



Situation Report

Date Issued: 28 September 2006

Author: Dr Peter Kagwanja and Patrick Mutahi

Distribution: General

Contact: charry@issafrica.org

Zambia's 2006 Elections: Still Trapped in the Transition Gridlock

Zambia will hold its third tripartite multiparty elections on 28 September 2006, when the country's 3.9 million registered voters will go to the polls to elect a national president, parliamentarians, and local government councillors. Five political parties or party coalitions are vying for the top job, including the Movement for Multiparty Democracy (MMD) of President Levy Patrick Mwanawasa, who is seeking a second five-year term. In all, 29 political parties have fielded candidates for the 158-seat legislative assembly and local government seats.

The government's decision not to introduce a new republican constitution and electoral reforms prior to these elections, however, has cast serious doubts on the integrity of the electoral process and the probable legitimacy of the outcomes. Although the implementation of constitutional reforms was delayed ostensibly on grounds of expense, this also favours the incumbent's strategy of winning power through a simple majority based on the 'first-past-the-post' system and a 'winner-takes-all' principle. This strategy compounds the crisis of Zambia's multiparty democracy, trapped since 1991 in the transitional space between actual democracy and autocracy. An opposition fractured along multiple fault-lines and facing an existential crisis about tactics, vision and strategy has failed to sway the electoral debate in favour of entrenching genuine democracy. By plunging into Zambia's opposition politics, ex-presidents failed to unite or to galvanise public debate in favour of fundamental democratic reforms or to act as a stabilising force in a fragile polity.

Irrespective of who wins power in Lusaka, it is painfully clear that Zambia's democracy will, yet again, emerge as the net loser in the polls. Zambia's civic stratum and regional and international actors need to urge the government of Zambia to recommit itself to democracy and institute constitutional and electoral reforms in the immediate post-election period to consolidate a democratic culture and institutions.

Zambia is a perfect case of the "politics of the interregnum", in which the old is dying and the new has refused to be born. Multiparty Zambia is still battling with an ingrained legacy of colonial authoritarianism overlaid with post-colonial despotism after independence from Britain in 1964. In 1972, President Kenneth Kaunda declared his United National Independence Party (UNIP) the sole legal political party, closing all avenues of legitimate dissent. A combination of food riots in the 1990s and international pressure forced Kaunda to yield to the

The
Constitutional
Impasse and
the Electoral
Field

* The opinions expressed in this Situation Report do not necessarily reflect those of the Institute, its Trustees, members of the Council, or donors. Institute research staff and outside contributors write and comment in their personal capacity and their views do not represent a formal position by the ISS.

introduction of pluralist politics, and he signed into law a bill legalising opposition parties and adopting a new multi-party constitution in August 1991.

Kaunda suffered a crushing defeat in Zambia's first multiparty elections in October 1991. With an inspiring 81 per cent of the votes against Kaunda's 15 per cent, Frederick Chiluba and MMD—a trade union-based party bolstered by defectors from Kaunda's UNIP—triggered euphoric expectations that Zambia's peaceful transition would translate into a speedy consolidation of democratic practices and institutions. This was not to be. As Norwegian analysts, Rakner and Svåsand, noted, rather forlornly, Zambia's democracy has since remained stuck in a 'transitional zone' between actual democracy and authoritarianism.¹

Multiparty elections in 1996 and 2001 fell very short of consolidating democracy, with Chiluba and his successor, Levy Patrick Mwanawasa, wielding similar autocratic powers as Kaunda before them. At the heart of Zambia's stalled democratic project is a protracted and ever-deepening constitutional and electoral crisis. The 1991–2005 hiatus saw some attempts at crafting a democratic constitution, including the Mvunga Commission (1991), the Mwanakatwe Commission (1996) and the Mung'omba Commission (April 2003). But proposals for fundamental democratic reforms were effectively torpedoed by the provincial interests and ambitions of Zambia's fractured and factionalised political elite.

