



COMESA ELECTION OBSERVER MISSION TO THE 11th AUGUST 2016 GENERAL ELECTIONS IN THE REPUBLIC OF ZAMBIA

PRELIMINARY STATEMENT

1. Introduction

Following an invitation from the Government of the Republic of Zambia to observe the 2016 general elections, the Common Market for Eastern and Southern Africa (COMESA) deployed a Mission to observe the August 11th 2016 polls comprising of the presidential, parliamentary, mayoral, and local council elections as well as the national referendum.

The COMESA Observer Mission is led by Ambassador Ashraf Gamal Rashed from Egypt, who is a Member of the COMESA Committee of Elders and also serving in the Africa Peer Review Panel of Eminent Persons. The Mission comprises forty observers drawn from Member states including the diplomatic missions accredited to COMESA and to Zambia, the Electoral Management Bodies Forum of COMESA and staff from the East African Community and COMESA Secretariats. The Mission received training from the Electoral Institute for Sustainable Democracy in Africa (EISA).

The Mission's assessment of the 11th August 2016 general elections is based on the Zambia Constitution and other legislations governing the conduct of elections in Zambia. The assessment is also predicated on regional and international principles governing the conduct of democratic elections as well as the COMESA Election Observation Guidelines and Code of Conduct of 2013.

This statement contains the preliminary findings of pre-elections assessment, recommendations and conclusions made by the Mission based on its independent observation, interaction with electoral stakeholders including the Electoral Commission of Zambia, political parties, Ministry of Justice officials, security agencies, the media, local and international observers, civil society and academia among others. As the final results have not yet been declared, this statement limits itself to the assessments made on the pre-voting, voting, counting and tallying processes by Friday 12th August 2016.

COMESA deployed a pre-election assessment mission to Lusaka, Copperbelt, Eastern, and Southern provinces between mid-June and July 2016. The mission's main findings from the pre-elections assessment are as follows:

- Despite civic education on the referendum concerns were raised indicating a general lack of understanding on its content.
- The damage of campaign materials of the PF and UPND candidates;
- Cancellation of the UPND party campaigns in the Copperbelt and Lusaka provinces, however the police informed the mission that this was done with prior notice and in the interest of security.
- Perceived polarisation of the media including lack of impartiality particularly with regard to the public media.

Training of the COMESA observers took place on 6-7th August 2016 and thirteen teams of COMESA Observers were deployed on 8th August to seven provinces namely Lusaka, Eastern, Copperbelt, Southern, Western, Central and North-Western provinces. Each team was equipped with checklists as an aid for systematic collection of data on observation of the pre-voting, polling and counting processes.

2. Preliminary Findings

2.1 General Context

The Mission notes that Zambia is renowned for having peaceful elections and has a reputation for political stability. The country has continued to strengthen its

governance and democratic processes with the aim of reinforcing transparency and accountability.

2.2 Legal Framework

The COMESA Observer Mission notes that the August 11th 2016 general elections were held under new constitutional provisions which include legal and electoral reforms such as the 50%+1 threshold to decide on the presidential election replacing the previous First Past the Post system; as well as a presidential ticket that includes a running mate. The constitution also provides for the direct election of mayors.

2.3 Voter and Civic Education and Awareness

The mission learnt that civic education and voter education by the ECZ was conducted from 30th May to 29th July 2016. The mission further notes the efforts made by ECZ to sensitize the masses on the importance and the content of the Referendum in addition to the efforts by accredited civil society organisations and media. Some stakeholders, however, raised concerns over the inadequate time allocated to voter and civic education as well as lack of clarity on the referendum question.

2.4 Voter Registration

The Mission notes the efforts made by the Electoral Commission of Zambia (ECZ) on the registration of voters and their attainment of registering 94% of their 1.3 million new voters' target, bringing the total number of registered voters to approximately 6.7 Million; and the certification of the voters roll on 31st July 2016.

2.5 Election Campaigns

The election campaigns were generally peaceful; however the mission notes high levels of violence in Lusaka involving supporters of the main political parties in contrast to previous elections. This prompted the ECZ's ten-day suspension of electoral campaigns in Lusaka City and Namwala district in Southern Province from July 9th to 18th 2016.

2.6 Preparedness and efforts of the Electoral Commission of Zambia to conduct credible and peaceful elections

The Mission notes the remarkable efforts made by the Commission to prepare for the elections and the referendum in a well-organized, timely, open and transparent manner.

In efforts towards addressing and resolving electoral disputes, the mission learnt that ECZ established national and district conflict management committees that comprised of the electoral stakeholders and addressed complaints including campaign materials destruction and violence incidents. The mission learnt of further efforts by the ECZ to maintain peace and reduce tensions through the convening of meetings with the provincial administration, security, political party agents, and other stakeholders to plan election security arrangements. In addition the ECZ set the period in case of a presidential re-run to 21 days.

2.7 Gender Representation and Participation

The mission notes the preamble in the Zambian Constitution which recognizes that men and women have equal rights to participate in and freely determine and build the political, economic and social system. The Mission noted with satisfaction, the relatively high level of women registration estimated at 51% of registered voters. There was also a high women turnout during the voting.

The mission notes that with respect to candidates, although three out of the nine presidential candidates have nominated women as running mates the elections attracted only one female presidential candidate. Similarly, except for Lusaka Province, the provincial levels registered low participation of women candidates. This was attributed to various factors including illiteracy and limited resources especially in the rural areas.

2.8 Polling Day Observations

The Election Day was commendably characterised by a generally peaceful atmosphere and high voter turnout including that of women, elderly and youth. Long queues were witnessed both in Lusaka City and the provinces in polling stations visited by COMESA observers where queues in several stations started to form even before the polls were opened.

