There is no doubt that the events on Election Day in Zambia would provide lessons for other countries which intend to change to a plural political system.

Our conclusion was that the elections were free and fair. This conclusion was based on detailed observation of the arrangements during the week of the elections. In checking on the arrangements for the elections, we met the Electoral Commission, political parties including UNIP and MMD, police and security officials, election officials and other interested parties, as well as voters.

On polling day, we were on the scene before the scheduled commencement of the poll at 0600 hours in order to satisfy ourselves that the proper procedures for the opening of the poll were being applied. We spent the entire day making random visits to polling stations to note whether the procedures laid down by law were being followed, observing the conduct of the poll, examining the registers, making contact with independent monitors and party agents on duty in every polling station to find out whether there had been any complaints, and speaking to voters outside polling stations. We had no complaints of intimidation or of voters being prevented from exercising their right to vote.

Our observations were that the majority of election officers consistently sought, fairly and firmly, to ensure that the prescribed procedures were followed and to assist voters wherever difficulties occurred. The problems which we noted, or were reported to us, were in our view due to lack of administrative resources and predictable human error.

In all our visits, election officers were anxious to be helpful, to explain anything on which we sought information and to give us access to their documents. The process was open – an important ingredient in fairness.

Finally, we must record our admiration for the Zambian people, whose behaviour throughout the day combined maturity, patience and good humour; qualities which augur well for the stability of the Third Republic.

Acknowledgements

The Presidential and general elections in Zambia were events of great historical significance and we wish to record our gratitude to the people of Zambia for allowing us to share this event with them and for the warm welcome they gave us everywhere we went.

We would like to thank the officers of the Ministry of Foreign Affairs for the courtesies they extended to us and for their unfailing assistance in arranging appointments on our behalf. Our appreciation also goes to the Election Officers in all the Provinces who provided excellent assistance and co-operation in the field as we visited polling stations and counting centres. We would also like to thank the Chairman and member of the Electoral Commission as well as their staff who took the time to see us and to answer all our questions. We would wish to record our satisfaction with the level of co-operation achieved with other international observer groups, and local monitoring bodies.

The willingness of political party leaders to talk to us about the problems they faced during the campaign was most helpful and made us feel that our presence was welcomed. Their contributions made our task more challenging at times but they were always helpful and constructive. We completed our task with great admiration for the people of Zambia who demonstrated genuine kindness towards us wherever we went.

Finally, we wish to record our gratitude to the Commonwealth Secretary-General, Chief Emeka Anyaoku, for providing us with the opportunity to serve Zambia and the Commonwealth on this historic occasion. We also wish to record our thanks to the Commonwealth Secretariat team, ably led by Mr Carl Dundas, for their dedicated and excellent support.

ANNEXES

ANNEX I

Composition of the Commonwealth Observer Group

Rt Hon Mr Justice Telford Georges (Trinidad & Tobago) (Chairman)

Justice Telford Georges, who was born in Dominica, is a national of Trinidad & Tobago where he was a judge of the High Court before going on to be Chief Justice in Tanzania, Zimbabwe and the Bahamas in that order. He has held many high public offices in the Caribbean and other parts of the Commonwealth including most recently that of Chairman, Regional Constituent Assembly of the Windward Islands. Justice Georges is a member of the International Commission of Jurists and a Privy Councillor. He continues to work as part-time Appellate Judge and freelance consultant. His higher education was at the University of Toronto and the Middle Temple, London.

Mr Fakhruddin Ahmed (Bangladesh)

Mr Ahmed's long public service career started in Pakistan where he had reached the rank of Director-General, Ministry of Foreign Affairs before Bangladesh became independent. Thereafter his career included service as ambassador to several countries culminating in 1986 as Foreign Secretary. Earlier this year after the fall of the Ershad Government, he was appointed as Foreign Policy Adviser to the interim Government. He trained in diplomacy at the Fletcher School of Law and Diplomacy in the USA. In recent years he has served on several observer groups in elections in South and South East Asia.

Dr Kalidu Bayo (The Gambia)

Dr Bayo is Permanent Secretary, Ministry of Education, Youth, Sports and Culture in The Gambia. He has served in several other sectors of the public service in his country including being Supervisor of Education. He had a brief stint as a university lecturer. His university education was in the USA, where he took a PhD at Northwestern University.

The Hon Jean-Jacques Blais (Canada)

Mr Blais is a former Liberal National Defence Minister of Canada. He has also held the posts of Minister of Supply and Services, Solicitor General, and Postmaster General. He was elected to the House of Commons in 1972, 1974, 1979 and 1980; and has also been a Privy Councillor. His higher education was at the University of Ottawa and Osgoode Hall Law School, Toronto.

The Hon James Carlton, MP (Australia)

Mr Carlton is currently Conservative Shadow Minister for Policy Co-ordination and Development in Australia and has held a series of other shadow Ministry positions including Treasury and Defence. He was first elected to Parliament in 1977 and

served as Minister for Health in the Malcolm Fraser Government. He is a science graduate of the University of Sydney.

Datuk Harun Din (Malaysia)

Datuk Harun is currently the Chairman of the Election Commission of Malaysia. He has held various high positions in the public and private sectors including Chairman, Kelang Port Authority, Deputy Secretary-General, Prime Minister's Department, Secretary-General, Ministry of Housing and Local Government and Chairman, Bank Rakyat. His university education was at the University of Singapore.

Dr (Mrs) Najma Heptullah (India)

Dr Heptullah is Deputy Chairman in India's Upper House of Parliament. She is a zoologist by profession and also has a doctorate degree in cardiac anatomy. She is a Fellow both of the Academy of Zoology, India, and the Zoological Society, London, and is a member of the Indian Science Congress. She is particularly active in women's causes. She has been a member of the Upper House since 1980 and General Secretary of the All India Congress Committee. She has published widely in foreign and Indian journals.

Mrs Shirley Miller (Jamaica)

Mrs Miller, the Director of Law Reform, Jamaica, has served in several important legal posts in her country. She is a Member of the General Legal Council and was appointed Queen's Counsel (Jamaica) in 1971. She has served as an independent member of the Electoral Advisory Committee of Jamaica since its establishment in 1979 and was recently an Observer at the El Salvador elections (1991) and at the Panama Elections also in 1991. She is a graduate both of the University of London and of the University of the West Indies.

