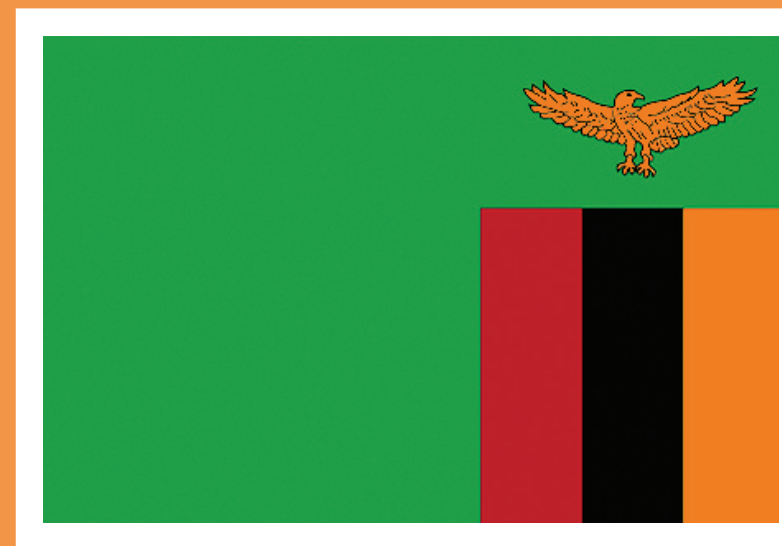


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EISA ELECTION OBSERVER MISSION REPORT

ZAMBIA



PRESIDENTIAL, PARLIAMENTARY AND
LOCAL GOVERNMENT ELECTIONS

28 SEPTEMBER 2006



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EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa.

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List of acronyms

AZ	Agenda for Zambia
CRC	Constitutional Review Commission
CSO	Civil society organisation
DFID	Department for International Development
DP	Democratic Party
DRC	Democratic Republic of the Congo
ECF	Electoral Commissions Forum of SADC Countries
ECZ	Electoral Commission of Zambia
ERTC	Electoral Reform Technical Committee
FDD	Forum for Democracy and Development
FPTP	First-past-the-post
HP	Heritage Party
LPF	Liberal Progressive Front
MMD	Movement for Multiparty Democracy
MP	Member of parliament
NCC	National Citizens Coalition
NCMC	National Conflict Management Committee
NDF	National Democratic Focus
NGO	Non-governmental organisation
NIVEC	National Voter Education Committee
NLD	National Leadership for Development
NRC	National registration card
OMR	Optical mark recognition
PEMMO	Principles for Election Management, Monitoring and Observation in the SADC Region
PF	Patriotic Front
POA	Public Order Act
PR	Proportional representation
PUDD	Party for Unity, Democracy and Development
RP	Reform Party
SADC	Southern African Development Community
SDC	Swiss Agency for Development and Cooperation
SDP	Social Democratic Party
SIDA	Swedish International Development and Cooperation Agency
UDA	United Democratic Alliance
UNIP	United National Independence Party
UPND	United Party for National Development
Zadeco	Zambia Democratic Conference
ZEF	Zambia Elections Fund
ZNBC	Zambia National Broadcasting Corporation
ZRP	Zambia Republican Party
ZUDP	Zambia United Development Party

EXECUTIVE SUMMARY

In line with its vision of promoting credible elections and democratic governance in Africa, EISA deployed a regional observer mission to the Zambian presidential, parliamentary and local government elections held on 28 September 2006, also referred to as the tripartite elections given that three elections ran concurrently.

The EISA mission was led by Leshele Thoahlane, chairperson of the Independent Electoral Commission of Lesotho and chairperson of the EISA Board of Directors. Assisting Thoahlane as deputy mission leader was EISA executive director Denis Kadima. The mission comprised 14 members who are nationals of Angola, Botswana, the Democratic Republic of the Congo, Lesotho, Mozambique, Portugal, South Africa and Zimbabwe, representing various electoral commissions and civil society organisations (CSOs).

The observation of the tripartite elections began with the deployment of a pre-election assessment team which was in Zambia from 28-31 August 2006, and which was followed by the arrival of the mission's advance team on 18 September 2006. The rest of the team arrived on 21 September 2006.

This report sets forth the assessment of the EISA Observer Mission to the Zambian tripartite elections of 28 September 2006, including the mission's findings, analysis and recommendations on the electoral process in all its phases, especially the immediate pre-election phase and the polling phase, as well as the tabulation and announcement of the presidential election results.

Members of the mission attended a briefing session from 22-23 September 2006, which covered the theoretical foundations of election observation and the standards and principles used for election assessment. In addition, the briefing session included presentations from various Zambian electoral stakeholders who gave their own views on how the electoral process had proceeded up to the time of the briefing. On 24 September 2006, five teams were dispatched to five provinces within Zambia to observe the immediate pre-election period as well as the voting and counting of votes at the polling stations. On polling day, these teams covered 149 voting streams in 61 polling

stations. The mission remained in Zambia until 3 October 2006 after the results of the presidential election had been announced.

The EISA mission used the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO) as the basis for its election assessment. PEMMO is a document that was developed under the auspices of EISA and the Electoral Commissions Forum of SADC Countries (ECF). It outlines standards and best practices for the conduct and assessment of elections in the Southern African Development Community (SADC) region.

Using the PEMMO, and on the basis of its observations, the mission concluded that the 28 September 2006 tripartite elections in Zambia were conducted in a manner that allowed the people of Zambia to express their democratic choice.

TERMS OF REFERENCE

The terms of reference for the EISA Observer Mission describe the roles and responsibilities of the mission during its deployment to the 28 September 2006 tripartite elections in Zambia. They provide a summary of the mission's objectives and outline the activities that were expected to be carried out by all the members of the EISA mission.

EISA and all other international observers were in Zambia at the invitation of the Electoral Commission of Zambia (ECZ) and the Government of Zambia. The elections and related political processes were for the people of Zambia to conduct. As observers, EISA delegates were expected to support and assess these processes, but not to interfere. EISA believes that in an enabling environment, well-trained international observers can play a critically important and supportive role in elections by helping to enhance the credibility of the elections, reinforcing the work of domestic observer groups and eventually increasing popular confidence in the entire electoral process.

The overall objective of this mission was in line with EISA's vision of promoting credible elections and democratic governance in Africa. The specific objectives of this particular mission were to:

- determine whether conditions existed for the conduct of elections that reflected the will of the people of Zambia;
- assess whether the elections were conducted in accordance with the electoral legislative framework of Zambia; and
- ascertain whether the elections met the benchmarks set out in the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO)

In order to achieve the above, the mission was required to:

- obtain information on the electoral process from the ECZ;
- meet with political parties, CSOs and other relevant stakeholders to become acquainted with the electoral environment;

- report accurately on its observations and refer any irregularities to the relevant authorities;
- observe all aspects of the elections in the areas visited;
- assess if all registered voters had easy access to voting stations and whether or not they were able to exercise their vote in freedom and secrecy;
- assess the logistical arrangements to confirm if all necessary materials were available for voting and counting to take place efficiently; and
- find out if all the competing parties and candidates were given an equal opportunity to participate in the elections.

THE EISA APPROACH TO ELECTION OBSERVATION

EISA seeks to realise effective and sustainable governance in Africa through strengthening electoral processes, good governance, human rights and democratic values. In this regard, EISA undertakes applied research, capacity building, advocacy and other targeted interventions. It is within this broad context that EISA fields election observer missions to assess the context and conduct of elections in the SADC region.

The EISA Regional Election Observer Mission formed part of EISA's ongoing support to the democratic process in Zambia. In the two years before the election, EISA has at various times trained domestic observers, provided expert advice to the Electoral Reform Technical Committee and contributed to the preparation of the Electoral Code of Conduct. EISA has also published on political parties in Zambia and has provided training-of-trainers for the ECZ programme on conflict management.

Since October 2005 EISA has promoted the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO) through the training of Zambian electoral stakeholders in the use of the document for election assessment, as well as launching the PEMMO for Zambia in Lusaka on 24 March 2006.

Pre-election assessment and advance team

The EISA mission to the tripartite elections in Zambia was a short-term observation assignment which began with the deployment of a pre-election assessment team in the country from 28-31 August 2006. The pre-election assessment team comprised Belinda Musanhu (senior programme officer) and Zahira Seedat (senior assistant to the EISA executive director). The purpose of the pre-election team was to make and finalise logistical and political preparations for the elections through meeting service providers as well as ascertaining whether the conditions existed for EISA to deploy an election observation mission to Zambia by holding in-depth meetings with various election stakeholders. Meetings were thus held with the ECZ, political parties and civil society in order to gain an understanding of the political context in which the elections were to take place. During these meetings the

EISA team gained information and an understanding of how crucial steps in the process (such as voter registration and boundary delimitation) had taken place and how the campaign was proceeding. The pre-election assessment mission also considered and examined legal documents governing the organisation and conduct of the electoral process in Zambia.

Mission arrival and observers' briefing

The EISA Observer Mission to the Zambian tripartite elections arrived in Zambia on 21 September 2006. During its deployment in Zambia, the mission engaged in a number of activities in order to gain information and knowledge about the process.

The arrival of the mission was followed by a two-day observers' briefing session on 22-23 September 2006. The briefing programme (see Appendix 4) covered the following topics:

- The rationale for election observation
- Basic election observation techniques
- The differences between domestic and international election observation
- Regional and international standards for election management and observation
- The PEMMO.

On the second day of the briefing the observers were addressed by representatives of Zambian electoral stakeholders who made presentations on their assessment of the electoral campaign and process to date. The Electoral Commission of Zambia made a presentation on the state of preparedness for the elections and supplied a number of relevant statistics.

Deployment and stakeholder consultations

On 24 September 2006 EISA deployed five teams covering provinces as follows:

- Lusaka Province
- Eastern Province
- Copperbelt Province

- North-Western Province
- Southern Province

Each team comprised two observers (except the two Lusaka teams which had three observers each) who were deployed to undertake on-site assessment, meeting with provincial representatives and branches of key organisations and attending political rallies. During their deployment observers also met and consulted with other international observer teams. The teams used this period to familiarise themselves with the local context in which the tripartite elections were to take place and to observe the campaigning.

Observation of voting and counting at polling stations

On election day, EISA teams visited a total of 61 polling stations and 149 polling streams and observed the voting and counting of ballot papers at the polling stations. Where possible, members of the EISA mission followed the compilation of results at the district offices of the ECZ. In addition, a mission member was deployed at the National Results Centre (Mulungushi Conference Centre) to follow the national compilation and announcement of results.

Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO)

The mission assessed the elections based on the PEMMO – a set of benchmarks against which an election can be measured to assess whether it is credible or legitimate. The PEMMO was developed by EISA in partnership with the Electoral Commissions Forum (ECF) of SADC Countries. The principles cover the entire electoral process and provide an objective standard against which an election can be assessed. Furthermore, they constitute a useful tool for post-election reviews and for electoral reforms. For observers, PEMMO also outlines guidelines on the expected behaviour for the enhanced ethical conduct and credibility of both election observation and monitoring groups.

The PEMMO was adopted at a regional conference on 6 November 2003 in Johannesburg, South Africa and has been used successfully since April 2004 to assess elections held in the SADC region and beyond.

