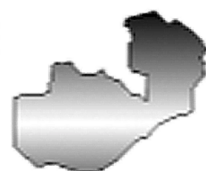


CHAPTER I: INTRODUCTION



BACKGROUND TO THE SADC PARLIAMENTARY FORUM

The Southern African Development Community Parliamentary Forum (SADC PF) was established in 1996 in accordance with Article 9 (2) of the SADC Treaty as an autonomous institution of SADC. It is a regional inter-parliamentary body composed of twelve parliaments representing over 1,800 parliamentarians in the SADC region. These member parliaments are Angola, Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

The objectives of the Forum include the promotion of multiparty democracy, good governance, gender equality and political stability in the region as well as respect of the rule of law, human rights and fundamental freedoms.

In line with the above objectives, the Forum has taken a keen interest in election observation in its member states. In this regard, the Forum has observed elections in Namibia and Mozambique in 1999, and Zimbabwe, Mauritius and Tanzania in 2000. Based on these observations, the Forum has developed and adopted Electoral Norms and Standards for the SADC region, which serve as benchmarks against which to assess the management and the conduct of elections in the region.

Concurrent with the adoption of Norms and Standards for elections in the SADC region in March 2001, the Forum also decided to abandon its earlier focus on the observation of polling and counting activities, and extend its missions to the other phases of an electoral process, namely, the pre-election and post-election phases. Accordingly, the Forum sent missions to observe voter registration to Zambia and Lesotho, respectively, in July and August 2001. The section on Voter Registration in Chapter 2 of this report details the Forum's observations, findings, conclusions and recommendations about this stage of the process.

TERMS OF REFERENCE

The SADC PF Zambia election observation mission was guided by the terms of reference which have guided similar missions. The entire terms of reference may be found in **Appendix 1**. The following extract provides the substance of the terms of reference:

- To assess relevant aspects of the organisation and conduct of the presidential and Parliamentary elections, such as the constitutional and legal framework, voter registration, voter education, nominations of candidates, the campaign, the role of the security forces, the media and civil society organisations and gender in the electoral process;
- To observe the campaign and polling arrangements, the casting of votes, the closure of voting, the counting of ballots and the declaration of results in accordance with the laws of the Republic;

- Based on their findings, to ascertain whether the electoral process was credible and the degree to which it adheres to the will of the people and the electorate in particular and enhances the democratic process, rule of law, respect of human rights and gender equality in the country;
- And, in its own impartial, independent and objective judgement, to determine whether voters freely expressed their rights to vote and whether the results of the elections reflect the will of the people of Zambia.

METHODOLOGY OF OBSERVATION

The SADC Parliamentary Forum started to monitor electoral developments in Zambia as from the beginning of 2001. Several Forum Secretariat staff members travelled to Zambia on number of occasions. Information was collected mostly through frequent formal and informal contacts with electoral stakeholders in Zambia and reading the media and other reports.

From 28 May to 7 June 2001, the Forum organised a skills building workshop for parliamentary staff and an orientation programme for Members of Parliament in Lusaka, Zambia. The purpose of these programmes was to prepare them for the observation of voter registration and elections in Zambia and Lesotho which were expected later in the year.

The SADC PF deployed a voter registration observation mission from 12 to 23 July 2001. The first of its kind by a regional organisation, the five-member SADC PF voter registration mission was deployed to pre-selected urban and rural areas in the Central, Southern and Lusaka provinces. The delegates held extensive briefing meetings with electoral stakeholders before observing the actual voter registration operations in the areas of their deployment. The delegates issued a report on completion of their mission (**Appendix 4**).

As soon as President Frederick Chiluba announced the election day, late in November 2001, the SADC PF election advance team moved promptly to Lusaka. The first staff arrived in Lusaka on 2 December 2001. From 6 to 7 December 2001, the Forum conducted a refreshing course for parliamentary staff on their role of supporting their respective teams in the areas of deployment.

The SADC parliamentarians arrived in Lusaka on 9 and 10 December 2001. A press release announcing the arrival of the mission and its objectives and method of work was issued on 10 December.

Drawn from both the ruling and opposition parties, SADC observers were male and female MPs from ten SADC countries, namely, Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Tanzania and Zimbabwe (**Appendix 2**). The mixture of MPs from both the ruling parties and their oppositions and the delegation's gender representativity were among the main factors that ensure the balanced manner in which the Parliamentary Forum assesses electoral processes in the region. The SADC PF thus hopes to foster a culture of dialogue, political tolerance, consensus and shared democratic values among its members, across political affiliations.

On 11 December, the Forum conducted an interactive orientation programme for SADC parliamentarians. The purpose of the programme was to discuss the framework of election observation and determine how best the parliamentarians could conduct their mission. From 12 to 13 December, the SADC PF observers had briefing meetings with the electoral authorities, political party leaders, non-governmental organisation representatives and journalists to acquaint themselves with the regulations, issues and problems pertaining to the 2001 electoral process in Zambia, as detailed in **Appendix 3**.

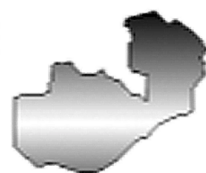
On 12 December 2001, the delegation elected Hon. Nthloi Motsamai, the Speaker of the National Assembly of Lesotho, and Hon. Elia G. Kaiyamo, Member of Parliament from the National Assembly of Namibia, as the Mission's Chairperson and Vice Chairperson respectively.

The delegation was subdivided into ten teams of at least three persons each, two parliamentarians and one staff. On 14 December 2001, these teams were deployed to all of the nine provinces of Zambia in order to ensure a broad geographical coverage of the country. Two of these teams were based in Lusaka province and one in each of the eight other provinces.

From 14 to 26 December 2001, the teams deployed throughout the country consulted widely with relevant local electoral stakeholders, and attended many campaign rallies. On 27 December 2001, they visited over 140 polling stations, covered the voting opening procedures, the poll, the count and the closing procedures. Their observations were recorded in the polling and counting observation checklist prepared by the Forum. They all returned to Lusaka on 28 December, met with the other teams to discuss their findings and form the Mission's overall opinion up to that point about the conduct of the 2001 tripartite Zambian elections. On 30 December 2001, the SADC PF issued a press statement on its assessment of the elections, detailing its main findings, conclusions and recommendations (**Appendix 4**).

Most SADC PF election observers departed from Lusaka in the afternoon of 30 December 2001. A small team composed of the Mission Leader, Hon. Speaker Nthloi Motsamai of Lesotho, the deputy Mission Leader, Hon. Elia Kaiyamo of Namibia, Hon. Lutero C. Simango of Mozambique and Hon. Dr. Hassy H.B. Kitine of the United Republic of Tanzania remained in the country to assess the final declaration and announcement of results. They left Lusaka on 31 December 2001.

CHAPTER II: POLITICAL OVERVIEW



Formerly known as Northern Rhodesia, the Republic of Zambia is a land-locked country of 752,614 square kilometres. It is subdivided into nine provinces: Central, Copperbelt, Eastern, Luapula, Lusaka, Northern, North Western, Southern and Western provinces. There are 72 administrative districts and 150 electoral constituencies.

The country shares borders with eight other countries, namely, the Democratic Republic of Congo (DRC), Angola, Namibia, Botswana, Zimbabwe, Mozambique, Malawi and Tanzania. Though surrounded on three sides by neighbouring countries that are experiencing full-blown civil wars (Angola and the DRC) and serious socio-political conflicts (Zimbabwe), Zambia has been relatively stable politically for nearly four decades of post-independence politics.

This overview describes briefly the country's demographic features and post-colonial political and electoral politics.

THE POPULATION

Zambia is a multi-ethnic country of 9,582,418 inhabitants, with a population density of 12.2 inhabitants per square kilometres. The country is highly urbanised with 51% of the population living along the line of rail from Livingston to the Copperbelt.

The main ethnic groups are the Bemba of the north-east whose language is the lingua franca of the Copperbelt; the Nyanja spreading from the Eastern Province are also numerous in Lusaka; the Tonga of the Southern Province and the Lozi of the Western Province. English is the country's official language. There are seven main local languages and over 73 other vernacular languages.

Christians constitute by far the largest religious group in the country. A non-negligible percentage of the population follows indigenous beliefs. There are small Muslim and Hindu communities.

POST-COLONIAL POLITICS

The post-colonial politics of Zambia are usually divided into three parts: the First Republic (1964-1973), the Second Republic (1973-1991) and the Third Republic (1991 to date).

The First Republic started on 24 October 1964 when Zambia gained independence from Britain. Having won the pre-independence multiparty elections of January 1964, Kenneth David Kaunda of the United National Independence Party (UNIP) became the country first President of the Republic of Zambia. UNIP won the legislative elections and dominated parliament until 1991 with over 2/3 majority.

The Second Republic commenced in 1973 when the Zambian Constitution was changed and UNIP transformed into one party state. All political organisations and groupings were dissolved. The formation of a political party was made unconstitutional. Thus, the subsequent elections were monolithic, opposing only UNIP cardholders.

The last years of the party state regime were characterised by worsening economic conditions and political unrest. The upheavals in the international arena in the late 1980s following the fall of the Berlin Wall and the subsequent political re-alignment in the countries of the former eastern bloc forced the incumbent UNIP to succumb to internal and external pressures. Under pressure from the newly formed Movement for Multiparty Democracy (MMD) and civil society, UNIP revised the Constitution in December 1990 and restored multiparty politics.

THE 1991 ELECTIONS

Frederick Chiluba of the MMD won the 31 October 1991 presidential elections with 75.79% of the votes cast, defeating Kaunda who received only 24.21% of the vote. The MMD won the legislative elections, securing 125 of the 150 parliamentary seats against 25 seats to the UNIP. Over 200 international observers and 7,000 local monitors reported that the elections had been conducted in a free and fair manner.

The first term of office of President Chiluba was characterised by the introduction of the structural adjustment programme under the auspices of the International Monetary Fund (IMF) and the World Bank. This programme resulted in the relative stabilisation of the inflation rate and the inflow of foreign aid. It was also accompanied by the degradation of the socio-economic conditions of living of the general population, owing to the escalation of the levels of unemployment and poverty.

On the other hand, during the first five years of President Chiluba, there were several allegations and accusations of conspiracies both from within the MMD and from outside the ruling party. In early May 1993, Chiluba declared a state of emergency following reports that UNIP was plotting to topple his government.

THE 1996 ELECTIONS

The 1996 electoral process was characterised by the controversy over the eligibility of Kaunda and disputes over the integrity of the voter registration process that was conducted by a private overseas firm known as NIKUV.