Ms Emma Nicholson, MP (Britain)

Ms Nicholson is Chairman of the Conservative Party Backbench Environment Committee in Britain. She entered Parliament in 1987 and has been active both as a professional and volunteer in charity work including being Director of Fundraising for the Save the Children Fund. Earlier she worked as a computer programmer and software engineer. She is a Fellow of the Royal Society of Arts and author of various articles and pamphlets.

The Rt Hon Edward Schreyer, PC (Canada)

Mr Schreyer is a former Governor-General of Canada and NDP Premier of Manitoba. He was elected to the House of Commons in 1965 and has served as a minister in several ministries at the federal level. He has also held ambassadorial posts. He is a Privy Councillor. Earlier in his career he was an academic and currently has returned to university life as a visiting professor at the University of British Columbia.

The Hon Kerry Sibraa (Australia)

Senator Sibraa, the President of the Senate of Australia, began his political career in 1968 as an Organiser for the New South Wales Branch of the Australian Labour Party and was Assistant General Secretary from 1973-75. He has served as a Labour Party Senator from as early as 1975. He has also been President of the Commonwealth Parliamentary Association.

Mr Raymond Sock (The Gambia)

Mr Sock is Director of the African Centre for Democracy and Human Rights Studies in The Gambia. After an early career in teaching and the civil service, he qualified as a barrister and eventually rose to the rank of Solicitor General. His interest in human rights led to his playing a substantial role in the establishing of the first major regional NGO in Africa dedicated to this subject. His university education was both in the USA and Britain.

Lord Tordoff (Britain)

Lord Tordoff, the Chief Whip of the Liberal Democratic Party, House of Lords since 1988, is a former President of the Liberal Party and also has served as Chief Whip of that party. He was a senior executive of Shell International for many years. Recently he served as a member of an Observer Team to the elections in Bulgaria. His higher education was at the University of Manchester.

SECRETARIAT SUPPORT STAFF

Mr Carl Dundas (Jamaica) (*Team Leader*)

Mrs Patsy Robertson (Jamaica) (*Press Officer*)

Mr Richard Nzerem (Nigeria)

Dr Neville Linton (Trinidad & Tobago)

Mr Ian Thomas (Britain)

Mr Dominic Sankey (Britain)

Ms Zainah Anwar (Malaysia)

Ms Jean Fryer (Britain)

Ms Amita Patel (India)

ANNEX II

Letter to Political Parties



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

18 October 1991

I am writing to you on behalf of the Commonwealth Observer Group which will start work in Zambia on 24 October.

The Group comes to Zambia inspired by the commitment to strengthening democratic institutions in member countries, reaffirmed in 1989 by Heads of Government in Kuala Lumpur. This commitment is clearly reinforced by the invitation to us to observe your elections. Despite our diverse backgrounds and experience, we are all from Commonwealth democracies, and come in a constructive, and open-minded spirit. All of us serve in our personal capacities, not as representatives of our governments.

To discharge our functions effectively we attach great importance to establishing personal contact with you and the leaders of the other political parties. You are most welcome to contact us at the Pamodzi Hotel.

A list of our members and a copy of our Terms of Reference are attached.

Yours sincerely,



Carl Dundas

(Leader of the Secretariat's Support Team to the Observer Group)
for Chairman

encl.

COMMONWEALTH OBSERVER GROUP - ZAMBIAN ELECTIONS

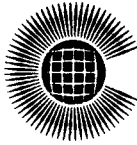
TERMS OF REFERENCE

The Group is established by the Commonwealth Secretary-General at the request of the Government of Zambia supported by the political parties. It is to observe every relevant aspect of the organisation and conduct of the elections in accordance with the law of Zambia relating to elections. Its function is to ascertain whether, in its impartial judgment and in the context of that law, the elections have been free and fair.

The Group has no executive role; its function is neither to supervise nor act as a commission of inquiry but to observe the process as a whole and to form a judgment accordingly. It is to submit its report initially to the Secretary-General and to the Government of Zambia, and thereafter to the leadership of the parties taking part in the elections.

ANNEX III

Press Statement Issued on Arrival in Lusaka



Commonwealth News Release

ZAMBIA OBSERVER GROUP: STATEMENT

We have been sent to Zambia by the Commonwealth Secretary-General Chief Emeka Anyaoku following a request for a Commonwealth Observer Group from the Government of Zambia.

Our broad task will be to observe every relevant aspect of the organisation and conduct of the Presidential and Parliamentary elections in accordance with the law of Zambia. A Commonwealth Secretariat Planning Mission has confirmed to us that the parties involved in the elections welcome our presence here.

We have no executive role. Our function is not to supervise nor act as a commission of enquiry but to observe the process as a whole and to form a judgement based on those observations. Our conclusions will reflect our independent collective judgement and will be submitted in a report to the Commonwealth Secretary-General who will make it available to the Zambian Government and political parties, and subsequently to Commonwealth Governments.

As part of our work we will be in touch with all the major political parties and will be travelling to different parts of the country before and on elections day. We are delighted to be here in Zambia and are privileged to be present at this historic time.

23 October 1991

Issued by the Information Division, Commonwealth Secretariat, Marlborough House, Pall Mall, London SW1Y 5HX, Britain. Tel: 071-839 3411; Fax: 071-930 0827; Telex: 27678

ANNEX IV

Press Releases



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

PRESS RELEASE

BUSY DAY FOR COMMONWEALTH GROUP

The presence of the Commonwealth Observer Group for the forthcoming elections will instil confidence in many people throughout Zambia including the members of the Electoral Commission. This statement was made today (Friday) by the Chairman of the Electoral Commission, Mr Justice M Ngulube as he and his colleagues held a two-hour meeting with the Commonwealth Observers at his office this morning.

The 13-member Commonwealth group was beginning its first full day of meetings and was led by the Chairman, the Rt Hon Mr Justice Telford Georges. Also present at the meeting were Mr. W.P.Nyirenda, member of the Electoral Commission, Mr J.D Sikazwe, Secretary to the Commission as well as Mr G Phiri, Director of Elections and Mr R.S. Mwansa, Acting Assistant Director of Elections.

