

Electoral Commissions Forum of SADC Countries

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PRELIMINARY STATEMENT OF THE ELECTORAL COMMISSIONS FORUM OBSERVER MISSION OF SADC COUNTRIES (ECF-SADC) ON THE PRESIDENTIAL ELECTIONS HELD ON 20TH JANUARY 2015, IN THE REPUBLIC OF ZAMBIA

1. INTRODUCTION

It is an honour for me to welcome you all to this important event, the presentation of the Electoral Commissions Forum of SADC countries (ECF-SADC) Observer Mission's Preliminary Statement on the Presidential Elections held on 20th January 2015 in the Republic of Zambia.

The ECF-SADC was launched in Cape Town, South Africa in July 1998 and is composed of fifteen (15) Electoral Commissions of the SADC member states namely Angola, Botswana, Democratic Republic of Congo (DRC), Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Seychelles, Swaziland, Tanzania, Zambia, Zanzibar and Zimbabwe. As stated in its constitution, its duties include strengthening cooperation between Electoral Commissions members, and to promote conditions conducive for the holding of credible and transparent elections in the SADC region.

The ECF-SADC was duly invited by the Electoral Commission of Zambia (ECZ) through its Chairperson Justice Irene Mambilima to observe the 2015 Presidential Elections.

In response to this invitation the (ECF-SADC) Observer Mission arrived in Zambia on 14th January 2015 consisting of eighteen (18) delegates from six (6) member commissions namely Angola, Botswana, Malawi, Namibia, South Africa, and Zimbabwe.

The Mission was led by the Chairman of the Malawi Electoral Commission (MEC) Honourable Justice Maxon Mbendera, SC. His deputy was Dr Molefe Phirinyane from the Independent Electoral Commission of Botswana

The Mission concluded its work on 22nd January 2015.

Forum Presidency: Justice Rita Makarau- President (Zimbabwe), Justice André da Silva Neto – (Angola)

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EXCO: Chairperson: Justice Mahapela Lehohla (Lesotho), **Vice Chairperson:** Justice Maxon R. Mbendera, SC (Malawi), Justice A. Tafa (Botswana), Mr. M. I Abdool Rahman (Mauritius), Mr. Hendrick Gappy (Seychelles), Hon Jecha Salim Jecha (Zanzibar), Justice Irene Mambilima (Zambia).

2. THE ROLE OF THE ECF-SADC ELECTION OBSERVER MISSION

Election observation is an important component of promoting democratic elections and consolidating democracy hence the involvement of the ECF SADC in election observations in the SADC region. Through election observation process, the ECF-SADC strives to assist fellow Election Management Bodies (EMBs) to identify areas requiring sustaining and also those areas calling for improvement in elections management.

The ECF-SADC election observations are mainly guided by two (2) major instruments which are:-

1. Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO). This tool was developed by the Electoral Commissions Forum of SADC countries and the then Electoral Institute of Southern Africa (EISA) and adopted on 6th November 2003 in Johannesburg; and
2. Principles and Guidelines Governing Democratic Elections in the SADC Region. This instrument was adopted in 2005 at the SADC Heads of State and Government Summit in Mauritius.

In essence these two regional electoral instruments set benchmarks for the running and management of transparent and credible elections.

The two instruments are considered together with the existing local legal frameworks that relate to presidential elections, which include:-

1. The Constitution of the Republic of Zambia
2. Electoral Act no. 12 of 2006
3. The Electoral Commission Act no. 24 of 1996
4. Electoral Laws (Regulations)

3. PRE-ELECTION ACTIVITIES OF THE MISSION

The Mission engaged in a number of pre-election activities which included the following:

- Upon arrival, delegates were accredited and provided with relevant materials.

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- Paid a courtesy call on the ECZ on 15th January 2015 where the Mission was briefed on the preparedness and also a thorough briefing on the results management process. The Mission was given an opportunity to tour the Commission's offices including observing the final packaging and dispatch of election materials which was underway at the warehouse to the various provinces.
- Attended a Presidential debate at Mulungushi International Conference Centre on 15th January 2015.
- On 16th January, 2015, the Mission held a seminar with various stakeholders, including the media, academia, civil society and the political parties in order to establish the various perspectives on the Presidential elections that were to take place on 20th January 2015.
- Observed some political party rallies between 17th and 19th January 2015.
- Deployed teams to the various provinces on 17th to 21st January 2015.
- Attended Heads of Missions information sharing meetings on 19th and 21st January 2015.

During the same pre-election period, the mission observed the following:-

- The ECZ was adequately prepared for elections. However, there were challenges with the transportation of election materials in open trucks to some constituencies;
- The electoral law does not provide for pre-voting for poll staff and security officers engaged on polling day;
- Observed that there is no provision in the electoral law for the diaspora/absentee voting for Zambians living outside the country;
- The presidential by-election creates a challenge for the ECZ as there have been many by-elections for parliamentary and local seats since the 2011 General Elections;
- Consequent to the many by-elections the Commission was unable to conduct the continuous voter registration of new voters, transfers, and replacement of voter registration cards;
- Security was adequate at the ECZ warehouse where ballot paper were stored, as well as at the various district polling offices around the country;
- There was inadequate fire protection facilities;
- The pre-election environment was peaceful except for a few isolated incidents of violence that were reported.

