



**SADC ELECTORAL OBSERVER MISSION  
TO THE REPUBLIC OF ZAMBIA**

**PRELIMINARY STATEMENT**

**BY**

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THE REPUBLIC OF ZAMBIA**

**AND**

**HEAD OF THE SADC ELECTORAL OBSERVER MISSION**

**TO**

**TRIPARTITE ELECTIONS HELD ON**

**20 SEPTEMBER 2011**

## INTRODUCTION

In line with the Southern African Development Community (SADC) *Principles and Guidelines Governing Democratic Elections*, the Government of the Republic of Zambia invited SADC to observe its Tripartite Elections which were held on 20 September 2011.

Following the invitation, the Chairperson of the SADC Organ on Politics, Defence and Security Cooperation, His Excellency Jacob G. Zuma, President of the Republic of South Africa, officially constituted the SADC Electoral Observer Mission (SEOM) to the Republic of Zambia and mandated the SADC Executive Secretary, Dr Tomáz Salomão to facilitate the administrative and logistical support for the Mission.

The Chairperson of the SADC Organ on Politics, Defence and Security Cooperation appointed me, Moses Chikane, High Commissioner of the Republic of South Africa to the Republic of Zambia, to head the Mission.

The SEOM was officially launched on 10 September 2011, in the presence of the SADC Executive Secretary, the Director of the SADC Organ on Politics, Defence and Security Cooperation, SADC Observers as well as other stakeholders in Zambia.

In line with its mandate, SEOM has the honour to announce its preliminary views on the outcome of its observation. A detailed report in this regard shall be released within thirty (30) days after the announcement of the election results.

## THE ROLE OF THE SADC ELECTION OBSERVER MISSION

In fulfilling its mandate, the Mission complied with the *SADC Guidelines, African Union (AU) Declaration on the Principles Governing Democratic Elections in Africa, AU Guidelines for African Union Electoral Observation and Monitoring Missions* and the legal framework of the Republic of Zambia.

In coming up with the nature and scope of our observation, the Mission sought to determine the existence of the following pre-conditions for free and fair elections:

- (i) Constitutional and legal guarantees of freedom and rights of citizens;
- (ii) Conducive environment for free, fair and peaceful elections;
- (iii) Non-discrimination in voters' registration;
- (iv) Existence of an updated and accessible voters' roll;
- (v) Timely announcement of the election date;
- (vi) Transparent funding of political parties based on the agreed threshold in accordance with the laws of the land;
- (vii) Neutral location of polling stations;
- (viii) Establishment of the mechanism for assisting the planning and deployment of electoral observation missions; and
- (ix) Counting of the votes at polling stations.

## **DEPLOYMENT OF SEOM OBSERVERS**

Fifteen teams of observers were deployed throughout the country to observe the electoral process and to give detailed accounts of their findings on the ground in the areas of their deployment, in order to inform the Mission's assessment.

The SEOM comprised 95 observers from SADC Member States, drawn from Members of Parliament, Civil Servants and Civil Society, amongst others. The activities of the Mission across the country were coordinated at the Operations Centre based at Golfview Hotel in Lusaka.

## **CONSULTATIONS WITH STAKEHOLDERS**

In discharging its duties, the SADC Electoral Observer Mission interacted with relevant stakeholders in order to gather information on various aspects of the electoral process. The stakeholders included *inter alia*;

- The Electoral Commission of Zambia (ECZ);
- Ministry of Home Affairs;
- Religious Organisations;
- Non-Governmental Organisations;
- Civil Society Organisations;
- United Nations Development Programme;
- Observer missions from the SADC Parliamentary Forum, the Commonwealth, the Common Market of East and Southern Africa (COMESA), Electoral Commissions Forum (ECF) and the European Union;
- The Media Institute of Southern Africa (MISA);

- Political Parties contesting the 20 September 2011 elections; and
- Academia.

These interactions assisted the SADC Electoral Observer Mission to understand the prevailing political environment in the country, whilst also enabling it to appreciate the dynamics inherent in the conduct and management of democratic elections in the Republic of Zambia.

Through these stakeholder consultations, it was possible to recognise efforts by the Zambian people, relevant authorities, particularly the Electoral Commission, in advancing the integrity of the electoral process. This served to enhance the Zambian history of peaceful elections whilst also improving the cause of moving forward in building public confidence in democracy.

### **CONCERNS RAISED BY STAKEHOLDERS**

The SADC Electoral Observer Mission wishes to highlight issues of concern expressed by some Stakeholders on the electoral process. These include, *inter alia*, the following:

- The use of State resources for campaigns by the ruling party;
- Media coverage in favour of/or against the candidates of both ruling and main opposition parties;
- Concerns over the late implementation of voter education programmes;
- Defamation of character and inflammatory rhetoric used as campaigning tools rather than party manifesto by some political parties;
- The threat of electoral violence during and after elections;
- Lack of transparency in party funding;

- Lack of proper updating of the voters' roll;
- Lack of confidence in electoral dispute mechanisms and enforcement of the Electoral Code of Conduct; and
- Concerns with the constitutional review process.

