

Zambia : Democracy on Trial

**Report of a mission by the non-governmental
Commonwealth Human Rights Initiative**

Commonwealth Human Rights Initiative

The Commonwealth Human Rights Initiative was founded, as a charity, in 1987 in a non-governmental effort to make human rights more significant for the Commonwealth and, so far as possible, to improve the conditions of citizens in what are now 53 member countries. It is supported by the Commonwealth Journalists Association, the Commonwealth Trade Union Council, the Commonwealth Lawyers Association, the Commonwealth Legal Education Association and the Commonwealth Medical Association.

An international Advisory Group chaired by Flora McDonald issued a comprehensive report, *Put Our World to Rights*, in 1991. This was influential in persuading Heads of Government meeting at Harare to adopt a strong commitment to human rights. In 1992 the Initiative appointed a new Advisory Commission, chaired by Dr. Kamal Hossain. This Advisory Commission issued a further report, *Act Right Now*, in 1993, urging action to fulfil the promise of Harare. The latest report, *Rights Do Matter*, was issued in 1995 with a view to strengthening the Harare commitments.

The Initiative office moved from London to New Delhi on 1 August 1993 and was inaugurated the following day in the presence of the Vice-President of India and Dr. Kamal Hossain. Among its activities for that year, the Initiative ran a workshop for non-governmental organisations in Kenya, in September 1993, on the Protection of the Rights of Refugees. In December 1994 it held one in New Delhi on Police, Prisons and Human Rights in South Asia and in February 1996 with Minority Rights Group, another on the rights of tribal and indigenous peoples.

In July 1995 CHRI sent a team to Nigeria to assess the deteriorating human rights situation there in advance of the Heads of Government meeting in Auckland. Its report, *Nigeria - Stolen by Generals*, demonstrated that the military government had failed to meet its Harare obligations to other members of the Commonwealth and to its own people. The regime's membership was suspended four months later.

CHRI Fact -Finding Mission to Zambia 28 August - 5 September 1996

Foreword

The Commonwealth Human Rights Initiative agreed, at a meeting of its policy-making Advisory Commission in July 1996, to send a fact-finding team to Zambia to examine the situation of civil and political rights. The run-up to the country's second multi-party elections, after the end of the one-party state in 1991, had just begun. On behalf of the Initiative, we would like to thank Dr. Kamal Hossain, who chairs the commission, Dr. Neville Linton, and Senator Raynell Andreychuk (nominated by the Commonwealth Parliamentary Association, for whose support we are also grateful) for their hard work at short notice.

The CHRI, the CPA and other bodies outside Zambia were becoming increasingly concerned at complaints from its opposition parties and civic organisations. These centred on allegations that the electoral registration process was unfair, that state control of the broadcast media favoured the ruling party, that state control of the broadcast media favoured the ruling party, that a constitutional amendment would debar ex-President Kaunda from competing, and that corruption near the heart of government was destroying faith in the political process.

The CHRI received an invitation from three Zambian organisations to see what was happening, set against the Commonwealth benchmark of the Harare Declaration, 1991, and to make recommendations. The three inviting bodies whom we should like to thank are the Law Association of Zambia (affiliated to the Commonwealth Lawyers Association), the Zambia Independent Media Association (affiliated to the Commonwealth Journalists Association), and the Law Resources Foundation. The mission was in Zambia from 28 August until 5 September and, although it did not travel outside Lusaka, its members met a wide cross-section of persons and organisations.

Our Initiative responded readily to the appeal for a mission because Zambia has been seen as a test case for the transition to a multiparty system. The election which voted out President Kaunda, and brought President Chiluba and his Movement for Multiparty Democracy to power, took place within days of the Commonwealth Heads' decisive meeting in neighbouring Harare. The changeover in Zambia was celebrated as a vindication of the principle that citizens can make their governments accountable. The subsequent free-market economic policies of the Chiluba government have also been seen as a test of their efficacy in central African conditions, and of their impact on economic, social and cultural rights. It had always been thought that the second multiparty election in any state would indicate how deeply democratic ideas, and a respect for human rights, had taken root.

By reacting to these invitations before an election was even called the Initiative felt that it could make a positive contribution to what is still a transitional regime. Election monitoring, on which so much weight has been placed since the Harare Declaration, may not be sufficient in itself to guarantee civil and political rights. In some circumstances, for instance by control of the media or a manipulation of the electoral register, the playing-field may slant overwhelmingly towards a government before election observers ever arrive. In the case of the inter-governmental Commonwealth such teams may never go unless invited by the

government and other parties, or where the Secretary-General concludes that the outlook is so unfair that it is pointless to send one.

This is the second fact-finding mission arranged by CHRI. Its first, led by our Patron, Flora MacDonald, visited Nigeria in July 1995 and published an influential report, *Nigeria - Stolen by Generals*. That was a broad-based human rights inquiry, which informed governments and non-governmental organisations (NGOs) prior to the Auckland Commonwealth summit, at which the Nigerian military dictatorship was suspended from Commonwealth membership for its human rights abuses.

The CHRI has a mandate to strengthen human rights in the Commonwealth. Subject to the availability of funding it would like to create a standing fact-finding facility; it could then send reputable persons, where invited by two or more responsible NGOs, to examine issues which are thought to have widespread significance for the peoples of the Commonwealth. In the Zambia case the CHRI would like to express its thanks for financial support to the Canadian International Development Agency, the CHRI Trustees Committee in London, and the British Bar Human Rights Committee; to Mrs Mary Mosser, High Commissioner of Canada to Zambia, for facilitating the work of the mission on the ground; and to the Print Unit of the Law Society of England and Wales for printing this document. We commend this report to governments, NGOs and all those in the Commonwealth concerned to re-establish civil and political rights on a firmer foundation. We also hope it will assist the parties concerned in Zambia to come together to resolve their differences.

Soli Sorabjee Chair,
CHRI Executive
New Delhi
Richard Bourne Chair.
CHRI Trustee Committee
London

Terms of Reference

The terms of reference for the human rights, fact-finding mission to Zambia are as follows.

In the Harare Declaration Commonwealth Governments committed themselves to protect and promote:

- democracy, democratic processes and institutions which reflect national circumstances, the rule of law and the independence of the judiciary, just and honest government;
- fundamental human rights, including equal rights and opportunities for all citizens regardless of race, colour, creed or political belief.

It is generally acknowledged that a prime test of the development of democracy in new emerging systems would be the conduct of the next general election after the installation of a government based on the multi-party democracy. Zambia should hold such an election before the end of October 1996 and there has been deep concern, both domestic and international, about serious charges of corruption at all levels of government, major restrictions on press freedom and recent constitutional changes which are seen specifically undermining human rights.

Against this background and following specific invitation the Commonwealth Human Rights Initiative has decided to send a fact-finding mission to Zambia to:

- a. review conditions in Zambia in the light of that country's long established membership of the Commonwealth and its support for the Harare Declaration;
- b. assess the status of democracy, the workings of public institutions, protection of human rights and the rule of law; and
- c. make recommendations to the CHRI as to steps which could be taken in a Commonwealth context to assist the advancement of human rights in Zambia.