In 1996, the Constitution was amended, banning any president from a third term of office, and disqualifying candidates from running in the presidential election if both of their parents were not Zambians by birth or descent. These provisions excluded Kaunda, the former Zambian President and Chiluba's main contender, from running in the presidential race because he was believed to be born of Malawi parents in 1924 before Zambia was formed.

UNIP and eight other political parties boycotted the second multiparty elections since the re-introduction of political pluralism in 1991. President Frederick Chiluba was easily re-elected (see Table 1 below). His party, the MMD, won 131 of the 150 parliamentary seats in the legislative elections (Table 2).

Table 1: The 1996 Zambia Presidential Election Results

Candidate	Votes received	% against votes received	% against votes received
CHAKOMBOKA C. M.	41,471	3,13	1,83
CHILUBA F.J.T.	913,770	68,96	40,30
MBIKUSITA L.A.	59,250	4,47	2,61
MULEMBA H.	83,875	6,33	3,70
MUNG'OMBA D. N.	160,439	12,11	7,08
Rejected Ballot Papers	66,248	5	-----
Total Votes cast	1,325,053		
Total registered Voters	2,267,382		

Source: Electoral Commission of Zambia

Table 2: The 1996 Zambia Parliamentary Election Results

Political Party	Votes received	Seats won
Movement for Multiparty democracy (MMD)	778,989	120
Zambia Democratic Congress (ZADECO)	176,521	2
National Party (NP)	90,82	5
National Lima Party (NLP)	81,876	0
Agenda for Zambia (AZ)	18,982	2
Independents	127,760	10
Movement for Democratic process (MDP)	632	0
Real Democratic Party (RDP)	182	0
National Congress (NC)	2313	0
Liberal Progressive Front (LPF)	759	0
Poor Peoples' Party	293	0
United National Independence Party (UNIP)	477	0

Sources: Electoral Commission of Zambia, 1996 Annual Report and Zambia Parliament.

International observers had abstained from observing what they saw as a flawed electoral process. Five political parties challenged the re-election of Chiluba in court unsuccessfully. The main local monitoring organisations, namely, the Foundation for Democratic Process (FODEP), the Zambia Independent Monitoring Team (ZIMT) and the Committee for Clean Campaign (CCC), citing the lack of consensus on the constitutional amendment, the irregularities in the registration of voters and the unequal access of political parties and candidates to the official media, declared the elections not free and fair. However, the Patriotic Rescue Monitors (PAREMO) and the Christian Council of Zambia, disassociating itself from the CCC of which it was a member, declared the 1996 elections free and fair.

One of the dominant characteristics of the run up to the 2001 presidential, parliamentary and local government elections was the major debate that took place throughout Zambia about whether the Constitution should be revised to allow President Chiluba to run for a third term. The debate resulted in violent confrontations, serious societal polarisation between the defenders and the opponents of President Chiluba's third term bid and splits within the ruling MMD. A group of senior cadres of the MMD were expelled from the ruling party. They formed the Forum for Democracy and Development (FDD). Subsequently, President Chiluba announced that he would not run for a third term. After the selection of Levy Mwanamasa as MMD presidential candidate, another prominent MMD cadre who was the Secretary General of MMD, Michael Sata, left the party and formed the Patriotic Front (PF) of which he was the presidential candidate.

Late in November 2001, President Chiluba announced that the presidential, parliamentary and local government elections would be held on 27 December 2001.

CHAPTER III: ELECTORAL FRAMEWORK AND PREPARATIONS FOR ELECTIONS



THE CONSTITUTIONAL AND LEGAL FRAMEWORK OF ELECTIONS

The 1996 Constitution and the Electoral Act of the Republic of Zambia form the basis of the electoral framework of Zambia.

Article 11 of the Constitution guarantees fundamental rights and freedoms to every person in Zambia, regardless of their race, place of origin, political opinions, colour, creed, sex or marital status. These fundamental rights and freedoms include life, liberty, security of the person and the protection of law as well as freedom of conscience, expression, assembly, movement and association.

Every citizen of Zambia who has attained the age of eighteen years must be entitled to be registered as elector and to vote, unless disqualified by relevant constitutional or electoral provisions.

The plurality system is the electoral system in force in Zambia. This system is also known as single member constituency district or the-first-past-the-post.

THE ELECTORAL COMMISSION

The role of the Electoral Commission of Zambia (ECZ) is to supervise the registration of voters, to conduct presidential, parliamentary and local government elections and to review the boundaries of the constituencies into which Zambia is divided for the purposes of elections to the National Assembly.

The ECZ is currently composed of five commissioners, three males and two females. The Chairperson of the Commission must be a person who holds or has held high judicial office. The current Chairperson of the ECZ is Justice Bobby Bwalya.

The Constitution provides that the electoral commission shall not be subject to the direction or control of any other person or authority in the exercise of its functions. However, many political party and NGO representatives who met with the SADC PF observers questioned the political and financial independence of the ECZ. They argued that it favoured the ruling party and that its heavy financial dependence on the government has led the ECZ to favour the ruling party.

The Commission has also been accused of conducting the electoral process in a non-transparent manner. Many interested parties blamed the Commission's failure to publish a calendar of electoral activities, as this prevented them from monitoring crucial stages of the electoral process.

Electoral stakeholders have also questioned the rationale behind the Commission's decision to condition the participation of local monitors in the process to the payment of fees and exorbitant cost of voters' roll (K55 million or USD 13,750).

The ECZ was however commended for the introducing Conflict Management Committees. If properly and effectively, these committees could contribute substantially to peaceful elections.

In an effort to contribute to the ending of tensions in the electoral process, the Forum observers did engage the ECZ on electoral problems from time to time.

DELIMITATION OF ELECTORAL BOUNDARIES

Zambia is currently subdivided into 150 electoral constituencies for the purposes of the National Assembly elections. The ECZ is responsible for the delimitation of those constituencies. No delimitation of electoral boundaries took place for the 2001 parliamentary elections. The 1991 boundaries have remained unchanged.

VOTER REGISTRATION

Voter registrations and voters' rolls have been contentious issues and have been the cause of election-related conflicts in many countries in the SADC region and beyond. This phase of the electoral process determines who is entitled to cast their vote in an election. It is important to observe this phase in order to ascertain that there is a level playing field and that no segment of the electorate is unduly disenfranchised.

After over two years of election observation in the region, parliamentarians have realised that there was an urgent need for the Forum to observe the critical pre-electoral and post-electoral phases. MPs recommended that election observation missions be sent to the host countries at various periods with the objective of covering other crucial steps in the electoral process, such as voter registration. Thus, in July 2001, the SADC Parliamentary Forum sent a mission to Zambia to observe voter registration.

BACKGROUND

In 1996, the Electoral Commission of Zambia commissioned the compilation of new registers of voters to a private Israeli company known as NIKUV. Opposition parties and civil society organisations contested the credibility of the NIKUV voters' registers. They claimed that the process leading to the compilation of these registers was not transparent and argued that the registration of voters is a public function that should not be contracted to a private firm. There were also allegations of voters' cards being issued to more than one person sharing the same National Registration Card number and the existence of several hundreds thousands of "ghost" voters. Subsequently, opposition parties took the matter to court unsuccessfully. Voter registration took place against the background of the controversial NIKUV voters' rolls and the divisive and contentious debate about President Frederick Chiluba's third term bid.

THE COMPOSITION OF THE VOTER REGISTRATION OBSERVATION MISSION AND METHODOLOGY

The Parliamentary Forum's Zambia voter registration observation mission took place from July 12 to 23, 2001. The first of its kind by a regional organisation, the technical delegation was led by Kasuka Mutukwa, the Secretary General of the SADC Parliamentary Forum. The other mission members were Titi Pitso (Elections Programme Officer), Takawira Musavengana (Executive Assistant), Cletus Ponela (Media Liaison Officer), and Denis Kadima of the National Democratic Institute (Senior Programme Manager at NDI) who acted as the Mission's Rapporteur.

The delegation used a twofold method of work. First, the mission held extensive briefing meetings with various electoral stakeholders and role-players in Lusaka, the capital city. Second, the mission members were divided into three teams and deployed to three provinces - Central, Southern and Lusaka provinces - from July 18 to 20, 2001. In the areas of deployment, the observers held another series of briefing meetings with local stakeholders prior to observing voter registration as it took place in these areas.

The teams sampled both urban and rural areas, and visited a total of 31 registration centres, gathering information systematically on the basis of an observation checklist. The delegation reconvened in Lusaka on June 20 2001 for a debriefing session, at the end of which it issued a press release detailing its major findings and making recommendations to Zambia's electoral role-players.

THE MISSION'S FINDINGS ON VOTER REGISTRATION

The first round of voter registration began on June 25 and ended on July 15, 2001. It was extended by a week because of the low number of registered voters. The SADC Parliamentary Forum observer delegation arrived in Lusaka three days before the close of the first round of voter registration and was able to obtain the views of various stakeholders about the process at the time.

While the Electoral Commission had projected 3.6 million eligible voters, by July 12, it had managed to register only 536,139 people (less than 15% of eligible voters calculated on the basis of the returns submitted from 136 of the 150 districts). Only 14 districts did not submit their figures during the reporting period. In 1991 and 1996, there were 2.93 million and 2.27 million registered voters respectively. However, it is worth recalling that voter registration and voting were compulsory in Zambia up to 1991.

Many reasons were advanced to explain the low turnout of eligible voters in 2001. Electoral stakeholders interviewed by the mission raised the following issues consistently:

- Poor publicity of voter registration: it appeared that many eligible voters were not aware that the Commission was discarding the NIKUV voters' register. At some registration centres, the delegation was shown the NIKUV cards brought by some registrants to register.
- There was no apparent concerted effort by the Commission, political parties, civic organizations and the churches to raise public awareness about voter registration. The ECZ, the Ministry of Information, political parties and some civic organizations were blamed for not having done enough in this respect.