Successful leaders retained and used in instrumental fashion the archaic Inquiries Act to stall the constitutional review process. Although it allowed the president to establish bodies to review the constitution, the Act also gave him untrammelled powers to determine the terms of reference, appoint the commissioners, and override the wishes of the people, and required the commissioners to report directly to the president rather than to a plebiscite or constitutional assembly. Invoking the Act, Chiluba rejected on technical grounds the recommendations of the Mwanakatwe Commission (1996) to adopt a new constitution via a Constitutional Assembly. The government not only disregarded peoples views submitted to the Mwanakatwe Commission, but opposition parties' moves to get parliament to create a constituent assembly were also frustrated.

Against the backdrop of the conflict-ridden 27 December 2001 elections, President Mwanawasa, appointed the (Wila) Mung'omba Constitutional Review Commission in April 2003, capitulating to demands by political parties for extensive constitutional reforms. The Mung'omba Commission submitted its report in December 2005, recommending that the 2006 elections be held under the new republican constitution. However, the government put the new constitution on ice, arguing rather feebly that there was not enough time or government funding available to adopt a new constitution until 2008 or 2015. But the new constitution actually fell victim to an intra-elite power contest hinged on a lingering disagreement over its adoption by a constituent assembly.

Plunging into the 2006 polls under the old undemocratic constitutional framework dealt a fatal blow to the overall integrity of the electoral process and stoked the ire of domestic and international actors. As one commentator rightly observed, "it is a mockery...that we are going for elections without a new constitution."² Apparently, the shelving of the constitution is part of a grand strategy by the ruling elite to exploit divisions within the opposition to snatch a narrow victory by retaining the current simple majority system.

Electoral Governance

Like the new constitution, Zambia's electoral reform process is stuck in limbo and the electoral governance system is weak and ineffective. Earlier, the Mvunga Commission (1991) had urged for a fresh electoral regulatory regime to enhance the management and supervision of elections, identifying the existing 'first-past-the-post' electoral system as a serious drawback to free and fair elections

and advocating an absolute majority system (50 percent plus one vote) in the determination of the presidential results.

This prompted President Mwanawasa to appoint the Electoral Reform Technical Committee (ERTC) to review Zambia's electoral process and suggest the way forward to ensure free and fair elections. In its final report to the Minister for Justice and Attorney-General, George Kunda, on 18 July 2005 the ERTC pushed for an absolute majority concept. The existing simple majority system based on the 'winner-take-all' arrangement that allowed a presidential candidate to ascend to power even with a tiny slice of the votes in relation to the total number of the valid votes cast was no less than a blatant short-circuiting of the democratic process.

Realising that this problem needed to be tackled comprehensively, the ERTC proposed a mixed member representation (MMR) combining the 'first-past-the-post' (FPTP) principle with the proportional representation (PR) system. It also suggested a 200-member legislative assembly, excluding the Speaker, also specifying that the PR seats should include 35 women; three persons living with disabilities; and two youths aged between 21 and 30. It is worth noting that there were only 20 women out of 158 members in the 2001–2006 Parliament. These recommendations formed the basis of the electoral reforms proposed under the new republican constitution, which has yet to see the light of day.³

In early 2006 the government passed the Electoral Reform Bill (2006) to provide a framework for the conduct of the September elections. However, the bill remained mute on a plethora of contentious issues, including the absolute majority concept; repeal of the Public Order Act; setting the transition period for the incoming president; and resolving the obvious conflict of interest when the chief justice is both the returning officer for the presidential elections and also presides over cases of election petitions.

Zambia's umbrella Non-Governmental Organization Coordinating Council interpreted the bill as another move to subvert the democratic process, because it failed to incorporate the views of the people submitted to the ERTC and retained the powers of the president to determine the date of the elections.⁴ In the same vein, the president of the Law Association of Zambia (LAZ), William Mweemba, criticised the bill on account of the government's failure to pass the Constitutional Amendment Bill, which would have meant killing two birds with one stone: bequeathing the country with a democratic constitution and, finally, putting to rest the issue of electoral reforms.⁵