In a wide-ranging discussion, the Group asked for and was given a detailed account of the preparations for the elections and addressed such questions as voter registration, arrangements for the security of the ballot, the polling and counting processes, the provision of lists of polling stations and other administrative matters covering all activities on election day.

The Commonwealth Group also raised the question of the State of Emergency and its effects on the campaign, as well as the question of the issuing of police permits for political meetings and rallies.

The Group was shown samples of the ballot box and given a detailed demonstration of the measures which have been put in place to safeguard the integrity of the electoral process. Many questions were asked by members of the Group about all aspects of the electoral process and they brought to the notice of the Commission a number of complaints which had been referred to them by political and other groups.

At the end of the meeting, Mr Justice Georges said that it had been an extremely informative meeting and that the Electoral Commission had a clear view of the scope of the arrangements which had to be made for the proper conduct of the forthcoming elections. There was no doubt that members of the Commission were fully aware of the history of suspicion which dogged such elections and that they were dealing with this problem. Mr Justice Ngulube made it clear that in his view, the presence of the Commonwealth Group would help to restore confidence in the entire process and for that reason he welcomed them.

In keeping with its mandate the Group has been meeting with representatives of political parties and members of monitoring groups. It has met with the MMD, UNIP and the SDP. Members of the Group have called on the Electoral Officer for Lusaka, Mr Mushingi and have held meetings with the Zambia Independent Monitoring Team (ZIMT). In the evening, some members attended campaign rallies and meetings.

25 October 1991



Zambian Elections

Commonwealth Observer Group

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Fax: (260) (1) 254005/250995
Telex: ZA44720 PAMHO

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

PRESS RELEASE for weekend Saturday October 26 and Sunday 27, 1991

The Commonwealth Observer Group and other observer groups have been invited to monitor the Zambian elections in response to criticisms that they would not be conducted in a free and fair manner. This statement was made by President Kenneth Kaunda when he had an hour-long meeting with the Commonwealth group at State House on Friday evening.

In a warm speech of welcome, President Kaunda said that invitations had been extended to several organisations, including the Organisation of African Unity, the Carter Centre and the Commonwealth, to send independent observer groups to monitor this historic multi-party election. He was pleased that the Commonwealth had responded and noted that the Group comprised many distinguished Commonwealth citizens.

In the wide-ranging discussion which characterised the meeting, the point was made that with the advent of multi-party democracy and opposition allegations of rigging, the presence of observers would be beneficial to the country at this time.

The question of the State of Emergency was raised by the Chairman of the Commonwealth Group, the Rt Hon Telford Georges, who said that there was no doubt that the fact of its existence would have a psychological effect on the average citizen, particularly in the heightened atmosphere of a general election campaign.

The meeting with the President was one of a series of meetings which the Commonwealth Observer Group has been undertaking since its arrival in Zambia last week. The Group has now had meetings with representatives of all political parties, beginning with the MMD on Thursday last and ending with the meeting on Friday with Lt. General B Mibenge, Chairman UNIP Election Management Committee. The Group also called on the Inspector-General of Police Mr Zuuga Siakadima and held discussions with him and his colleagues Mr Christopher Mhango, Commissioner of Police, Mr John Kilimboyi, Deputy Commissioner of Police - Operations and his Assistant, Mr Emmanuel Lukonde.

Meetings have also been held with Mr Mushingi, the Electoral Officer for the Lusaka area and with representatives of other election monitoring groups in Zambia.

In all their meetings, the Commonwealth Observer Group has been gathering information about the organisation of the elections and receiving complaints from political parties and other interested groups. The complaints have focussed on the registration of voters, particularly the disenfranchisement of young people who have reached voting age since October last year; the conduct of the campaign including the withholding of permits for opposition political rallies in the Lusaka area; the failure of the Electoral Commission to allow the counting of ballots at the polling stations and the concern for the security of ballot boxes and ballot papers.

The Commonwealth group has also been approached by local monitoring groups to use their good offices to facilitate the accreditation in good time of their officials in order to enable them to observe the activities at polling stations and the counting of the ballots. The Chairman, Mr Georges specifically raised the matter when he with Lt. Gen. Mibenge on Friday afternoon.

The Observers have now completed their meetings as a full body with senior political leaders, the management and senior staff of the Electoral Commission as well as with the head of police and security officers. The Observers have now been deployed in teams throughout the country, being based in all provincial capitals, where they will observe the polling and the count before returning to Lusaka to prepare their report.

The Chairman Mr Telford Georges will remain in Lusaka to observe the preparations for and conduct of the polls in the Lusaka Province. He intends to visit counting centres in urban Lusaka.



Zambian Elections

Commonwealth Observer Group

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

PRESS RELEASE

Statement by the Chairman of the Commonwealth Observer Group

On the eve of the Zambian elections, the Chairman of the Commonwealth Observer Group, the Rt Hon Telford Georges issued the following statement:

The Commonwealth Observer Group has now spent over a week in Zambia looking into every aspect of the conduct of the elections which will be held tomorrow. We have been stationed in all provincial capitals and Lusaka and we have spent much time talking to and listening to all parties contesting the elections. We have had a chance to share with the people of this fellow Commonwealth country these extraordinary days, when in peaceful assembly, thousands have turned out to participate in these elections to restore multi-party democracy to Zambia.

I know that all other Commonwealth member countries are taking a keen interest in the outcome of this process, and that it is their wish that your elections will be peacefully and successfully completed.

For our part, my colleagues and I pledge that, as we visit polling stations tomorrow and monitor events, and as we make our presence known at counting centres, we will be pursuing our task in an impartial manner in the best interests of the people of Zambia.