1

Historical and Political Overview



- Background
- The First and Second Republics
- The 1991 and 1996 elections
- The 2001 elections

1.1 BACKGROUND

Zambia is a Southern Africa country which covers a total area of 752,614 km². It is bordered by eight countries, namely Angola, the Democratic Republic of the Congo, Malawi, Mozambique, Namibia, Tanzania and Zimbabwe. Zambia is divided into nine provinces: the Central, Copperbelt, Eastern, Luapula, Lusaka, Northern, North-Western, Southern and Western provinces.

The country's 11,502,010 inhabitants (July 2006 estimates) speak eight main vernacular languages and 70 other indigenous languages. The government type is a republic with a legal system based on English Common Law and Customary Law. The voting age in Zambia is 18 years with the provision for universal suffrage. For the election of the president, the country is one constituency. The first-past-the-post (FPTP) constituency electoral system is used to elect 150 members of the National Assembly and local government councillors in elections held every five years. The presidential, parliamentary and local government elections in Zambia are held on the same day, hence the term tripartite elections.

1.2 THE FIRST AND SECOND REPUBLICS, 1964-1991

Colonial rule in Zambia (formerly Northern Rhodesia) began with the assumption of formal power by the government of Great Britain in 1911. Zambia gained independence from the British in 1964. Elections were held in January of that year and independence was officially granted on 24 October 1964.

The winner of the January elections, Kenneth Kaunda of the United National Independence Party (UNIP) became the first president of the Republic of Zambia. His party won the legislative seats overwhelmingly, and this domination became further entrenched in 1973 with the institutionalisation of a one-party state and the beginning of Zambia's Second Republic. The ruling party followed socialist Marxist ideals, but by the 1990s the economy had deteriorated and there was widespread social and political unrest spearheaded by the labour movement.

1.3 THE 1991 AND 1996 ELECTIONS

Following a coup attempt in 1990, the UNIP government acceded to the growing demands for political liberalisation and multiparty politics was restored. The presidential and legislative elections held on 31 October 1991 were won by Frederick Chiluba (former leader of the labour movement) and his party, the Movement for Multiparty Democracy (MMD). These elections were judged by observers to be largely fair and transparent. UNIP became the main opposition party. However, the introduction of structural adjustment programmes following these elections did not lead to an anticipated immediate improvement in the standard of living of the Zambian people. On the contrary, an increase in unemployment led to increased levels of poverty for most Zambians.

Frederick Chiluba and the MMD were returned to power in 1996. This was despite emerging concerns about internal democracy within the MMD as well as the controversy over a constitutional amendment which effectively excluded Chiluba's closest rival, former President Kenneth Kaunda, from contesting the presidential election.

A state of emergency was declared in late 1997 when a small group of army officers falsely claimed to have overthrown the government. Although order was restored, this was perhaps indicative of the fact that some people were becoming disillusioned with the government. Former President Kenneth Kaunda was briefly detained on accusations of having had prior knowledge of the coup attempt.

1.4 THE 2001 ELECTIONS

Zambians went to the polls again on 27 December 2001 to choose their

president, members of parliament (MPs) and local councillors for the third time since the re-introduction of multiparty democracy in the country. The elections were held against the backdrop of another controversy wherein President Chiluba sought to further amend the constitution so that he could seek a third term as president. This move was successfully resisted by a well-organised civil society coalition with support from the opposition and members of Chiluba's own party, the MMD. These dissidents were either expelled or resigned from the party, and the majority of them went on to form the Forum for Democracy and Development (FDD). Chiluba eventually abandoned the third-term campaign and identified Levy Mwanawasa as his choice for presidential candidate. However, Mwanawasa was unpopular within and outside the MMD because he was seen as a potential puppet of Chiluba. After his appointment as candidate, Michael Sata, the then MMD secretary general, formed the Patriotic Front (PF) of which he became the presidential candidate.

The ECZ introduced a new voter registration system which due to a number of factors, including a late start and lack of publicity, managed to register only 56% of the eligible voters for the 2001 elections. The elections themselves were fiercely contested largely between Mwanawasa and Anderson Mazoka of the United Party for National Development (UPND) in the presidential poll, and their respective parties in the parliamentary and local government polls.

The election campaign itself was largely free from violence and the voting period was quiet. The counting of votes at the polling stations, which took place immediately after voting, proceeded well. However, the greatest controversy of the elections regarded the manner in which the results were tabulated and compiled at the district levels, and their transmission to the national results centre in Lusaka.

There were differences in the results announced at constituency level and those announced by the ECZ at the national results centre. Some results sheets did not record any invalid or spoilt ballots, which was highly unusual given the low levels of literacy and limited voter education that had taken place before the elections. Compounding the matter was the fact that the margin between the two leading presidential candidates was small, making it imperative that the results be accurate.

Despite these irregularities and protests in Lusaka during the results compilation process, the official results announced by the commission four days after the end of polling gave Mwanawasa the presidency with 28.69% of the valid votes against 26.76% of the valid votes for Mazoka. In the parliamentary vote, the MMD took 27.48% of the votes, which gave it 69 elected seats against the UPND's tally of 49 seats from 23.31% of the valid votes.

Table 1
Presidential election results, 2001

Candidate	Party	Votes received	% of valid vote cast
KAUNDA Tilyenji	UNIP	175 898	10.12
KONIE Gwendoline	SDP	10 253	0.59
MAZOKA Anderson K	UPND	472 697	27.20
MBIKUSITA – LEWANIKA Inonge	AZ	9 882	0.57
MIYANDA Godfrey	HP	140 678	8.09
MUMBA Nevers S	NCC	38 860	2.24
MWANAWASA Levy	MMD	506 694	29.15
MWILA Benjamin Y	ZRP	85 472	4.92
SATA Michael	PF	59 172	3.40
SHAMAPANDE Yobert K (Dr)	NLD	9 481	0.55
TEMBO Christon Lt Gen	FDD	228 861	13.17
Total		1 737 948	100.00

Source: www.eisa.co.za

Table 2
Parliamentary election results, 2001

Political party	Votes received	% of valid votes cast	Seats
AZ	2 832	0.16	0
DP	115	0.01	0
FDD	272 817	15.58	12
HP	132 311	7.55	4
Independents	59 335	3.39	1
LPF	175	0.01	0
MMD	490 680	28.02	69
NCC	35 632	2.03	0
NLD	3 155	0.18	0
NP	1 228	0.07	0
PF	49 362	2.82	1
SDP	809	0.05	0
UNIP	185 535	10.59	13
UPND	416 236	23.77	49
ZAP	3 963	0.23	0
ZPP	19	0.00	0
ZRP	97 010	5.54	1
ZUD	138	0.01	0
Total	1 751 352	100.00	

Source: www.eisa.co.za

2

Constitutional and Legal Framework



- The constitutional and electoral reform process
- Legislation governing the 2006 elections

2.1 THE CONSTITUTIONAL AND ELECTORAL REFORM PROCESS

Zambia's contested elections of 2001 cast a spotlight on several flaws in the constitution and in the Electoral Act which the government sought to address when the president appointed the Constitutional Review Commission (CRC) in April 2003 and the Electoral Reform Technical Committee (ERTC) in August 2003.

The CRC recommended some fundamental changes, including the proposal that a president could only be elected if s/he received 50%+1 of the valid votes. This was a response to the outcry raised in 2001 when the president was elected by only 27% of the eligible voters, thereby putting his legitimacy into question. Other suggested changes included:

- changing the electoral system to a mixed member proportional system, which combines features of the FPTP and the proportional representation (PR) systems;
- the establishment of electoral tribunals;
- setting down the date for the elections in the constitution to avoid the chaos caused by holding the 2001 poll in the middle of a rainy festive season. Currently the presidency determines and announces the election date; and
- a reduction in the powers of the president.

However, the government decreed that the proposed changes could only take place after the 2006 election and after the establishment of a constituent assembly comprising all the relevant stakeholders.

The ERTC, whose report was released in August 2005, reiterated the call by the CRC for the election date to be set down in the constitution. The ERTC report failed, however, to address some major substantive issues such as:

- the abuse of state resources;
- the inadequate regulation on the coverage of candidates and parties, especially by the public media;
- the adverse effect of the Public Order Act on the freedom of assembly; and
- the appointment of election commissioners by the head of state as opposed to being appointed through a more inclusive process.

Nevertheless, the Electoral Act was amended in May 2006. Changes included the:

- provision for the continuous registration of voters;
- institutionalisation of civic education and the empowerment of the ECZ in this area;
- creation of conflict management committees;
- strengthening of the electoral code of conduct by providing measures for its enforcement;
- introduction of transparent ballot boxes.

These changes were, however, seen as token not only in nature but also because they were passed four months before the date of the elections when key electoral activities had already taken place, especially voter registration.

2.2 Legislation governing the 2006 elections

The constitution provides for the respect of basic civil and political rights, which is in line with the recommendations in the PEMMO. The law provides for a unicameral National Assembly with legislative powers and a directly elected president.

The president of the Republic of Zambia is the head of state, head of government and commander-in-chief of the armed forces, and is elected directly by universal suffrage through a secret ballot, as are the members of the National Assembly. The vice-president and the ministers are appointed by the president from among the members of the National Assembly. The

president and MPs are elected for terms of five years, with the president limited to two terms only.

The main legal instruments governing the tripartite elections were the:

- Constitution of Zambia adopted in 1991 and last amended in 1996;
- Electoral Act adopted on 19 May 2006;
- Electoral Commission Act of 1996;
- Electoral Code of Conduct Regulations of 4 August 2006;
- Local Government Elections Act 1994; and
- various ECZ regulations

The Constitution of Zambia

The Constitution of Zambia in Article 76 provides for promulgation of the various acts to govern the management and administration of the elections in the country, while Article 77 provides for the delimitation and management of constituency boundaries. Presidential elections must be held whenever the National Assembly is dissolved (Article 34) or within 90 days of the president vacating office by resignation, death or ceasing to hold office (Article 38). The election of the president must be direct, by universal suffrage and through a secret ballot. The constitution also lays down qualifications for the presidency and MPs.

Part 3 of the constitution lays down the protection of fundamental freedoms and civil liberties, including freedoms of conscience, expression, assembly, movement and association. Section 20(1) states that each person should enjoy the freedom to hold opinions without interference, while section 21(1) states that no person shall be hindered in the enjoyment of his/her freedom of assembly and association, or to form and belong to a political party. Part 5 of the constitution gives directions on the composition of and election to the National Assembly, including the qualifications for a prospective MP.

Electoral Act

The Electoral Act No.12 of 2006 lays out the institutional framework, electoral system, procedures for delimiting constituencies, qualifications and requirements for candidates, and guidelines on all matters relating to the process of elections, including:

- legislation (legal framework);
- the delimitation of constituencies, wards and polling districts;
- voter registration and education;
- candidate nomination;
- registration of parties and candidates, including the design of ballots;
- election campaigns;
- polling (voting process);
- counting and tabulation of votes;
- declaration of results; and
- verification of results and resolution of election-related disputes.

Section 25 of the Electoral Act also denotes that elections for the National Assembly should be held not more than 90 days after the dissolution of the previous National Assembly.