Also in dire need of reform was the electoral management system. The Electoral Commission of Zambia (ECZ) was established as an independent electoral body charged with conducting presidential, parliamentary and civic elections, as well as referenda. But the ECZ has remained a blunt and encumbered electoral tool. Its critics point to public outcry over its lack of autonomy, impartiality and independence from the government, lack of the legal sway to register and regulate the conduct of political parties, observers and monitors or even the means to enforce its own electoral code.⁶

These shortcomings triggered public clamour for the creation of an independent electoral body not tethered to the executive. To ensure an autonomous, impartial and independent electoral commission, the 2005 Constitutional Review Commission recommended that the top echelons of the Electoral Commission, including its chairperson and the deputy, should be distinguished Zambian citizens qualified to be judges of the High Court. However, in the absence of a new republican constitution, these recommendations fell into abeyance.

The Uneven Electoral Field

The run-up to the 2006 elections has reflected the perennial problem of acute voter apathy, with only slightly over a third of Zambia's 10 million people registering as

voters. The ECZ introduced some technical changes, including transparent ballot boxes and an electronic system that allows voter details to be loaded onto a database, making it less vulnerable to manipulation in the verification of voters' identity. But the problem of voters having two national registration cards and being able to vote at different polling stations, which tarnished the 2001 elections, still exists.

A few days before the elections, reports appeared in the press that some ballot papers had gone missing, allegations the ECZ public relations manager, Cries Akufuna, struggled to refute.⁷ Akufuna clarified that the 'missing' ballots were part of the second batch from Durban, South Africa, where electoral ballots were being produced, but were distributed in respective districts and wards. Even then, these media reports rekindled memories of massive corruption, electoral fraud, violence and alleged ballot rigging that marred the 2001 elections. Opposition leaders sounded alarm bells that the MMD was siphoning public resources to fund its campaign and to buy votes, and taking the lion's share of space and air time in state-owned media.⁸ This was despite the laws disallowing the use of public resources to support the campaigning of the ruling party and prohibiting unbalanced coverage by the state-funded media.

The pre-election environment also saw increased incidents of political violence. Violent protests were reported in downtown Lusaka after marketers supporting different parties exchanged blows. MMD and PF cadres also fought in Lusaka and the Copperbelt province. At one point, a mob of PF activists blocked the motorcade of Mwanawasa who was returning from campaigning. Violence also accompanied the removal of campaign posters of rival candidates.

The ECZ Director, Dan Kalale, condemned the violence as violations of the electoral code of conduct and as criminal offences, appealing "to all parties to desist from violent behaviour." But the ECZ lacks the means to enforce its codes or the capacity to resolve conflict. Mwanawasa also condemned the violence and urged for a peaceful election, but as the polling day approached, political parties increasingly turned to the use of violence as a campaign tool.⁹

Earlier, in August 2006, the Inspector-General of Zambia Police, Ephraim Mateyo, had announced that police officers manning each of the 6,000-plus polling stations would be unnamed. These new security measures sought to calm public fear of police—well-known for using guns from the armoury to harass or kill girlfriends, wives or enemies in townships and camps—taking advantage of the controversial Public Order Act to intimidate and harass opposition cadres and voters.¹⁰

President Mwanawasa, seeking a second five-year term on the MMD ticket, appeared the favourite in the presidential race. Mwanawasa has not enjoyed the same cross-national popular support as his populist predecessors Kaunda and Chiluba once did. Having ascended to power with a trifling 29 per cent of the vote in the 27 December 2001 presidential polls, he lacked the moral clout and prestige to rally Zambia's 74 different cultural communities behind him.

In March 2006, Mwanawasa suffered a minor stroke, and his ill-health fostered a climate of uncertainty and a public feeling that his government lacked a firm grip on Zambia's deepening problems. This saw his popularity dip from 45 per cent to 33 per cent by August 2006, making the chances of a resounding electoral victory slim. Some even predicted that his own future as president was in the balance.