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Abbreviations

ANC - Africa National Congress
CCC - Coalition for a Clean Campaign
FODEP - Foundation for Democratic Process
LPF - Liberal Progressive Front
MMD - Movement for Multiparty Democracy
SADC - South Asian Development Community
SAP - Structural Adjustment Programme
UNIP - United National Independence Party
ZADECO - Zambian Democratic Congress Party
ZCTU - Zambian Congress of Trade Unions
ZIMT - Zambia Independent Monitoring Team

CHRI Mission to Zambia - August 1996

1. A satisfactory resolution of the issues can only come through dialogue - that dialogue should not be limited to MMD and UNIP but should involve significant representation from other parties around the table at the same time.
2. Such a dialogue may need to be facilitated by having as Chairman a respected Zambian personality of patent neutrality - such personalities do exist and have proven themselves in the past. It is important in a developing democracy to keep alive the concept that nurturing such third parties is a valuable asset in the development process. But if necessary recourse could be had to the standing asset of the Commonwealth Secretary - General or other suitable international personalities.
3. In such a dialogue the goal should be to focus on practical solutions for the core key issues which are few and well known. In so doing serious attention should be given to short term formulae which would facilitate an early election and limit the need for special extensions of the life of the present parliament; opportunity for such adjustments would seem to exist both in respect of the registration process and the issue of the qualifications of Presidential candidates, as these two issues merit special attention.
4. The government could lower the political temperature markedly by simply making the statement that its recent constitutional amendments were stop gap measures and that it acknowledges the need for a proper national debate of the 1995 constitution commission proposals in a constituent assembly.
5. The government should not on the grounds of its rights go ahead with an unpopular election as to do so might soon force it into the policies of an escalating authoritarianism. It should also not risk undermining the gains made through its tough economic programme by having to put new acute strains on the economy due to the donors' suspension of aid; indeed more economic hardship could trigger serious domestic unrest.
6. In achieving consensus accommodation on all sides is obviously necessary. But some steps can be taken by the government, immediately and unilaterally, by making concessions to deeply held concerns whether or not all of those concerns are wholly valid; such sensitivity is particularly needed in the early stages of a democratic experiment. Important confidence-building measures would include de-linking the Electoral Commission from the office of the Vice-President and adjustment of its membership after consultation with the opposition parties; allowing as of right, equitable access to the radio TV for the political parties contesting the elections; reducing appreciably, for the election campaign, the application period for securing a permit to hold a public meeting; and taking effective and public steps to ensure that government ministers and the MMD do not use public service personnel, state funds and resources for election campaign purposes.
7. If the office of the President is to keep its lustre it is important that the President distances himself convincingly from ministers whose behaviour readily leads to charges of corruption being made, even by donors, and from ministers who bring the government into disrepute by seriously ill-judged statements smacking of prejudice or of contempt for the judiciary. In terms of his stewardship President Chiluba, if he is to maintain the international respect which he gained in 1991, needs to govern in a

manner which ensures that this, the first multiparty regime, is marked by fairness, harmony and progress.

8. To underpin the effectiveness of political parties serious consideration needs to be given over the long term to ways to providing resources for parties from public funds. To contribute to levelling the playing field in the forthcoming campaign, some ad hoc formula should be negotiated through the Electoral Commission.
9. The media has a major responsibility in encouraging the healthy and informed debate which Zambia needs. In doing so it would be judicious for the press to set up its own formal self-regulating mechanisms and also to agree on a code of practice; this is not only a development which would reflect respect for their readers and sensitivity to the challenges of a transition system, but could also serve to preempt governmental controls.
10. It is incumbent on all parties not to make statements which could inflame the situation or statements which the government could reasonably read as incitements to break the law.
11. All parties should subscribe to a Code of Conduct for the elections.
12. It is desirable that there should be some international observers at the next election as, quite apart from their monitoring function, the Zambian people see their presence as providing an important restraint on the use of violence.
13. It is crucial that donor unity and cohesiveness be maintained over the next few months when the outstanding political issues are likely to come to a head. Donors should hold to their insistence that democratic standards imply that a significant majority of the opposition parties need to agree that the conditions exist for holding a free and fair election and to be satisfied with the resolution of the constitutional issue.

Kamal Hossain
Raynell Andreychuk
Neville Linton

Zambia - Democracy in Transition?

The End of the One-Party State

The 1991 elections in Zambia were welcomed internationally as a hopeful dawn of a new era for the southern African state as it marked the return of multiparty politics. At independence in 1964 Zambia had two parties, the dominant United National Independence Party (UNIP) of Dr. Kenneth Kaunda and the African National Congress (ANC) led by Harry Nkumbula, but in 1973 Dr. Kaunda established a one-party state. In the years since then, while its international reputation was high as a staunch supporter of and base for international reputation was high as a staunch supporter of and base for South Africa's ANC and, before that, of Zimbabwe's liberation struggle, at the domestic level Zambia's economic fortunes gradually declined. Discontent with UNIP's government steadily rose, coming to a height in June 1990 in a spate of unprecedented violence, with some 23 deaths and over 1000 people arrested. Kaunda then reacted to both domestic and international pressure to move to a multiparty system by agreeing to referendum on the issue and by lifting the ban on the operation of political opposition groups. Immediately a broad cross-section of politically concerned interest groups-trade unionists, church leaders, businessmen, former politicians and students - formed the Movement for Multi-party Democracy (MMD); leading figures were a former Minister of Finance, Arthur Wina and Frederick Chiluba, Chairman of the Zambian Congress of Trade Unions (ZCTU). Faced by the rapid and vigorous political campaigning of the MMD, Kaunda in September suddenly cancelled the referendum, established a constitution commission, agreed to the holding of multiparty elections and scheduled these for October 1991, two years earlier than elections would normally be due. Within a few weeks about a dozen new parties had registered.

The Rise of MMD

Over the next eight months MMD vigorously contested some of the recommendations of the constitution commission; and by July 1991 Kaunda, having agreed to church-sponsored all-party discussions under the chairmanship of deputy Chief Justice Matthew Ngulube, had conceded most of the major opposition demands so that the elections could go ahead. The October 1991 election attracted wide international interest. It was monitored by foreign and local observer teams all of whom reported that it was essentially free and fair. In the presidential race Kaunda was defeated surprisingly easily by Chiluba who had earlier been chosen as the leader of the MMD. Chiluba got 75% of the vote to Kaunda's 24% while, in the 150 seat National Assembly, the MMD secured 125 seats to UNIP's 25. It was a two-horse race as no other party won seats; the turnout was 45% of registered voters. A few months later Kaunda announced his intention to resign as leader of UNIP at the next party congress in August 1992, which he did; a year later he announced his retirement from active politics.

