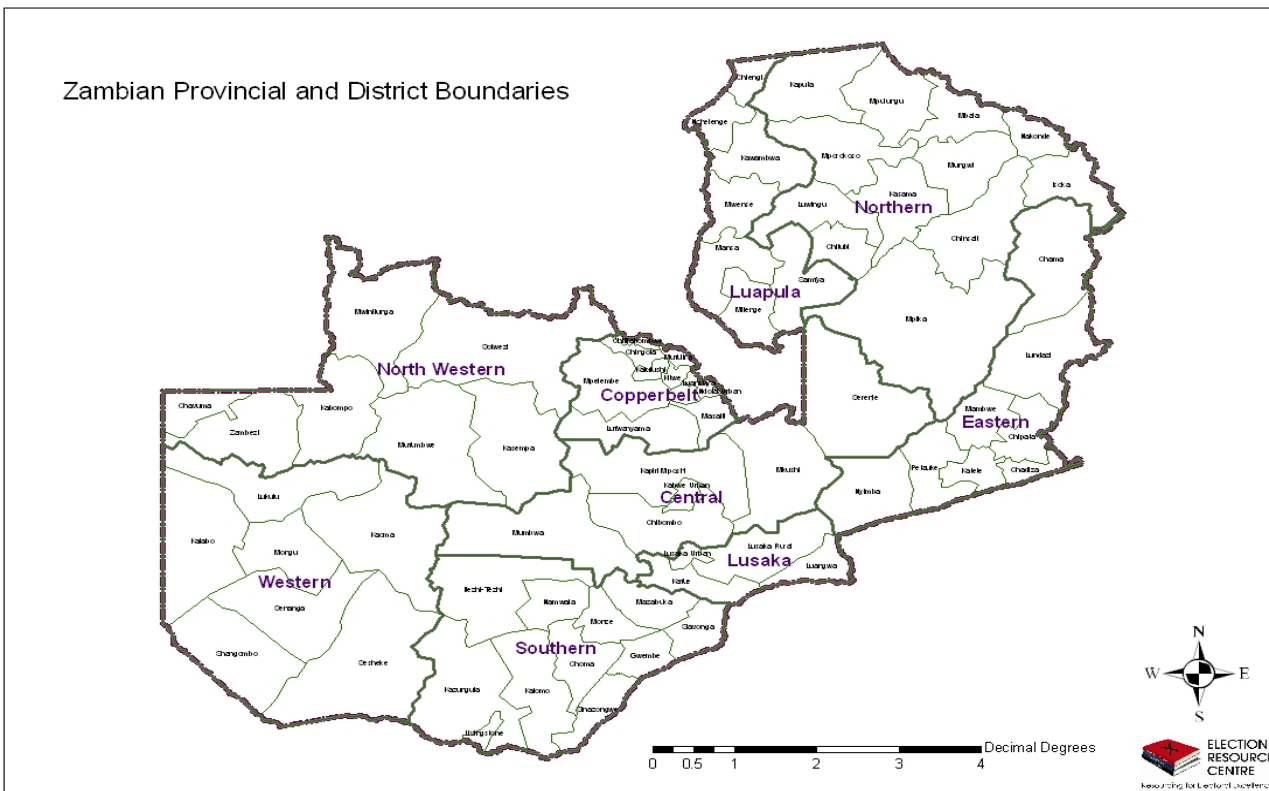


30 September 2011

ZAMBIA ELECTION REPORT



1. INTRODUCTION

The Election Resource Centre embarked on an election study which coincided with the 20 September 2011 Tripartite elections in Zambia. A 7 member delegation which comprised of 2 ERC members of staff as well as 5 civic activists representing youths was deployed for the study.

2. EXECUTIVE SUMMARY

Elections in Zambia have, since 1992, been fiercely contested following the adoption of a multi-party democratic system. Zimbabwe and Zambia have a lot of interesting similarities especially beginning with the colonial history during which the two nations shared the same political architecture under the federal system for a few years. Such a background gave rise to a similar

administrative system even after independence. More tellingly, political contestations in the two nations have transitioned from a one-party system to a multi-party governance system. Crucially, the electoral histories of Zimbabwe and Zambia have similarly been characterized by allegations of electoral fraud, violence, intimidation and related malpractices.