30 October 1991

ANNEX V

List of Significant Engagements

Thursday 17.10.91	1130	Advance Team arrived in Lusaka
	1630	Advance Team met with: The Chief Justice, the Hon Mr Justice A M Situngwe (as Returning Officer for the Presidential Elections)
	1730	Deputy Chief Justice, the Hon Mr Justice M M Ngulube (as Chairman of the Electoral Commission)
Friday 18.10.91	1130	Meeting with Director of Elections, Mr G R Phiri Deputy Director, Mr Mwansa Secretary to the Commission, Mr Sikazwe
	1710	Meeting with MMD
Saturday 19.10.91	1145	Meeting with National Party for Democracy President Mwanza
Monday 21.10.91	1130	Meeting with Ministry of Foreign Affairs
	1730	Meeting with Carter/NDI group
Wednesday 23.10.91	1940	Observers arrived in Lusaka
Thursday 24.10.91		<i>Independence Day – Public Holiday</i>
	1100	Meeting with MMD
	1500	Press Conference (at the Pamodzi)
Friday 25.10.91	1000	Meeting with Electoral Commission
	1400	Meetings with: Carter/NDI group
	1430	Electoral Officer, Lusaka Urban (Mr Mushingwe)
	1545	Dr Owen Sichone, Chairman, and other SDP members

	1600	ZIMT
	1630	UNIP
	1830	Meeting with the President, State House
Saturday 26.10.91/ Sunday 27.10.91		Departure of Observers Teams to Provinces <i>All Provincial Teams:</i> Attended Electoral Officer at Civic Centres to register presence <i>Lusaka Team:</i> Meetings with:
	1600	Carter/NDI Group (Pamodzi Hotel) Richard Joseph, Larry Garber, Jay Taylor, Eric Bjornlund and Eric Bratton;
	1700	Mozambique Delegation (Pamodzi Hotel) Mariano Matsiue, Minister with Portfolio Aires Amaral, Ministry of Justice Rui Abjiaia, Frelimo Central Committee Reg Austin, Professor of Law Akin Adegbola, SARDC Team Rapporteur
Monday 28.10.91		<i>All Teams:</i> Meetings with political parties, candidates and agents Visited polling stations Attended campaigns/rallies as appropriate <i>Lusaka only:</i> Meetings with:
	1430	Judge Ngulube, Chairman Electoral Commission;
	1515	Mr Mushinge, Electoral Officer Mr Sikazwe, Secretary of the Commission, Lusaka Urban, re polling stations
Tuesday 29.10.91/ Wednesday 30.10.91		<i>All Teams:</i> Visits to Rural Districts Meetings with electoral officers, candidates and agents as appropriate Visited sample presiding and returning officers to check state of readiness for poll, visited polling stations Identified polling station for observing opening of poll on 31.10.91 and counting centre for observing count

- Lusaka Only:
Meetings with:
- 0800 Mr Albert Nkolomba, Chairman
People's Organisation;
- 1000 Ms Dorothy Holt, Australian
High Commissioner for Zambia
resident in Zimbabwe;
- 1030 OAU Delegation headed by
HE Chief Segun Olusola, Ambassador
of Nigeria to Ethiopia and the OAU
Dr Christopher Bakwesogla + 4 others;
- 1145 Law Society of London group
Mr Jim Horrocks/Mr David Salmon
Mr Guy Scriven/Mr Michael Peach
- 1330 MMD rally with Mr Chiluba speaking
(John Laing Compound)
- 1530 Dr Mwase, PTA, met the Chairman
- 1930 Carter/NDI group

Thursday
31.10.91

POLLING DAY

All Teams:

Attended selected polling station before commencement of poll (0600) and observed opening and compliance, or otherwise, with regulations:

- (i) names of candidates to be published inside and outside polling stations;
- (ii) instruction notices to voters as to the procedure for casting votes;
- (iii) candidates' symbols;
- (iv) observe empty ballot box before locking and sealing and commencement of voting

Observed polling at polling stations at random throughout province, and observed procedures at close of poll at selected polling station for compliance with regulations

Where count at different place from polling place, observed compliance, or otherwise, with regulations for dispatch of box to returning officer

Observed count

Friday 1.11.91	0900	Working Breakfast with Mr Jimmy Carter Carter/NDI group Return of Observer Teams from the Provinces
Saturday 2.11.91	1100	Swearing-in Ceremony HE Mr Frederick Chiluba
Monday 4.11.91		Departure from Zambia

ANNEX VI

Deployment of Observers

Area/Province	Observer Team/s	Support Staff
1. Lusaka Province	Rt Hon Mr Justice Telford Georges	Mr Carl Dundas Mrs Patsy Robertson
2. Central Province	Dr Najma Heptullah	Mr Richard Nzerem
3. Copperbelt Province	Datuk Harun Din Hon Kerry Sibraa	Mr Ian Thomas
4. Eastern Province	The Rt Hon Edward Schreyer	Dr Neville Linton
5. Luapula	Hon Jean-Jacques Blais Mr Raymond Sock	
6. Northern Province	Mr Fakhruddin Ahmed Ms Emma Nicholson	
7. North-Western Province	Dr Kalidu Bayo Hon James Carlton	
8. Southern Province	Mrs Shirley Miller	Mr Dominic Sankey
9. Western Province	Lord Tordoff	Ms Zainah Anwar

ANNEX VII

Observation Notes for Polling Station Visits

Observation Notes

■ Part A

The Observers may focus particular attention on the following aspects of the election conduct:

Political Campaign

1. The nature of access to the electronics media available to the opposition parties.
2. The procedure (if any) for the allocation of time for political broadcasts and advertisements on the radio and television.
3. The nature of access enjoyed by the political parties to the print media.
4. The tone and contents of political broadcasts, advertisements and posters put out by the political parties.
5. The conduct of political meetings.
6. The conduct of house-to-house canvassing of voters.
7. The voter education programme on the radio and television conducted by the Director of Elections.
8. Permits for public meetings.
9. Effects of curfew.
10. Access to printing facilities.
11. Access to funds and sources of funds.
12. Access to state services.

Conduct of the polls

1. The siting of polling stations.
2. The accuracy of the list of electors at the polling stations.
3. Distances travelled by voters to polling stations in rural areas.

4. The length of time voters waited to cast their votes.
5. The steps (if any) taken to ensure that the secrecy of the ballot is assured.
6. The performance of the election officers at the polling station visited.
7. The procedure followed at the opening of the poll.
8. The adequacy or otherwise of polling stations' facilities.
9. The incidence of the loss of registration card.
10. The number (if any) of persons with national identity cards but without voters' card who were not allowed to vote.
11. The procedures in place to ensure the proper security of ballot papers, ballot boxes and official seals.
12. The general electoral environment that prevailed at the polling stations visited.
13. The transportation of the ballot boxes after the close of the polls.
14. The state of readiness of polling stations.
15. Availability of adequate supplies, eg ballot papers, sealing wax, etc.
16. Security of ballot papers prior to elections.
17. Access of party agents at all critical points, including transfer of ballot boxes.