According to a pre-election poll by the Steadman Group Limited, Mwanawasa expected to score 33 per cent of the vote, with Michael Chilufya Sata of the Patriotic Front (PF) and Hakainde Hichilema of the United Democratic Alliance getting 24 per cent and 15 per cent respectively. However, a sizeable 20 per cent, including 14 per cent who refused to respond and six per cent of those undecided, was poised to tip the scales either way.¹¹

Mwanawasa's electoral base, like that of many incumbents in Africa, has been the rural areas, especially the North-western (52 per cent support), Western (33 per cent), Eastern (34 per cent) and the Northern parts.¹² But he also made some significant inroads into the opposition turf in the South, Lusaka, Luapula and the Copper Belt, aided by serious lapses in the divided opposition.

The Anti-Corruption Card

The fight against corruption has been Mwanawasa's trump in the electoral game. But for all its merits, the government's intensely politicised campaign against corruption has turned into a two-sided blade that has at once won the acclaim of Zambia's foreign donors, but also divided the Zambian polity.

The public debate on corruption centred on former president Chiluba, giving anti-corruption an indelible political tinge, which came to the fore in the pre-election campaign. In July 2002, parliament voted to remove Chiluba's immunity from prosecution, exposing him to endless corruption charges, long-drawn-out trials, adjournments and procedural snarl-ups. In 2004, the government dropped the corruption charges against Chiluba, only to revive them within hours and to re-arrest him on six new charges.

Mwanawasa's own anti-corruption campaign, observed Alfred Chanda, the President of Transparency International's Zambia chapter, "has been selective, targeting allies of Chiluba who remained a powerful threat to Mwanawasa."¹³ Chiluba insisted that the corruption charges against him were politically-motivated, alleging that Mwanawasa was using the case to bolster his political campaign ahead of the 28 September elections and calling on the voters to kick out the incumbent and replace him with Michael Sata, who had promised to drop the corruption charges.¹⁴ The war turned ugly, with Mwanawasa warning voters against electing PF and Sata because they were supporting "plunderers."¹⁵

For their part, voters saw Mwanawasa's fight against corruption as mere rhetoric, pointing out that in spite of ample evidence of huge sums of public funds stolen, none of the culprits had been put behind bars. Against this background, in August 2006 Mwanawasa ordered his newly appointed public policy specialist at the Cabinet office, Elizabeth Mwansa, to step up the government's crusade for zero tolerance to corruption.¹⁶

The Economy and Elections

Aware that the poor state of Zambia's economy was one of the driving forces for change from a single to a multiparty system in the early 1990s, Mwanawasa elevated Zambia's fast growing economy—characterised by a 5 per cent growth in 2005 and inflation dropping below 10 per cent—to the foremost re-election card. But his opponents warn that far from reflecting the government's sound policies, Zambia's economic renaissance is externally driven. On the one hand this is a reflection of a remarkable hike in global copper prices—which accounts for more than 53 per cent of Zambia's foreign earnings—and saw the country's output soaring from 409,543 tons in 2004 to 445,550 tons in 2005.¹⁷

But Mwanawasa claims credit for his pro-market policies, which have attracted foreign aid and boosted investor confidence, thus strengthening the currency (kwacha), which has stabilised at 4,000–4,150 kwacha to the US dollar.¹⁸ In addition, economic reforms have elicited a generous response from donors, including the cancellation of all but \$500 million of Zambia's \$7.2 billion external debt and making Zambia eligible for debt relief to the value of US\$3.9 billion under the Heavily Indebted Poor Countries (HIPC) Debt Initiative.

However, the government's tax policy has generated undercurrents of economic nationalism, with domestic exporters accusing it of hurting local business. Its liberal labour policy has alienated the MMD's traditional power base among the

urban working class in Lusaka and the Copperbelt. Hence, a few days to the elections, Mwanawasa ordered the arrest and prosecution of investors in the copper mines who broke labour laws in a move to placate and win the hearts and minds of Zambia's powerful but angry miners.¹⁹

Mwanawasa confronts a classic dilemma of the failure of growth in the 'first tier economy' to trickle down to the poor in terms of better service delivery, which is facing African countries from Ghana to Uganda, Kenya to South Africa. Critics argue that, with no jobs, diminishing educational opportunities, inadequate medical and health facilities and no clean and safe water, and with 64 per cent of the 10-million Zambians living on less than a dollar a day, 16 per cent infected with HIV and doctors leaving for better opportunities abroad, the poor have nothing to show for the hyped growth. The "so-called economic gains begin to look cosmetic when you begin to see them against economic deprivation ... and the condition of the schools," said Patrick Chisanga, the spokesperson for the United Party for National Development (UPND).²⁰