- Late release of funds by the government: The Commission replied to some of the accusations by arguing that the government released the funds too late for a process that was due to start in February 2001.
- Poor distribution of the National Registration Cards (NRC): the issuance and distribution of the identity documents (NRCs) by the Home Affairs Ministry's mobile stations in the rural areas was not carried out efficiently. There were allegations that some officers of the Ministry of Home Affairs issuing the NRCs were requiring bribes from potential registrants. Personnel from the Anti-Corruption Commission (ACC) were deployed to some centres to observe the situation.
- Parallel to the extension of the electoral registration of voters, the mobile issuance of the NRCs by the Ministry of Home Affairs was prolonged in Eastern, Southern and Western provinces for 10 days. Started on June 21, the mobile issuance of NRCs, which was to end on July 11, was extended to July 21 in the three above-mentioned provinces.
- Operational problems: It was reported that voter registration started several days later in some areas, owing to the late delivery of the voter registration application forms (RV1) by the Commission. In a few registration centres visited by the Forum observers, voter registration started only on June 26 in some areas June 27. Few cases of shortages of voter registration application forms were reported.
- Long distances between the registration centres and registrants' homes may have prevented potential registrants from registering. Some registrants interviewed by observer teams indicated that they had walked for two to three hours to reach the registration centres.
- The bad state of the roads in some far-flung rural areas prevented registration officers from operating effectively.
- It was also argued that the debate over Chiluba's third term diverted the attention of many organizations and individuals involved in the preparations for voter registration. Similarly, voter education and information agencies also began their work too late.
- Low allowance for the assistant registration officers created a lot of discontent. These officials argued that they were unjustly paid K100 000 (US \$25) for the entire initial 21-day period, were not allowed lunch breaks throughout the day and worked seven days a week, while security officers received K30 000 or US \$8 per day. They recalled that in 1998 for voter registration update, they had received K30 000 per day.
- It appears that registration apathy was aggravated by potential voters' disillusionment with the proliferation of political parties without a strong agenda and clear options on specific policies, trading insults between party officials and political violence during the debate over Chiluba's third term and more recently during the Mkushi and Chawama by-elections. Hence, the growing loss of trust in the political system.

MISSION'S RECOMMENDATIONS ON VOTER REGISTRATION

The Mission applauded the ECZ for extending the voter registration period, as this gave an opportunity to more eligible voters to register; and for ensuring a palpable gender balance among the registration staff. Civil society organizations, such as Coalition 2001 and the Foundation for Democratic Process (FODEP), were also commended for their work in raising public awareness about voter registration through voter education and information, and in ensuring the integrity of the exercise by deploying monitoring teams.

The following recommendations were addressed to various stakeholders with a view to enhancing the voter registration process:

- The Commission may consider the introduction of mobile voter registration centres in sparsely populated rural areas, with well-publicized timetables, in order to ensure that registrants do not have to walk long distances to register.
- There were too many administrative steps in the voter registration process. This made it difficult for eligible voters to follow successfully all the steps before qualifying to vote. These steps included the application for the NRC, application for voter registration, card collection and inspection of names on the voters' registers. There is a need to shorten the process or to extend the timetable long enough to allow all eligible voters to register. The Commission could also revert to the procedure in use before 1995, when voters were issued with voters' cards on the spot upon registration.
- It was also noted that there were no provisions to allow a young person to register and vote who turns 18 after the registration period but before the poll. The Commission was invited to make the necessary provisions to ensure that this group of voters can register and vote.
- None of the deployed teams came across political party agents monitoring the registration process. Political parties should appoint agents to monitor the process in order to avoid claims of registration tempering, fraud and other irregularities.
- The times of operation coincided with normal working hours in Zambia. The Commission may consider extending the operational hours from the current 8 a.m. – 5 p.m. to 08h00 until 7 p.m.

Finally, the Mission recommended that the Commission, political parties, civic organisations and churches work together to improve voter registration turnout.

POST-VOTER REGISTRATION OBSERVATION DEVELOPMENTS

On completion of the registration process, there were some 2 604 761 registered voters out of a total of an electorate of 4 687 997 or about 56% of the eligible population.

A major criticisms directed to the Electoral Commission of Zambia has been its sudden decision to sell a copy of the voter's roll at K55 million (USD 13,750). By Zambian or any standards in the SADC region, this is an exorbitant amount of money. This decision did not permit political parties, NGOs and other electoral stakeholders to access the voters' roll, inspect it and monitor the voting process effectively.

The Mission also observed that on the eve of voting day and on voting day itself, many voters had still not collected their cards. The registration of voters needs to be made voter-friendly. As it is now, it requires of voters too much of their time and efforts.

VOTER EDUCATION AND INFORMATION

The Electoral Act does not state explicitly that the ECZ is responsible for voter education. Nonetheless, the Commission took the initiative to provide some voter education and information. Non-governmental governments and churches also played an important role in raising voters' awareness about the poll and voting procedures. However, voter education just like other election-related activities started quite late because most had chosen to focus on lobbying for or against President Chiluba's bid for a third term in office. FODEP reported that some NGOs, church representatives, media organisations and journalists, traditional leaders, students were funded by the government to claim that there was a public demand to amend the Constitution to pave the way President Chiluba's third term of office.

The ECZ organised the National Voter Education Committee composed of NGOs in order to carry out voter education focused on encouraging voter participation and informing voters on a variety of matters pertaining to elections, such as the Code of Conduct and the Public Order Act. The initiative experienced some difficulties owing to a lack of adequate resources. It was also felt that the fact that most materials were not translated into local languages restricted access to information. In spite of these difficulties, the Committee managed to reach significant numbers of registered electors.

NOMINATIONS OF CANDIDATES

Article 34 (1) of the 1996 Constitution provides that the election of the President of the Republic of Zambia shall be direct by universal adult suffrage and by secret ballot.

The following criteria must be satisfied by each candidates in order to qualify to stand as candidate for election as President:

- The candidate must be a Zambian citizen;
- Both her/his parents shall be Zambians by birth or descent;
- He/she must have attained the age of thirty-five;
- She or he must be a member of, or is sponsored by, a political party;
- She/he is qualified to be elected as a member of the National Assembly; and
has been domiciled in Zambia for a period of at least twenty years.

The tenure of office of President is five years (Constitution, article 35 (1)).

All aspiring presidential candidates must deliver their nomination papers to the Returning Officer in such manner, on such day, at such time and at such place as may be prescribed by or under an Act of Parliament.

Article 34 (5) of the Constitution requires presidential candidates to make a statutory declaration of their assets and liabilities, which shall be open to public inspection at such time and at such place as may be prescribed by or under an Act of Parliament. Each candidate's nomination must be supported by no less than 200 registered voters. Presidential candidates must pay an election fee. For the 2001 presidential elections, candidates were required to pay K400,000 (equivalent to US\$ 100).

As for the parliamentary elections, one member is elected per each of the 150 electoral constituencies. The President nominates not more than eight members (Article 63 (1) of the Constitution).

The election of members of the National Assembly is direct, by universal adult suffrage and by secret ballot.

A person shall be qualified to be elected a member of the National Assembly if:

- s/he is a citizen of Zambia
- s/he has attained the age of twenty-one years; and
- he is literate and conversant with the official language of Zambia.

Article 65 (11) of the Constitution provides that any person who falls under one of the following categories shall not qualify to be elected as a member of the National Assembly:

- A person under a declaration of allegiance to some country other than Zambia;
- A person adjudged or declared to be of unsound mind under any law in force in Zambia;
- A person under sentence of death or a sentence of imprisonment;
- A person in undischarged bankrupt;
- A person whose freedom of movement is restricted or a person detained under the authority of the law;
- A person who has served a sentence of imprisonment for a criminal offence within a period of five years before his/her nomination for election.

The 1996 Constitution disqualify Traditional Chiefs from standing for election a member of the National Assembly, unless s/he abdicates her or his chieftaincy before lodging his or her nomination.

Nominations for presidential candidates took place from 27 to 30 November 2001. Nominations for parliamentary and local government elections were held on the 1st of December 2001 from 09:00 to 15:00.

In general, nominations were conducted efficiently and peacefully. There were no major problems. All the presidential candidates who submitted their nomination papers were successful (see Table 3).

Nominations for parliamentary and local government elections were also successful and peaceful. The ruling MMD had parliamentary candidates in all the 150 constituencies. UPND and FDD had 149 parliamentary candidates each, UNIP 146, ZRP 139, HP 126, PF 102, NCC 78, ZRP 17, AZ 17, NLD 23 and SDP 7. There smaller political parties with lesser than five candidates. Over 80 independent candidates contested the parliamentary elections.

This was the most heavily contested election in Zambia's history with an average of 89 candidates per constituency.

Table 3: Zambia 2001 Presidential Candidates

Date of Nomination	Name	Party
27 11 2001	Mr. Levy P. Mwanawasa	Movement for Multi-party Democracy (MMD)
27 11 2001	Mr. Michael C. Sata	Patriotic Front (PF)
27 11 2001	Dr. Yobert Shamapande	National Leadership for Development (NLD)
28 11 2001	Lt. Gen. Christon Tembo	Forum for Democracy and Development (FDD)
28 11 2001	Mr. Anderson K. Mazok	United Party for National Development (UPND)
28 11 2001	Mr. Benjamin Y. Mwila	Zambia Republican Party (ZRP)
28 11 2001	Mr. Tilyenji Kaunda	United National Independent Party (UNIP)
29 11 2001	Dr. Nevers Mumba	National Citizens Coalition (NCC)
29 11 2001	Dr. Inonge M. Lewanika	Agenda for Zambia
29 11 2001	Brig. Gen. Godfrey Miyanda	Heritage Party (HP)
30 11 2001	Ms. Gwendoline Konie	Social Democratic Party (SDP)

TIMING OF THE ELECTIONS

The choice of the election day which fell between Christmas and the new year, and during the rainy season constituted on its own a major problem with respect to logistical arrangements for the poll as well as the participation of the electorate. The means of communication in most of the country were poor and because of the heavy rains, many places were only reachable by foot, and were therefore accessed very late. Lack of transport and electricity, shortage of fuel and the absence of reliable means of telecommunications compounded the difficulties.

Several complaints were voiced by both the electorate and candidates in the elections. Complaining about the timing of the elections, the FDD candidate for the Chikova Ward in the Central province pointed out that the elections were to take place during the farming season. Farmers and their workers would prefer to go to the field rather than attend rallies or even take part in the election.

Some NGO representatives noted that many polling centres were not provided with adequate spaces where voters could take shelter during the rain.

It was also indicated that some important segments of the electorate, such as students, would be disenfranchised because they registered at colleges mostly in Lusaka but were on holiday in the provinces where they would not be allowed to cast their vote. Only those students who can afford to travel back where they had registered can vote. This matter became one of the major points of debate.

DOMESTIC MONITORS AND INTERNATIONAL OBSERVERS

The electoral regulations explicitly require any person or institution wishing to observe elections in Zambia to apply for authorisation and accreditation from the ECZ. Only few weeks before the 2001 elections, the Commission introduced additional requirements, making the work of monitors and observers more difficult.