However, in this entire historical sojourn, Zambia seems to be a few democratic steps ahead of Zimbabwe even beginning with the attainment of independence. It was in Zambia again where proper multi-partyism began and above all, Zimbabwe still has to experience a change of government and the related consequences. Zambia's footsteps prove to be an important guide to Zimbabwe's democratic development.

It is therefore reasoned that the democratic progress in Zambia provides important lessons to Zimbabwe especially in terms of the conduction of acceptably free and fair elections and the civility of electoral stakeholders in canvassing for votes. It is within such a realm that the Election Resource Centre embarked on a study aimed at borrowing best practices and experiences from Zambia in order to develop an effective strategy for electoral stakeholders in Zimbabwe during the preparations for the post-conflict elections.

3. PURPOSE OF THE VISIT

-  To study election related power transfer mechanisms that are in place in Zambia.
-  To understand the conflict management mechanisms in place in respect of their effectiveness towards mitigating violence and other related electoral malpractices.
-  To explore the opportunities and threats that could follow the adoption of a biometric voter registration system.
-  To understand voter mobilization and results management strategies used by political parties and civil society.
-  To ascertain the vote protection and fraud deterrence strategies used by election stakeholders in Zambia.

4. METHODOLOGY

In conducting the study the ERC mainly relied on desk research and in-depth interviews with key informants selected on the basis of their involvement in the electoral processes in Zambia.

5. STAKEHOLDERS & PARTICIPANTS

- a) UNDP Zambia
- b) FODEP
- c) Civic Society Election Coalition
- d) Patriotic Front (PF)

- e) Movement for Multi-party Democracy (MMD)
- f) Operation Young Vote
- g) Anti-voter Apathy Project
- h) Civic activists
- i) Voters

6. BASIC FACTS ABOUT ELECTIONS IN ZAMBIA

❖ ELECTION ADMINISTRATION

The Electoral Commission of Zambia is an independent and autonomous Electoral Management Body (EMB) that is governed and regulated by the following pieces of legislation:

- The Constitution of Zambia, 1991;
- The Electoral Commission Act No.24 of 1996;
- The Electoral Act No.12 of 2006;
- The Local Government Elections Act, Cap 282 of the laws of Zambia;
- The Local Government Elections (Amendment) Act, 1997; and
- Various statutory instruments made to regulate the electoral process, such as the Electoral (code of conduct) regulations, the Electoral (General) regulations and the Electoral (registration of Voters) regulations.

The Electoral Commission of Zambia is responsible for the delimitation of constituency, ward and polling district boundaries; (see Article 76 of the Constitution, Section 9 of the Local Government Elections Act and Section 37 of the Electoral Act, 2006 , respectively); the registration of eligible citizens as voters and the update and maintenance of a register of voters (Article 76 and Section 4 of the Electoral Act); the conduct and the supervision of the Zambia's presidential, National Assembly(parliamentary) and Local Government elections (see Article 76 of the Constitution and Section 2 the Local Government Elections (Amendment) Act No 17, 1997).

The Electoral Commission is also responsible for the provision of electoral information and voter education to members of the public on the various phases/stages of the electoral process and elections, in particular. (Section 77 of the Electoral Act, 2006); It also has powers to facilitate the establishment of alternative dispute resolution mechanisms for the management of electoral disputes (Section 111 of the Electoral Act, 2006); and powers to make regulations deemed pertinent to the electoral process (see Section 129 of the Electoral Act, 2006).

The Electoral Commission as established under Article 76 of the Constitution consists of a chairperson and four other members appointed by the President, subject to ratification by the National Assembly for a term not exceeding seven years (Section 4 of the Electoral Commission

Act). The Act also provides for the removal of Commission members and all matters incidental to the internal operation of the Electoral Commission.