4. DEPLOYMENT

The Mission deployed six (6) teams to cover four (4) provinces of the country namely: Lusaka, Copperbelt, Southern and Central. The deployment period was 17th to 21st January 2015 and all the teams managed to undertake the pre-election observation and establish the preparedness of the ECZ to conduct the elections.

5. POLLING DAY

The Mission generally observed the following:

- Most polling stations opened on time as stipulated in the Electoral Law;
- Opening procedures were adhered to;
- Some voters noticeably left polling stations as it started to rain;
- Election materials were adequate in most polling stations visited;
- The layout in most polling stations allowed for smooth flow of voters;
- The physical layout of some of the streams in certain polling stations was not uniform. For instance, some were crowded in one small hall whereas in others streams were arranged in separate facilities;
- International and domestic observers as well as monitors were visible at most polling stations visited;
- Party agents were present in all polling stations;
- Most voting queues were long in the morning but was orderly throughout polling;
- Signage to polling stations was not adequate ;
- Voters needing assistance were duly assisted including giving priority to the elderly and the expectant women;
- Voters voted freely without any intimidation and the secrecy of the ballot was safe guarded;
- There was noticeable presence of police officers in polling stations who showed that they knew their responsibility;
- Some polling stations experienced inadequate lighting to facilitate opening of poll;
- There was live broadcast and election coverage in television stations including the public television (ZNBC) and radio stations;
- Regular statements were issued by the ECZ on polling e.g. on 74 polling stations that were to open late due to access problems;
- Most polling stations did close at the stipulated time, however, the polling stations that opened late were allowed to extend their closing time in accordance with the law so that they operate for 12 hours;

- The results management at polling stations and totaling centres was conducted efficiently and transparently;
- Polling was peaceful and orderly.

6. BEST PRACTICE

The Mission has taken note of some of the best practice during the observation:

- Independence of the ECZ in law and practice;
- Regular public updates by ECZ;
- Adherence to the Code of Conduct as evidenced by the campaigns conducted by candidates all over the country were generally peaceful and there were no major incidents of violence;
- Use of the youth as polling officers;
- The maintenance of a pool of well trained and certified polling staff at district level that can be called upon whenever there is an election;
- Gender balanced polling officers;
- Efficient election results management system;
- Effective role played by police officers

7. RECOMMENDATIONS

Given the above Observations, the Mission recommends the following for consideration by ECZ and other stakeholders:

Legal Framework

- There is need to review the laws for the succession for a president in the case of a vacancy so that the vice president takes over for the remainder of the term without holding an election;
- Consideration for voting by citizens abroad (Diaspora/absentee voting);
- Special voting arrangement for polling staff and security personnel.

Logistics

- There is need to strengthen logistics and planning for transportation of material especially the provision of lockable and covered vehicles for security purposes;
- Provide observers with information (e.g. GPS info., maps, etc) on location of polling stations;
- Consider voting population when choosing polling centres/streams
- Strengthen voter education programmes either ECZ or in partnership with other stakeholders.

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Polling and Closing

- Encourage processing of transfers to avoid disenfranchising voters who have changed residence;
- Provision of adequate lighting at polling stations.

Stakeholders

- Maintain interaction with stakeholders to increase and sustain their confidence in ECZ and also in the electoral process;
- Gender sensitization to promote women's participation in electoral processes.

Security

- Retain and strengthen the relationship with the police service.

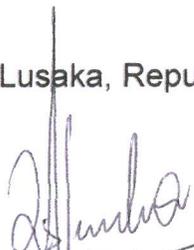
8. CONCLUSION

The Mission is pleased to share their observations with the people of the Republic of Zambia and take this opportunity to commend the spirit of tolerance that was upheld in the build-up to and during the 2015 Presidential by-election.

The Mission would like to congratulate the Electoral Commission of Zambia for its preparedness to conduct the Presidential elections in an efficient and effective manner. Despite the limited time frame only 90 days following the demise of the president, the ECZ proved ready and able to carry through the electoral processes.

On behalf of the Electoral Commissions Forum of SADC countries, and on my own behalf, I congratulate the people of the Republic of Zambia, the ECZ and all electoral stakeholders on the holding of peaceful, transparent, and credible elections.

Signed in Lusaka, Republic of Zambia this 22nd day of January 2015.



Justice Maxon Raphael Mbendera, SC
**LEADER OF THE ECF-SADC OBSERVER MISSION & CHAIRMAN
MALAWI ELECTORAL COMMISSION (MEC)**

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