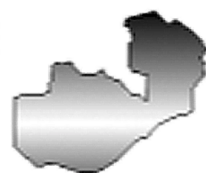
These new requirements included the conditioning of accreditation of monitors and observers to the payment of a fee and the subsequent increase of the cost of voters' rolls by hundred per cent. Indeed, domestic monitors were to pay K10 000 and international observers K150 000 as well as sign personally all forms. The Commission doubled the cost of voters' roll from K27 545 000 to K55 090 000 (US\$13,750).

Domestic monitor organisations complained that despite paying such exorbitant and non-budgeted costs to the ECZ, the Commission failed to process the required accreditation cards on time. The ECZ's delayed and poorly communicated decision to its election staff countrywide to allow in domestic monitors who had paid but did not receive their accreditation cards was not received on time. Thus, many election staff refused to allow those monitors in the polling stations.

PARTY POLL WATCHERS

Party polling agents participated fully in the elections. No major problems were reported as far as party poll watchers' involvement in the process was concerned. It appeared that they were well informed about their role owing to the skills training programmes that the National Democratic Institute for International Affairs (NDI) and the Foundation for Democratic Process (FODEP) carried out for them. Up to 50,000 party poll watchers were reportedly trained between September and November 2001. In addition, FODEP provided party agents with an allowance of K40 000 (US\$10) covering the cost of their meal and transportation.

CHAPTER IV: THE CAMPAIGN AND THE MEDIA



THE CAMPAIGN

On 27 December 2001, Zambia had tripartite elections, namely, presidential, parliamentary and local government elections. There were eleven presidential candidates (see Table 3 above). Thousands of candidates competed for the 150 elected parliamentary seats and many more for local government seats.

In contrast to the mid-2001 by-elections, which characterised by political violence, the December 2001 general elections were peaceful in most of the areas visited by our teams throughout the country, despite disagreements on several issues between the contesting political parties and candidates.

It is however worth noting that many opposition parties complained about the Public Order Act which conditions the holding of public meetings to the granting of permission by the police. This provision does not apply to the President and the Vice President. Although the Act has been amended and provides that the police have not to grant a permit but it only needs to be notified, opposition parties complained that, in practice, the police treats the notification as an application for permit. It was also claimed that, in practice, this provision of the Act applied only to the opposition.

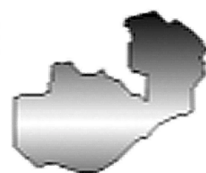
THE MEDIA

There exist media guidelines that provide the basis for the allocation of free airtime on the state-owned media to the contesting political parties and candidates during the electoral campaign. It was obvious that coverage of election-related news by state-owned media houses was overwhelmingly favourable to the ruling MMD to the detriment of the opposition parties. These state-owned medias include the radio and television channels of the Zambia National Broadcasting Corporation (ZNBC), the Times of Zambia, the Zambia Daily Mail, the Sunday Times and the Sunday Mail. The Electoral Commission appeared to have neither the power nor the will to ensure that those guidelines are enforced effectively.

On the other hand, the privately owned newspapers, such as The Post, The Monitor, the National Mirror and Today, tried to counterbalance this bias by overwhelmingly reporting election news in favour of the opposition.

It was observed that the government not only controlled state-owned medias but also it could use discretionary powers to limit the freedom of the press of both the state and the privately owned media. One of the most evident cases was the televised presidential and parliamentary debate programme organised by the Electoral Commission, the Zambian Institute for Mass Communications (ZAMCOM) and three NGOs. There were reports that the MMD government not only forbade live debates on ZNBC but also threatened an independent religious television channel, the Trinity Broadcasting Network (TBN), by instructing it to confine itself to religious programmes as stated in its government-issued licence.

CHAPTER V: THE POLL, THE COUNT AND THE RESULTS



THE POLL

Voting took place on 27 December 2001 from 06h00 to 17h00. All of our teams arrived at polling stations before the commencement of the opening procedures and observed this crucial phase of the poll. A total of about 130 polling stations were visited.

In general, the opening and voting procedures were carried out in accordance to the Electoral Act of Zambia. These procedures included the display of empty ballot boxes to all present, the closing and sealing of those ballot boxes, the identification of voters, the secret marking of ballot papers for the presidential, parliamentary and local government elections in the ballot booth, the insertion of the ballot papers in the appropriate ballot boxes and the inking of voter's finger.

Our teams observed that voters arrived at polling stations two to three hours before the official beginning of the voting process. They were generally peaceful and patient.

Several difficulties were experienced during the voting, including:

Long Queues: the allocation of polling staff per polling station failed to take into consideration the total number of voters at every polling station. The Commission allocated the same number of electoral staff at every polling station, regardless of the number of voters. As a result, long queues were formed at those polling stations which had over 1500 voters. At times, voting took place overnight.

Unscheduled Extension of the Voting: In a post-election meeting with FODEP, the representative of this NGO advised that her organisation had information to the effect that even on 31 December 2001 (four days after the election) voting was still in progress in some constituencies. The Mission was unable to confirm these reports. It was also pointed out that four days after voting, some presiding officers were still stuck with ballot papers due to lack of transport.

Insufficient or Missing Voting Materials and Equipment: In a few cases, important voting materials and equipment, such as ballot papers and polling booths, were either insufficient or missing. In some cases, voting had to be postponed until the following day (28 December). Our team in the Southern Province noted that polling stations ran out of the presidential ballots. In Eastern Province, some polling stations were not provided with ballot papers for the local government election. Perhaps more disturbing was the fact that even in the capital, Lusaka, where the Electoral Commission of Zambia headquarters is located, some polling stations, notably in Matero, had only received either ballot papers or boxes eight hours after the commencement of voting. Further, there were inexplicable shortages of ballot papers in some constituencies outside Lusaka. Voting was suspended until fresh supplies were received from Lusaka. This was observed in 4 of the 9 polling stations that one of our Lusaka teams visited.

The ECZ admitted that some of these shortages occurred. These problems had a variety of consequences, ranging from the late opening, the interruption of voting and the extension of voting hours to the postponement of the poll.

Confusion Owing to the Casting of Three Ballots: Voters were often confused because they had to cast three ballots, fold them and put them in the appropriate ballot box. It is recommended that where more than one election are held simultaneously, transparent ballot boxes be introduced together with ballot papers of different colours corresponding to the respective ballot boxes. This arrangement would save time while reducing the incidence of ballots being cast in the wrong ballot boxes.

THE COUNT

The counting was carried out at every polling station immediately on completion of the poll. Because the polling had taken extremely long, exhausted staff had to carry out the counting under difficult conditions and over long hours. In many rural areas candles were used owing to the unavailability of electricity. In addition, many polling stations were not equipped with fax and telephone lines through which the results could be transmitted to the electoral authorities. In general, the counting of ballots was undertaken efficiently and in a transparent manner despite the difficult conditions.

However, the tabulation, the transmission and the announcement of the results caused a lot of controversy, leading political polarisation and to instantaneous court petitions which were still pending at the time of the compilation of this report.

There were worrying discrepancies between the figures that constituencies had faxed to the ECZ and those released by the Commission. Furthermore, a large number of constituencies from bottlenecked areas transmitted results which did not record any invalid ballots. This was abnormal in a tripartite election characterised by limited voter education.

Opposition parties have challenged the preliminary results of these elections (see Tables 4 and 5). In an election where the margin between two leading candidates is so small, the electoral authorities should demonstrate high levels of integrity and ensure full transparency of the process. Where necessary a recount should be allowed. In the same spirit, the judiciary authorities are expected to make a decision in a diligent manner in order to ensure democracy, peace and harmony in the country.

THE ANNOUNCEMENT OF RESULTS

Opposition political parties and local monitors had raised concerns regarding the apparent ill preparedness of the Electoral Commission of Zambia to run a complicated tripartite election on a single day. Allegations of discrepancies between the figures from constituencies and those held by the Electoral Commission of Zambia were also made. One of the major concerns of stakeholders was the rather long delay between the announcement of results at constituency level vis-à-vis the official announcement by the Electoral Commission of Zambia. It was alleged that in some cases it took as long as eight hours for the constituency results to reach the Electoral Commission of Zambia Results Centre in Lusaka, this notwithstanding the fact that Presiding Officers in constituencies were expected to send the results to the ECZ by facsimile immediately after counting and verification. The Results Center itself was virtually non-operational.

The Mission received information to the effect that some serious inconsistencies had been noted in the constituency results announced by the ECZ. There were claims of discrepancies from several constituencies, such as, in Moomba constituency where the vote tally had been recorded by the ECZ

as 900 when in fact the agreed constituency figure should have been 3900. In Mbala constituency, FODEP monitors had also discovered discrepancies in the results tally, i.e. what the constituency returning officer declared and what the ECZ authenticated. This raised questions among stakeholders as to whether in fact the data input was accurate and how widespread the problem was.

Significantly, it was also reported that where discrepancies were raised in some cases, the ECZ had agreed to adjust the final figures. This position was corroborated by the Chairperson of the Electoral Commission of Zambia in a meeting with the Forum's post-election team.

For the first time in the history of Zambia, the elected seats won by the opposition exceed those of the ruling party. The Forum hopes that this would encourage to collaborate and make decision by consensus.