Essential commodities are back on the shelves, but at prices beyond the reach of the vast bulk of Zambia's poor. The government failed to achieve its targets for poverty reduction in 2002 and 2003, partly because of weak capacity to utilise allocated resources, put relevant programmes into practice and to stick to fiscal discipline.²¹ The government's 2004 fiscal reform programme of trimming down staff and employment benefits for public servants and putting into effect new controls on state spending increased its unpopularity. Analysts have also traced the problem of delivery to the stalled constitutional reform process, especially the failure to translate the "Directive Principles of State Policy" on economic issues into a Bill of Rights to enable the poor to seek redress in the courts for deprivation of these rights.²²

The opposition is badly fractured along regional, ethnic, personality and generational fault-lines and faces an existential crisis of vision, tactics, strategy, and cohesion; it has repeatedly thrown away its electoral chances. Zambia's opposition parties remained largely regional entities, with deep ethnic roots and regional appeal. The pre-election period, however, saw some attempts to achieve greater unity.

In early 2006, three major opposition parties, including the Forum for Democracy and Development (FDD), the United National Independence Party (UNIP) and the United Party for National Development (UPND) united under the banner of the United Democratic Alliance (UDA). Anderson Mazoka, a former businessman who narrowly lost the presidency in 2001, became UDA's standard-bearer. However, Mazoka's death in May 2006 robbed the opposition of an able strategist and effectively threw the alliance into a new divisive leadership battle. On 11 July 2006, a youthful businessman, Hakainde Hichilema, was elected to succeed Mazoka, and has since won Kaunda's public backing.

Michael Sata's PF has struggled to extend its electoral base beyond its home turf in the Bemba-speaking Northern Province. In late September, Sata forfeited the support of the poor in shanties with his alarming comments that he would clear all shantytowns should he become president, because they are an eyesore.²³ As former local government minister under Chiluba, Sata earned a reputation for draconian policies when he created a law that provided for fines or even imprisonment for persons caught spitting, smoking or urinating in public. He has vowed to limit foreign ownership of local assets to 51 per cent if elected—especially in the copper industry—and threatened to expel Chinese traders from the country.²⁴ Few take his threats lightly.

With only days to go before the polls, the battle has focussed in on the "big three": the ruling MMD, Hichilema's UDA; and Sata's PF. But a disunited opposition has become its own greatest enemy, improving the MMD's chances of electoral victory. It has failed to sway public debate in favour of comprehensive constitutional and election reforms, leading to the consolidation of a genuine democratic process.

The Ex-Presidents

Kaunda and Chiluba have continued to exercise an influence on the national politics, but their intervention in the pre-election campaign has drawn the role of Zambia's ex-presidents into the spotlight of national public debate. Their involvement in the country's partisan politics has not only heightened political tensions but dashed the hopes of those who envisioned ex-presidents as a potentially stabilising force in Africa's fragile politics.

The combined weight of Kaunda and Chiluba might have had the potential of tipping the electoral balance in favour of an opposition victory. But the two political veterans do not see eye to eye even on crucial national matters. In 1995, with the 1996 general elections under way, Chiluba amended the constitution, declaring that "non-indigenous" Zambians could not compete in presidential elections, adding that one now required to have parents as Zambians to be allowed to vie for the presidency (Kaunda's parents were allegedly Malawians). This move was calculated to ensure that Kaunda did not compete for the presidency, and contributed to the frosty relation between the two, keeping them as divided as the opposition movement they support.²⁵

Kaunda has thrown his support behind Hakainde Hichilema, the United Democratic Alliance presidential candidate, praising him as "a brilliant young man with good leadership capabilities" who has "ably run many businesses and...can run this country very well."²⁶ For his part, Chiluba has backed Michael Sata and his Patriotic Front (PF) wholeheartedly. It is a sad pointer to the provincial character of Zambia's politics in the multi-party era that the two former presidents have failed to provide the moral force to galvanise public debate and pressure in favour of fundamental constitutional and electoral reforms to consolidate democracy.