The Electoral Commission Act

The Electoral Commission Act provides for the establishment of a full time Electoral Commission of Zambia (ECZ), which is responsible for the conduct of elections, including:

- the registration of voters;
- the delimitation of boundaries for electoral districts;
- voting operations;
- vote counting; and
- the announcement of ward and constituency results.

The Electoral Commission Act provides for a commission made up of five commissioners, including a chairperson and four other commissioners who are appointed by the president of Zambia subject to ratification by the National Assembly. The commission which conducted the September 2006 elections was made up of four commissioners.

Section 129 of the Electoral Act confers upon the ECZ the administrative and regulatory powers to initiate legislation pertaining to the conduct of elections in the form of statutory instruments. The Electoral (Code of Conduct) regulations and the electoral conflict management regulations

gazetted in 2006 are an example of the ECZ's exercise of these regulatory powers in consultation with civil society, political parties and the public.

The Electoral (Code of Conduct) regulations

Statutory instrument No. 90 of 2006 is a legal document that provides for the Zambian Electoral Code of Conduct. Deriving its authority from section 109 of the Electoral Act No. 12 of 2006, the Code of Conduct outlines a set of principles that all electoral stakeholders, including all persons wishing to be elected, political parties, media institutions, election monitors and observers, must adhere to. The code guarantees rights and freedoms of both the electorate and the contestants, and forbids intimidation and violence, bribery, corruption, and inducements as a means of wooing voters during elections. The code further forbids election-related abuses of government facilities and resources for campaign purposes.

In the past the main weakness of the code was the lack of a clear complaint mechanism and enforcing authority. The Electoral Act adopted for the September 2006 elections provided for institutions responsible for the enforcement of aspects of the code, including the ECZ, the Anti-Corruption Commission and the police. In addition, conflict management committees were established under the authority of the ECZ.

The Public Order Act

The Public Order Act (POA) regulates the right to assemble and provides for the police to give the go-ahead for political rallies after assessing whether the political situation is conducive for such a rally. In the past, the POA was viewed as a tool used by the government, through the police, to limit opposition party campaigning.

Electoral system

Zambia uses an FPTP electoral system. This electoral system has been criticised for marginalising groups such as women and the youth, and was one of the main target areas for the electoral reform process.

Under this system, the president and 150 MPs are elected to a one-chamber National Assembly, with the president free to appoint a maximum of eight additional MPs. Councillors for the more than 1,400 wards are also directly

elected on the same day as the president and MPs. The justification for holding elections on the same day has been that Zambia is a poor country which can afford only one national election every five years. It should be noted, however, that this procedure places enormous pressure on the electoral management body and its functionaries to manage effectively a process that is inherently cumbersome.

Assessment of the legal framework

The EISA mission noted that the legal framework was generally conducive to the conduct of elections that would be acceptable to the Zambian people. The fact that a constitutional review and reform process had taken place showed that the Zambian people sought an improvement in their electoral framework.

A number of stakeholders did, however, lament that some of the key recommendations of the CRC and ERTC had not been taken in account in the new Electoral Act. They stated that there was still room for improvement in the electoral framework, particularly regarding the electoral system that is used, regulations on the use of state resources, the media's coverage of elections, and the negative effect of the Public Order Act on the effective participation of the opposition in the electoral process.

It is clear that provisions for the regulation of the media are not clear or are inadequate, and while it was noted that the Public Order Act had not been as strictly applied as it was in 2001, consideration should be given to repealing or amending it so that it does not cast a threatening spectre on contestants in the Zambian elections. In addition, media houses in Zambia should apply a firmer self-regulatory framework to avoid partisan reporting, as was evident in the run up to the 2006 elections. Furthermore, sanctions for breaching the Electoral Code of Conduct should be clearly spelt out, and those enforcing them should have the necessary political and legal authority to do so.

3

The Pre-Election Phase



- Political and social context of the 2006 elections
- Boundary delimitation • Voter registration
- Voters' roll inspection and verification
- Dissolution of parliament • Nomination of candidates
- Political parties contesting the 2006 elections
- Intra-party organisation and democracy
- The participation of women
- Campaigning • Media coverage of the elections
- Civic and voter education
- Election administration • Election materials
- Funding for political parties • Funding for the election

3.1 POLITICAL AND SOCIAL CONTEXT OF THE 2006 ELECTIONS

Zambia has been implementing an economic structural adjustment programme for more than a decade, but economic conditions continue to be difficult for the general population. Per capita annual incomes at US\$302 place the country among the world's poorest nations. Life expectancy has declined to 35 years, and maternal and infant mortality is high (95 per 1,000 live births). Added to this is the strain that the country is experiencing due to the HIV/Aids epidemic which affects 19% of the adult population and has led to a number of AIDS-related social ills, including rising medical costs, street children and a decline in worker productivity. Privatisation associated with the economic reform programme has resulted in a rise in unemployment, which currently stands at 50%.

The economy, which for many years relied heavily on the exploitation of Zambia's rich copper deposits, suffered from a fall in the copper price on the world markets. The metal has, however, recovered in the past few years. Although Zambia was in 2005 one of the beneficiaries of the World Bank's debt relief scheme, economic growth remains too low to improve significantly

the standard of living of Zambians. This has led to public dissatisfaction with the government, which gave life to the 2006 elections campaign and gave the MMD government its biggest threat since it came to power in 1991. In addition to the policies of economic liberalisation followed by the MMD government, President Mwanawasa has personally pursued an anti-corruption campaign which has reached his own mentor, Frederick Chiluba. While this initially won President Mwanawasa support from the people, the economic challenges that the country continues to face have led to growing disillusionment and disenchantment with Mwanawasa's government. Mwanawasa is accused of having failed to deliver on his pledges to improve health, education and the country's infrastructure, as well as to modernise agriculture and tourism.

Confidence in the president also fell after he suffered a stroke in April 2006, heightening the concerns about his health and mental capacity, which have bedeviled his political career since he suffered slight brain damage and impaired speech as a result of a car accident in 1991.

3.2 BOUNDARY DELIMITATION

The delimitation of constituency boundaries took place after the 2000 census and there was no new delimitation for the 2006 elections. The ECZ did, however, review the number of wards upwards from 1,287 to 1,422. Polling districts, roughly equivalent to polling stations, increased from 5,510 to 6,456. To forestall voter congestion similar to that which was experienced in 2001, the ECZ divided those polling stations which had registered more than 650 voters into two or more streams. Thus the over 6,000 polling stations were divided into 9,314 voting streams.

3.3 VOTER REGISTRATION

One of the continuing criticisms of the Zambian electoral process since 1996 through to 2001 has been the conduct of the voter registration process and the compilation and use of the voters' roll. For the 1996 elections, controversy was raised after an Israeli company, Nikuv, was used to conduct voter registration and did a dismal job. In 2001, political parties complained that the voter registration process had started too late and ended too quickly. However it should be noted that after extensions, the process actually took six weeks. What may have been a problem was the lack of information on

the extensions. Political parties also complained about the short period of one week given for voters to verify their details on the voters' roll. As such, only 55% of eligible voters were able to be registered. The ECZ therefore sought to address these concerns in 2006 by embarking on an entirely new voter registration system with enhanced security measures such as optical mark recognition (OMR), which incorporated into the system the ability to be able to identify any persons attempting to register twice and to reject incomplete entries. However, as the voter registration exercise was predicated on the provision of national registration information, the inability of some citizens to obtain their national registration cards excluded them from even attempting to register.

Voter registration was scheduled to take place from 31 October to 20 November 2005, but was extended to 31 December 2005. The machinery and software used was highly advanced, with provisions for ensuring that data capture was as accurate as it could be. The voter registration cards were issued simultaneously. The hardware and software were designed with a view to using them in the future for national registration and continuous voter registration. The registration process was lauded by all stakeholders as being a great improvement on the 2001 process. The introduction of electronic registration clearly improved the speed and efficiency of the process. Legal action taken by the ECZ against persons attempting to register twice also demonstrated the commission's commitment to a transparent registration process and to the production of a clean voters' roll.

3.4 VOTERS' ROLL INSPECTION AND VERIFICATION

The inspection and verification of the voters' register took place from 12-18 June 2006. The process, which is meant to give prospective voters the opportunity to check if their particulars have been captured on the roll, was marked by apathy on the part of the electorate. Concern was raised after the election that even in those instances where mistakes had been noted and reported to the authorities, these were not dealt with by the time the election was held.

The EISA mission noted with satisfaction that the ECZ provided free copies of the entire national voters' roll to each of the presidential candidates, and copies of the constituency and ward rolls to each candidate in the respective

constituencies and wards. This was a good response to the outrage in 2001 when political parties were charged US\$12,000 for a voters' roll.

In August 2006, following the clean-up of the roll, the ECZ announced the final voter registration figures:

Total registered voters: 3,940,053

Total registered male voters: 1,941,347 (47.98%)

Total registered female voters: 1,998,706 (52.02%)

The figure of 3,940,053 was an increase of 33% on the 2,604,761 voters who had registered in 2001 and should be commended. Note, however, that for the final election results, the ECZ announced that there were 3,941,229 registered voters, which may be attributed to a final clean-up of the roll before the election.

3.5 DISSOLUTION OF PARLIAMENT AND ANNOUNCEMENT OF ELECTION DATE

President Levy Mwanawasa dissolved parliament on 26 July 2006 and announced that elections would be held on 28 September 2006.

3.6 NOMINATION OF CANDIDATES

The nomination of candidates for the 2006 tripartite elections took place on 11-15 August 2006, as summarised in Table 3:

Table 3
Nomination of candidates for Zambia tripartite elections,
29 September 2006

Election	Nomination Date	Nomination fee (ZMK)	US\$ equivalent*	Required signatures	Total no of nominees
Presidential	11-14 Aug 2006	20 million	5 349.74	200	5
Parliamentary	15 Aug 2006	500 000	134.00	9	709
Local government	15 Aug 2006	100 000 75 000 50 000	26.80 **	9	4 095

* On the date of nomination

** The three figures represent nomination fees for city, district and rural councils respectively

Concern was raised about the high nomination fees particularly for a country with a poor population. However, the ECZ insisted that the nomination fees had been agreed to by the stakeholders and were meant to deter frivolous candidates from participating in the elections. The nomination process itself was transparent and open but concern was raised about the short time period given the high number of seats to contest.

Table 4
Presidential candidates, Zambia elections 2006

Name	Party
Hakainde S Hichilema	United Democratic Alliance
Godfrey Miyanda	Heritage Party
Levy Mwanawasa	Movement for Multiparty Democracy
Winright K Ngondo	All People's Congress
Michael Sata	Patriotic Front

Source: Electoral Commission of Zambia, <www.elections.org.zm>

The MMD was the only party to nominate candidates in all 150 constituencies, while the United Democratic Alliance (UDA) and PF fielded candidates in 142 and 110 constituencies respectively.