The count

1. The process of reconciling the number of names that voted with the ballot stubs received.
2. The determination of invalid ballots which are stamped rejected.
3. The conduct of the returning officers and their counting assistants.
4. The preparation of the Declaration of the Result of the Poll.
5. Inspection of seals.

Registration

1. Likely percentage of potential voters denied registration through early closure of rolls.
2. Procedures to challenge by voters of their exclusion from the rolls.

■ Part B

Questions that may be put:

Before Polling Day

1. Is electoral register full and correct? People missed off? Are there names of dead people/people who have moved away included?
2. Are election officials confident about arrangements? Are political parties and local notables (priests, lawyers, etc) satisfied?
3. Is the man in the street satisfied with arrangements? Will he vote? If not, is he afraid to do so?
4. Has the campaign been free of intimidation, etc? Have all parties had full access to media?
5. Is advertising (posters, leaflets, etc) free?
6. How will voters' IDs be checked? Will it be possible to vote twice?
7. How will those away from home or ill in bed be able to vote?

On the day

1. Before polling starts, are the ballot boxes empty? Are they properly sealed?
2. Are all procedures agreed beforehand being adhered to?
3. Are all parties represented at polling stations? Are they satisfied with process?
4. Are IDs being properly checked?
5. Are voters apparently voting freely? Are they enthusiastic? Do they talk freely? Do they exhibit signs of fear or intimidation?
6. Do voters understand procedures properly? If not, are they being explained fully and impartially? Are attempts being made to suggest how they should vote?
7. Is only one person at a time allowed into the voting booth? Do their ballot papers go straight into the sealed box?
8. How long are voters waiting to vote? If a long time, are some being put off?
9. Who will run the procedures on the day? Will they be ex-Party people? How were they chosen?

10. Will all parties be present at polling stations throughout voting and count?
11. Will foreign observers have free access to all stages of process?
12. Are voters being asked suspicious questions after leaving the ballot box?

After Voting

1. Are the boxes kept safe until opened? Are all parties/observers present at opening?
2. Does the number of used ballot papers tally with the record of those who have voted?
3. Are the papers counted properly? Are any valid ones being spoiled during counting, intentionally or not?

Polling Station Report

Name/Team:

Polling Station Visited:

Time:

ACCESS	Comments (if necessary)	
Were you allowed full access to the polling station?	Yes	[]
	No	[]

OFFICIALS

Were you received well by officials?	Yes	[]
	No	[]
Did they have any comments or complaints?	Yes	[]
	No	[]

MOOD

Was the mood	Orderly?	[]
	Tense?	[]
	Violent?	[]
	Excited?	[]
	Happy?	[]

IF YOU SPOKE TO VOTERS

- were they happy to talk?	[]
- generally satisfied?	[]
- did they have any complaints?	[]
were any of these:	intimidation? []
	harassment? []
	unfairness? []
	confusion? []

GENERAL COMMENTS ON APPARENT FAIRNESS:

ANNEX VIII

Interim Conclusions



Zambian Elections

Commonwealth Observer Group

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Fax: (260) (1) 254005/250995
Telex: ZA44720 PAMHO

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

PRESS RELEASE

**Statement by the Chairman of the Commonwealth Observer Group,
The Rt. Hon. Justice Telford Georges, on the Presidential and
National Assembly Elections of Zambia on 31 October 1991**

The Zambian multi-party elections were conducted in a calm and orderly manner and gave the people of Zambia the opportunity to vote for the Presidential and National Assembly candidates of their choice. The results should therefore fully reflect the will of the Zambian people. The entire election process has shown that there is a basis in Zambia for the development of multi-party democracy. There is no doubt that events on Election Day throughout the country will provide lessons for other countries which intend to change to a plural political system.

The interim conclusion reached by the Commonwealth Observer Group is that the elections were free and fair up to the close of the poll and the time when results are still being declared.

This conclusion is based on the detailed monitoring of the arrangements for the elections during the past week when Commonwealth Observers carried out random samplings of polling sites in several constituencies in the nine Provinces. In checking on the arrangements for the elections, the Group met with the Electoral Commission, political parties including UNIP and MMD, police and security officials, election officials and other interested parties.

On polling day, Commonwealth Observers were on the scene before the commencement of the poll at 6 am in order to satisfy themselves that the proper procedures for the opening of the poll were being applied. They spent the entire day making unscheduled visits to polling stations to note whether the procedures laid down by law were being followed, observing the conduct of the poll, examining the registers, making contact with independent monitors and party agents on duty in every polling station to find out whether there had been any complaints, and speaking to voters outside polling stations. We had no complaints of intimidation or of voters being prevented from exercising their right to vote.

Our observations were that the majority of election officers consistently sought, fairly and firmly, to ensure that the prescribed procedures were followed and to assist voters wherever difficulties occurred. The problems which we noted, or were reported to us, were in our view due to lack of administrative resources and predictable human error.

In all our visits, election officers were anxious to be helpful, to explain anything on which we sought information and to give us access to their documents. The process was open - an important ingredient in fairness.

Finally, we must record our admiration for the Zambian people, whose behaviour throughout the day combined maturity, patience and good humour; qualities which augur well for the stability of the Third Republic.