The Results (provisional)

Table 4: Presidential Elections 2001 - Provisional Results NATIONAL TOTALS

Candidate Name	Valid Votes Received	% Against Votes Cast	% Against Registered Voters	Rejected Ballot Paper	Rejected Ballot Papers %	Total Votes Cast	Total Registered Voters	National Percentage Poll
MWANAWASA Levy P, MMD	506,694	28,69%	19,45%					
MAZAKA Anderson K., UPND	474,697	26,76%	18,15%					
TEMBO Christon S. (Lt. Gen.), FDD	228,861	12,96%	8,79%					
KAUNDA Tilvenji C., UNIP	175,898	9,96%	6,75%					
MYANDA Godfrey K. (Brig. Gen.), HP	140,678	7,96%	5,40%					
MWILA Benjamin Y., ZRP	85,472	4,84%	3,28%					
SATA Michael C., PF	59,172	3,35%	2,27%					
NUMBA Nevers S. (DR), NCC	38,860	2,20%	1,49%					
KONIE Gwendoline C., SDP	10,253	0,58%	0,39%					
MBIKUSITA-LAWANIKA Inonge (Dr), AZ	9,882	0,56%	0,38%					
SHAMPANDE Yobert K. (Dr), NLD	9,481	0,54%	0,36%					
	1,737,948	98,39%	66,72%	28,408%	1,61%	1,766,356	2,604,761	67,81%

Source: Electoral Commission of Zambia, www.electcom.org.zm

Table 5: Parliamentary Elections 2001-Provisional Results NATIONAL TOTALS

Party Name	Valid Votes Received	% Against Votes Cast	% Against Registered Voters	Rejected Ballot Paper	Rejected Ballot Papers %	Total Votes Cast	Total Registered Voters	National Percentage Poll
MMD	490,680	27,48%	18,84%					
UPND	416,236	23,31%	15,98%					
FDD	272,817	15,28%	10,47%					
UNIP	185,535	10,39%	7,12%					
HP	132,311	7,41%	5,08%					
ZRP	97,010	5,43%	3,72%					
INDEPENDENTS	59,335	3,32%	2,28%					
PF	49,362	2,76%	1,90%					
NCC	35,632	2,00%	1,37%					
ZAP	3,963	0,22%	0,15%					
NLD	3,155	0,18%	0,12%					
AZ	2,832	0,16%	0,11%					
NP	1,228	0,07%	0,05%					
SDP	809	0,05%	0,03%					
LPF	175	0,01%	0,01%					
DP	115	0,01%	0,00%					
ZPP	19	0,00%	0,00%					
	1,751,352	98,09%	67,24%	34,133%	1,91%	1,785,485	2,604,761	68,55%

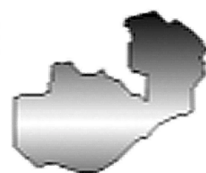
Source: Electoral Commission of Zambia, www.electcom.org.zm

Table 6: Composition of the Post - 27 December 2001 Zambian Parliament

Political Party	Number of Seats
MMD	69
UNIP	13
Independent	1
UPND	49
HP	4
PF	1
FDD	12
ZRP	1
Total Number of Elected Members of Parliament	150
Nominated Members	8
Nominated Members in the House	158
Total Number of Elected Female Members of Parliament	17

Source: www.parliament.gov.zm

CHAPTER VI: CONCLUSIONS AND RECOMMENDATIONS



The SADC Parliamentary Forum believes that democracy and good governance are necessary preconditions for social, political and economic development and peace in the region and that parliamentarians are important catalysts in that process. The Forum has therefore been implementing several programmes aimed at contributing to the entrenchment of a democratic culture and good governance in member countries. Election observation is one of the key programmes in the pursuance of this objective.

The Forum has developed Norms and Standards for elections in the SADC region. The Forum prides itself in that its Norms and Standards are based on the social, political and economic conditions of the region, and are comparable to international practices.

The Norms and Standards constituted the basis for the assessment of the Zambia 2001 tripartite elections. The assessment covered all the electoral stages observed by the Forum, namely, voter registration, the campaign, the poll, the count and post-electoral developments.

The SADC Parliamentary Forum Election Observation Mission makes the following observations and / or recommendations:

VOTERS' EXEMPLARY BEHAVIOUR

The Mission congratulates the people of Zambia for turning out in large numbers, braving bad weather and holiday festive season, and voting in the most peaceful and exemplary manner. In spite of the long delays experienced at polling stations in a number of provinces, such as Lusaka and Northern Provinces among others. Zambians demonstrated remarkable patience, tolerance, political maturity and determination to cast their votes even late into the early hours of the next day.

PARTICIPATION OF WOMEN

The SADC Parliamentary Forum Election Observation Mission notes with satisfaction the participation of two women presidential candidates, and a significant number of female parliamentary and local government candidates. The Forum also noted the marginal increase in the representation of women in the parliament from 15 to 17 female Members of Parliament.

The parliamentary Forum commends the Electoral Commission of Zambia for hiring a substantial number of women among its senior electoral officers. The Mission encourages all the stakeholders to continue with this positive trend in line with the Blatyre 1997 SADC Declaration on Gender and Development.

CONFLICT MANAGEMENT COMMITTEES

The Mission encourages the Commission and stakeholders to develop further the newly established Conflict Management Committees. Such committees are potentially essential ingredients for a peaceful and participatory electoral process. They go a long way in the confidence and consensus building effort.

THE TIMING OF ELECTIONS

The Mission acknowledges that the fixing of the date of elections in Zambia is the prerogative of the President, a situation that obtains in most Westminster-style constitutions. However, the Mission regrets the timing of the tripartite elections in Zambia, noting that the day of 27 December fell during the festive and comparatively rainy season. As a result of rains and the poor state of the means of communication in most of the country, many places were only reachable by foot, and were therefore accessed very late.

In addition, the day of 27 December fell during the festive season. Some voters were disenfranchised because they spent their holiday far from the areas where they had registered as voters. The Mission is of the view that elections should ideally be held during a period most convenient to the electorate.

Furthermore, the Mission is of the view that authorities consider creating a conducive environment for the electorate to exercise the right to vote. To this end, the Mission notes with concern that no official regard was accorded to 27 December as the day of voting – an activity that takes place once in five years. The Mission recommends that the date of voting should be declared a public holiday. This, we hope, will allow as many eligible voters as possible to cast their ballots. The congestion and long queues that were experienced during the tripartite elections can be partly attributed to the fact that some people could only find time to vote after working hours – or some thirty minutes before the closing of polling stations.

We recognize however, that notwithstanding the above, the people of Zambia turned out in their large numbers and exercised their constitutional right.

The Mission recalls its Norms and Standards, which explicitly state that SADC governments should ensure that the dates for general election are fixed by provisions in their Constitutions or electoral laws. Alternatively, adequate notice of less than 90 days from the dissolution of Parliament should be given to all stakeholders in order to give to them sufficient time to prepare for elections.

VOTER EDUCATION AND INFORMATION

Without prejudice to the sterling efforts of various NGOs in educating voters about the electoral process, the Mission notes that in some cases, voters in the rural areas were not fully aware of the voting procedures. The Mission recommends the provision of the Electoral Norms and Standards that recommend that electoral commissions be required by law to provide voter education as one of their primary responsibilities. The Mission also recommended that as the primary beneficiaries of the electoral process, political parties must engage in voter education. The efforts of NGOs should complement those efforts of the primary stakeholders.

NUMBER OF REGISTERED VOTERS

The Mission noted with concern the rather low number of registered voters. According to the 2000 Census results, there are 4,687,997 adults or about 46% of the population in Zambia. However, of that number, at the close of the extended voter registration exercise on 31 July 2001, only 2,604,761 or 56% of eligible citizens had registered to vote. Given the fact that for a variety of reasons not all registered voters normally cast their ballots, the Mission views a voters' roll of 56% of eligible citizens as too low. The Mission also observed that on the eve of voting day and on voting day itself, many voters had still not collected their cards. We recognize and appreciate however, that the ECZ made arrangements for voters to collect their cards on voting day. In the light of the above, the Mission recommends that authorities should strive to ensure that the process of applying for a National Registration Card is less cumbersome.

The Mission welcomes the announcement by the ECZ that voter registration will now be carried out on a continuous basis, rather than in the period immediately preceding an election. This is consistent with the Forum's Norms and Standards for Elections in the SADC region.

ACCREDITATION OF DOMESTIC MONITORS

Only few weeks before the 2001 elections, the Commission introduced further requirements regarding the accreditation of domestic monitors. These new requirements included the conditioning of accreditation of monitors to the payment of a fee and the signing of all forms by each and every applicant personally. In addition, despite paying such non-budgeted costs to the ECZ, the Commission failed to process the required accreditation cards on time. This resulted in many monitors being refused access to polling stations by election staff.

The Commission would increase the transparency and legitimacy of the electoral process by making it easy for monitors, observers, party agents and other interested parties to observe the process without unnecessary restrictive measures.

The Norms and Standards for Elections in the SADC region recognise the role of independent domestic observers, among others, in ensuring the transparency and the legitimacy of the electoral process.

ACCESS TO VOTERS' ROLL

The unjustified increase of the cost of voters' rolls by 100% prevented some groups from accessing the rolls and to inspect its accuracy and affect the necessary changes. In the future, the ECZ should consider making the access to the voters' roll much easier in order to ensure the transparency of the electoral process.

MEDIA COVERAGE OF ELECTIONS

The Mission was in the country long enough to observe and assess the coverage of election related issues by both the public and private media. The Mission established that political parties other than the ruling party had either limited access or no access to the state-controlled media. The Mission noted with serious concern that the media in Zambia is regrettably, highly polarised and was generally partisan in its coverage of the electoral process. Ideally, the state-controlled media should accord all political parties fair and equal coverage.

THE ELECTORAL COMMISSION'S MANAGEMENT SYSTEM

Without prejudice to the good work of the Electoral Commission of Zambia particularly in the pre-election period, the Mission strongly recommends that the Commission overhaul its election management system in order to ensure that the integrity of the process is not compromised. For instance, we understand that in some polling stations, voting could not commence on time or only commenced the following day due to logistical and administrative problems. Some polling stations did not receive election material in time leading to delays in the voting process.

TRIPARTITE VOTING

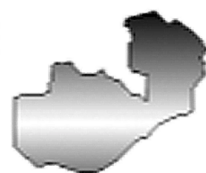
In view of the confusion observed during the casting of ballots in the tripartite elections, it is recommended that where more than one election are held simultaneously, transparent ballot boxes be introduced together with ballot papers of different colours corresponding to the respective ballot boxes. This recommendation is based on lessons learned from the 2000 Tanzania general elections. This arrangement not only saves time but also reduces the incidence of ballots being cast in the wrong ballot boxes.

ANNOUNCEMENT OF THE RESULTS

Election results were released at snail rate. This caused a great deal of frustrations and suspicion from opposition parties and other stakeholders, raising unnecessarily political tensions in the country. The Mission urged the Electoral Commission to put in place mechanisms for expeditious counting and announcement of election results.

The Mission left Lusaka while the counting was taking place very slowly, with parties and stakeholders blaming the political and electoral authorities of manipulating the tabulation and announcement of the results, and launching street protests and court petitions.

CHAPTER VII: POST-ELECTION DEVELOPMENTS



The bulk of the SADC PF election observers departed from Lusaka on 30 December 2001. The Mission team leader, Hon. Speaker Ntlhoi Motsamai of Lesotho, the deputy team leader, Hon. Elia Kaiyamo of Namibia, Hon. Lutero C. Simango of Mozambique and Hon. Dr. Hassy H.B. Kitine of the United Republic of Tanzania remained in the country to assess the final declaration and announcement of results.