Most of the polling stations visited by COMESA observers opened at 6.00 am as per the electoral procedures and ECZ staff exercised their duties with efficiency, impartiality and transparency. A few polling stations however opened late notably in Mongu District in Western Province and this was attributed to the late arrival and distribution of materials at 2130 hours on 10th August, 2016. The delay was compensated by extending the voting period accordingly.

For the Referendum the Mission notes relative lack of enthusiasm while some Mission teams also noticed voters that declined to vote for the Referendum. Most cited insufficient information on its content and purpose.

Electoral materials and Polling Stations layout

Most polling stations were easy to identify and set up to allow free flow of the voting process. As indicated, the ECZ officials conducted themselves professionally and confirmed that they had received adequate training. However in a few stations the lighting was not adequate while others complained that materials such as the indelible ink ran low during the process; and also cases where the ECZ stamp was not working properly. There were also a few incidents where ballot boxes were insufficient such as Ndola Central Constituency; while Kapindula polling station in Luanshya district did not receive counting forms. In some cases there were parallel streams sharing a room, which resulted in confusion as names were called by all streams at the same time. There were few incidents where the voters were not clear on the polling station such as Kansanshi Mines Office which was moved to Mushitala Clinic without prior notification.

2.9 Treatment of Vulnerable Voters

The Mission observed that vulnerable groups including the elderly, expectant mothers and the disabled were assisted and given the opportunity to vote first in the polling stations.

2.10 Presence of Security

The Mission notes that security was adequately deployed to secure the polling stations and the subsequent protection of polling staff, materials, and voters. In addition, the police provided additional personnel to reinforce those in the provinces. The police personnel conducted themselves professionally and without interfering in the electoral process and the Mission did not observe any cases of intimidation.

2.11 Observers and Political Party/Candidates' Agents Presence in Polling Centres

In most polling stations the closing procedures were followed strictly. All ballot boxes were shown to be empty and the seals were verified, read aloud to political party agents and observers witnessing and confirming the seal numbers. Where voting had started late the polling station closed late to compensate. Counting, although mostly slow was smooth and transparent and started at the polling stations after closure in the presence of party agents and observers.

3. Recommendations

From the foregoing observations, and in the aim of supporting the electoral processes and the consolidation of democracy in Zambia, the Mission wishes to make the following recommendations to inform future electoral processes:

3.1 To the Electoral Commission of Zambia:

- a) The ECZ should ensure that future voter awareness is allocated adequate time to ascertain that the citizenry is fully informed and aware of the electoral processes taking into account the situation with regard to the current referendum;
- b) ECZ should provide more room and staff especially for polling stations with high populations to avoid overcrowding and to uphold privacy and secrecy as well as hasten the process;

- c) ECZ should endeavour to verify all materials prior to election day to avoid shortages and mishaps during voting day;
- d) ECZ should consider improving the counting process which was observed as slow in various cases;
- e) Encourage the ECZ to continue to review the number of polling stations and the distances that separate them especially in rural areas for purposes of enhancing accessibility;
- f) Encourage the ECZ to ensure proper identification of polling stations;
- g) Encourage the commission to decentralize their services to the provinces and districts and hasten having its own staff at those levels to enhance their independence at the operation level;
- h) While acknowledging the assistance provided to voters with special needs, the ECZ is encouraged to avail better conditions for the disabled to exercise their vote.

3.2 To the Government:

- a) There is need for clarification of the application of the Public Order Act in order to ensure that all political parties and other electoral stakeholders perceive that they are accorded a level playing field.
- b) Address the challenges associated with holding referenda on the same day as elections day to ensure that the focus on the referendum is not overshadowed by the attention associated with other polls especially the presidential poll.
- c) Efforts should be endeavoured to allow for a level field and equal opportunity, including in the public media, for all parties contesting the elections.

3.3 To Political Parties

- a) Sign and adhere to codes of conduct that bind them and their supporters to maintaining law and order, desist from damaging of campaign materials and the spreading of misinformation or incitement which may raise tensions or lead to violence;
- b) Political parties should be encouraged to promote issue based campaigns rather than personality-based campaigns.

4.0 Conclusion

The Mission:

- a. Commends the Electoral Commission of Zambia for undertaking its responsibilities efficiently before, during and after the polls leading to the successful holding of complex polls conducted under a new constitutional dispensation; and also on its efforts to ensure a secure and free process throughout the elections;
- b. Congratulates the citizens of Zambia for turning up in large numbers to exercise their right to vote in a peaceful manner;
- c. Appreciates the political parties, especially during the Election Day for adhering to the electoral rules and maintaining order;
- d. Commends the local observers and party agents for turning up in large numbers which enhanced the credibility of the voting process.

The COMESA Observer Mission is of the opinion that the 11th August 2016 elections were generally conducted in a free, peaceful and transparent environment and in accordance with the laws governing elections in Zambia.

In the event that there are any disputes on the elections process, the Mission urges all parties to pursue the legally established channels to resolve them. The Mission would also like to reiterate the need for all stakeholders in Zambia to collaboratively explore mechanisms for addressing challenges identified during this entire electoral process.

The Mission further extends its appreciation to a host of local and international observer missions in addition to the African Diplomatic missions for their cooperation and fruitful engagement with the COMESA Observer Mission

Finally the Mission wishes the Government and People of the Republic of Zambia continued peace and prosperity.

Issued at the InterContinental Hotel, Lusaka

12.00 am, 13th August 2016