3.7 POLITICAL PARTIES CONTESTING THE 2006 ELECTIONS

Although over 11 parties registered to contest the elections, there were three main parties in the poll, namely the ruling MMD, the UDA (a coalition of the FDD, UNIP and the UPND), and the PF led by Michael Sata (a former minister in the Chiluba government). Leader of the UPND Anderson Mazoka, who was the strongest challenger to Mwanawasa in 2001, died in a Johannesburg hospital of kidney complications on 24 May 2006. Following his death the UPND was rocked by internal power struggles culminating in the selection of Hakainde Hichilema, a respected businessman and fellow ethnic Tonga as leader of the party. This led to the formation of the United Liberal Party by Mazoka's former deputy and heir apparent, Sakwiba Sikota. The UDA subsequently nominated Hichilema as its candidate for the presidential elections.

There were a number of formal and informal election coalitions, including the National Democratic Focus (NDF) made up of the Reform Party (RP) of former Vice-President Nevers Mumba, the Zambia Democratic Conference (ZADECO), the Party for Unity, Democracy and Development (PUDD) and the ZRP. The ruling party also gained the support of the New Generation Party. However, these other coalitions failed to capture the hearts and minds of the voters.

The coalitions were also compromised by lack of agreement on the selection of their candidates, resulting in a delay in the identification of parliamentary and presidential candidates, which in turn delayed the start of campaigning for those parties and candidates. For example, Hichilema was adopted as the UDA presidential candidate only on 3 August 2006, which many believe disadvantaged him greatly in the race for the presidency. This seems to point to a level of internal party fragmentation in many of the contesting parties in Zambia. In addition, it later transpired that some coalition members had filed their nominations under the name of their mother parties, showing that cohesion was poor. All in all, there were five presidential candidates, 709 National Assembly candidates and 4,095 candidates for the local government elections.

3.8 INTRA-PARTY ORGANISATION AND DEMOCRACY

Political parties contesting elections showed varying degrees of organisation and sophistication. In this regard the ruling party was also more able to rely on other members of the top leadership to carry the campaign as opposed, for instance, to the PF which tended to rely more on the charisma and personality of its leader as well as that of the party's secretary general. The UDA appeared less well organised; being a coalition there was need for regular consultation as the election date drew closer. Candidate selection for the constituencies in the coalitions was also compromised due to horse-trading among the different parties and choosing the candidate who had more appeal to the voters.

3.9 THE PARTICIPATION OF WOMEN

Out of the 709 candidates who stood for the parliamentary elections only 106 were women, and according to the Zambia National Women's Lobby 'Interim Report on Zambian Elections October 2006', only 404 out of the

4,095 candidates for the local government poll were female. There were no female presidential candidates in 2006 (the 2001 elections featured two female presidential candidates).

Varying reasons have been given for the low and declining level of female participation in Zambian politics. These include the fact that traditionally women do not hold positions of authority and decision-making within the family or within traditional institutions and are not part of the formal decision-making process. As such it is difficult for political parties to sell the idea of female candidates to their supporters. Additionally, none of the political parties had quotas for women candidates although they had verbal commitments to promote women's participation.

3.10 CAMPAIGNING

Campaigning in Zambia is governed by two main instruments, the Public Order Act (1955) and the Electoral Code of Conduct Regulations of 4 August 2006. Campaigning began on 28 July 2006 soon after the announcement of the election date, and was scheduled to take two months, ending at 6 pm on 27 September 2006. According to the Public Order Act, all parties or individuals seeking to have meetings or public rallies are required to advise the police at the latest seven days before the rally, following which the police must decide if the rally or meeting poses a threat to public order and security before giving or withholding permission for the rally to go ahead. In past elections, it was alleged that the act has been applied unfairly by the police to give the ruling party an advantage over its rivals. However, most stakeholders agreed that for the 2006 elections the police had managed the process fairly and most proposed meetings and rallies were allowed to take place.

The ECZ went to great lengths to publicise the Electoral Code of Conduct which gave impetus to the reporting of electoral offences. While there was no shortage of complaints about the elections, there did seem to be confusion about the policing of the code. Complainants alleged that they were shuttled between the ECZ, the Anti-Corruption Commission and the police.

Generally, however, campaigning proceeded well. Although incidents of election-related conflicts and violence were reported, these did not seem to

be indicative of an organised pattern of violence and intimidation. All the contestants were free to distribute their material to their supporters, although in some areas rival parties exchanged accusations of pulling down each others' posters. Posters and billboards were visible in all Zambian cities.

The three major contestants campaigned vigorously in the capital Lusaka; however, the MMD was the only party which had a coordinated campaign throughout the entire country. The UDA focused on the southern and eastern parts of the country from where the UPND and UNIP draw most of their support respectively. The PF campaigned mostly in the capital and the north, particularly in Copperbelt Province.

Although campaigning followed regional lines it was (unlike many other places on the continent) free from overtly tribalistic or ethnic connotations which could be used to incite violence. Most criticisms of the campaign focused on the fact that some of the candidates ran personalised campaigns. Both the MMD and the PF accused each other of buying voters' cards, and the MMD was further accused of using food to buy votes. Although incidences of the buying of voter registration cards were recorded, it was not deemed to be in sufficient number to demonstrate organised fraud and to have a negative impact on the poll.

Although three elections were taking place, most coverage focused on the presidential campaign. Few parliamentary candidates received coverage, and there was little or no coverage of the local government candidates. This is, however, almost inevitable when there is a hotly contested presidential poll.

3.11 MEDIA COVERAGE OF THE ELECTIONS

The media environment in Zambia in recent years has been characterised by the mushrooming of a large number of media outlets, particularly the private media, both in print and electronic format. This includes a large number of community radio stations that are run by religious groups and civil society organisations (CSOs). However, the public media is the only media with the capacity to cover the entire country. Thus, the burden fell on the Zambia National Broadcasting Corporation (ZNBC) to make sure that both Zambia Television and Zambia Radio gave fair coverage to all the candidates and parties.

Most stakeholders noted that the media coverage had improved in comparison to the previous elections, although it remained unbalanced with both the public and private media displaying varying degrees of partisanship in their coverage of the campaign. In general, the media still displayed more coverage for the MMD across the board. This included news coverage of campaigns and rallies, as well as MMD paid advertisements. Both the ECZ and various non-governmental organisations (NGOs) such as the Media Institute of Southern Africa-Zambia sponsored debates between the different parties and candidates which were broadcast on public television.

The private broadcast media also gave more coverage to the ruling party. A similar trend was observed in the print media. Where opposition parties and candidates were covered on the state-owned media, the coverage was inconsistent. In terms of the state-owned electronic media, there were reports that coverage of the opposition was at unfavourable hours while the incumbent received primetime coverage; and in terms of the print media, coverage of opposition views and activities was until the last stages of the campaign limited to the inside pages, while the incumbent consistently received front page coverage. On the whole, however, while actual coverage and access to all parties may have been unequal, it was not deemed to be offensive or highly negative.

During the results management process several media houses published potentially inflammatory headlines, suggesting winners without taking cognisance of the fact that the official results were still forthcoming. Headlines at the time included 'MMD-PF in tight race', 'Sata maintains grip'; 'Levy headed for victory' and one where Sata claimed to have won the election by 55%.

The Media Council of Zambia, established by media practitioners as a self-regulating body, also received reports of partisan reporting and issued several press statements urging its members to report accurately on the poll.

It should be noted, however, that the council is relatively new and is not yet firmly established. It does not have a secretariat, which means that its political and administrative muscle is for the moment too weak to have an influence on the behaviour of its members.

3.12 CIVIC AND VOTER EDUCATION

A multisectoral National Voter Education Committee (NIVEC) with branches at district level was established and coordinated by the ECZ. Voter education trainers representing the different stakeholders in the NIVEC were deployed by the ECZ to conduct voter education at the grassroots level. Although these were good attempts to educate the voters, it was reported that the trainers faced challenges in terms of lack of transport, poor remuneration and, in some instances, uncooperative communities. Although the voter educators were said to have done their best they were also limited by the insufficient time allocated to the exercise, and not all areas (especially the outlying ones) were reached in time for the elections. This notwithstanding, the EISA mission was satisfied that most voters received enough information about the voting procedures to enable them to cast their votes.

The mission also commends the efforts made by the ECZ and CSOs to educate voters on how to assess candidates and potential leaders as well as how to vote. While the content was good, the EISA mission noted that these efforts may have been insufficient given that on voting day a sizeable number of voters were uncertain of the procedures to be followed.

3.13 ELECTION ADMINISTRATION

As election day approached, all the stakeholders expressed high levels of trust and confidence in the ECZ. Notwithstanding shortcomings in the issuance of national registration cards (NRC), the voter registration exercise, the simultaneous issuance of voter registration cards and the perceived sophistication of the system gave voters confidence in the process and in the ECZ. The attempts made to prosecute individuals which the system flagged as attempting to register twice and the commission's voter education exercise done in collaboration with other stakeholders, also inspired confidence in the ECZ.

The ECZ established a National Conflict Management Committee (NCMC) as a measure to mediate any election-related conflict. The committee had structures at district level and was also useful in managing some disputes at local level. However, the committee was established late in the process and this compromised its efficiency and applicability. The NCMC's performance was further compromised by the late passing of the Electoral Act when the electoral process was already under way.

3.14 ELECTION MATERIALS

The ECZ used transparent ballot boxes which were colour coded for each election. On election day each polling station had three ballot boxes with red, black and orange lids for the three different elections. This move went a long way to increase transparency in the voting process and also to reduce voter confusion.

Provision was made by the commission for political parties to send their representatives to observe the printing of ballot papers in Durban, South Africa and to witness the process of receiving ballot papers in Zambia. Although not all the political parties took advantage of this, it was a commendable step to improve the transparency of the process. On the evening of 25 September 2006, officials from the Zambia Revenue Authority at Lusaka International Airport seized ballot papers in the possession of an ECZ official because she was not accompanied by stakeholders to receive the ballot papers. Even though these were only replacement ballot papers, political parties protested and the ECZ immediately postponed the polls in the two wards concerned.

On the eve of the election (27 September 2006) representatives of political parties and observers were invited by the ECZ to go to the warehouse where the ballot papers were being distributed from to decide what to do with the extra ballot papers. The political parties discussed and agreed on the number of papers to be destroyed and the number to be retained in case of shortages.

3.15 FUNDING FOR POLITICAL PARTIES

The law in Zambia does not provide for the state funding of political parties. A number of political parties expressed concern that they did not have adequate funding for organising their parties and their campaigns, and that the incumbent candidates took advantage of their powerful positions to abuse state resources and thus had an unfair advantage in the election. Parties have to rely on their membership fees as well as on contributions from supporters and well wishers to sustain themselves and to campaign for elections. This therefore limits participation in elections to those individuals and /or parties with access to large amounts of funds. Some stakeholders alleged that members of the government abuse their positions by misusing government resources for political campaigns.

3.16 FUNDING FOR THE ELECTION

The ECZ received technical and financial support for the 2006 elections from the Zambia Elections Trust Fund, which was managed by the United Nations Development Programme. The trust fund donated US\$7.3 million and the government provided about ZMK209 billion (US\$56,413,302 on 1 September 2006).

In addition a number of donors established the Zambia Elections Fund (ZEF) which provided support to CSOs. Donors that contributed to the ZEF were the Royal Netherlands Embassy, the Embassy of Ireland, the Embassy of Finland, the Embassy of Sweden, HIVOS Southern Africa and the Royal Norwegian Embassy. The British High Commission and the Canadian High Commission also participated in ZEF-2006 activities by directly funding the approved organisations.