Mwanawasa is the net beneficiary of the split between Kaunda and Chiluba, which has increased his chances of an electoral victory. The MMD has dismissed the former presidents' backing for opposition candidates, dismissing this as irrelevant to electoral outcomes. The party's National Campaign Committee Chairman, Vernon Mwaanga reminded Kaunda and Chiluba of the provision in law that forbids former presidents from taking an active part in politics, if they are benefiting from public funds.

The Enfeebled Civic Stratum

Since the controversial December 2001 elections, civil society organisations and church groups have focused their activism on seeking far-reaching democratic reforms and constitutional curbs to excessive presidential powers. They have supported the government's anti-corruption crusade, although they also sought greater access to information to subject the actions of state officials to closer public scrutiny. But, the government's failure to use the Commission's findings to guide the September 2006 elections widened the gap with these groups.

These groups also challenged the government on its commitment to guarantee basic rights and freedoms. The Public Order Act has become a subject of fierce challenge from civic organisations as a threat to the fundamental freedoms of assembly and association, because it requires police permission for meetings and rallies. "Because of the [existing] Public Order Act, which has not been amended, we expect to still see continued violations of the people's right to assemble, right to associate, right to speech and, ultimately, the right to choose their leaders in the coming elections," noted one interviewee.²⁷

Another concern of actors in the civic realm has been the weak election management system, especially the security and integrity of the ballot papers. This arose especially in the wake of reports of missing ballots in late September. The Anti-Voter Apathy Project (AVAP) appealed to the ECZ to invalidate missing ballots to prevent unscrupulous people from using them during the elections.²⁸

The group also called for special colour marks to be put on the replaced ballot papers and change the serial numbers.

The negative impact of the involvement of ex-presidents in politics has also drawn the wrath of civic groups. On 20 September, the General Secretary of the Council of Churches in Zambia (CCZ), Reverend Japhet Ndhlovu, criticised Kaunda and Chiluba for swaying the debate in favour of candidates rather than refocusing on issues threatening Zambia's democracy.²⁹

Zambian civil society organisations have played an active role in initiatives to tighten the process of election monitoring and observation in the Southern Africa Development Community (SADC) region. In November 2003, they participated in the generation and adoption by regional NGOs of the *Principles for Election Management, Monitoring and Observation*. Despite this, Zambia's civic groups have not mounted a robust campaign to bring pressure to bear on the Zambian authorities to comply with regional electoral instruments.

Regional and international actors have a role in helping Zambia extricate itself from the current mire of a stalling democratisation and electoral processes. Significant strides have been made within the Southern Africa region and on the African continent in the consolidation of a democratic culture, practice and institutions. At the continental level, a refurbished 53-member African Union, which replaced the Organisation of African Unity (OAU) as the premier pan-African body in July 2002, adopted the *Guidelines for Electoral Observation and Monitoring Missions* and the *Declaration on the Principles Governing Domestic Elections* in 2002 and 2003, respectively, to entrench free and fair elections as the basis of a credible democratic process. As a signatory of the AU's *Constitutive Act* (2001), Zambia is obliged to use these instruments to improve on its electoral process.

At the regional level, in March 2001, SADC parliaments adopted the *Norms and Standards for Elections in the SADC Region*, to be adopted domestically by regional governments as a benchmark for conducting and managing free and transparent elections across the region. Zambia, like other SADC members, adopted the document, but so far only Botswana has ratified it. To supplement these norms and standards, SADC heads of state promulgated the *Principles and Guidelines Governing Democratic Elections* in August 2004. Even though these principles and guidelines are not binding to member states, they provide a useful blueprint to guide the region's electoral processes and to govern the conduct of credible elections. For instance, Zimbabwe came under immense domestic and international pressure to comply with the 2004 SADC principles and guidelines ahead of the March 2005 parliamentary elections, compelling it to enact the Zimbabwe Election Commission and Election Acts.³⁰ But an assortment of repressive laws, including the Public Order and Security Act (2002) and the Access to Information and Protection of Privacy Act (2002) has stood on the way of free and fair elections.