The post election Mission's immediate task was to define its mandate and method of work.

The Mission noted that contrary to early assurances from the Chairperson of the Electoral Commission of Zambia that by midnight on election day, the President-elect would be known, three days later, the President-elect was not only unknown but there were allegations and counter allegations that counting of voters was still in progress in some parts of the country.

The Mission also noted that notwithstanding the otherwise impeccable voting, counting and tabulation system at polling station level at the Electoral Commission level the announcement of results was painstakingly slow, thus, creating fertile ground for frustration and suspicion among stakeholders.

The parallel announcement of "unauthenticated" results by media did not help matters. As the days wore on allegations of selective announcement of results became rife with some stakeholders alleging inconsistencies between the results declared at polling station level and the official ECZ tally for some constituencies.

Three days after the date of voting, with untimely declaration of complete results in sight, the then leading President aspirant, Mr. Anderson Mazoka is alleged to have declared himself President and called on the ECZ to declare him so, and for the Chief Justice as the Returning Officer for the Presidential poll to inaugurate him as such.

Meanwhile, the Secretary to the Cabinet announced in the public media that the President would be sworn-in and inaugurated on 2 January 2002, on six days after the poll. This apparently did not go well with most of the opposition political parties and street protest began, with protesters marching on the Supreme Court building.

The Mission also received information that opposition political parties had jointly petitioned the High Court seeking an injunction barring the Chief Justice from declaring the President-elect, and from inaugurating him a recount and verification of results.

Against this background, the mission resolved to consulting political parties, NGOs, the electoral commission, diplomats and other international observers with a view to discuss their findings, exchange views and explore ways of assisting Zambians to solving the looming crisis peacefully.

On 31 December 2001, the post election team held consultations delegates from the Carter Centre and the European Union election observer missions in order to exchange views on the electoral process. The Carter Centre mission was under the joint leadership of former Nigerian Head of State, General Abdusalami Abubakar, former Benin President Nicéphore Soglo, and former Tanzania Prime Minister Judge Joseph Warioba, while the EU was represented by its Chief Observer, Mr. Michael Meadowcroft, himself a former British parliamentarian.

The delegation held a meeting with the Forum for Democratic Process (FODEP), a leading election monitoring Non-Governmental Organisation in Zambia. FODEP had, through financial assistance of the European Union deployed more than 6,000 monitors throughout the country. The Director of FODEP raised a number of concerns with the electoral process particularly regarding the tabulation and announcement of results by the Electoral Commission of Zambia.

The delegates also met with a representative of one of the opposition political parties, the Forum for Democracy and Development (FDD), and gathered their views on the conduct of the elections.

The post-election delegation held a last ditch meeting with the Chairperson and Vice Chairperson of the Electoral Commission to explore the possibility of diffusing the potentially explosive situation through an expeditious announcement of results and addressing the concerns raised by various stakeholders.

Finally, the delegation consulted with four SADC High Commissioners in Zambia with the view to establishing an impartial view on the electoral process and to seek in their possible intervention in averting a looming political crisis. While the delegation had intended to meet all the SADC Ambassadors, this was not possible since most were away on vacation. The delegation met with Malawi's Ambassador to Zambia who is also the Chairperson of SADC Group of Ambassadors; Tanzania's Ambassador to Zambia, who is also the Dean of Diplomatic Corps, Botswana's Ambassador to Zambia and the Namibian Ambassador to Zambia.

It was observed that because of the unexpected delay in the conclusion of the electoral process, particularly the counting and announcement of results. By 30 December 2001, most election observers and local monitors had withdrawn from constituencies. This, because the long delay in the conclusion of the process was unprecedented; hence most observers and local monitors had not budgeted nor planned to be in the field more than 24 hours after the polls. As a result, observers and monitors were unable to observe, monitor and make comprehensive pronouncements on the final phase of the process, namely the counting and announcement of results.

It was further noted that opposition political parties seemed to lack the technical capacity to monitor the vote counting, verification and tabulation of results. For this reason, they were, in most cases, unable to follow up, compare and verify results from the polling district through to the national centre.

CONSULTATIONS WITH THE FORUM FOR DEMOCRACY AND DEVELOPMENT

At its meeting with a representative of one of the opposition political parties, the Forum for Democracy and Development (FDD), the following observations, concerns and allegations were made:

The FDD in particular and the opposition in general were most unhappy with the conduct of the 2001 tripartite elections.

The party alleged that there had been instance “over voting” (where the number of votes cast exceeded the number of registered voters) in Chinsala Central and Lusaka Central Provinces.

It was also alleged that there was evidence suggesting the possibility of unlawful parallel printing of ballot papers, supposedly by the Office of the President (OP). The additional ballot papers allegedly had the same serial numbers as those of the ECZ. The FDD Vice President produced a ballot paper for Bwanamukubwa Constituency (Southern Province), which she alleged her party had been provided by their contacts which, going by their serial numbers, should have been used on voting day. For instance, given the number of voters, ballot number 73 and 200 should have been used. That there could be ballot papers outside the custody of the ECZ suggested to the FDD that the official ECZ ballot papers could have been replaced by the counterfeit ballot papers allegedly by the Office of the President.

It was further alleged that the counterfeit ballots were chemically treated and pre-marked in favour of the ruling party candidate. It was alleged that voters were forced to use special ballpoint pens provided at the polling stations, e.g. Kanyama Constituency.

It was alleged that a presiding officer in Kwacha Central had been found attempting to switch official ballot boxes supposedly with those containing counterfeit votes. In Matero Constituency, it was alleged that a presiding officer had been arrested for the illegal possession of voters’ cards at his residence.

The FDD noted that opposition political parties, observers and monitors had been caught unaware by the extension of the voting period and the unprecedented delay in the declaration of results hence were not in a position to adequately monitor the process. As voting progressed into the night, inadequate illumination in some polling districts made monitoring very difficult. This, the FDD alleged was a ploy by the ruling party to tamper with an otherwise foolproof electoral system.

It was alleged that because the ECZ did not have adequate transport to ferry election material to polling districts, it relied on the Office of the President, hence the possibility of the switching of ballot boxes and ballot papers.

The FDD Vice President requested the SADC Parliamentary Forum Mission to use its influence to request SADC Heads of State to speak to their counterpart President Chiluba to leave politics and let the people of Zambia decide their next leadership without the immediate former president’s influence. She suggested that the continued participation of President Chiluba in partisan politics was inimical to Zambia’s stability and that of the region at large.

CONSULTATIONS WITH THE ELECTORAL COMMISSION OF ZAMBIA

In the light of persistent allegations and counter allegations about the integrity of the electoral process, and the apparently deteriorating political and security situation in the country, the mission held a last ditch meeting with the Commission to explore the possibility of diffusing the potentially explosive situation.

The Commission acknowledged that voting had just ended in Mporokoso constituency. The meeting was held as the nation waited patiently for a High Court ruling on application by the opposition for an injunction barring the Chief Justice from declaring the President elect pending a re-count and verification of the results. Even as the team met the Chairperson and Vice Chairperson of the Commission, there were scores of opposition demonstrators outside the ECZ offices. There was also heavy police and para-military police presence, in the vicinity of the ECZ, the High Court and Supreme Court buildings.

The meeting was held at a time when votes from 132 constituencies had been counted and 90 parliamentary seats declared. At that point, the ruling party candidate had a slender lead of 462 250 to 445 610 for the closest rival.

The Chairperson of the Commission assured the Mission that the winner would only be in the Northern Province but denied claims that voting was still going on in three other constituencies.

The Commission acknowledged that ballot boxes for the local government poll had been delivered late in Matero constituency and that four polling stations had been affected.

Contrary to his earlier declaration that the President elect would be known by midnight of the day of polling, the Chairperson of the Commission indicated that he was not surprised that voting had gone on for an extended period and that the announcement of results was proceeding slowly. The Chairperson noted that this was due to the complexity of the nature of the election (tripartite), which required double the number of polling officers per polling station.

The Mission learnt that ideally, fourteen instead of the usual seven polling officers per polling station should have been deployed. However, due to financial limitations this was not done.

The Mission further learnt that the declaration of the President-elect had been affected by the unusually high number of Presidential candidates and the narrow margin separating the leading candidate and the closest rival, a situation that made it necessary for the ECZ to exercise greater care and attention in verifying the results before making them public.

The Chairperson dismissed the possibility of rigging and advised that the allegations were normal in an electoral process.

Regarding inconsistencies in figures from polling districts, the Mission was advised that where such were noted, corrective action would be taken.

In view of the confusion and desperation about the delays among the population, there were fears of possible violence. In fact, protests were already being witnessed at the Electoral Commission of Zambia headquarters, with opposition supporters demanding that one of the leading contenders be declared the winner of that there be a re-count in some of the constituencies.

In the interim, the opposition had approached the Chief Justice with a request to have the inauguration delayed pending resolution of their concerns. The Chief Justice had advised that he was bound by the constitution and thus in the absence of a court order, upon receipt of the official results from the Electoral Commission of Zambia, he would be expected to declare, and swear-in the winner.

Against a background of the rather painstakingly slow declaration of results by the ECZ in the midst of accusations and counter-accusations about the integrity of the process, and threats of continued protests, the Mission was left with no option but to leave the country.

As the mission left the country the High Court issued a ruling that in terms of the Constitution of Zambia that there was no provision for judicial intervention to bar the Chief Justice from exercising his duties as Returning Officer on account of an electoral petition. The High Court advised the aggrieved opposition political parties to approach the courts within fourteen days of the inauguration of the winning candidate. The ruling paved the way for the inauguration of Mr. Levy Mwanawasa of the ruling Movement for Multi-party Democracy (MMD) as President, to take place as it did on 2 January 2002.

The unprecedented delay in the tabulation and declaration of the final consolidated results rendered it impossible for observers and monitors to observe, monitor and make comprehensive pronouncements on the final phase of the process, namely the counting and announcement of results. Accordingly, the SADC Parliamentary Forum election observer mission to the 2001 Zambia Tripartite elections is unable to attest as to the accuracy of the final results.

APPENDIX I



TERMS OF REFERENCE FOR SADC PARLIAMENTARY FORUM OBSERVERS

SADC Parliamentary Forum: Election Observation Mission to Zambia from 2nd to 30th December 2001

In response to an invitation by the Electoral Commission of Zambia, the SADC Parliamentary Forum is sending an election observation mission to this country. The mission is composed of 22 Members of Parliament, 10 parliamentary staff from SADC countries and 5 staff from the Forum's Secretariat.