Survey of Political Development since 1991

The New Society and the Democratic Process

MMD only enjoyed a brief honeymoon period since Chiluba early announced, and soon commenced, a strong programme of economic restructuring. Unfortunately, at the same time, the country experienced two successive years of severe drought. The combined economic impact led to widespread dissatisfaction and a wave of strikes. Internal dissension in the party also surfaced early since the MMD was a loose coalition and serious policy

differences, plus charges of tribal favouritism in political appointments, soon led to defections. In June 1992 some members broke away to form a new party, the National Party. Soon after, two cabinet ministers resigned, charging serious corruption in the government and that Chiluba was failing to implement his promised democratic reforms. While the MMD won most seats in the local government elections in late November 1992, the turnout was less than 10% of registered voters. Voter apathy was attributed to rapid disillusionment with the new regime. In bye-elections UNIP has won quite a few seats at the expense of MMD. In April 1993, Chiluba dismissed four ministers and reorganised his cabinet; in early 1994, under some donor pressure, two more Cabinet ministers and the deputy Speakers of the National Assembly resigned. This led to another major cabinet reorganisation and the dismissal of two more ministers. Later in the year three more ministers were dismissed.

A Beleaguered Government

1993 saw a new political development for Zambia as Chiluba declared a state of emergency based on an alleged conspiracy involving UNIP, and allegedly supported by Iran and Iraq. Twenty three UNIP members were arrested, including three sons of Kaunda. Successfully pressure from some Western governments led to the reduction of the period for detention without trial, and after three months the matter soon faded away. However in 1994 Kaunda was placed under surveillance on the allegation that he had been receiving support from certain foreign missions in Zambia. Internal dissent led to a rift in the MMD, and in August 1993 eleven of their MPs including seven former cabinet ministers resigned to form the National Party. Later, Dean Mungomba, a former cabinet minister who had been suspended from the MMD after he had announced an intention to challenge Chiluba for the presidency at the next party convention, broke off and formed the **Zambian Democratic Congress Party (ZADECO)**. UNIP also had its own major internal tensions and breakaway groups - and the party's image was quite low when Kaunda in July 1994 announced an intention to return to political life and in June 1995 he was elected president of the party *.

The Constitution Issue

Early in the MMD term civic groups also vigorously organised to express their concerns over government policies. They focused in particular on the implementation of the party's pre-election promise to revise the constitution. All groups had agreed on the need for a totally new constitution which should arise out of a national consultation. The 1991 Kaunda constitution was seen as an interim arrangement, accepted in order to facilitate an early multiparty election. However Chiluba did not treat the matter as a priority and it was not until 1994 that he appointed a constitution commission. This was headed by a lawyer, and former UNIP Finance Minister, John Mwanakatwe. There was high public interest and many submissions. The Commission consulted widely and submitted its report in June 1995, with a recommendation that the draft be approved through a Constituent Assembly and/or by a national referendum. When it became clear that the government was not going to constitute a Constituent Assembly but was instead preparing its own list of constitutional amendments which it would quickly pass in parliament, there was vigorous protest from civic organisations. A cross section of such groups held a national conference in November 1995, followed by a Citizens Convention in March 1996. The Convention, which included opposition politicians, overwhelmingly approved of the Mwanakatwe Draft and indicated some desired changes in an agreed Green Paper. This represented a consensus of opinion on the Commission's Draft Constitution.

The Government's White Paper

In early 1996, the Government published its White Paper on the constitution. This turned out to be, not an acceptance of the comprehensive review of the Commission, but a limited set of amendments with an apparent goal to strengthen the Executive. This was in direct contrast to Commission proposals, reflecting a strong line in the submissions from the public, to increase the independence of various key institutions by removing them from the direct control of the President. In particular the Electoral Commission, the Judiciary, and the various investigative agencies would have been made independent. Indeed the government proposals ignored some 70% of the Commission's recommendations. The White Paper included proposals to increase the power of the President over both the judiciary and the Electoral Commission; to change the requirement of the number of votes needed by a successful presidential candidate from a majority to a plurality; to give parliament the power to make laws which have retrospective effect; to bar traditional chiefs from running for elected public office and, most patently controversial of all, to provide that a candidate could only stand for the office of President of the Republic if both his parents are Zambians by birth or descent, plus the pointedly retroactive clause disqualifying a person who has served as President for two terms from standing for that office. There was also a proposal to declare Zambia to be a Christian Nation.*

These ideas were widely opposed by opposition parties, civic organisations, law societies and sections of the press. In respect of the judiciary there was particular objection to clauses which would allow the head of state to remove High Court judges from office for acts of gross misconduct - which were defined so as to include "taking into account of extraneous considerations, whether political, personal or otherwise" in judicial decisions. Concern over this was linked to another constitutional proposal that all legislative acts of the National Assembly "shall be presumed to be constitutional" so that no judicial enquiry into legislative motives or into the regularity of the legislative process should be used to challenge them. It was felt that, by linking these clauses, the judiciary could be intimidated. The controversy over these particular amendments - in which the law societies played a principal part - was quietened when the government withdrew the offending clauses. The clause barring chiefs did not get any popular support and had not been a major issue in the Commission's hearings; thus it was generally felt that it was not prompted by an objective concern to modernise the traditional sector, but was directed at undermining a perceived source of potential support for Kaunda, since the local influence of the chiefs was great, and Kaunda was assumed to have a strong following in significant parts of the rural sector.

There was also much concern over the sudden, unilateral introduction of the declaration that Zambia was a Christian nation. This, it was charged, was done without any consultation with the three main Christian groupings in the country or with the Islamic community; most of the Christian community and the Muslims publicly opposed the measure. The clause relating to the parental credentials of presidential candidates was universally seen as being directly aimed at Kaunda as his parents were from Malawi, and this pointed attack was much criticised in national debate. It caused dissension within the MMD itself, leading in part to the resignation of two ministers Simon Zukas, Ministers of Works and Supply and Depak Patel, Minister of Commerce. Concern was heightened by a further amendment under which the testimony of a chief would suffice to certify that a candidate's parents were indeed Zambian, and there was rumour that this was added to cover questionable cases of prominent MMD members including President Chiluba himself. One political party, ZADECO, contested the legality of the parliament's act of amending the constitution without reference to a constituent assembly or referendum, arguing that it lacked sufficient

power. In September the High Court ruled that the process was legal, and that decision underscores the fact that, with its overwhelming majority, the MMD can do as it pleases, if it is not sensitive to unwritten democratic conventions.

The constitutional amendments also attracted international attention both from regional neighbours and from donor countries. President Masire, in neighbouring Botswana, expressed concern about the constitutional changes and called for a regional meeting of his fellow heads to discuss the matter. Eventually, at a normal meeting of the Southern African Development Community (SADC) in August, an opportunity was taken by President Mandela of South Africa, the current group chairman, to discuss the issue with President Chiluba; he also spoke separately with Kenneth Kuanda. In June 1996, the United States and some European donor countries in varying ways suspended or stopped their balance of payments support. Their grounds were that the government's steps would "undermine democratic development" or where "violations of good governance"; and some countries warned that general aid might be frozen if the controversial constitutional change were implemented. Moreover, the World Bank and the IMF both indicated that their support would be affected by the donors' position and, in million of aid, currently due, would be suspended pending satisfactory solution to the political situation.