1 November 1991

ANNEX IX

List of Political Parties

United National Independence Party (UNIP)
Freedom House
Lusaka

Tel: 211996

Multi Racial Party (MRP)
Plot 3190
P O Box 30471
Matero
Lusaka

Movement for Multi-Party Democracy (MMD)
Plot No. 8599
Lumumba Road
Lusaka

Tel: 263088

National Democratic Alliance
(NADA)
Plot 5623, Makeni
P O Box 33751
Lusaka

Christian Alliance for the
Kingdom of Africa (CHAKA)
Plot No. 87A
Buntungwa Street
P O Box 80589
Kabwe

National Party for Democracy
(NDP)
ZAMEFA Building
P O Box 32727
Lusaka

Democratic Party (DP)
4 Kabinga Avenue
P O Box 71628
Kabwe

Peoples' Organisation (PO)
P O Box 480176
Chinsali

JAC Democratically Debating
Party (JADEPA)
P O Box 81147
Luanshya

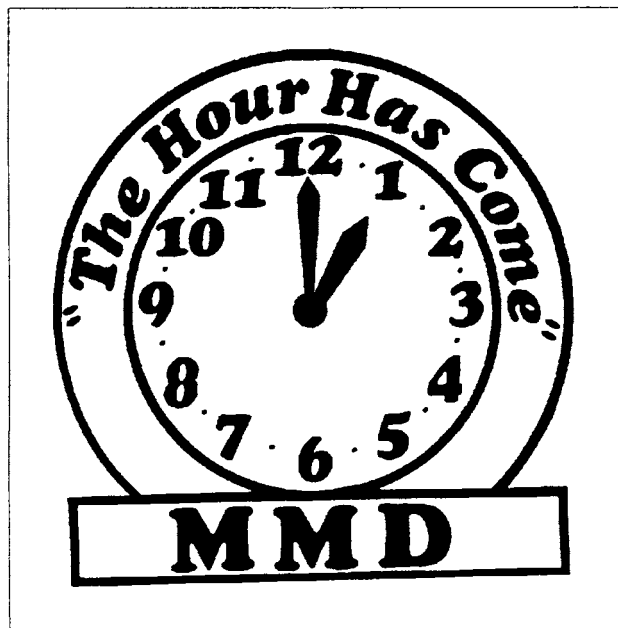
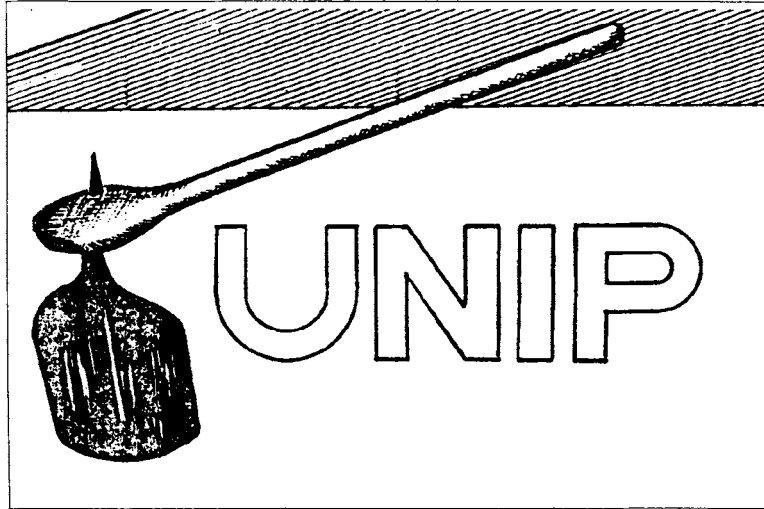
Social Democratic Party (SDP)
House No 7
UNZA Institute for
African Studies
P O Box 37264
Lusaka

Movement for Democratic Process (MDP)
P O Box 90902
Luanshya

Theocracy Spiritual Party (TSP)
Lisimba and Company
2nd Floor, Zimco House
P O Box 35929
Lusaka

ANNEX X

UNIP and MMD Election Logos



ANNEX XI

Structure of Election Tasks

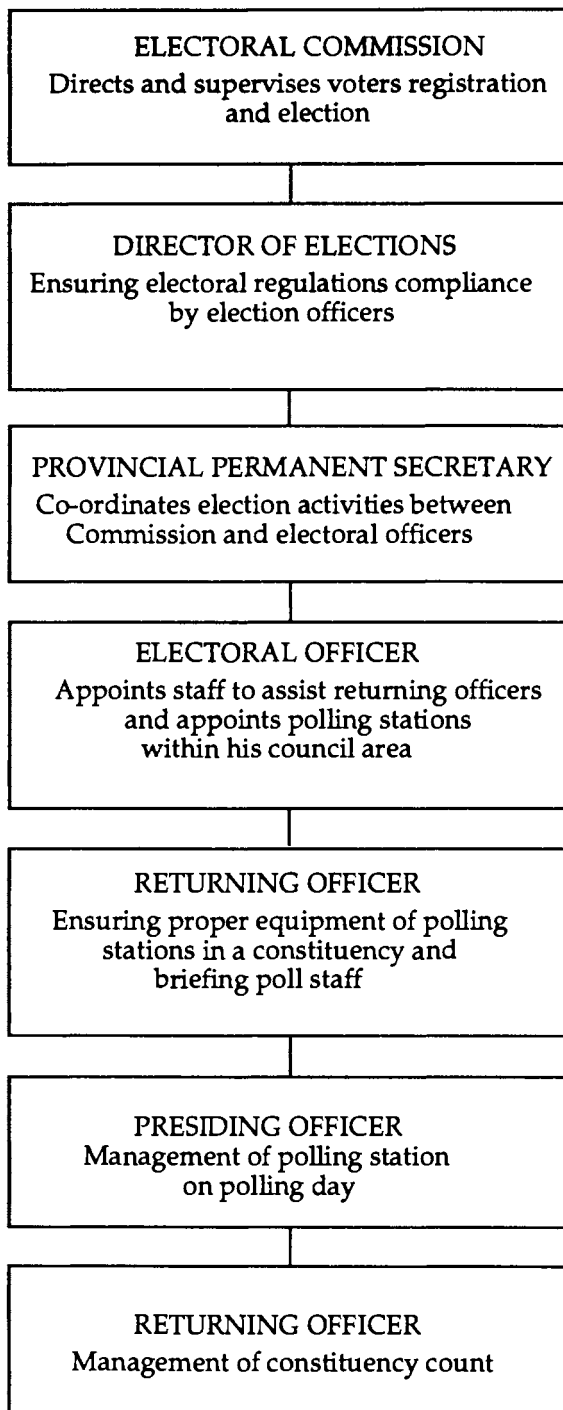


Chart by National Assembly

ANNEX XII

Letter to Chairman of UNIP Campaign Concerning Allegations Against Observer Groups



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

Dear General Ribunge,

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.