❖ **VOTER REGISTRATION**

The ECZ conducted a mobile voter registration update which was done in three phases between June 2010 and March 2011. During this exercise the commission introduced a new system for voter registration, using digital registration kits with the ability to capture and store biometric details. Below are further details about the registration exercise;

- ✓ Final register was completed and certified on 31 July 2011
- ✓ 5,167,174 registrants were entered, representing 85% of eligible population
- ✓ 24,5% of all registered voters comprised of First-Time-Voters
- ✓ 53.8% of registered voters were persons between 18 and 35 years old.

Consequently the exercise witnessed an increase of 1,2 million new voters, the majority of whom were youth voters between the ages of 18 and 35 years. The registration system was biometric with eligible voters being issued with voter's cards containing their full names, photo, polling station name inter alia.

❖ **ELECTORAL SYSTEM**

Zambia subscribes to Plurality or Majority electoral system in single member constituencies. This system is also known as the First-Past-The-Post where a candidate with the highest number of votes would be declared the winner. However Zambia varies from Zimbabwe in terms of the presidential voting system. Whilst in Zimbabwe one has to garner at least 50% + 1 vote to win the presidential vote, in Zambia there is no such requirement. Practically whoever wins the presidential vote by even a single vote shall be declared the winner.

Zambia has 150 constituencies in which the parliamentarians are directly elected, but the President retains the right to appoint 8 more non-constituency members of parliament.

❖ **VOTING PROCEDURES**

- ✓ Voting takes place at the polling station. Polling stations open at 06.00 hours and close at 18:00 hours. If the polling station opens late the time lost will be added to the closing time. People who have joined the queue by 18:00 hours will be allowed to vote (until the queue is exhausted). A voter votes at the polling station shown on that person's voter's card.

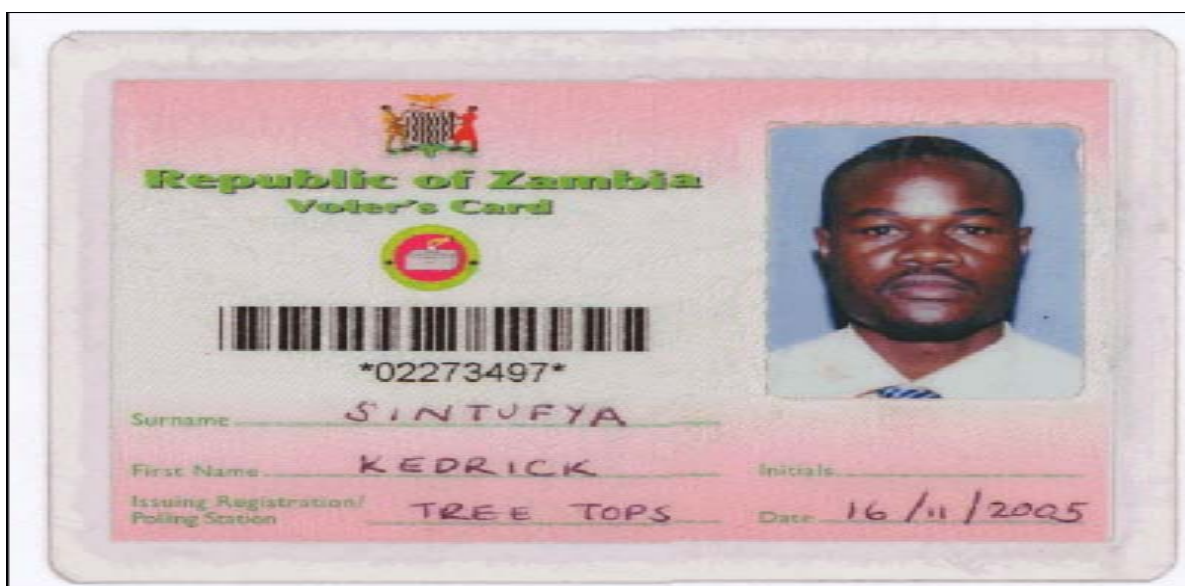
- ✓ A voter, who accidentally spoils or tears the ballot paper such that it cannot be used as a valid ballot paper, may ask the Presiding Officer for another ballot paper. If the Presiding Officer is satisfied that the ballot paper was spoilt accidentally, the Presiding Officer/Assistant Presiding Officer instructs the Polling Assistant who issues ballot papers, to issue another ballot paper to the voter.
- ✓ Voting processes is supposed to comply with the dictates of the secret ballot.
- ✓ If a voter has a special need they ask a person whom they trust who should be a relative or friend to assist them. The person who is to offer assistance has to be registered at the same polling station as the voter requiring assistance. If the voter requiring assistance does not have a trusted friend or relative then the Presiding Officer can offer assistance. The person offering assistance is only allowed to assist one voter. The person helping has to be approached by the voter requiring assistance to vote. The Presiding Officer announces who is helping the voter, a relative or friend, and indicates in the voters' register that the voter has been assisted.