The Role of the Media

A welcome development after 1991 was the emergence of other newspapers in open competition with the government-owned press. TV and radio remained state-owned and run, save for a community radio station, Radio Phoenix, which is restricted to a purely social programme and cannot cover new reports. Foremost and boldest amongst the papers in the Post which soon became as the outlet for the collective political and civic opposition voices.* It is a major, independent, critical commentator and, in 1994, the Post successfully challenged the legality of the Public Order Act before the courts; this did not endear it to the government. Over the last two years the paper's editor has complained about harassment by government sources and there has been the occasional banning of issues of the paper. In July 1996, after the paper had charged that remarks by the Vice-President, in the wake of a court decision which the government did not like, were derogatory of the judiciary, three of its journalists were declared by the Speaker to be guilty of contempt of parliament. There were sentenced to indefinite imprisonment. The conviction by parliament rather than by a court led to a clamour of protest domestically and to international criticism from the International Press Institute, Amnesty International and some donors. The three, Editor-in-Chief Fred M'membe, Managing Editor Bright Mwape and lawyer/freelance journalist Lucy Sichone were released after six days on a court ruling that the detention was illegal; subsequently, however on other grounds the same high court judge ruled that M'membe was in contempt of parliament, and the appeal against this ruling has not yet been heard.

Emerging Violence: the Black Mamba puzzle

In April 1996, a group calling itself the Black Mamba threatened that if the government persisted with its constitutional proposals they would carry out death sentences against certain ministers and diplomats; in the same month they set off a number of bombs around the capital. The Black Mamba was the name given by colonial authorities to Kenneth Kuanda during the independence struggle, and the MMD therefore accused UNIP of being behind the threats.

UNIP have strenuously denied this and countered with the charge that it was a trumped-up government plot against UNIP. Interestingly enough, while the police at first indicated scepticism about UNIP's involvement, in early June they arrested three retired army generals and a police officer in connection with the bombings. Two days later eight UNIP members, including its vice-president, Chief Inyambo Yeta and Gen (rtd.) Joseph Chitomfina, were charged with treason on the grounds of an alleged connection with the Black Mamba. The arrest of Chief Inyambo created quite a stir as, post-independence, it was an unprecedented step to take against a senior traditional leader. The trials which started in July have been considered farcical by most observers as there appears to be little credible evidence. In June there was also a student march expressing concern about the political situation. The police found it necessary break this up with the use of tear gas and the arrest of a few student leaders.

The Stewardship of the MMD

The Zambian people started 1992 with high hopes about the advantages of a multiparty system of government and expectations of great change from the governmental practices and performance of a one-party state. The areas of relevance were:

1. The development of modes of governance and institutions appropriate to a multiparty system:

(a) Parliament

The performance of the government was affected by the fact that with the overwhelming majority held by the MMD, the parliament lacked an effective opposition. The government could therefore exercise its will if it so chose, without the accommodation that would be normal in a more balanced chamber. It did so, and MMD ruled, in effect, as a dominant one-party government. This was partly because many of the leading MMD politicians had been schooled as members of UNIP, and were accustomed to not having to deal with an opposition. In the Assembly the political parties could hardly play a monitoring role, and the general debate was hardly on a level playing field.

The image of parliament was not helped by the opposition charge that the Speaker was partisan and used his power in an arbitrary way. Very early in the day there were charges of a lack of transparency and accountability, of excessive patronage of the party faithful, and of widespread, blatant and large-scale corruption. The government did not seem to appreciate that it had a responsibility to address the perception of corruption urgently and seriously, and that a tainted administration can have negative effects on governmental performance; often it took donor rather than citizen pressure to get the regime to take short-term remedial action.

Over the term there has been considerable erosion of respect for members of parliament and, by extension, of politicians and politics. The government's insensitivity and lack of respect for the voters was demonstrated in mid 1996 when, in an election year already marked by controversy, it announced an intention to pay each MP 30 million Kwacha (about \$US 23,000), as an end-of-term gratuity. The outcry from the public was so strong and bitter that

President Chiluba publicly withdrew the proposal, stating that the MPs had decided to make a sacrifice given the difficult economic situation in the state. At a Pamodzi Hotel meeting in August of a cross section of civic action groups, in a press release covering various issues of concern, the following comment was made: "Citizens sacrifice to better their lives, not to compensate clans whom we elect to better our lives. WE are not quietly sitting down nor will we let any MP, be he MMD, UNIP or NP, get any bit of our revenue without our consent. We know how already organised scandals to defraud us of huge sums of money have been spotted and stopped by vigilant children of Zambia. We appeal to Zambians to rise against those who attempt to rip-off the nation". In mid-1996 confidence in the party was further undermined by the creation of a new party specifically targeted at the farming sector which it has been widely claimed has suffered heavily under the Structural Adjustment Programme (SAP). The National Lima Party was founded by Guy Scott, the first Minister of Agriculture in Chiluba's government and Ben Kapita, the leader of the farmers' union. A fundamental, if thorny, question is the issue, raised by opposition parties, of the funding of established political parties from state funds; it is an important issue and could conveniently be considered at the time of a new national consultation on the constitution.

(b) Administrative Reform

The government had promised to undertake an early civil service reform which is still awaited.

(c) The Judiciary and the Rule of Law

The judiciary had been known to be fairly independent and assertive under Kaunda's government. The MMD government has no occasion shown that it is concerned about that independence. When for instance, the Supreme Court struck down, as being offensive to the new multiparty constitution, some sections of the Public Order Act which had existed from colonial days and throughout the one-party rule, senior members of the government openly criticised the court. The government then introduced and passed a bill recreating the section which the court had struck down and it is those very provisions which currently are strongly opposed by the opposition parties. A strong strain in the submissions to the Constitution Commission was that the independence of the judiciary should be strengthened by transferring the power of appointment of judges from the President to a Judicial Commission. More administrative support for the system was also urged. The Constitution Commission recommended this but instead the government brought in proposals to increase the leverage of the executive over the judiciary, and to further limit the judiciary's mandate. It was only in the face of concerted opposition from civic groups, the Bar and the judges that the government withdrew its legislation.

(d) The Law Enforcement Agencies

The police had a poor reputation in the UNIP years as a repressive arm of the government, given to brutality and strong arm tactics without enough respect for due process. The intelligence arm was greatly feared and seen as an agent of the governing party. Hope for a new-look police force was stimulated at the beginning of the Chiluba regime when the police seemed to show signs of improvement and were more restrained. Moreover a retraining process, which included specific focus on human rights issues, was started. However this attention to specific civic awareness training was short term and seems to have faded away after the first two years. Now it is widely held that police abuse continues but, because of the new climate of a free press and of open political discussion, the abuses do become known. Citizens are also more ready to complain to the police authorities and investigative commissions, and to have their complaints pursued by some vigorous NGOs.

Under the MMD's 1996 Public Order Act political parties and civic associations must give at least 14 days notice for public meetings; when this is a longer period than under the previous regime, the granting of police permits is more automatic and far less arbitrary than in Kuanda's day.