SADC's various bodies have been involved in election observation and monitoring as part of its effort to consolidate democracy. It sent its Electoral Observer Mission to monitor the September 2006 elections, headed by Tanzania's Minister for Good Governance, Philip Marmo. But its public verdict has tended to be favourable so far, preferring to channel criticism through the behind-the-doors "peer" counselling that underpins the African Peer Review Mechanism (APRM) of the New Partnership for Africa's Development (NEPAD).³¹ Other SADC bodies like the Parliamentary Forum Election Observation Mission have been more forthright in their criticism of a flawed democratic processes. On 30 December 2001, the Parliamentary Forum issued its post-election statement calling on the ECZ to "overhaul its election management system in order to ensure that the integrity of the process is not compromised."³² It also took issues with lapses in the governing of the elections, including unnecessary delays in the opening of some polling stations, sometimes for a day due to logistical and administrative problems, and failure to deliver election material in time in some stations leading to delays in the voting process.

Some international observers such as the US Carter Centre have declined to monitor Zambia's 2006 elections, pointing to the government's failure to enact electoral and constitutional reforms. The decision not to pursue involvement in the 2006 elections, said the Centre's spokesperson, Deborah Hakes, was "based on disappointment over Zambia's failure to enact meaningful electoral and constitutional reforms."³³ The Centre's December 2001 elections report was highly critical of the state of Zambia's democracy. It said in part that: "The election results are not credible and can not be verified as accurately reflecting the will of Zambian voters," adding that "the accuracy of official results [and] the legitimacy of the entire electoral process will remain open to question."³⁴

By the same token, the European Union Election Observation Mission refused to give the 2001 elections a clean bill of health. In its verdict, the EU Mission said that: "we are not confident that the declared results represent the wishes of the Zambian electors on polling day." Regarding the management of the electoral process, the EU Mission noted that "the Electoral Commission of Zambia has failed to fulfil its mandate on behalf of the electors of Zambia." The Mission was also perturbed by a low rate of voter registration averaging at less than 55 per cent, failure to enforce the Code of Conduct, maladministration of polling day, and the government's failure to address serious concerns relating to the accuracy of the announced results.

Zambia's 2006 elections will be monitored by more than 2,000 local and international observers, including those from the European Union, Commonwealth, Southern African Development Community (SADC), SADC-Parliamentary Forum, the African Union and SADC-Electoral Commission Forum (ECF). In August 2006, Mwanawasa tried to reassure international actors, including the Swedish Ambassador-designate, Lars Ronnas, that the 2006 elections would be held on a level playing field and in a peaceful environment. This was part of a concerted government drive to allay the fears of foreign observers that the elections were flawed even before the first ballot had been cast.³⁵

Failure to introduce far-reaching constitutional and electoral reforms in the pre-election period may undermine the credibility of Zambia's 2006 elections. A weak electoral governance system fails to guarantee a level playing field and free and fair elections. The pursuit by the incumbent of an easy victory via the simple majority system deepens the crisis of Zambia's democracy. A divided opposition missed the opportunity to win a resounding victory and a mandate to consolidate democracy in the post-election period. Zambia's former presidents remained divided, mirroring divisions within the opposition, throwing their support behind various opposition parties. In the end, they have failed to use their moral force to sway and embolden public opinion in favour of fundamental reforms to consolidate democratic practices and institutions and get Zambia's democracy out of its mire. Regional and international actors have so far taken a tough position on Zambia's compromised electoral process, with some boycotting the monitoring process or issuing strong criticism of its shortcomings.

Positive change in the post-election period will depend on strong pressure from civic groups, regional institutions and Zambia's international partners to compel the elite to adopt both regional and international democratic instruments. For now, however, Zambia's democracy seems likely to be the ultimate loser in the 2006 elections.