7. KEY FINDINGS

During the study, the ERC focused mainly on issues which parallel Zimbabwe's political realities. Such an approach was meant to better inform electoral stakeholders in Zimbabwe on the possible best electoral practices, whilst also highlighting their inherent weaknesses. Below is a summary of each of the main aspects of the study.

1. **Power transfer mechanisms-** Zambia has once again proved that elections are a peaceful instrument of changing or renewing governing authorities. Notwithstanding minor skirmishes that followed the polling day, power was effectively transferred from Rupiah Bwezani Banda's administration to that headed by erstwhile opposition leader, and now Zambian President, Michael Chilufya Sata. It was refreshing to witness an incumbent graciously accepting defeat before congratulating the next leader of that nation. The study by the ERC also revealed less involvement of the military in the power transfer matrix, whereupon their roles have been confined to the protection of the Zambian people and their territorial integrity. This starkly opposes the situation in Zimbabwe, where calls for military disengagement in electoral processes are becoming increasingly louder. The announcement of results in less than 48 hours after the closure of polls by the Chairperson of the ECZ was deemed final and immediately followed by a swearing in ceremony presided over by the Chief Justice indicating the willingness of state institutions to abide by the constitution and respect of the vote.

2. **Polling station based voting process-** On-going discourse on electoral reforms in Zimbabwe points to a proposal for the adoption of a polling station based voting system. Several concerns have been raised about the associated dangers of implementing such a system in Zimbabwe. Chief among them is the perceived threat of violence and displacement of potential voters by known merchants of violence in Zimbabwe. Be that as it may, the polling station specific voting system proved to be effective in Zambia, and it all appeared to be a system that expedites the voting process. It is therefore difficult to attribute reports of violence in Zambia to the use of a polling station based voting system. Further analysis would reveal that a polling station based voting system, if well resourced, is probably the cheapest and fastest way of handling the polling day. However, the success of polling station based voting cannot be divorced from the political context within which an election is conducted. An environment characterized by state sponsored violence and impunity on the part of some election actors would disenfranchise voters especially if the practice has worked before and ensured that voting is directed to reflect support of the same election actors. Adoption of this option in Zimbabwe in line with international practice, should be accompanied by strict guarantees for security of persons and general rule of law.
3. **Voter registration** - Zambia, as highlighted earlier on, uses a biometric registration methodology to capture voters on the register. The system allows for the capture of photographic images of the voter which is added to other data that is normally included in the voters' roll such as the full name, identity number, residential address, sex, date of birth and constituency, ward number and block number. The system also provides for voters' cards with a photograph of the voter, and the polling station number among other features. Registration of voters in Zambia is a continuous process. The ECZ adopted the biometric system over a period of 183 days in which voters were transferred from the old voters' register. A total of 6 456 centres were used to register voters. The cost of registering each voter was placed at US\$5. The exercise was accompanied by massive civic education to raise awareness on the process. On polling day, the biometric register was allocated to each election agent and observers allowing each election stakeholder an opportunity to verify each voter as they come in to vote. Such administrative provision promotes transparency and limits double voting or any ballot stuffing. Again, the adoption of a biometric voter registration process in Zimbabwe should be context specific, addressing electoral environment issues and allowing for adequate time to not only conduct the process but also ensure that the electorate fully understands the process to promote confidence. In the absence of such provisions, biometric voter registration could easily be deliberately misinterpreted by some political actors to cow voters into voting in a particular way.