(e) The Electoral Commission

In all countries the status and ability of the Electoral Commission and its officials is a crucial issue. While at the end of the 1991 election the fairness of the commission under the rules then operating was not questioned, there was widespread expectation that it would be replaced by a commission independent of the executive. Such a recommendation was made by the Mwankatwe Commission but was ignored by the government. President Chiluba put the present commission under the authority of the Vice-President and that office has clearly taken decisions on major electoral matters over the last year; such blatant intervening in the authority of the commission did not happen in 1991. As a result the political parties collectively have expressed their lack of confidence in the independence of the commission.

(f) The Media

The emergence of a free press has been rapid and some newspapers have been innovative and bold, with a rapid growth of a critical and investigative journalism. The operations of the government are subject to a steady scrutiny and the government has quickly had to adjust itself to the realities of the existence of an abrasive press alongside the longer established and financed pro-government papers. From colonial days there exist strong laws on criminal defamation. Some in the new press circles feel these are intimidating, and the restriction, on their sense of freedom. Since the government has begun to take arbitrary punitive steps against some sectors of the press, there is a nascent attempt amongst journalists to stimulate interest in the creation of a Media Defence Fund. Due to the lack of an independent media tradition and of training it would enhance the development of the profession and

respect for the media if the journalists would more formally regulate their own profession and establish standards of practice.

The press is still very much an urban phenomenon and there is need for journalists to reach out in non-English languages.*

The medium with the widest range is the radio and that, like TV, remains state controlled; the opposition parties complain that while these two media comprehensively report the activities of the MMD, there is scant attention to other parties even when they hold larger meetings than the governing party. The creation of private stations in these two sectors, alongside the existing broadcasters, can only enhance the democratic patrimony. For the present however, given the crucial role the media plays in an election, the opposition demand for fair access to the existing media in the forthcoming campaign is wholly justified.

2. Civil Society

A widespread and vigorous voluntary sector reflecting the interests and goals of the populace is a fundamental underpinning of a healthy democracy. While Zambia already had a good number of professional associations, charities, friendly societies and clubs the one-party state, by its very nature, constrained the growth of independent public interest, civic action and other issue-related groups. Post 1991 these have flourished and particular mention should be made of the two electoral monitoring agencies, Zambia Independent Monitoring Team (ZMIT) and Foundation for Democratic Process (FODEP), the churches and of the women's lobby groups. While in the years immediately after 1991 the MMD's relations with the civic action groups were good there has been a regrettable change for the worst with charges of harassment from MMD sources being made by some NGO leaders. This development is related to the fact that certain NGOs have been in the forefront of the demand for a new constitution and in the anti-corruption campaign. There is some tendency in the MMD to see them as allies of the opposition parties. At the Pamodzi Hotel meeting referred to above the press release also noted as follows:

"The Constitution of Zambia Amendment Bill 1996 is now law. Legally it is law but it lacks legitimacy. As attract any sympathizers. The aftermath of the endorsement of the document has raised a lot of divergent views from the donor community, NGOs, churches and citizens. Human Rights abuses come in many forms and when oppression exists people defy the laws".

Under a new multiparty system the government and political parties have to appreciate the role of the NGO sector and to accommodate it, as where these are vigorous they monitor and reflect the concerns of the populace. There has, for instance, been an appreciable increase in the role of women in politics and an admirable unity of purpose, across party lines, on women's issues. A systematic programme of workshops on the nature and role of civil society actors is much needed in the first years of a new democracy, and these should cater for MPs, the civil service, the business community and the NGO sector.

3. Social and Economic Concerns

Fundamental to the success of a change to multiparty democracy is that the new regime should be seen to bring clear benefits within a reasonable time-frame, and that these benefits should improve the lot of ordinary people. The MMD seems to have attacked the macro-economic problems of Zambia with vigour and some degree of commitment. The programme for a market-led economy has involved privatisation or liquidation of state enterprises, the relaxing of import controls and of investment regulations and barriers, removal of subsidies and other protections, and freer regime in agriculture and manufacturing. It seems to have gained both praise, and substantial economic and financial support, from donor governments and international financial institutions. Indeed Zambia became one of the largest recipients of donor aid in Africa. The perception on the ground however is that there has been steadily increasing poverty, a fall in living standards, major cases of retrenchment, a significant increase in unemployment, a decline in agriculture, an increase in the ownership of national assets by foreigners, a massive outflow of foreign exchange, and no significant inflow of investment. The liberalisation of trade and agriculture has led to a fall in domestic manufacturing and of agricultural production, and a growth of imports. Prices of food, medicines, education and housing have gone up in a context of increased taxes, and the introduction of new charges in medicine and in school fees. Thus, to the ordinary man, the government programme is seen as imposing hardships with no particular benefits.

For its part the government points to the wide availability in the shops of a broad range of goods which is an entirely new, post 1991 phenomenon, and to the many independent small businesses which have sprung up since the freeing of market forces. There is wide agreement among local commentators that to the average citizen, the market economy is far more attractive than the past history of shortages. One economist has commented that while there may be more unemployment in Zambia than five years ago there are now probably more people productively employed than then; one job-creating sector which has improved massively is the transport industry. The MMD is proud of its economic management and holds that, after the bitter medicine of the past few years better times lie ahead. The donors, the business community and many urban dwellers prefer the new economic climate to that of the Kuanda years, but there are great doubts in the traditional rural sector and among small farmers.

For democracy to survive, for the limiting of ethnic conflict and the containment of crime, it is crucial that governments in transition states perform effectively in the economic sector. It is worthy of note that, up to a year ago, in the context of a weekend UNIP, and until the constitutional crisis and increasing charges of corruption, the MMD was seen on all sides as being a sure and easy victor in the next election. This seems to be in part due to an acceptance of the new economic policies despite the hardships these imposed. On the social front the performance of the government is widely held to be disappointing. There have been no significant gains for education, health, the state of prisons or in the status and condition of women. Reforming of social laws and regulations has not been a priority and there have been serious confrontations with farmers over governmental challenges to traditional land rights.

4. The Rights and Freedom of Citizens

The Chiluba government established a Commission on Human Rights to review allegations of abuses during the Kuanda presidency; it was headed by a judge, Bruce Munyama. The

Commission reported in September 1995 and its report is still to be made public. However President Chiluba has publicly suggested that it did confirm that such acts did take place. But it is also commonly believed that the report also indicated that abuses involving the police were still occurring, and that the report was particularly critical of prison conditions. It is clear however that, unlike the Kuanda regime, the Chiluba government has not engaged in the arbitrary detention of political prisoners, nor is it keeping political prisoners without trial. Not surprisingly in the days of the one-party state the practice was to discourage the proliferation of unions, and the policy was 'One union in One industry'.