- 1 Lise Rakner and Lars Svåsand, "Stuck in Transition: Electoral Processes in Zambia, 1991–2001," in *Democratization*, vol. 12 No. 1 February, 2005, pp. 85–105.
- 2 Simon Kabanda, "Zambia: Elections and the Economy", *The Post of Zambia*, 13 September 2006.
- 3 Republic of Zambia, *The Final Report of the Constitutional Review Commission*, Lusaka, December 2005.
- 4 William Mweemba, "LAZ Uncomfortable With Electoral. Bill" *The Post of Zambia*, 8 April 2006.
- 5 Ibid.
- 6 Peter Tendaiwo Maregere and Brenda Mofya, "Electoral Reforms: Managing Electoral Conflict in Zambia", *Conflict Trend* Issue 2, 2006, pp 29–33.

- 7 "Electoral Commission of Zambia Denies Missing Papers," *Daily Mail* (Zambia), 20 September 2006.
- 8 "Zambia president predicts election victory," *Mail&Guardian*, 22 September 2006.
- 9 "Elections and Political Violence," *The Times of Zambia*, 22 September 2006.
- 10 "No guns for cops in Zambia elections", *Times* (Zambia), 22 August 2006.
- 11 Theonese Asiimwe, "Zambia: Elections Uncertain: Mwanawasa Loses Popularity in Polls", *The Great Lakes Center for Strategic Studies, London*, 12 September 2006.
- 12 Asiimwe, "Zambia: Elections Uncertain, 12 September 2006.
- 13 "Zambia; All bets off in upcoming elections." *Mail and Guardian*, 11 September 2006, www.mg.co.za
- 14 "Electoral Commission of Zambia gets ready for tripartite elections next Thursday, Voice of America (VOA), 21 September 2006.
- 15 Lewis Mwanangombe, "Election fever grips Zambia as poll date draws nigh", *Angolapress*, 22 September 2006.
- 16 "Levy assures Swedish envoy of free and fair elections", *The Post* (Lusaka) 31 August 2006.
- 17 Organisation for Economic Cooperation and Development "Zambia" in *African Economic Outlook*, 2005 pg 475-488, www.oecd.org/dataoecd/23/3/34873708.pdf: accessed on 10 September 2006.
- 18 Carol Jilombo, "Money Market keeps a close eye on Political Scene," *The Post* (Lusaka), 21 September 2006.
- 19 Shapi Shacinda, "Zambia president orders crackdown on mine investors", *Reuters*, 24 September 2006.
- 20 Organisation for Economic Cooperation and Development, "Zambia" in *African Economic Outlook*, 2005 pg 475-488.
- 21 Ibid.
- 22 Simon Kabanda, "Zambia: Elections and the Economy", *The Post* (Lusaka, Zambia), 13 September 2006.
- 23 Lewis Mwanangombe, "Election fever grips Zambians as poll date draws nigh", *Angolapress*, 22 September 2006.
- 24 Organisation for Economic Cooperation and Development "Zambia" in *African Economic Outlook*, 2005 pg 475-488.
- 25 J. Ihonvbere, *Economic Crisis, Civil Society and Democratisation: The case of Zambia*. Trenton, NJ: Africa World Press, 1996 pg 103.
- 26 'Kaunda backs top Mwanawasa rival in poll," *East African Standard*, 14 September 2006.
- 27 Author's telephone interview with a Zambian civic leader, 17 September 2006.
- 28 "Electoral Commission of Zambia Denies Missing Papers," *Daily Mail* (Zambia), 20 September 2006.
- 29 Patson Chilemba, "KK, KTJ Have Swayed Debate—Rev Ndhlovu", *The Post of Zambia*, 21 September 2006.
- 30 See International Crisis Group, *Post-Election Zimbabwe: What Next*, Africa Report No.93, 7 June 2005.
- 31 Mkumbwa Ally, "SADC mission for Zambia polls", *Daily News*, 21 September 2006.
- 32 Authors' interview, Pretoria, 17 September 2006.
- 33 "US Carter Center declines to monitor Zambia polls", *Deutsche Press Agentur*, 22 September 2006.
- 34 <http://www.cartercenter.org/> – *Activities by Country: Zambia*.
- 35 "Levy assures Swedish envoy of free and fair elections", *The Post* (Lusaka) 31 August 2006.