4

The Election Phase



- Polling stations
- Voter turnout
- Polling staff and party agents
- Monitors and observers
- Voting process
- Counting of votes

On voting day there were 6,456 polling districts divided into 9,314 voting streams. These polling stations serviced 1,422 wards and 150 constituencies in 72 districts in nine provinces. Voting took place from 6 am to 6 pm. EISA teams in the Copperbelt, Eastern, Lusaka, North-Western and Southern provinces observed voting and counting in 149 voting streams at 61 polling stations. Their observations are as follows:

4.1 POLLING STATIONS

The number of polling stations provided was generally adequate except for cases in the urban areas such as Lusaka (as well as Kabwe and Ndola) where there were long queues at the polling stations at the beginning of the day, which meant that there were often not enough ushers to direct voters to the correct queues. However, by the middle of the day the number of voters had reduced substantially and the polling staff seemed to be managing the process better than in the morning.

Confusion was, however, created in some stations (such as Luangwa Polling Station, in Copperbelt, Kamisenga School in Solwezi East Constituency and Mutanda School in Solwezi West Constituency) where there was more than one voting stream in one room.

Concern was also raised about the polling station layout. In some stations the three ballot booths were placed right next to each other and at some

stations voters were even chatting as they voted; but given the atmosphere in which the elections were held this was not seen as a deliberate ploy to compromise the secrecy of the ballot.

4.2 VOTER TURNOUT

A voter turnout of 70.77% for the elections was high in comparison to recent elections in the region. This can be attributed to a number of factors, including the high levels of confidence in the ECZ as a result of the open, responsive and responsible way it managed voter registration, and the introduction of the computerised results management system. The high level of competition and vigorous campaigning, particularly for the presidential elections, also contributed to the good turnout.

4.3 POLLING STAFF AND PARTY AGENTS

The polling stations were well manned with adequate numbers of polling staff who showed good knowledge of the required voting procedures. Most political parties were also able to field at least one polling agent in all the polling stations that were visited by the mission members.

The police maintained a visible presence and by all accounts carried out their duties of maintaining peace and order as well as protecting the rights of voters to cast their ballots. The police assisted polling staff with controlling the crowds and dealing with unruly elements.

4.4 MONITORS AND OBSERVERS

Various observer missions witnessed the Zambia elections with a view to enhance the transparency, credibility and integrity of the process. More than 400 international observers and domestic groups trained and planned to deploy 13,000 domestic monitors. However the local groups managed to deploy only about 70% of the planned figure, for reasons enunciated below.

While accreditation of international observers proceeded well, this was not the case with local monitors. In fact not all the monitors were accredited in time to observe the poll. This was mainly because accreditation was centralised in Lusaka and domestic groups had to make arrangements to transport the accreditation cards to the districts. However, the accreditation cards were produced late and could not reach some monitors in time.

Realising that it would not be possible to accredit all the monitors in time, the ECZ issued a circular to all its staff instructing presiding officers to allow observers with a letter of appointment as a monitor to enter the polling stations. However, some presiding officers did not allow monitors holding these letters to enter to the polling stations, meaning that some domestic groups could not deploy monitors as planned.

4.5 VOTING PROCESS

Twenty-eight of the 61 polling stations (19%) where EISA mission members were observing voting opened late for a variety of reasons, mainly the late arrival of election materials and / or the late setting up of the stations by the polling officials. The electoral staff members were confident in their application of the voting procedures, although it was recorded that at Gondar Secondary School in Chipata, Eastern Province, voters were not checked for ink. At Mutshitala School in Solwezi Central Constituency, voters could not vote in the local government election as the ballot papers for that election were not available.

There was insufficient voting material in five of the 31 streams visited by members of the EISA mission in North-Western Province. At nine of the voting streams visited by the team in Eastern Province, there were voters whose names did not appear on the voters' list and who were turned away.

4.6 COUNTING OF VOTES

Counting of ballots for all the elections began immediately after the closure of the individual polling streams. This task was performed by the electoral staff who had been involved in the voting process. Counting was done in the presence of party agents, candidates' representatives, monitors and observers.

The system used in the 2006 elections was designed to quicken the process as only the results sheet needed to be transmitted to a centralised centre where the results would be tabulated. At the end of the counting of ballots for the different elections, the presiding officer would announce the results at that polling station. The results sheet was designed to be a high security document. The presiding officer was expected to prepare a results sheet that would need to carry his / her signature. When counting ended the party

agents and monitors at the station would be requested to sign the results sheets, but failure by the agents to sign the form would not invalidate the results.

The EISA mission noted that the counting process was generally conducted in an open and transparent manner ensuring that all those present had a clear view of the marked ballot papers; however, the electoral staff did not apply the procedures consistently. In addition, counting forms were not available at all the stations and arrived late at some polling station. Presiding officers were then obliged to complete the forms at the constituency tabulation centres, which resulted in some confusion and delays in the compilation process.

5

The Post-Election Phase



- Tabulation at the Constituency Centre and National Results Centre
- Announcement of results
- The final results

5.1 TABULATION AT THE CONSTITUENCY CENTRE AND NATIONAL RESULTS CENTRE

Following the counting of ballots, the presiding officer was required to take the results sheet to the constituency tabulation centre where the results would be compiled by the constituency returning officer. After this process was completed, the winners of the parliamentary and local government elections would be announced and proclaimed as duly elected MPs or councillors.

All the results would then be transmitted to the ECZ elections office at the Lusaka headquarters, as well as to the National Results Centre which was established at Mulungushi Conference Centre in Lusaka. Space was provided at the National Results Centre for political parties, the donor community, observers and the media to observe the process. In addition the chairperson of the ECZ would periodically announce the results on television and take questions from the press and other people present at the results centre.

The results would be transmitted to the National Results Centre using a wide area network established especially for the transmission of results to the capital city. The system was designed with special security features: only the constituency returning officers could access the network by using fingerprint recognition. In this way, there would be no tampering with the results as the system would do the tabulation automatically so that the results produced were authentic and final. The system was designed to meet the two imperatives of results counting, namely, speed and accuracy.

From the onset, while other stakeholders commended the ECZ for this innovation some opposition parties expressed concern about whether the system was truly secure. The PF (see Appendix 7) and the UDA requested an independent audit of the results management system. The suggestion was that this audit be done by the Computer Society of Zambia or another public body. At several instances the parties offered to retain their own specialists so that the audit could take place. The ECZ, however, responded that it had confidence in the system and did not feel that the system needed such an audit.

Opposition parties continued to allege that the system was not transparent. In addition, the parties alleged that the results would not be going straight to the National Results Centre but would pass via the ECZ where they could somehow be manipulated before being forwarded to the National Results Centre.

Several letters were written to the ECZ by these parties, which also began to agitate for the rejection of the system (see appendices 6 and 7). The PF, which had campaigned for a Zambia free from the influence of mainland China and which promised to recognise Taiwan after the election, alleged that it did not trust the machines as they had been purchased from China. In the end, the ECZ announced on 26 September 2006 that the results management system had been abandoned in response to concerns raised by stakeholders and that the commission would revert to the manual tabulation of results.

Not only was there alarm but as voters went to the polls on 28 September it still remained unclear exactly how the commission would guarantee the speed and accuracy of results tabulation. The ECZ said it would use the best way possible, without clarifying what way that was. Other stakeholders felt that before making a major decision to abandon a multi-million dollar purchase, the ECZ should have consulted with them and not succumbed to pressure from one group or one party.

5.2 ANNOUNCEMENT OF RESULTS

The elections were held on 28 September 2006 with results announced as soon as they were compiled at the local centres. Due to the closer distances and infrastructural advantages, the results came in first from the urban areas.

Given that the urban areas had tended to favour the opposition during the campaign, it was no surprise when the first results announced on Saturday 30 September had Michael Sata of the PF occupying the leading position in the presidential race. And as more results came in changing the trend in favour of Mwanawasa and Hichilema, supporters of Sata alleged that the results had been intercepted and manipulated.

The abandonment of the computerised vote tabulation system meant that the results had to be transmitted manually to the National Results Centre. Where the terrain was difficult to traverse, the electoral authority faced many difficulties and in fact had to call in the military to assist with helicopters to collect some results. In the end the announcement of all the results took longer than in 2001, eroding the good will that the ECZ had managed to build in the pre-election phase, and to some extent undermining the public's confidence and trust in the electoral system, which had been exemplified by the high voter turnout.

On 30 September 2006, rioting broke out in urban areas in Lusaka and Copperbelt as opposition supporters, particularly of the PF, alleged that the slowness of the announcement of results reflected manipulation and interference with the results sheets.

Security was tightened in most areas of Lusaka and at the National Results Centre. On 1 October President Mwanawasa delivered an address on national television asking Zambians to remain calm. Most protestors were PF supporters; the UDA leadership urged its own supporters to remain calm. Nevertheless, the UDA alleged and brought proof before the commission and observers of constituencies where the results announced at the National Results Centre differed from those declared at the constituency level (Kapoche [No 53], Nyimba [No 52], Chilanga, [No 72], Solwezi Central [No 110]).

In addition they pointed out that in Munali Constituency (No 81) there were discrepancies between the total number of voters for the parliamentary and presidential votes. The UDA further protested against the fact that due to the late arrival of election materials, voting was still going on in Lukulu and Kalabo districts.

In the light of these inconsistencies the UDA therefore called upon the ECZ to suspend the announcements of results until their allegations had been addressed by a comprehensive verification of the said results (see Appendix 8). CSOs also called for a verification of results in those constituencies where discrepancies had been proven. The ECZ chairperson indicated, however, that verification could not be done after the results had been declared at the constituency levels and that the recounts requested by the PF and other parties could only be done as part of an election petition. To allay the fears and suspicions that were expressed, the ECZ then photocopied and distributed the constituency results sheets on which the announced results were based.

5.3 THE FINAL RESULTS

On the evening of Monday 2 October 2006, four days after the election, the ECZ chairperson announced that the final results had been received and that Levy Mwanawasa of the MMD had been elected as the next Zambian president. She requested the chief justice (as per the legal requirements) to declare Mwanawasa president of Zambia. This was done, and Mwanawasa was sworn in on Tuesday 3 October 2006. Parliamentary elections in the Kabompo East and Lupososhi constituencies were postponed as a result of the death of two candidates and were held on 26 October 2006. Both constituencies were won by the MMD.