In line with the promotion of multiparty democracy and good governance in the region, the Forum has taken a keen interest in election observation in its member states. In this regard the Forum has observed elections in Namibia, Mozambique, Zimbabwe, Mauritius and Tanzania. It has also observed voter registration processes in Zambia (August 2001) and Lesotho (September 2001).

The aim of the Forum's observer mission to Zambia is, among other things, to learn about the strengths and possible weaknesses of the electoral process in Zambia and to make recommendations on possible areas of improvement. These recommendations will be based on the SADC PF's electoral norms and standards for the conduct of democratic elections in the SADC region, published in March 2001.

The observer mission will be guided by the following Terms of Reference as provided by the Secretary General of the Forum:

To assess relevant aspects of the organisation and conduct of the presidential and Parliamentary elections such as the constitutional and legal framework, voter registration, voter education, party registration, nomination of candidates, the campaign, the role of the security forces, the media and civil society organization and gender in the electoral process;

To observe the campaign and polling arrangements, the casting of votes, the closure of voting, the counting of ballots and the declaration of results in accordance with the laws of the Republic;

Based on their findings, to ascertain whether the electoral process is credible and the degree to which it adheres to the will of the people and the electorate in particular and enhances the democratic process, rule of law, respect of human rights and gender equality in the country;
And, in its own impartial, independent and objective judgement, to determine whether voters freely expressed their rights to vote and whether the results of the elections reflect the will of the people of Zambia.

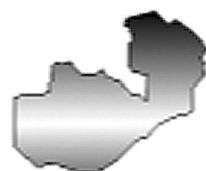
The Mission is not in the country to supervise the elections but to observe the process as a whole and to form its judgement accordingly. Where it sees fit, the Mission is free to suggest to the relevant authorities, institutional, organisational and procedural recommendations that would contribute to the improvement and enhancement of the electoral process and democratic culture in the country.

The Mission will submit its report to the SADC Parliamentary Forum Plenary Assembly who, in turn, reports to the SADC Heads of State, the Government of Zambia, the Electoral Commission of Zambia, leaders of political parties that contested the December 2001 election and other interested parties.

To enable you to come up with an informed opinion, you are expected to consult widely with all relevant stakeholders. Observation checklists are being prepared and will be made available to you to guide your consultation.

The SADC PF thanks all of you for your availability during the festive season, away from your family and friends, a noble demonstration of your individual and collective commitment to democratic consolidation in the region in general and in Zambia in particular. The Forum wishes you a fruitful experience.

APPENDIX 2



ELECTION OBSERVATION PROGRAMME

A. PARLIAMENTARY STAFF REFRESHING COURSE

DAY ONE: THURSDAY, 6 DECEMBER

08:30 – 09:00

Introductions Programme Explanation

Ms. Titi Pitso, Elections Programme Officer,
SADC Parliamentary Forum

09:00 – 11:00

Framework for Election Observation in Southern Africa

Facilitators: Ms. Titi Pitso, Elections Programme Officer,
SADC Parliamentary Forum

Mr. Denis Kadima, Senior Program Manager,
National Democratic Institute (NDI)

An overview of the Pre-election, Election Day and Post-Election observation stages will be presented. Emphasis will be placed on the staff's role as election observer. A review of the SADC Parliamentary Forum's Norms & Standards for election observation will serve as the outline for the electoral and observation processes that will be reviewed.

11:00 – 11:30

TEA

11:30 – 13:00

Reporting and Writing

Facilitator: Mr. Denis Kadima, Senior Program Manager,
National Democratic Institute (NDI)

Information, observation and communication form the basis of activities in election observation. Gathering information from stakeholders, observing election activities, and documenting observations and compiling a mission's collective thoughts comprise the critical element of a mission. The staff plays a key role in facilitating these processes by capturing information and synthesizing it into a useful format so that the mission's findings can then be articulated in a written format. In this session, the staff's attention will be drawn to their responsibilities for capturing information for the delegation.

Techniques for listening, note taking and synthesis of information will be stressed in this session.

16:30 – 17:00	Deployment Planning and Material Preparations
13:00 – 14:00	LUNCH
14:00 – 16:00	Reporting and Writing (Continued) Facilitator: Mr. Denis Kadima, Senior Program Manager, National Democratic Institute (NDI)
16:00 – 16:30	TEA Facilitators: Ms.Titi Pitso (SADC Parliamentary Forum) Mr. Denis Kadima (NDI)

The participants will discuss the deployment plan and this will include a recommended itinerary, stakeholder contact lists, management of accommodation and transportation, financial management and reconciliation.

DAY TWO: FRIDAY, 7 DECEMBER 2001

09:00 – 11:00	Deployment Planning and Preparations (Continued) Facilitators: Ms.Titi Pitso (SADC Parliamentary Forum) Mr. Denis Kadima (NDI)
11:00 – 11:30	TEA
11:30 – 13:00	Materials preparation and logistics arrangements
13:00 – 14:00	LUNCH

B. ORIENTATION WORKSHOP AND BRIEFING MEETINGS FOR MPs

DAY ONE: TUESDAY, 11 DECEMBER 2001

08:00 – 08:30	Opening Remarks Presenter: Dr. Kasuka Mutukwa, Secretary General, SADC Parliamentary Forum
08:30 – 09:00	Introductions Programme Explanation Presenter: Ms. Titi Pitso, Elections Programme Officer, SADC Parliamentary Forum

9:00 – 10:00	<p>Framework for Election Observation</p> <p>The rationale for observing elections: who observes and why; how to assess election electoral conditions in a country in order in a country in order to reach a judgement about the value of organisation an observation mission. The presenter will also review the SADC Parliamentary Forum Election Observation Guide for Members of Parliament.</p> <p>Presenter: Mr. Denis Kadima, Senior Program Manager, National Democratic Institute (NDI)</p>
10:00 – 11:00	<p>The presenter will discuss how the electoral process could be observed from a gender perspective.</p> <p>Presenter: Ms. Rumbidzai Nhundu, Gender Programme Officer, SADC Parliamentary Forum</p>
11:00 – 11:30	<p>TEA</p>
11:30 –12:00	<p>Norms and Standards for Elections in the SADC region/Criteria for Assessing an Election</p> <p>The SADC Parliamentary Forum, as its contribution to multi-party democracy, has taken a keen interest in election observation and electoral processes. A workshop was held in Lesotho the purpose of which was to use lessons learnt from experiences gained in election observation in four SADC countries and make implement able recommendations to SADC governments and SADC Parliaments. The result of the workshop was a report titled “Norms and Standards for Elections in the SADC region”, which was later updated at Siavonga in Zambia to include experiences gained in the Tanzanian elections. The SADC Parliamentary Forum Plenary Assembly adopted the report on the 25th March 2001 and it now called The Norms and Standards for Elections in the SADC region. The presenter will review each section of the document.</p> <p>Presenter: Mr. Takawira Musavengana, Executive Assistant to the Secretary General, SADC Parliamentary Forum</p>

12:00 – 12:30 Media Reporting on Elections and Relations Observer – Media

The presenter will evaluate media coverage of the electoral process in the region as well as the accessibility of state-owned media to the various candidates. Observers will also be briefed on how best to interact with the media without compromising their own credibility with premature judgements about the process

Presenter: **Mr. J Mwinga, Media Consultant**

13:00 –14:00 **LUNCH**

14:00 – 15:00 Presidential Candidate Video Viewing

18:00– 19:00 Reception at the National Assembly Motel

DAY TWO: WEDNESDAY, 12 DECEMBER 2001

08:30 – 09:00 Deployment

09:00 - 10:00 Historical and Political Background
Geographic spread and ethnic composition
Administrative structure of Zambia
Political background of the country
The economy
The 1996 Elections: Issues, problems and Results
Ethnicity and it's impact on elections
Political parties contesting the 2001 election: their ideological orientation.

Presenter: **Dr. B J Phiri, University of Zambia**

10:00 – 10:20 Coalition 2001

10:20 – 10:40 FODEP

10:40 – 11:00 Zambia National Women's Lobby Group

11:00 – 11:30 **TEA**

11:30 – 12:00 Agenda for Zambia

12:00 – 12:30 FDD

12:30 – 13:00 MMD

13:00 – 14:00 **LUNCH**

14:00 – 14:30	NCC
14:30 – 15:00	UPND
15:00 – 15:30	UNIP
15:30 – 16:00	ZRP
16:00 – 16:30	TEA
16:30 – 17:00	HERITAGE PARTY
17:00 – 17:30	PATRIOTIC PARTY

DAY THREE: THURSDAY, 13 DECEMBER 2001

08:30 – 09:00	Checklists for Voting and Counting Observation Denis Kadima, Senior Programme Manager, NDI
09:00 – 10:00	Electoral Process and Security Briefing Representatives from the Electoral Commission and the Zambia Police Service
10:00 – 10:30	Electoral Process Observation Presenter: Dawn Del Rio, Field Director, The Carter Centre
10:30 – 11:00	Electoral Process Observation A representative from the European Union
11:00 – 11:30	Tea
11:30 – 13:00	Accreditation and Briefing, Electoral Commission, Ndeke House . Presidential Candidate Video Viewing

APPENDIX 3



DEPLOYMENT PLAN

Mission Leader: Hon. Speaker N. Motsamai (Lesotho)

Deputy Mission Leader: Hon. E.G. Kaiyamo (Namibia)

1. **Lusaka Province**

- Lusaka

Team One

1. Hon. N. Motsamai (Lesotho)
2. Hon. Aniceto Hamukwaya (Angola)
3. Ms. H. Kazela
4. Mr. T. Musavengana
5. Ms. Vicencia Cardoso