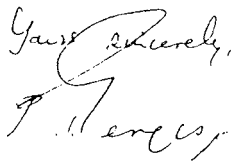
In the circumstances, I must ask that you make a public retraction of the allegations in so far that they include the Commonwealth Observer Group, having regard to the fact that your private retraction has been followed by another publication of

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

ANNEX XIII

Reply from UNIP



EMCO

ELECTION MANAGEMENT COMMITTEE.

EMCO/TV/90

28 October, 1991

Dear Rt Hon Georges,

I write to acknowledge receipt of your two letters both dated 27 October, 1991 on the subjects of payment for our Advertisements and our UNIP Public Relations Unit (PRU) Advertisement of 25 and 26 October, 1991.

On payments for our Advertisements, I have written to the Director General of the Zambia National Broadcasting Corporation asking him to furnish you with the information you need. He has indicated that he will make this directly to you.

With regard to your protest on the Advertisement, I passed on your concerns to the Public Relations Unit which has since responded positively by withdrawing it from any further appearance. It had not been possible to stop its publication in the Saturday 26 October, 1991 Times as the paper had already gone to the press by the time we finished our meeting at State House on Friday, 25 October, 1991.

Our belief in your integrity remains as expressed to you over both my meeting with you and the subsequent meeting at State House. Any misunderstanding caused by the Advertisement is regretted.

B. N. Mibenge, BPS
Lt. Gen.
MINISTER OF FOREIGN AFFAIRS
AND
CHAIRMAN, EMCO

The Rt. Hon. Justice Telford Georges
Chairman
Commonwealth Observer Group

**LUSAKA
FREEDOM HOUSE**
P.O. BOX 30302 LUSAKA



.....TELEX.....TELEFAX.....

ANNEX XIV

Response to UNIP's Reply



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

29 October 1991

Dear General Mubenge,

I write to acknowledge receipt of your letter reference EMCO/TV/90 dated 28 October 1991 in reply to our two letters dated 27 October on the subjects of payment for UNIP's advertisements and the advertisement placed by UNIP's Public Relations Unit in the Times of 25 and 26 October 1991.

I am delighted at your positive response on both these matters, and await the information which the Director General of Zambia National Broadcasting Corporation has been asked to forward to me.

I accept fully your explanation that it was not possible to stop the publication of the advertisement in the Times newspaper on Saturday 26 October 1991 for the reasons given in your letter. Had this fact been communicated to me it would have prevented the misunderstanding that occurred, which was regrettable.

Thanks for your prompt action on these matters and I look forward to your continued co-operation which, as you know, I value most highly.

Yours sincerely,

The Rt. Hon Justice Telford Georges
Chairman
Commonwealth Observer Group

Lt. Gen. Mr B.N. Mibenge, DFS
Minister of Foreign Affairs and
Chairman, EMCO
Freedom House
Lusaka

ANNEX XV

Letter to Chairman of UNIP Campaign on Free TV Airtime



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

Jean General Mibenge,

I write as Chairman of the Commonwealth Observer Group in connection with persistent allegations made to us that UNIP gets free airtime on television for the purposes of political advertisements.

We have also been informed that opposition parties have to pay for similar advertisements according to rates which were increased by some 100% recently.

We raised the issue in the interview with the President, H.E. Dr Kenneth Kaunda, at which you were present, and were told that the allegation concerning UNIP was entirely untrue.

We would find it helpful in preparing our report if we could be assisted by a copy of your election expenditure with respect to matters relevant to the allegation in question.

Yours sincerely,

The Rt. Hon Justice Telford Georges
Chairman
Commonwealth Observer Group

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

ANNEX XVI

Letter from ZNBC on Payments for TV Airtime



ZAMBIA NATIONAL BROADCASTING CORPORATION

Telephone: 220860/74 Telex ZA 41221 Telegrams: BROADCASTING RIDGEWAY

Broadcasting House
P.O. Box 50015
Lusaka
Zambia

*All correspondence to be addressed to
the Director General*

Your Ref

1st November, 1991

Our Ref

The Chairman
Commonwealth Observer Group
070 Pambaji Hotel
P.O. Box 31470
LUSAKA

Attention : THE HON. JUSTICE TELFORD GEORGES

Dear Sir


Re : UNIP POLITICAL ADVERTISEMENTS AND CAMPAIGN
MATERIALS

Thank you very much for your letter dated 27th October, 1991 addressed to the chairman UNIP Election Management Committee Lt. Gen. Mibenge which subsequently has been passed on to us for further action and response. However, bearing in mind the importance of this matter, I would like to confirm that all UNIP Political advertisements have been invoiced according to the airtime allocated to them and that to the best of my knowledge nothing has gone on air free of charge. So far as at 28th of October, 1991 a total sum of K25,966,993.80 has been invoiced for all UNIP political advertisements and so far UNIP has paid K20,751,116.80 against the total bill leaving outstanding balance of K5,215,877.00 to be paid.

Further to the above mentioned amounts attached herewith is a detailed analysis for all bills raised for UNIP campaign advertisements for your perusal scrutiny.

Please do not hesitate to contact the undersign for any queries pertaining to the above mentioned bills. I hope and pray that we will hear from you soon.

Yours faithfully
ZAMBIA NATIONAL BROADCASTING CORPORATION


M. L. C. Zulu
MBA, M. INST. M. INST. P.S. CAPT. (RTD)
COMMERCIAL DIRECTOR

CC : Lt. General B. Nibenge - Chairman
UNIP Election Management Committee
LUSAKA

ANNEX XVII

Letter to MMD on TV Airtime



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

28 October 1991

Dear Mr Miyanda,

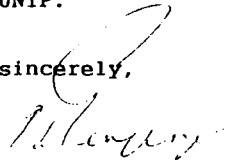
I write as Chairman of the Commonwealth Observer Group in relation to the matter of election expenses particularly in the area of expenditure on advertising.

Our inquiries indicate that reliable information as to the expenditure in these areas will be useful in assessing fairness.

We would ask you to let us have as soon as possible your budget for the elections indicating specially sums spent on advertising.