Table 5
Results of the 2006 presidential election

Name	Party	No of votes received	% of the total poll
Levy Mwanawasa	MMD	1 177 846	42.98
Michael Sata	PF	804 748	29.37
Hakainde Hichilema	UDA	693 772	25.32
Geoffrey Miyanda	HP	42 891	1.57
Winright Ngondo	APCP	20 921	0.76
Rejected ballots		48 936	1.75
Total votes cast		2 789 114	

Source: Electoral Commission of Zambia, <www.elections.org.zm>

Table 6
Results of the 2006 parliamentary elections as at 2 October 2006

	Independent	MMD	PF/ULP	UDA	NDF	TOTAL
Province						
CENTRAL	0	12	0	2	0	14
COPPERBELT	0	4	18	0	0	22
EASTERN	0	15	0	4	0	19
LUAPULA	0	4	9	0	1	14
LUSAKA	0	5	7	0	0	12
NORTHERN	0	9	10	1	0	20
N/WESTERN	0	9	0	2	0	11
SOUTHERN	1	0	1	17	0	19
WESTERN	1	14	1	1	0	17
Total	2	72	46	27	1	148

Source: Electoral Commission of Zambia, <www.elections.org.zm>

Table 7
Final results of the 2006 parliamentary elections, percentage for each party

Party	No seats	% seats
Movement for Multiparty Democracy (MMD)	73	48.67
Patriotic Front (PF)	43	28.67
United Democratic Alliance (UDA)	26	17.33
Independents	3	2.00
United Liberal Party (ULP)	2	1.33
National Democratic Focus	1	0.67
Unallocated	2	1.33
Total	150	100.00

Source: <http://www.eisa.org.za/WEP/zam2006results1.htm>

6

Conclusions and Recommendations



On the basis of its observation and using the guidelines enshrined in the PEMMO, the EISA Election Observer Mission concludes that the tripartite elections held on 28 September 2006 in Zambia were conducted in a manner that allowed the people of Zambia to express their democratic choice. The mission commends the ECZ for the transparent and consultative manner in which it managed the early stages of the election, including the voting day.

Notwithstanding the commissioning of an efficient results management system the mission notes, however, that the unexpected abandoning of this system at the last minute and the consequent delay in the announcement of results reduced trust in the electoral administrators as well as in the final announced results. This is not to say that the overall accuracy of the results themselves was compromised.

The mission makes the following recommendations:

6.1 ELECTORAL REFORMS

- The mission recommends that the people of Zambia re-visit the recommendations of the ERTC and the CRC in order to pass reforms that will suit and meet all the aspirations of the Zambian people.
- The reforms should be passed after a review of the 2006 elections, which should identify those aspects of the political process still needing redress.

6.2 NATIONAL VOTER REGISTRATION

- There is need to improve the issuance of national registration cards

so that when citizens attempt to register they are not prevented from doing so because they do not have a card.

- A greater effort should be made to encourage voters to inspect the voters' rolls during the period set aside for doing so.

6.3 ELECTORAL CODE OF CONDUCT

- The electoral code of conduct should be agreed among the stakeholders and it should be laid down in the law exactly who is responsible for its enforcement when it is breached.

6.4 FUNDING OF POLITICAL PARTIES

- Election-related abuse of public resources should be discouraged by providing clear mechanisms for sanctioning people and/or groups which abuse public resources.
- The law should provide for the public funding of political parties in order to build the capacity of parties to engage in politics.
- The law should provide for a mechanism for parties to disclose private funds received for campaigning.
- Stakeholders should agree on a formula for the amount and time period when campaign funding can be distributed to parties and/or individuals participating in elections.

6.5 MEDIA COVERAGE OF ELECTIONS

- The public broadcaster ought to be compelled to set aside free time slots on national television and radio for parties and candidates contesting in the elections to present their manifestos to the public.
- Both the private and public media should be subject to the oversight of a media council which will hold all media organisations (public and private) accountable for the way they cover election-related issues.
- The mission further recommends that an effective level playing field should be created for fair access to the media, particularly the state-owned media, by parties and candidates during the electoral process.

6.6 VOTER EDUCATION

- The mission recommends that more needs to be done in terms of educating voters. The activities of the voter educators should be initiated in good time and supported financially, logistically and administratively by the relevant stakeholders.

6.7 NATIONAL AND DISTRICT CONFLICT MANAGEMENT PANELS

- The mission recommends that in future national and district conflict management panels should be established and decentralised as soon as the electoral process begins.

6.8 REPRESENTATION OF WOMEN

- The mission urges all political parties to implement a quota system for the selection of women to stand as candidates for their parties in the various elections.

6.9 COUNTING AND COMPILATION

- A standardised document for recording results of the polling station count should be available at all polling stations in order to avoid delays when it comes to completing the count, as well as in transmitting results to the tabulation points.
- Knowledge of counting procedures and counting forms should be reinforced for polling officials in order to familiarise them with the procedures.

6.10 THE RESULTS MANAGEMENT PROCESS

- There should be a transparent and inclusive process for the management of the results, starting from the choice of technology, the tendering process, auditing of the technology and its use in the tabulation of results.

APPENDICES

APPENDIX I

Composition of the EISA Observer Mission to the Zambia tripartite elections, September 2006

Name	Organisation	Nationality	Gender
Leshele Thoahlane	Independent Electoral Commission	Lesotho	Male
Denis Kadima	EISA	DRC	Male
Elizabeth Azevedo	University of Cape Town	Portugal	Female
Segametsi Modisaotsile	Emang Basadi	Botswana	Female
Richard Kashweeka	Disthwanelo	Botswana	Male
Mario Mutucua	Amode	Mozambique	Male
Kabelo Selema	South African Council of Churches	South Africa	Male
Paciencia Chimbi Goncalves	Plataforma Eleitoral	Angolan	Female
Idrisa Jecha	Zanzibar Electoral Commission	Zanzibar	Male
Augusto Santana	EISA –Angola	Angola	Male
Belinda Musanhu	EISA	Zimbabwe	Female
Nosipho Mokoena	EISA	South Africa	Female
Zahira Seedat	EISA	South Africa	Female
Maureen Moloji	EISA	South Africa	Female

APPENDIX 2

Code of Conduct for EISA Regional Election Observers

Election observation is widely accepted around the world. It is conducted by intergovernmental and international, regional and national non-governmental organisations in order to provide an impartial and accurate characterisation of the nature of election processes. Much therefore depends on ensuring the integrity of election observation.

All observers invited to be part of an EISA regional election observation mission must subscribe to and follow this code of conduct.

Respect sovereignty and international human rights

Elections are an expression of sovereignty, which belongs to the people of a country. Genuine elections are a human right, and they require the exercise of a number of other human rights and fundamental freedoms. Election observers must respect the sovereignty of the host country and the human rights and fundamental freedoms of its people.

Respect the laws of the country and the authority of electoral bodies

Observers must respect the laws of the host country and the authority of the bodies charged with administering the electoral process. Observers must follow any lawful instruction from the country's governmental, security and electoral authorities. Observers must also maintain a respectful attitude toward electoral officials and national authorities. Observers must note if laws, regulations or the actions of state and/or electoral officials unduly burden or obstruct the exercise of election-related rights guaranteed by law, constitution or applicable international human rights instruments.

Respect the integrity of the election observation mission

Observers must respect and protect the integrity of the election observation mission. This includes following this Code of Conduct, any written instructions (such as terms of reference, directives and guidelines) and any verbal instructions from the observation mission's leadership. Observers must: attend all of the observation mission's required briefings, training and debriefings; become familiar with the election law, regulations and other relevant laws as directed by the observation mission; and carefully adhere to the methodologies employed by the observation mission. Observers must

also report to the leadership of the observation mission any conflicts of interest they may have and any improper behaviour they see conducted by other observers who are part of the mission.

Maintain strict political impartiality at all times

Observers must maintain strict political impartiality at all times, including leisure time, in the host country. They must not express any bias or preference in relation to national authorities, political parties, candidates, referenda issues or in relation to any contentious issues in the election process. Observers also must not conduct any activity that could be perceived reasonably as favouring or providing partisan gain for any political competitor in the host country, such as wearing or displaying any partisan symbols, colours, banners or accepting anything of value from political competitors.

Do not obstruct election processes

Observers must not obstruct any element of the election process, including pre-election processes, voting, counting and tabulation of results and processes transpiring after election day. Observers may bring irregularities, fraud or significant problems to the attention of election officials on the spot, unless this is prohibited by law, and must do so in a non-obstructive manner. Observers may ask questions of election officials, political party representatives and other observers inside polling stations and may answer questions about their own activities, as long as observers do not obstruct the election process. In answering questions observers should not seek to direct the election process. Observers may ask and answer questions of voters but may not ask them for whom or what party or referendum position they voted.

Provide appropriate identification

Observers must display identification provided by the election observation mission, as well as identification required by national authorities, and must present it to electoral officials and other interested national authorities when requested.

Maintain accuracy of observations and professionalism in drawing conclusions

Observers must ensure that all of their observations are accurate. Observations must be comprehensive, noting positive as well as negative factors, dis-

tinguishing between significant and insignificant factors and identifying patterns that could have an important impact on the integrity of the election process. Observers' judgements must be based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence. Observers must base all conclusions on factual and verifiable evidence and not draw conclusions prematurely. Observers must also keep a well documented record of where they observed, the observations made and other relevant information as required by the election observation mission and must turn in such documentation to the mission.

Refrain from making comments to the public or the media before the mission speaks

Observers must refrain from making any personal comments about their observations or conclusions to the news media or members of the public before the election observation mission makes a statement. Observers may explain the nature of the observation mission, its activities and other methods deemed appropriate by the observation mission, and should refer the media or other interested persons to those individuals designated by the observation mission.

Cooperate with other election observers

Observers must be aware of other election observation missions, international, regional and domestic, and must cooperate with them as instructed by the leadership of the election observation mission.

Maintain proper personal behaviour

Observers must maintain proper personal behaviour and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgement in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

Violations of this code of conduct

In a case of concern about the violation of this code of conduct, the election observation mission shall conduct an inquiry into the matter. If a serious violation is found to have occurred, the observer concerned may be expelled from the election observation mission. The authority for such determinations rests solely with the leadership of the election observation mission.

Pledge to follow this code of conduct

Every person who participates in this election observation mission must read and understand this code of conduct and must sign a pledge to follow it.

PLEDGE

I have read and understand the Code of Conduct for Election Observers that was provided to me by the EISA Regional Election Observation Mission. I hereby pledge that I will follow the Code of Conduct and that all of my activities as an election observer will be conducted completely in accordance with it. I have no conflicts of interest, political, economic nor other, that will interfere with my ability to be an impartial election observer and to follow the Code of Conduct.

I will maintain strict impartiality at all times. I will make my judgements based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence, and I will base all of my conclusions on factual and verifiable evidence.

I will not obstruct the election process. I will respect national laws and the authority of election officials and will maintain a respectful attitude toward electoral and other national authorities. I will also respect the human rights and fundamental freedoms of the people of the country. I will maintain proper personal behaviour and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgement in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

I will protect the integrity of the election observation mission and will follow the instructions of the observation mission. I will attend all briefings, trainings and debriefings required by the election observation mission and will cooperate in the production of its statements and reports as requested. I will refrain from making personal comments, observations or conclusions to the news media or the public before the election observation mission makes a statement.

Print Name:

Signed:

Date:

APPENDIX 3

EISA Election Observer Mission to the Tripartite Elections in Zambia, 28 September 2006



ARRIVAL STATEMENT

EISA is pleased to announce the official launch of its Election Observer Mission to the 2006 tripartite elections in Zambia scheduled for Thursday 28 September 2006. The mission, which is led by Mr Abel Leshele Thoahlane, Chairperson of the Independent Electoral Commission of Lesotho and of the EISA Board of Directors, is present in the country at the invitation extended by the Electoral Commission of Zambia. Mr Denis Kadima, EISA's Executive Director, is the Deputy Mission Leader.