Registration Centre: 00308007 KAYEZI

00491438 Adult Female  01040046/7/1 ADILINA TEMBO	00491419 Adult Male  0115354/5/1 ALUK MWAZA	00491410 Adult Female  0457857/5/1 ALINESS PHIRI	00491440 Adult Female  0367299/5/1 BETINA BANDA	00491429 Adult Female  0103411/5/1 BRIDGET ZULU	00491426 Adult Male  0192834/11/1 DAMA MWALE
00491407 Adult Female  0423840/5/1 DOLASE ZIMBA	00491431 Adult Female  27/04/1970 0388573/5/1 DOREEN SAKALA	00491422 Adult Female  02/07/1965 0110302/5/1 DORIKA ZIMBA	00491406 Adult Male  0200340/5/1 ELIAS ZULU	00491442 Adult Female  0307292/5/1 ELIZA PHIRI	00491425 Adult Female  01011/1970 0369736/5/1 FELE MWANZA
00491404 Adult Female  10/09/1978 0461555/5/1 GREDITH DAKA	00491433 Adult Female  14/09/1979 0439885/5/1 GREDYS BANDA	00491432 Adult Female  0174569/7/1 0174569/7/1 IRED ZULU	00491448 Adult Male  0366555/5/1 JOHN MAKUKULA	00491427 Adult Female  13/07/1968 0100244/5/1 JOYCE LUNGU	00491417 Adult Male  0423833/5/1 KAWEZYE PHIRI
00491430 Adult Female  08/08/1964 0240245/6/1 LINESS BWALYA	00491414 Adult Female  11/09/1979 0463816/5/1 LUTA SAKALA	00491420 Adult Female  0366604/5/1 LIVINESS NKHOMA	00491436 Adult Female  14/06/1980 0110225/5/1 LUTE NKHOMA	00491401 Adult Female  02/03/1943 0101466/5/1 MADILESI NKHOMA	00491405 Adult Male  07/08/1969 0406640/5/1 MAPITANO MAWERE
00491441 Adult Female  24/08/1954	00491428 Adult Female  10/10/1936	00491415 Adult Female  10/10/1936	00491447 Adult Male  15/03/1976	00491449 Adult Male  15/03/1976	00491423 Adult Female  07/01/1985

4. **Results Management** – ECZ invested significantly towards ensuring that results would be collated and transmitted timeously. Given previous disputes around Zambia's election results in 2008, the commission received material and technical support from UNDP to set up a fast results collection system that made use of GSM and fax lines in the transmission of results. Once counting and verification was finalized at the polling

station, results were sent to constituency collation centers using telephones. At the constituency collation centre, results would be captured into a results management software which would then send results to the national results centre where the results were announced. From the constituency to district centers, results would be faxed. At the national results centre, the electronic media, namely ZNBC which is state owned and MUVI TV, had direct feeds to the results management software and would transmit results as they came in live. While a court order barring independent radio stations from announcing results was given a day after polling, a number of stations would broadcast results as reported by ordinary citizens who were stationed at the polling stations. Civic society deployed observers country wide with satellite phones in case of remote areas whilst others used ordinary cellphones. A team of telephonists would receive periodic calls from observers at polling stations. Parallel Vote Tabulation was conducted in Zambia but under a different name called Rapid Response Project (RRP). Civil Society focus was on the Election Day process as well as results. However, an agreement was reached between the ECZ and the civic coalition on election not to have results of the PVT announced before the commission announced their results. The relationship between the commission and civic society organization was cordial and there was a lot of sharing of information which aided in building confidence in the electoral process. The successful and timely announcement of results rendered the PVT a non event. Even as the commission delayed in announcing the results and violence erupted, civic society did not step in to announce their findings. Election stakeholders in Zimbabwe could learn from this experience given the 2008 five week delay in announcing the presidential results. Unfortunately, none of the political parties had managed to set up a results management centre that observers could access. What were available were information centres where election updates were given and support for election agents was coordinated. Such a trend could indicate some level of confidence in the capacity of the commission to provide credible information.