We have written in similar terms to General Mibenge asking for the same information from UNIP.

Yours sincerely,



The. Rt. Hon. Justice Telford Georges
Chairman
Commonwealth Observer Group

Mr G. Miyanda
National Secretary
Movement for Multi-Party
Democracy (MMD)
Plot No. 8599, Lumumba Road
Lusaka

ANNEX XVIII

Reply from MMD



MMD MOVEMENT FOR MULTI-PARTY DEMOCRACY

Private Bag E365
LUSAKA

Fax: 286104
Tel: 286101/4

MMD/HQ/200/20

29th October 1991

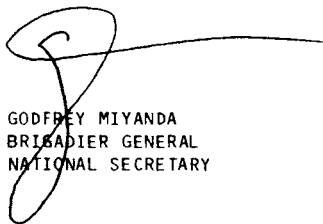
The Rt. Hon. Justice Telford Georges
Chairman
Commonwealth Observer Group
C/O Pamodzi Hotel
Church Road
LUSAKA

Dear Sir,

This is to acknowledge receipt of your letter dated 28th October, 1991 regarding election expenses. As you may be aware, there are no regulations concerning this matter. However, I am taking steps to have this information available to you as soon as possible.

May I take this opportunity to welcome you and your team to Zambia during this historic occasion. I sincerely hope your stay will be enjoyable. I look forward to meeting you in person.

Yours sincerely



GODFREY MIYANDA
BRIGADIER GENERAL
NATIONAL SECRETARY

ANNEX XIX

Electoral Commission Voter Education Programme

Voter Education Programme

Presidential and Parliamentary Elections

31st October 1991

As Zambia goes to the polls on Thursday 31 October 1991 to elect the President of the Republic and members of Parliament, there are critical questions to which voters want to have answers. The following are the questions and answers:

1. Who are the voters?

The voters in these elections are registered voters possessing pink voters cards issued either in 1987 or 1990.

Where registered voters have lost, destroyed or defaced their voters cards, they can still vote by obtaining a certificate of registration from their respective Electoral officers four days before polling day.

2. What are the voting hours?

Voting will be between 0600 hours and 1800 hours on 31 October 1991. It is advisable to vote early.

3. What documents are required?

You should have:

- (a) a green national registration card to prove that you are a Zambian;
- and
- (b) a pink voter's registration card issued either in 1987 or 1990 to prove that you are a registered voter or a certificate of registration GEN. 11 issued by the Electoral officer to those who have lost, destroyed or defaced their voter's registration cards.

4. Which is the voting place?

The Electoral officer has established a polling station in each polling district where people registered as voters. A notice to this effect has been or will be given by the Electoral officer. It is at the polling station established in your district where you will vote.

5. How does one vote?

At a polling station each voter will be given two ballot papers – one for the Presidential election and another for Parliamentary election. These ballot papers will contain names of candidates contesting the elections, their parties and symbols. In these ballot papers there is a column where voters will mark 'X' against candidates of their choice.

The illiterates, the blind and the incapacitated can be assisted by either the Presiding officer, a friend or relative to mark a ballot paper according to the voter's choice. It is recommended that such voters request for assistance from friends or relatives.

6. Is the vote secret?

Yes, indeed! It is an offence for anyone to want to know how you voted, neither should you tell anyone how you voted. No one is permitted to scrutinise your ballot paper except the High Court in the event of an election petition.

7. Is anyone compelled to vote or not to vote?

To vote or not to vote in an election is a voter's free choice. No one should, therefore, compel anyone through threats or other means to vote when one does not want, or not to vote when one wants, to do so. You should not be intimidated.

8. Is anyone allowed to get my voter's registration card?

Nobody is allowed. It is, in fact, an offence for anyone to ask a voter to produce a voter's registration card or to withdraw it from him without the voter's consent. Refuse to surrender your voter's registration card to anyone.

9. What offences can be committed at a polling station?

There are several offences which can be committed. The following are just a few:

- (a) voting twice in an election is personation;
- (b) voting in the name of some other person is personation;
- (c) possessing a ballot paper which is not issued to a voter;
- (d) consciously tearing a ballot paper;
- (e) consciously walking away with a ballot paper from the polling station;
- (f) tampering, in anyway, with a ballot box;
- (g) canvassing for votes within four hundred metres of the polling station; and
- (h) putting up notices or making signs within one hundred metres of the polling station.



People are not allowed to wear material - T-shirts or Chitenge depicting a political Party and/or its symbol within this radius.



BE WISE: KNOW YOUR RIGHTS!!



ANNEX XX



Valid and Invalid Ballot Papers



VALID BALLOT PAPERS (Specimen)



JARSONS Gordon Tom	BHAKTA James		✕
SINJA David Fred	LEWIS Keri John		



JARSONS Gordon Tom	BHAKTA James		
SINJA David Fred	LEWIS Keri John		

JARSONS Gordon Fred	BHAKTA James		
SINJA Gordon Fred	LEWIS Keri John		



JARSONS Gordon Tom	BHAKTA James		
SINJA David Fred	LEWIS Keri John		/

JARSONS Gordon Tom	BHAKTA James		
SINJA ✕ David Fred	LEWIS Keri John		



JARSONS Gordon Tom	BHAKTA James		YES
SINJA David Fred	LEWIS Keri John		NO

JARSON X Gordon Tom	BHAKTA X Keri John		X
SINJA David Fred	LEWIS Keri John		



INVALID BALLOT PAPERS

JARSONS Gordon Tom	BHAKTA James		X Mukanga
SINJA David Fred	LEWIS Keri John		



Name
can
identify
voter

JARSONS Gordon Tom	BHAKTA James		X
SINJA David Fred	LEWIS Keri John		

Invalid
for
uncerti
nty

JARSONS Gordon Tom	BHAKTA James		
SINJA X David Fred	LEWIS Keri John		

Voted
for more
than one
candidate

JARSONS Gordon Tom	BHAKTA James		
SINJA David Fred <i>RSR</i>	LEWIS Keri John		✓

Initials
can
identify
voter

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9 781848 595521

COMMONWEALTH SECRETARIAT
MARLBOROUGH HOUSE, PALL MALL, LONDON SW1Y 5HX