Team Two

1. Hon. Theresa Cohen (Angola)
2. Hon. Dr. H.B. Kitine (Tanzania)
3. Mr. D. Mandalo
4. Mr. Geraldo Cambiete

2. **Central Province**

- Kabwe

1. Hon. E.G. Kaiyamo (Namibia)
2. Hon. Mary Anne Fletcher (Malawi)
3. Hon. Evelyn Masaiti (Zimbabwe)
4. Mr. M. Gondoza

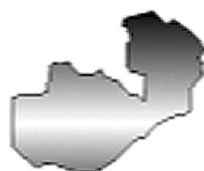
3. **Copperbelt Province**

- Kitwe

1. Hon. Amelia Sumbana (Mozambique)
2. Hon. R. Nkhwazi (Malawi)
3. Hon. T. Mushelenga (Namibia)
4. Mr. B. Mokgatlhe

4. **Eastern Province**
 - Chipata
 1. Hon. J.A. Chikwenga (Malawi)
 2. Hon. A. Victor (Mozambique)
 3. Mr. F.J.J. Manhica
 4. Mr. T.K. Ruhilabake
5. **Western Province**
 - Mongu
 1. Hon. L.T. Sekamane (Lesotho)
 2. Hon. Maswabi (Botswana)
 3. Mr. Amos Maziya
6. **North Western**
 - Solwezi
 1. Hon. D. Pholo (Botswana)
 2. Hon. M.A. Dlamini (Swaziland)
 3. Ms. A. Hoxobes
7. **Northern Province**
 - Kasama
 1. Hon. Hon. L. Mupukuta (Zimbabwe)
 2. Hon. S.P. Maphalla (Lesotho)
 3. Ms D. Bwalya
8. **Luapula Province**
 - Mansa
 1. Hon. P. Themba (South Africa)
 2. Hon. D. Nyoni (Swaziland)
 3. Mr. J. Mwenyeheli
9. **Southern Province**
 - Livingstone
 1. Hon. Patricia Siska (Namibia)
 2. Hon. K. Msiska (Malawi)
 3. Hon. J.B. Kahama (Tanzania)
 4. Ms. L. Ndabankulu

APPENDIX 4



PRESS RELEASE

INTERIM STATEMENT BY THE SADC PARLIAMENTARY FORUM ELECTION OBSERVATION MISSION ON THE ZAMBIA PRESIDENTIAL, PARLIAMENTARY & LOCAL GOVERNMENT ELECTIONS

The SADC Parliamentary Forum Election Observer Mission for the 2001 Presidential, Parliamentary and Local Government Elections has been in the Republic of Zambia since 10 December 2001.

The Election Observation Mission to Zambia comprises 25 Members of Parliament drawn from Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, Tanzania, South Africa, Swaziland, and Zimbabwe. The coming to Zambia of this Mission is part of the SADC Parliamentary Forum's commitment to the struggle for and achievement of justice, democracy, gender equality and equity, the rule of law, sustainable development and good governance in the SADC region.

The Forum believes that democracy is a necessary precondition for social, political and economic transformation and parliamentarians are important catalysts in that process.

It is for this reason that, since 1999 the SADC Parliamentary Forum has observed national elections in five SADC member states, namely Namibia, Mozambique, Zimbabwe, Mauritius and Tanzania.

Consistent with the objectives of the Forum, it is the Mission's understanding that an election is not a one-day event but a process comprising a series of closely-related activities including but not limited to the registration of voters, nomination of candidates, campaigning and media coverage thereof, voting, counting and tabulation of votes, announcement and declaration of results. The deployment of the SADC Parliamentary Forum Mission was a follow up to the July 2001 voter registration exercise, which the SADC Parliamentary Forum also observed. Arising out of that process was the gathering of useful background information on the process as it relates to the entire election process. The findings of the voter registration observation team have provided the current Mission useful base line information on the voter registration.

Since 10 December 2001, the Election Observation Mission has held consultations with and received submissions from a very wide cross section of electoral stakeholders. Among other stakeholders, the Mission met representatives of political parties, candidates, the Electoral Commission of Zambia (ECZ), civic organizations, the academic community, the media, religious groups and relevant government authorities. The Mission also held consultations and exchanged views with other international election observers and local monitors. In holding these consultations, the Mission sought to acquaint itself fully with the socio-economic and political pre-election environment in Zambia, it being understood that the pre-election atmosphere necessarily has a bearing on the outcome of the electoral process itself. The Mission also sought to be familiar with the legal framework of the Zambia electoral process as a basis upon which to assess the integrity of the process.

Parallel to consultations with stakeholders, visits to constituencies and attending political rallies in Lusaka Province, eight teams were deployed in all the provinces of Zambia. The teams were in the provinces from 14th - 28th December 2001. While in the provinces, the teams submitted daily reports of their activities and observations to the Mission headquarters in Lusaka.

FINDINGS AND RECOMMENDATIONS

As the Mission winds up its programme in Zambia, and prepares to leave the country, it is important to note that the findings and recommendations contained in this statement cover only the period up to the counting of ballots. This is in view of the fact that the announcement of results is still progressing albeit at a slow pace.

Against this background, the Mission team leader, Hon. Speaker Ntlhoi Motsamai of Lesotho, the deputy team leader, Hon. Elia Kaiyamo of Namibia, Hon. Lutero C. Simango of Mozambique and Hon. Dr. Hassy H. B. Kitine of the United Republic of Tanzania will remain in the country to assess this critical phase.

The Mission commends the Electoral Commission of Zambia for hiring a significant number of women among its electoral officers. Equally notable was the participation of two women presidential candidates, including a number of parliamentary and local government candidates. The Mission further urges all the stakeholders to continue with this positive process in line with the 1997 SADC Declaration on Gender and Development.

A comprehensive report of the election observation Mission to be published before the end of March 2002 will be made available to all stakeholders and will be posted on the SADC Parliamentary Forum homepage – www.sadcpf.org

Having observed most of the electoral process comprising voter registration, the pre-election phase and voting, the SADC Parliamentary Forum Election Observation Mission re-convened in Lusaka on Saturday 29 December 2001 for final de-briefing. It is on this basis that the Mission makes the following statement:

1. The Mission congratulates the people of Zambia for turning out in large numbers, for braving the rain and for voting in the most peaceful and exemplary manner. In spite of the long delays experienced at polling stations in a number of provinces, such as Lusaka and Northern Provinces among others. Zambians demonstrated remarkable patience, tolerance, political maturity and determination to cast their votes even late into the early hours of the next day.
2. The Mission was in the country long enough to observe and assess the coverage of election related issues by both the public and private media. The Mission established that political parties other than the ruling party had either limited access or no access to the public media. The Mission noted with serious concern that the media in Zambia is regrettably, highly polarised and was generally partisan in its coverage of the electoral process. Ideally, the public media should accord all political parties fair and equal coverage.
3. While the Mission appreciates and acknowledges that the fixing of the date of elections in Zambia is the prerogative of the President, a situation that obtains in most Westminster-style constitutions, the Mission regrets the timing of the tripartite elections in Zambia. We note that as the day fell during the festive and comparatively rainy season, some voters may have been disenfranchised. The Mission is of the view that elections should ideally be held during a period most convenient to the electorate. We recognize however, that notwithstanding the above, the people of Zambia turned out in their large numbers and exercised their constitutional right.
4. In recognition of the critical importance of elections as the midwife to participatory governance and representative democracy, the Mission is of the view that authorities consider creating a conducive environment for the electorate to exercise the right to vote. To this end, the Mission notes with concern that no official regard was accorded to 27 December as the day of voting – an activity that takes place once in five years. The Mission recommends that the date of voting should be declared a public holiday. This, we hope, will allow as many eligible voters as possible to cast their ballots. The congestion and long queues that were experienced during the just-ended tripartite elections can be partly attributed to the fact that some people could only find time to vote after working hours – or some thirty minutes before the closing of polling stations.
5. Without prejudice to the good work of the Electoral Commission of Zambia particularly in the pre-election period; the Mission strongly recommends that the Commission overhauls its election management system in order to ensure that the integrity of the process is not compromised. For instance, we understand that in some polling stations, voting could not commence on time or only commenced the following day due to logistical and administrative problems. Some polling stations did not receive election material in time leading to delays in the voting process.

6. In view of the confusion observed during the casting of ballots in the tripartite elections, it is recommended that where more than one election are held simultaneously, transparent ballot boxes be introduced together with ballot papers of different colours corresponding to the respective ballot boxes. This recommendation is based on lessons learned from the 2000 Tanzania general elections. This arrangement not only saves time but also reduces the incidence of ballots being cast in the wrong ballot boxes.
7. Without prejudice to the sterling efforts of various NGOs in educating voters about the electoral process, the Mission notes that in some cases, voters in the rural areas were not fully aware of the voting procedures. The Mission strongly recommends that the Electoral Commission of Zambia (ECZ) seriously considers taking as one of its primary responsibilities, the education of voters. It is also recommended that as the primary beneficiaries of the electoral process, political parties must engage in voter education. The efforts of NGOs should complement those efforts of the primary stakeholders.
8. The Mission noted with concern the rather low number of registered voters. According to the 2000 Census results, there are 4,687,997 adults or about 46% of the population in Zambia. However, of that number, at the close of the extended voter registration exercise on 31 July 2001, only 2,604,761 or 56% of eligible citizens had registered to vote. Given the fact that for a variety of reasons not all registered voters normally cast their ballots, the Mission views a voters' roll of 56% of eligible citizens as too low. The Mission also observed that on the eve of voting day and on voting day itself, many voters had still not collected their cards. We recognize and appreciate however, that the ECZ made arrangements for voters to collect their cards on voting day. In the light of the above, we recommend that authorities should strive to ensure that the process of applying for a National Registration Card is less cumbersome. In the same breadth, the Mission welcomes the announcement by the ECZ that voter registration will now be carried out on a continuous basis, rather than in the period immediately preceding an election.
9. In view of the rather slow rate at which election results are being released as compared to other elections in the past, the Mission urges the Electoral Commission to expedite the announcement of election results.
10. The SADC Parliamentary Forum is convinced that the decision as to, who or which party forms the next government of Zambia, is for Zambians to decide. That important decision rests entirely with the people of Zambia. The SADC Parliamentary Forum election observation programme is aimed at lending support to and strengthening the democratic process through sharing and exchanging views with stakeholders as well as learning from the electoral process.
11. The Mission wishes to congratulate the Commission and stakeholders for establishing Conflict Management Committees. We believe such stakeholder committees are an essential ingredient for a peaceful and participatory electoral process. They go a long way in the confidence and consensus building effort.

In conclusion, we are confident that in spite of the problems experienced particularly on voting day, the just-ended tripartite elections afforded the people of Zambia an opportunity to exercise their constitutional right. The Mission wishes to put on record its gratitude appreciation to the government and people of Zambia for their hospitality and unqualified cooperation throughout our mission to Zambia.

Hon. Ntlhoi Motsamai

Team Leader of the SADC Election Observation Mission to Zambia and Speaker of the National Assembly of Lesotho

Hon. Elia G. Kaiyamo

Deputy Team Leader of the SADC Parliamentary Forum Observer Mission to Zambia and Member of the National Assembly of Namibia

Issued at Lusaka, Zambia
Sunday 30 December 2001