The EISA mission in Zambia consists of 14 members, who include representatives from electoral commissions and civil society organisations (CSOs) from different countries (namely, Angola, Botswana, Democratic Republic of the Congo, Lesotho, Mozambique, Portugal, South Africa, Zanzibar and Zimbabwe). The mission is based at the Intercontinental Hotel in Lusaka.

The overall objective of the mission is in line with EISA's vision of promoting credible elections and democratic governance in Africa.

Specific objectives for this particular mission include the following:

- To assess whether the conditions exist for the conduct of elections that allow the people of Zambia to freely express their will;
- To assess and determine whether the elections are conducted in accordance with the electoral legislative framework of Zambia;
- To determine whether the final results of the electoral process as a whole reflect the wishes of the people of Zambia;
- To assess whether the elections meet the benchmarks set out in the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO), developed under the auspices of EISA and the Electoral Commissions Forum (ECF) of SADC countries.

PEMMO was produced after three years of work by the ECF and EISA, in consultation with CSOs who work in the field of elections. Subsequently, the election principles, which serve as benchmarks in the conduct and assessment of elections in the SADC region, were adopted on 6 November 2003 in Johannesburg, South Africa. PEMMO has been applied for the assessment of all elections held since April 2004 to date in the SADC region.

On Sunday 24 September 2006, EISA will deploy teams throughout selected provinces in Zambia where they will meet electoral stakeholders, including electoral officials, representatives of political parties, CSOs and the voters ahead of the elections. On election day, 28 September, the EISA teams will observe the voting and counting processes.

On Friday 29 September 2006, all EISA teams will reconvene in Lusaka where an interim statement expressing the mission's preliminary views and recommendations on the 2006 tripartite elections in Zambia will be issued. The principles enshrined in the PEMMO will be taken into account to direct the mission's observations on the polling and results processes, as well as the electoral environment as a whole. The EISA mission will remain in Lusaka until Tuesday 3 October 2006 in order to observe post-polling activities, including the announcement of results.

The mission undertakes to cooperate closely with the Zambia electoral stakeholders and other observers, and strives to act, at every stage of the electoral process under scrutiny, with impartiality, objectivity and independence.

EISA is a regional non-profit organisation established in 1996 and headquartered in Johannesburg, South Africa with field offices in Angola (Luanda), the Democratic Republic of the Congo (Kinshasa) and Mozambique (Maputo). The vision of the organisation is to promote credible elections and democratic governance throughout Africa. This vision is executed through the organisational mission to strengthen electoral processes, good governance, human rights and democratic values through research, capacity building, advocacy and other targeted interventions. EISA services electoral commissions, political parties, CSOs, governments and other institutions operating in the democracy and governance fields in Africa.

The EISA Mission Secretariat is based at the Intercontinental Hotel, Lusaka and can be contacted at the following numbers:

Ms Belinda Musanhu, the EISA Mission Coordinator, on +260 9 912 7593.

Nosipho Mokoena on +260 9 982 7633 Lucky Sichale on +260 9 786 4038

Abel Leshele Thoahlane
Mission Leader

APPENDIX 4
Observers' Briefing Programme

EISA ELECTION OBSERVER MISSION TO THE
ZAMBIA TRIPARTITE ELECTIONS

Intercontinental Hotel, Lusaka
Friday 22 – Saturday 23 September 2006

DAY ONE – Friday, 22 September 2006

Chair: Leshele Thoahlane

- | | |
|-------------|--|
| 08h30-09h00 | WELCOME AND INTRODUCTIONS
<i>Abel Leshele Thoahlane, Mission Leader (Chairperson of the Independent Electoral Commission of Lesotho and Chairperson of EISA Board of Directors)</i> |
| 09h00-09h30 | Mission Background and Plan
<i>Denis Kadima, Deputy Mission Leader (EISA Executive Director)</i> |
| 09h30-10h30 | ELECTION OBSERVATION AND MONITORING
PRESENTATION AND DISCUSSION:
The rationale for election observation
Role and function of observers and monitors
International Observation
<i>Belinda Musanhu, Senior Programme Officer, EISA</i> |
| 10h30-11h00 | Tea/coffee and mission photograph

<i>Facilitator: Kabelo Selema</i> |
| 11h00-11h30 | General Features of Free and Fair Elections
Checklist for Election Assessment
<i>Augusto Santana, Country Director EISA, Angola</i> |
| 11h30-12h30 | Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO)
<i>Denis Kadima</i> |

12h30-13h00	Terms of Reference and Code of Conduct <i>Denis Kadima</i>
13h00-14h00	Lunch
14h00-14h30	Deployment <i>Nosipho Mokoena and Zahira Seedat</i>
14h30-15h15	Reporting Forms and Checklists <i>Belinda Musanhu</i>
15h15-15h30	Tea/coffee
15h30-16h30	Reporting Forms and Checklists continued <i>Belinda Musanhu</i>
16h30-17h30	Press Conference: Arrival Statement
18h00-19h30	Cocktail reception

DAY TWO – Saturday, 23 September 2006

POLITICAL PARTY PERSPECTIVES ON THE ELECTORAL PROCESS

Facilitator: Leshele Thoahlane

08h00-08h45 **United Democratic Alliance (UDA)**
Mr Kahenya, Spokesperson

Facilitator: Elisabete Avezedo

09h00-10h00 **The Media and the 2006 Electoral Process in Zambia**
Presentation and discussion
Ms Z. Gelloo, Vice Chairperson, MISA-Zambia

10h00-10h15 **Tea/coffee**

Facilitator: Idrisa Jecha

10h15-11h15 **The State of Readiness of the Electoral Commission and Preparations Thus Far**
Presentation and discussion
Mr D Kalale, Director, Electoral Commission of Zambia (ECZ)

-
- Facilitator: Mario Mutucua*
- 11h15-12h15 **The Role of Civil Society Organisations in the 2006 Elections and Highlights of the Process So Far**
Presentation and discussion
Mr E. Rubvuta, Executive Director, Foundation for Democratic Process (FODEP)
- 12h15-13h00 **The Role of Women in the 2006 Elections**
Presentation and discussion
Mrs P Chikwashi, Executive Director, National Women's Lobby Group (NWLG)
- 13h00 – 14h00 **Lunch**
- POLITICAL PARTY PERSPECTIVES ON THE ELECTORAL PROCESS**
Facilitator: Leshele Thoahlane
- 14h00-14h45 **Movement for Multi-Party Democracy (MMD)**
- 14h45-5h30 **Patriotic Front (PF)**
Dr G Scott, Secretary General
- 15h30-15h45 **Tea/coffee**
- 15h45-16h15 **Recap of Deployment Plans and Planned Activities**
Belinda Musanhu

APPENDIX 5**EISA Election Observer Mission to Zambia, 28 September 2006****EISA ELECTION OBSERVER MISSION**

Lusaka, Saturday 30 September 2006

**INTERIM STATEMENT****I. INTRODUCTION**

The EISA Observer Mission to the Zambian tripartite elections has made its assessment of the poll and its preliminary findings and recommendations are presented in this interim statement. Our observations and views regarding the electoral process in Zambia are based on the guidelines enshrined in the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO).

EISA will produce a more comprehensive and final report on the entire election process within three months (90 days). This report will provide an in-depth analysis, detailed observations and recommendations. EISA will therefore continue to follow the process to its completion, including the announcement of the final results.

On behalf of the EISA Regional Election Observer Mission, we take this opportunity to extend our gratitude to the people of Zambia and the various electoral stakeholders for the warm welcome and hospitality given to the mission. We also congratulate the people of Zambia for their political maturity and the peaceful manner and atmosphere in which the elections were conducted.

During our mission, we were allowed unhindered and unrestricted access to all key offices dealing with elections and all polling sites and electoral offices at local, district and national results compilation centres. We acknowledge and appreciate the hospitable, courteous and friendly manner in which the ECZ personnel received our mission.

1.1 About EISA

EISA is a non-profit organisation established in June 1996. The vision of the organisation is to promote credible elections and democratic governance in Africa.

EISA is based in Johannesburg, South Africa, and has field offices in Angola, the DRC and Mozambique.

Observation of elections is a key component of EISA's work as it allows for the collection of relevant data and information on electoral practices, as well as providing an opportunity for mission members to acquire and exchange experiences with respect to the organisation and conduct of democratic elections and the observation of such elections.

1.2 Composition of the mission

Led by Mr Abel Leshela Thoahlane, chairperson of the Lesotho Electoral Commission and chairperson of the EISA Board, and assisted by Denis Kadima, EISA's executive director, the EISA Regional Observer Mission to Zambia's tripartite elections consisted of 14 members, including representatives from electoral commissions and civil society organisations from Angola, Botswana, the DRC, Lesotho, Mozambique, Portugal, South Africa, Swaziland, Zanzibar and Zimbabwe.

The EISA mission was established and deployed with the main aim of contributing to the institutionalisation and consolidation of democracy in Zambia.

1.3 Method of work

In order to accommodate the need for a holistic approach to election assessment, EISA conducted various activities covering the pre-election, the polling and the post-election phases:

Support to Zambian electoral stakeholders

The EISA Regional Election Observer Mission forms part of EISA's ongoing support to the democratic process in Zambia. In the past two years, EISA has at various times trained domestic observers, provided expert advice to the Electoral Reform Technical Committee and contributed to the preparation

of the Electoral Code of Conduct. EISA has also published on political parties in Zambia and has provided training of trainers for the ECZ programme on conflict management.

Pre-election assessment

The EISA mission to the tripartite elections was a short-term observation assignment which began with the deployment of a pre-election assessment team that was in the country from 28-31 August 2006, and was followed by the arrival of the advance team in Zambia on Monday 18 September 2006. The advance team considered and examined legal documents governing the organisation and conduct of the electoral process in Zambia.

Stakeholder meetings and political party rallies

Members of the mission met various electoral stakeholders including representatives of the Electoral Commission of Zambia, political parties, CSOs, the media and other international observer teams. Our different teams also attended political party rallies in the various parts of the country where they were deployed.

1.4 Deployment and observation of the voting process

Following a two-day briefing in Lusaka during which key stakeholders addressed the mission on the critical issues of the electoral process in Zambia, as well as the level of preparedness of the ECZ ahead of the polling day, EISA deployed five teams on Sunday 24 September 2006 covering provinces as follows:

- Lusaka Province;
- Eastern Province;
- Copperbelt Province;
- North Western Province; and
- Southern Province.

Upon arrival in their areas of deployment, EISA teams held further meetings with the main stakeholders. This period was also used by the teams to familiarise themselves with the local context in which the tripartite elections were to take place and to observe the campaigning.

On election day, EISA teams visited a total of 61 polling stations and 149 polling streams and observed the voting and counting of ballot papers at the polling stations.

1.5 Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO)

The mission's assessment of the elections is based on the Principles for Election Management, Monitoring and Observation in the SADC Region (PEMMO). PEMMO is a set of benchmarks against which an election can be measured to assess whether it is credible or legitimate. It was developed by EISA in partnership with the Electoral Commissions Forum (ECF) of SADC Countries.