Findings by the SEOM on some of the concerns raised by the stakeholders revealed the following:

- On the use of State resources for campaign purposes, there are no clear guidelines/ legislation;
- There is no legal provision on party funding;
- The SEOM noted that there is media polarity;
- It was noted that the use of provocative political rhetoric by parties bordered on incitement of violence; and
- Defacement of electoral paraphernalia was often mentioned. This was perceived as political intolerance and requiring enforcement of sanctions against those involved.

## **PRE – ELECTION PHASE**

The pre-election phase was characterised by a largely tolerant and peaceful political atmosphere. Overall, the Electoral Commission of Zambia conducted its work in a transparent, orderly and professional manner. The registration of voters and political parties improved as compared to previous years.

Political parties were generally free to do their campaigning without any significant hindrance. However, the issue of access to; and regulations on party funding; remains an issue of concern.

## **MEDIA**

According to the SADC guidelines, equal opportunity for all political parties to access the media is an important feature of elections. In this regard, the Zambian Electoral Code of Conduct specifies that the public media shall allocate public airtime equally to all political parties and candidates for their political broadcasts.

In general, media reporting was observed to be polarised, with public media giving preference to campaign activities of the ruling party and some private media covering mainly those of the opposition.

## **ELECTION PHASE**

There were 10 political parties participating in presidential elections. These parties were:

- Alliance for Democracy and Development (ADD)
- Forum for Democracy and Development (FDD)
- Heritage Party (HP)
- Movement for Multiparty Democracy (MMD)
- National Restoration Party (NAREP)
- National Movement for Progress Party (NMP)
- Patriotic Front (PF)

- United National Independence Party (UNIP )
- United Party for National Development (UPND)
- Zambian for Empowerment and Development (ZED)

Numerous political parties as well as several independent candidates were registered for the parliamentary and local government elections.

### **Polling Process**

It is the overall view of the SEOM that the elections were conducted in a conducive environment. However, there were isolated instances where there were acts of violence and intimidation, which disrupted the voting process. Furthermore, administrative delays led to some polling stations being opened and closed late.

The SEOM was encouraged by the general patience of voters who were able to exercise their vote unhindered. Polling stations were officiated by ECZ personnel as well as party agents, local monitors and Zambian Police. International observers were also well represented at polling stations throughout the country. The electoral officials were able to explain and manage the procedures to be followed.

Due to the necessary multiple checks, which include explaining and verifying the registration of all the voters at the polling stations, the Mission noted that the polling process was generally slow.

### **Counting Process**

The SEOM observed that the vote counting process in general commenced soon after the closing of polling stations as per Zambian legislation. It is worth noting that most local monitors, party agents, presiding officers and international observers witnessed the conclusion of the counting process.

Furthermore, procedures for a secure counting of votes were adhered to. There were, however, several reports noting instances of election officials being slow in administering the poll, which resulted in a delayed counting process. Consequently, stakeholders had to stay late into the night to witness the conclusion of counting process.

## **SADC ELECTORAL OBSERVER MISSION RECOMMENDATIONS**

In light of the mentioned shortcomings, the SADC Electoral Observer Mission makes the following recommendations:

- Strict enforcement of the Zambian Electoral laws and Code of Conduct.
- Consider the establishment of a framework for funding of political parties in line with SADC Principles and Guidelines Governing Democratic Elections.
- Avail equal opportunity for all political parties to access the public media.
- Encourage the development of a more comprehensive programme for the participation of women as political candidates, in line with the SADC Summit Decision regarding the attainment of 50% of women in decision-making positions.
- Improve mechanisms for the timeous delivery and protection of electoral material in polling stations.
- Ensure the timeous and comprehensive rollout of an electoral education programme.
- Improve on measures to manage and update the voters' roll.
- Encourage more responsible party leadership to advocate political tolerance and to denounce intimidation and violence.

- Acceptance and respect of the election results by political parties as proclaimed to have been free and fair by the competent election authorities in accordance with the laws of the land.

## **BEST DEMOCRATIC PRACTICES AND LESSONS LEARNT**

In the course of observing elections, the Mission noted some best democratic practices in the Zambian electoral system highlighted as follows:

- Compliance with the SADC Principles and Guidelines Governing Democratic Elections;
- The use of mobile voter registration;
- Use of translucent ballot boxes;
- Commendable security measures for checking the identity of voters and validity of votes;
- Broad participation of political party representatives in monitoring the entire ballot paper printing and delivery process;
- Facilitating the elderly and persons with special needs;
- Provision of security by the Zambian Police Service, that facilitated a peaceful environment for all stakeholders;
- Provision of adequate logistical and material support by the Electoral Commission of Zambia to ensure that all citizens of voting age were able to participate in the tripartite Elections; and
- The use of advanced information communication technology for the management of the election results.

## CONCLUSIONS

In line with *SADC Principles and Guidelines Governing Democratic Elections* and the Electoral laws of Zambia, the Mission would like to urge all political parties and candidates to respect the will of the people and any grievances that they might have should be pursued in line with the relevant laws of the country.

The SADC Electoral Observer Mission has come to the conclusion that, although some of the concerns raised were pertinent, they were nevertheless not of such a magnitude as to affect the credibility of the overall electoral process.

In conclusion, on behalf of the Chairperson of the Organ on Politics, Defence and Security Cooperation, His Excellency Jacob G. Zuma, President of the Republic of South Africa, and the entire SADC family, I wish to sincerely congratulate the people of Zambia for holding a free, fair and credible election on 20 September 2011.

I thank you all.