The 1991 constitution provided for the right of workers to form and belong to the trade union of their choice. But in 1993 the government, overriding the opinion of both the Minister for Legal Affairs and the Attorney General that it would be unconstitutional, passed a clause entrenching the concept of one union in one industry. This was challenged before the High Court by a union which was seeking to register itself as a new union, and the clause was struck down as unconstitutional. There were strong submissions to the Mwanakatwe Commission urging the strengthening of the provision of the Bill of Rights and the commission did so recommend. The government however specifically rejected this suggestion on the technical ground that it would require a costly referendum. The clause requiring a presidential candidate to have parents who are Zambian might open a Pandora's box as it increases focus on the ethnic or national origin of persons. There were signs of increasing harassment of and calls for the expulsion of persons who were not Zambian-born, even including individuals who had lived in Zambia and held senior positions with the government.*

5. The Registration of Voters

In its 1991 campaign the MMD had advocated and promised to institute a year round registration process, but in fact it took no steps about registration until 1995 when the government contracted an Israeli firm, NIKUV, to conduct a registration exercise in preparation for elections which were due the following year. NIKUV won the contract over applicants over applicants from within Zambia, and despite an offer from Norway to organise and fund a registration exercise on a simpler model than that proposed by NIKUV. The Electoral Commission had indicated that it was ready to do an appropriate computerised registration exercise at a fraction of the cost that NIKUV submitted. NIKUV, which was offering a semi-permanent long-lasting voter card, was probably the highest bidder at some US\$ 18 million.

The registration campaign from the beginning was unsuccessful as the process was cumbersome and particularly inconvenient for rural voters; indeed it was hardly designed to encourage registration as all voters had to make at least two trips and rural voters often had to travel, usually walk, three to eight hours to the registration centre. Because of the initial low turnout the registration period was extended twice, to a total of ninety-five days, in an effort to achieve an acceptable list. In 1991 when there had not been a new comprehensive registration exercise, there were 2.9 million registered voters. The government was clearly hoping for a higher figure this time around, given an official estimate that the number of eligible voters was around 4.6 million. However when the registration ended in March there were only 2.3 million names. After corrections the Elections Office expects the final figure to be around 2 million, or 900,000 less than on 1991 and clearly much less than expected. In August when the registration cards were being issued there were many reports of irregularities which further undermined confidence in the process. They led to the call from some quarters, including several political parties, that the Commission should use the

national identity card as a voting document instead of the suspect NIKUV register. The government rejected this and both NIKUV and the Elections Office sought to reassure the public that the irregularities were relatively few and could easily be straightened out.

In order to do this NIKUV had to be given a supplementary contract in August. Two political parties, UNIP and the new Liberal Progressive Front (LPF), went to the High Court with a complaint that the government had acted illegally in contracting NIKUV since the deal had been done by the Vice-President's office rather than by the Electoral Commission. In his decision the judge seemed to imply that while in law the plaintiffs might be right, he was ruling in favour of the government because of the large amount of money already spent on the project! Much of the criticism of the registration process was due to the large sum paid to NIKUV, and some government sources suggest that UNIP in particular discouraged voters from registering so as to discredit the process. UNIP denies this charge. A contributing factor probably was the time of year since the registration was done during the rainy season, a period not usually used for such exercises but which the government was forced into, having waited so long to decide on registration. It is also clear that the vigour of the registration campaign was not such as to arouse the interest of the voter and to facilitate participation. There was no conscious attempt to overcome voter apathy and to achieve the sort of list that would be suitable in an important election in the life of a new democracy.

6. Transparency and Accountability

In their Green Paper the people's conference stated: "there was a strong feeling among participants that the government was trying to avoid the participation of the people in the making of the constitution by 'attempting' the 1991 constitution". The main problems between the MMD and the populace centre around issues of trust, accountability and transparency in government actions. It was the opinion in all sectors - domestic and international, business, the professions, the Bar and Judiciary, the churches, the media and civic associations - that the government lacked adequate consultation with relevant sectors and the public in general. We were struck by the fact that it was suggested that, even under the previous regime, Zambians were accustomed to expecting some give and take in dealings with the government and therefore were looking forward to a much more participatory mode in the new dispensation. The regime showed a patent lack of appreciation of the ethics of a multiparty parliamentary system and that majority rule should seriously take into account minority opinion. President Chiluba is accused of being intolerant of opposition parties, the press and of the role of NGOs. The proposal to elect the president on a plurality of votes is seen by many as coming out of a desire to ensure that Chiluba can hold on to office and as another example of the party ruling in its interest rather than the nation's. This was not a matter on which there had been public debate or desire for change.

Early in the life of the new parliament steps should be taken by both domestic and international agencies to improve the understanding and the workings of democracy through workshops and technical assistance for parliamentarians, training programmes in the public sector and through the media. There is a particular role here for the Commonwealth Secretariat and the Commonwealth Parliamentary Association.

7. The Possibility of Resolution

The issue of the constitution is a fundamental one for the populace. It is really unfinished business from the transition process of 1991, and is thus not something that the MMD can choose to overlook or to deal with in an arbitrary way. The desire for a Constituent

Assembly is of the highest priority, and vital to the proper launching of the new Zambia. On this issue there is a feeling of betrayal of trust which then undermines relations between the government and people at many different levels. Since the MMD was a coalition which quickly broke up after 1991 the present government cannot in the eyes of many Zambians claim that it has a mandate to act based on that non-existent front; rather, the situation emphasises the need for consultation and reference back to the people.

The opposition parties have united over the constitution and other issues relating to the election and most of them have agreed on a common platform of issues for negotiation with the government. The five points commonly mentioned are; the Constitutional Amendment Act, the Public Order Amendment Act, the electoral process and the Electoral Commission, the conditions for a free media and the creation of a level playing field. Chiluba resisted such discussions until having been urged, in July and August, to do so by donors and by his fellow SADC heads - in particular in bilateral talks with President Mandela. When, later that month, he did commence such talks he insisted on bilateral talks rather than with all the parties under a neutral chairman as they had desired. Those consultations were inconclusive. They have already, by late September, been declared as unproductive and abandoned by the major parties.

The tendency to seek accommodation is strong in Zambia and the new political parties have shown political maturity in their constant search for dialogue and compromise. No party so far has seriously suggested boycotting the elections, although UNIP has hinted at it, since they hold the view that boycotts elsewhere in Africa and beyond, have proven too be counter-productive. The emphasis on non-violence and compromise is also strong on the ground and in the coming together of a broad range of NGOs in the Coalition for a Clean Campaign (CCC). Amongst the many initiatives are attempts to bring the government and the other political parties into mediated talks and, at the provincial level, the creation of groups, which include all parties, which are to function as bodies to monitor and mediate in political disputes in the community.

Many parties and civic groups are urging the government to have an election using the national identify cards as a means of identifying voters; while such a system has its inadequacies it would provide a wider base than the NIKUV registration. The opposition parties say they are ready to take the risks of such a system, just as they took a risk with the inadequate register of 1991. The wider base is considered to be important in bringing more Zambians into participating in the democratic process and in attacking voter apathy. Just as in 1991, the Electoral Commission, even if formally unchanged, could develop acceptance and prove its accountability by serious consultation with the parties.