5. **Vote Protection-** Over and above these acceptable means of safeguarding the people's vote which include but not limited to election agents, media, observers and a transparent commission, the ERC believes that Michael Sata's "promise" for violence and anarchy in the event of any attempts at rigging the elections played a significant part in deterring possible electoral fraud.

During his campaign trail, the new Zambian President delivered messages which resonated around issues affecting the unemployed youths and those reportedly living below the poverty datum line. His pro-poor campaign couched in promises for delivery within 90 days of winning the election galvanized his supporters into believing that real change was indeed on the horizon. Such a mobilized critical mass of people carried Sata's road to victory. More importantly, it was the lucidity with which he expounded the dangers that would follow any attempts at rigging the elections. The "Don't Kubeba" (*Don't Talk, just vote quietly*) protégé managed to galvanize his supporters into becoming a citizen vigilante group that promised chaos in the event of a rigged election.

The resultant “harvest of fear” manifested into the tense and volatile atmosphere that characterized the immediate post-polling environment in Zambia. Apparently, that hovering fear of citizen disruption can be associated with the frantic efforts made by the ECZ to convince and reassure the electorate of their commitment to professional conduct. In fact, the commission was clearly forced to declare Michael Sata the winner, before the conclusion of counting in 7 other constituencies. This was a measure informed by the related fear of upheavals caused by the delays in the counting processes, the delay of which was viewed in the context of attempts at rigging by Sata supporters. The issue of violence, real or imagined played a central role in influencing the conduct of election officials towards professional conduct. It therefore remains clear that the Patriotic Front used the potential for people power revolts as a deterrence measure to the rigging of an election.

6. ELECTORAL OUTCOME

SUMMARY OF ALLOCATION OF NATIONAL ASSEMBLY SEATS

PARTY/INDEPENDENT	TOTAL SEATS	GENDER	NUMBER
Alliance for Democracy and Development (ADD)	1	Female	1
		Male	0
Forum for Democracy and Development (FDD)	1	Male	1
		Female	0
Independent (IND)	3	Male	3
		Female	0
Movement for Multi-Party Democracy (MMD)	55	Female	6
		Male	49
Patriotic Front (PF)	60	Female	8
		Male	52
United Party for National Development (UPND)	28	Female	2
		Male	26

Source: Election Commission of Zambia (www.elections.org.zm)

CONCLUSION

The elections in Zambia have been hailed as a resounding success by Zambians themselves, regional and international election stakeholders. Such praise is premised on the professional conduct of the election commission and it is in spite of sporadic violence that characterized the polling and post polling days. While the election had its fair share of challenges such as disrupted distributions of election materials resulting in some polling stations not opening on time and polling assistance that failed to professionally discharge their duties through partisan conduct, these did not material impact on overall administration of the process including a free and fair environment that allowed the expression of free will by the electorate.

The Zambian election further confirms that democratic elections are possible even when political competition, which is healthy, is rife. The success of the election bears testimony to Zambians resolute commitment to peace and tolerance in a region where election disputes have given rise to the formation of inclusive governments that tend to be accommodative of incumbents that would have otherwise lost the mandate to govern.

The election in Zambia provides hope for election stakeholders in Zimbabwe that not only does expression of free will in political processes still have space in the region, but such expression can translate into meaningful change through the ballot.

The political will shown by Zambian political competitors to allow for and respect what Zambians expressed through the ballot shows that law alone cannot guarantee free and fair elections.

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