8. The Way Ahead

Since the government had not by early September tabled the Electoral Act which is needed both to hold the elections and to apply its controversial new constitutional clauses, it is still possible for the government to make concessions which could heal the national breach. Most obviously the clause relating to the parental qualifications of presidential candidates need not apply to this election. The question of whether the president should be chosen by a vote decided on a plurality could also be put on hold. The party could indeed campaign for public support on these issues by making them part of the MMD platform. The government should also use more restraint in its dealings with the press.

This would be a creative approach as the energetic world of civil society in Zambia cannot be rolled back. Zambians have clearly grasped the concept of the sovereignty of the people and vigorously use the press, the courts and political action to demonstrate that. The failure to meet their just demands would risk serious civil strife and a destabilisation which could have undesirable regional consequences. It would also be creative for the MMD to demonstrate its commitment to democracy and its concern for the harmonious development of Zambia, by agreeing to all-party talks under an appropriate chairman.

The donors have also shown a strong front in their dealings with the government over issues of maintaining democracy; they must ensure that the MMD does not get the impression that their present resolve would rapidly fade away in Chiluba was to press on with an election unacceptable to the opposition parties and groups. Donors should also make it clear that appropriate assistance for the elections would rapidly be available if the outstanding issues are settled to the satisfaction of the opposition.

The unusual interest shown by SADC leaders is also notable, and indicates that, where there is a danger of serious abuse of democratic process and constitutional rights, some leaders are ready to take a stand on the grounds of regional welfare, especially if there is concern to limit extra-regional pressure. This is a hopeful development for the growth of democracy in Africa. Elsewhere in Africa, in recent years elected government have been overthrown by military action. Much of the record of other new transitional multiparty regimes has not been favourable. The success of the democratic experiment in Zambia is crucial therefore not only for the Zambian people but needed, and where the demonstration effect can give hope to the many struggling democratic forces elsewhere.

Conclusion

1. The political situation in Zambia merits urgent attention from its friends and from the international community at large as a fragile experiment in democracy building is under threat in a situation where the shortage of time is a critical factor.
2. The insistence on a constitutional amendment which in effect debars Kenneth Kaunda from being a presidential candidate has made Kaunda a cause celebre at home and abroad. This is galling to many Zambians who are contesting the issue out of principle rather than out of support for Kaunda whom many might prefer to have remained retired. The issue has gained such international notoriety that it is being seen as a standard for testing the government's commitment to human rights and places the government in an embarrassing confrontation with donors. The particular amendment is not of fundamental importance to the future of Zambia and was not a campaign issue in 1991, but in context it is disturbing because it raises contentious questions as to the qualifications of being Zambian and was also associated with a clause unilaterally defining, for the first time, a national region.
3. The awkward and inconvenient character of the registration process has contributed to producing an electoral list which will not be significantly larger than that of 1991, when the election was based on an amended list of 1988. The low registration would seem to be as much because of apathy as because of the cumbersome system, an apathy that surely must reflect citizen's attitude to the political performance of both the government and its opponents. This is disappointing so soon after 1991.
4. Zambia has made a serious attempt at a structural adjustment programme; that programme was seen as an integral part of democracy building, indeed as essential substructure. The Zambian people had suddenly to adjust to an understand a market economy after decades under a state-controlled system. If the Zambia experiment is not saved the considerable sacrifices and hardships which the ordinary Zambian has had to bear would have come to naught.
5. To the average Zambian the SAP experience has meant increasing costs for basic necessities, a fall in the standard of living, consciousness of the spread of widespread misery and deprivation, while being aware of corruption and drug-trafficking in high places and the rapid enriching of a few. This is a recipe for political disaster and a disservice to what was billed as a democratic experiment. The signs of apathy in the runup to the elections are therefore surprising.
6. The Zambian situation is not marked by extremes of ethnic confrontation, of violence, of deep-rooted antipathies between established political competitors or groups, nor by powerful, entrenched partisan security or defence forces. Rather the society's traditions emphasise compromise and the avoidance of confrontation. We were struck.
7. Zambians, after decades of one-party rule are politically alert and are ready for democracy. There is a striking disparity between the intimate understanding in the civic action groups and the press of what democracy means and the government's narrowly legalistic and mechanistic style. Zambians deserve and are demanding a regime that is responsible and responsive, and in particular they do not wish to exchange an official one-party state for control by a dominant one-party government.

which entrenches a party machine and marginalises the populace. The concern over the constitution reflects a desire to safeguard democracy, especially as the government's amendments enhanced presidential power and threatened to weaken key institutions.

8. Most heartening has been the strong strain of integrity in the judiciary, the vitality of the press, the responsible role of the professional associations and, notably, the flowering of NGOs, the vigour and skill of whose activities are reflections of the readiness for democracy; the same flowering of initiative is evident in the surge of small-scale domestic entrepreneurial enterprise.
9. The mobilising of public opinion on a range of important issues of democracy and honesty in government is impressive and there is a high commitment to responsible civic action; most of this activity is urban but in this it reflects the reality of Zambian politics. In new democracies attention should be given to providing public funds for the work of civic action groups; the very act of so doing helps entrench their right to exist.
10. Since multipartyism is new the political parties are structurally weak and really are little more than groupings around a particular personality. Party-buildings is an important need to which the donor community, governmental and non-governmental, should be given priority.
11. While a new transition government usually asserts that it can cope, the fact often is that such governments in small scale states are short of relevant skills and experience as well as of appropriate political and technical cadres. Moreover their priority focus is inevitably economic. Establishing democracy while coping with the reconstruction of an economy is a daunting task, worthy of major relevant international support at the political and social levels, quite apart from the economic.
12. Regrettably, new political systems in transition states are not usually based on a constitution which passed through such a thorough and deep domestic airing that the new government starts in a context of consent and with a mobilised community which feels that owns its constitution and thus is ready for commitment and sacrifice to the enterprise. It is notable that Zambians recognise this need and are asserting that a mere transfer of power from one party to another in a multiparty election is not enough to launch democracy or to create a government which can impose a tough regime with consent.
13. Mobilised national opinion in 1991 had made it clear that people saw a new constitution as a priority which would set the scene for a new Zambia. They still have not got that and the current issue of confidence in the body politic is because of that lack, as there is no trust in a present institutions for government. The Chiluba government was seen as a caretaker regime which was given a mandate to sponsor the new constitution and begin establishment of institutions appropriate for a participatory democracy. The MMD was in fact a broad front rather than an established party with a clearcut policy. But Chiluba has, from early on, insisted that he had been given a mandate to govern purely as MMD sees fit. He caters to the party, rather than to the groups representing the consensus which made the MMD victory possible.

14. Given Zambia's non-violent traditions the opposition groups are not likely to take confrontation down the road to violence. Faced with what they see as an insensitive and intransigent regime they are universally, and this includes the NGOs, approving of donor pressure on the regime. Indeed they are urging that donors not to let up on sanctions. If the government flouts public opinion and proceeds with an election without major adjustments in some key areas of contention, the traditionally compliant Zambian may again take to the streets-as happened in other circumstances with President Kuanda. Serious civic unrest is possible in the more politically lively Zambia of today. Moreover, as has been recently demonstrated elsewhere, a populace which rejects an election can create enough upheaval to force a rerun of the election.
15. Politically and socially Zambia has lost five years since there was no strong opposition party in the parliament and there has not been five years of given and take. The system lacked checks on and balances of executive power; in practice presidential rule was essentially of the same order as before, and there has been no experience of imaginative norm-creating in this key period in the life of the new republic.
16. Zambia particularly needs to have at this stage a fair election with wide participation. Given the political developments of the last two years there is now a high possibility of true multiparty competition amongst parties which should result in a fairly balanced parliament and ensure a commitment to the much needed constitution and new institutional structure. A government coming out of such an election would have a strong mandate, but a government based on an election with controversial electoral conditions and a registration process whose credibility was widely questioned would not be firmly based. Zambia deserves to begin its second five years of the democratic experiment without unnecessary detritus from the past.

Appendix 1

The mission which was in Zambia from 28 August 1996, met the following groups and individuals:

Consolidated list of Persons met by the Mission

Individuals

Chief Justice Mathew Ngulube
Mr. John Mwankatwe, Chairman, Constitution Review Commission
Dr. Chaloka Beyani, Law Lecturer, London School of Economics

Government Officials

Dr. Limunzi Shimapanda, Minister of Legal Affairs
Mr. George Chilupe, Attorney General
Mr. Eric Silwamba, Deputy Minister, Cabinet Office and Legal Adviser to the President

Officials

The Commonwealth High Commissioners - Botswana, Canada, India, Malawi, Mozambique, Namibia, South Africa, Tanzania, Uganda, United Kingdom and Zimbabwe with their Dean,
Mr. Bob Jalang'o of Kenya
Mr. Roland Kuchel, Ambassador of the United States
Dr. Peter Schmidt, Ambassador of the Federal Republic of Germany
Mr. Robson Mwansa, Director of Elections

Political Parties

Dr. Kenneth Kaunda, President of UNIP
Mr. Rodger Chongwe, President of LPF
Mr. Dean Mungomba, President of ZADECO
Mr. Derrick Chitala, Secretary-General of ZADECO
Dr. Kasuka Mutukwa, Vice-President of ZADECO
Ms Inonge Mbikusita - Lewanika, National Party

Agencies

Mr. David Matongo, Chairman, Zambia Association of Chambers of Commerce and Industry
Mr. Austin Liato, Vice-President, Zambia Congress of Trade Unions
Mr. Leonard Hikaumba, National Chairman, Civil Service Association of Zambia
Dr. George Gray, Executive Director, Zambia National Farmers Union
Mr. Fred M'membe, Editor-in-Chief, The Post
Mr. John Mukela, Chairman, Zambia Independent Media Association
Ms. Christine Kunda, Executive Officer, Zambia Civic Education Association
Ms. Lucy Sichone, President, Zambia Civic Education Association
Mr. R. Simeza, Chairman, Legal Resources Foundation
Mr. Ngande Mwanajiti, Chairman, Committee for a Clean Campaign
Mr. John Sangwa, Vice-Chairman, Legal Resources Foundation
Mr. S. Sikota, Council member, Law Association of Zambia
Fr Joe Komakoma, Chairman, Catholic Commission for Justice and Peace
Mr. Samuel Mulafulafu, Secretary-General, Catholic Commission for Justice and Peace
Fr Ignatius Mwebe, Secretary-General, Catholic Secretariat
Dr. A. Chanda, Acting President, FODEP

Ms. Kalila Chellah-Kunda, Executive Director, FODEP
Mr. Lwele Kampeshi, Chairman - Projects Review, FODEP
Mr. Alfred Zulu, President, ZIMT
Mr. Emmanuel Salamo, Administrator, ZIMT
Mr. Stafford Mulengo, Committee member, ZIMT

Appendix 2

Statement by Baroness Chalker in Harare: 5 June, 1996

In response to questions from local press at the press conference held on 5 June in Harare, Baroness Chalker made the following statement on Zambia:

"The situation in Zambia is very sad. We have strongly supported the political and economic reform programme which MMD included in their manifesto. Free and fair elections are fundamentally important for all countries, especially Zambia. We are particularly concerned with other donors about recent measures restricting the eligibility of candidates for the Presidency. This risks damaging the democratic system for which MMD fought so hard before their election to office. We urge all parties to co-operative in seeking a peaceful solution to the disagreements. We hope sincerely they can do so soon.

If Zambia continues down its current path, then donors will find it increasingly difficult to continue providing government-to government aid. Much of our assistance goes directly to poor people and promotes good government. We would not want that to cease. We shall be meeting in London next week when we shall see what the news is, what the prognosis is and review the situation."

Appendix 3

Baroness Chalker's visit to Zambia, 1 - 3 August 1996 Opening statement at press conference - 2 August

Key excerpt:

"I made clear to President Chiluba and his colleagues Britain's and the concern of other donors about recent developments including the absence of dialogue with Opposition parties on ways of ensuring elections which all Zambians and the international community can accept as fair

Our objective is to assist the Zambian Government's economic and political reform programme as set out in their 1991 manifesto in order to improve the living standards of ordinary Zambians I hope that these projects will continue. As you already know we and other donors have suspended programme aid-that is Balance of Payments Support. We shall review our assistance at the end of 1996 in the light of developments in the period leading up to the elections in accordance with our good governance criteria. It is vitally important that Zambia stays on track throughout this period with the economic reform programme agreed with the IMF and World Bank."

Appendix 4

Statement by Nicholas Burns Spokesman, US Department of State, May 31 1996

The United States deeply deplores the decision this week of the Government of Zambia to impose constitutional amendments, on the eve of the first national elections in Zambia's democratic era, that limit the right of the Zambian people to choose their President freely. These amendments seriously threaten the integrity and credibility of the electoral process and significantly undermine Zambia's democratic development. In the light of the Government of Zambia's action, the United States is now reviewing its bilateral and multilateral relationship, including assistance programmes in Zambia.

The warm relations between the United States and Zambia, and our partnership in Zambia's development, have been based on our shared commitment to democracy and economic reform. We have repeatedly made known to the Government of Zambia our deep concerns over these amendments and other recent actions that threaten to undermine Zambia's new democratic system. The United States urges the Government of Zambia to reverse its decision on the constitutional amendments, to renew its commitment to democracy, and to take immediate steps to ensure that this year's elections are free and fair.

* since returning to active politics Kaunda has been arrested three times by the police on politically related charges, including treason.

* The Law Society of Zambia holds that his clause is unconstitutional as is the new requirement on parental qualification of residential candidates.

* Circulation figures: The Post - 10,000 to 15,000 copies daily; Times of Zambia - 15,000 to 20,000 daily; Zambia Daily Mail - 8,000 to 12,000 daily; Chronicle - 5,000 to 10,000 weekly.

* The literacy rate in Zambia is 40%

* Some officials who originated from the Eastern province have been branded as "foreigners" or "Malawians". Two top UNIP party officials were forcibly deported to Malawi and there was even an attempt to deport Kaunda. Reported harassment of people in the East which is Kaunda's stronghold increased as the elections drew nearer.