The principles cover the whole electoral process and provide an objective standard against which an election can be assessed. Furthermore, they constitute a useful tool for post-election reviews and for electoral reforms. For observers, PEMMO also outlines guidelines on the expected behaviour for the enhanced ethical conduct and credibility of both election observation and monitoring groups.

Since its adoption at a regional conference on 6 November 2003 in Johannesburg, South Africa, PEMMO has been used successfully to assess elections held since April 2004 in the SADC region and beyond.

2. PRELIMINARY FINDINGS OF THE MISSION

After analysing the observations made by its different teams deployed on the ground and basing itself on norms and guidelines contained in the PEMMO, the EISA mission has made the following findings:

2.1 The political context in Zambia

The 2006 tripartite elections were the fourth set of elections since Zambia's return to multiparty democracy in 1991. It is generally agreed that elections in 1996 and 2001 were marred by enough administrative and political inconsistencies as to make questionable the final election outcome and thus the legitimacy of the elected leaders. The 2001 elections, in particular, raised concerns about the future of the Zambian democracy.

In this context, the September 28 elections were a test of the maturity of the Zambian people and of the consolidation of democracy, and were an opportunity to erase doubts raised by the chaotic elections in 2001.

2.2 The constitutional and legal framework for elections

The constitution provides for the respect of basic civil and political rights which is in line with the recommendations in the PEMMO. The law provides for a unicameral National Assembly with legislative powers and a directly elected president. The term of office for both the president and the National Assembly is a period of five years.

The president of the Republic of Zambia is the head of state, head of government and commander-in-chief, and is elected directly by universal suffrage by secret ballot, as are the members of the National Assembly. The vice-president and the ministers are appointed by the president from among the members of the National Assembly.

The main legal instruments governing the tripartite elections are:

- The Constitution of Zambia adopted in 1991 and last amended in 1996.
- The Electoral Act adopted on 19 May 2006.
- The Electoral Commission Act 1996.
- The Electoral Code of Conduct Regulations of 4 August 2006.
- Local Government Elections Act 1994.
- Various ECZ regulations.

2.3 The electoral system

The mission notes that Zambia uses a first-past-the-post (FPTP) electoral system. Under this system, 150 members of parliament are elected to the National Assembly and the president appoints eight more MPs. Councillors for over 1,400 wards are directly elected.

Although this system has been criticised for marginalising groups such as youth and women, the mission notes that Zambia has committed itself to electoral reform through the Electoral Reform Technical Committee. The mission hopes that these efforts will continue after the elections.

2.4 Voter registration

Voter registration was held from 31 October to 31 December 2005 and the process was lauded by all stakeholders as being a great improvement compared to the registration process which preceded the 2001 elections. The introduction of electronic registration improved the speed and efficiency of the process. The new registration cards which used both facial and fingerprint recognition also improved the safeguards in the system.

Legal action taken by the ECZ against persons attempting to register twice also demonstrated the commission's commitment to a transparent registration process and to the production of a clean voters' roll. The mission notes also the gesture made by the ECZ to provide copies of the entire voters' roll to each presidential candidate, which is unusual in the SADC region where stakeholders sometimes have to pay exorbitantly to acquire the voters' roll.

We note also that the system that has been established will allow for continuous registration of voters and continuous updating of the voters' lists. This removes the need for a new registration process for each new election and will reduce the financial burden on the commission.

2.5 The Electoral Code of Conduct

The mission noted that an electoral code of conduct applying to all the major electoral stakeholders was agreed upon after much consultation with all the players. This move was welcomed by members of the mission. However it was also noted that it was not clear who was to enforce the code. Complainants were constantly forced to shift between the ECZ, the Zambia Police Service and the Anti-Corruption Commission, which created frustration and may have led to the non-reporting of electoral offences. Clearer guidelines should be provided for the enforcement of the code of conduct.

2.6 Political parties and polling agents

In order to operate as legally recognised entities, political parties are required to be registered. Thirteen political parties participated in the election, but only a few made an impact. A number of political parties entered into formal and informal election coalitions. These were somewhat effective but were compromised by lack of agreement on who would represent the coalition.

This resulted in a delay in identification of parliamentary and presidential candidates, which in turn delayed the start of the campaigning for those parties. In addition it transpired later on in the process that some of the coalition members had filed nomination files under the name of their mother parties, showing that cohesion was poor. All in all, there were five presidential candidates, 709 candidates for the National Assembly election and 4,095 candidates registered for the local government election.

2.7 The campaign process

The mission noted the fervour, enthusiasm and passion that the election had triggered among various political actors and the public at large. Of note was the spirited political campaigning by several presidential candidates and their supporters. Campaigning took the form of posters, advertisements on big billboards, political rallies, television appearances by candidates and debates involving representatives of various candidates, and other types of media outreach through newspapers and radio stations. The mission noted with regret that presidential campaign issues took precedence over issues pertaining to National Assembly and local government polls. This had the potential to limit the ability of voters to make an informed choice as far as the latter two elections were concerned.

Accusations were made of an un-level playing field, with allegations that the ruling party received preference for the allocation of stadiums for rallies and also in receiving police permission to hold rallies as required by the Public Order Act. The EISA mission was not in a position to verify the validity of these allegations.

2.8 Monitors and observers

PEMMO emphasises the importance of election monitoring and observation. The mission noted that various observer missions witnessed the Zambia elections with a view to enhance the transparency, credibility and integrity of the process. There were about 500 international observers and around 13,000 domestic monitors.

Whilst accreditation of international observers proceeded well, this was not the case with local monitors. In fact not all the monitors were accredited in time to observe the poll. This has been attributed to the fact that accreditation

was centralised in Lusaka and domestic groups had to make arrangements to transport the accreditation cards to the provinces.

2.9 The poll

The mission noted with satisfaction the high voter turnout. In addition the mission observed that the polling arrangements were of such a nature as to allow the participation of all registered voters. Generally speaking, polling officials conducted themselves in an efficient manner and endeavoured to follow the opening, closing and counting procedures as provided in the law.

Voters turned out in large numbers and waited peacefully to cast their votes. There was a discernible climate of tolerance and general enthusiasm for the process. The high turnout will assist in giving credibility to the process, thereby strengthening the legitimacy of elected leaders.

The mission noted a positive and calm police presence at almost all the polling centres visited. It found a good level of cooperation between police and ECZ officials. No incidence of intervention of the military was observed.

Polling stations and election materials

The mission noted that the ECZ established polling stations with polling streams throughout Zambia allowing about 500 voters per stream. The mission found the number of polling stations to be adequate and accessible enough to ensure that as many eligible voters as possible cast their votes. It was also noted that most polling stations were located in neutral places such as schools and church centres and were further secured by unarmed police officers. In order to prevent lengthy queues some of the stations provided additional stations in the grounds. In addition, where physical structures were not available, stations were set up in open places.

The polling station layout and operations were not without some imperfections. These included the manner in which the ballot booths were placed in the voting station, voting by more than one stream in one room (in Lusaka, Livingstone, Chipata, Ndola Central and Solwezi) and the late arrival of election materials in some polling stations (i.e Chipata). In polling stations with a large number of voters and multiple streams, voters were confused about which stream to vote in. However the mission is of the view that these

imperfections were not of a nature to jeopardise the outcome of the process, or to put in doubt its sincerity and integrity.

In most polling stations, voting began at 6.00 am. However in some stations, voting materials arrived late which resulted in some stations opening late. However where voting commenced late the stations remained open for the scheduled 12 hours. In general polling materials were available and in adequate numbers, with the exception of counting forms in some stations (i.e. Ndola Central).

Ballot papers and ballot boxes

The mission noted that ballot boxes were transparent which promoted confidence of voters in the process. Colour coding of the different elections made it easy for voters to properly cast their ballots in the correct boxes, which made counting easier. This was shown in the few misplaced ballot papers during the counting.

2.10 The counting and tabulation process

Counting at polling stations

Counting of ballots took place at the polling stations, an improvement on the previous elections when counting was done at counting centres, which resulted in the delay of the process as counting could not commence until all ballot boxes had arrived at the counting centre. In 2006 the system was designed to quicken the process as only the results sheet needed to be transmitted to a centralised centre. Counting for the presidential, National Assembly and local government elections began immediately after the closure of the individual polling streams. This task was performed by the electoral staff who had been involved in the voting process. Counting was performed by electoral staff in the presence of party agents, candidates' representatives, monitors and observers.

The mission noted that the counting process was generally conducted in an open and transparent manner ensuring that all those present had a clear view of the marked ballot paper. At the end of the counting, however, counting forms were not available at all stations and in some instances arrived late at the polling station. Presiding officers were obliged to complete the

forms at the constituency totalling centres, which resulted in some confusion and delays in the compilation process.

Compilation

The compilation is currently ongoing. Again the logistics are proving to be a big challenge given the volume of material to be handled, particularly difficulties concerning the storing and sorting of material received from the polling centres. The compilation process is as sensitive as counting and needs to be undertaken with equal diligence.

Electronic tabulation system

The results management system in 2001 was one of the chief areas of contention and criticism. In an effort to ameliorate this critical aspect of the process, the ECZ introduced an electronic tabulation system as a backup to the manual system and as a way of ensuring that the verification of results would be completed in the quickest time possible. Whilst this was a welcome move, the mission noted that the system was not fully understood by the stakeholders, particularly political parties, who also did not understand that it was a backup measure.

3. AREAS FOR IMPROVEMENT AND RECOMMENDATIONS

The mission therefore recommends the following:

3.1 Funding of political parties

A number of political parties expressed concern that they did not have adequate funding for organising their parties and their campaigns, and that the incumbent candidates took advantage of their powerful positions and had an unfair advantage in the campaign.

The mission recommends that provision be considered for transparent state funding of political parties with reasonable limitations in order to allow all prospective candidates to participate in the electoral process equitably.

3.2 Media access and coverage of candidates

Free and fair access to the media has and continues to be an important feature of elections. The mission recorded that the increase in media outlets, both print and electronic, since the previous election has improved media coverage

of the elections. The increase has largely been in private ownership of print and electronic media, accompanied by an increase in the number and influence of community radio stations.

However, the mission noted the concern of certain political parties as well as independent candidates who felt that the access to state-owned media was unbalanced, with most coverage going to the incumbent president and his party. The mission was also informed that both public and private media displayed varying degrees of partisanship in their coverage of the campaign. Where opposition parties and candidates were covered on the state-owned media, the coverage was inconsistent. In the state-owned electronic media there were reports that coverage of the opposition was at unfavourable hours whilst the incumbent received primetime coverage. In the print media coverage of opposition views and activities was, until the last stages of the campaign, limited to the inside pages while the incumbent consistently received front-page coverage. The mission was not in a position to fully investigate these complaints.

The mission further recommends that an effective level playing field should be created for the fair access to the media by parties and candidates during the electoral process.

3.3 Civic and voter education

The mission noted that electoral stakeholders in Zambia recognised the need for and commitment to a nationwide programme of voter education for the elections. This was shown through the multisectoral Voter Education Committee at various levels. The committee was established and coordinated by the ECZ. The mission is satisfied that voters received enough information about the voting procedures to enable them to cast their votes. The mission also commends the efforts made by the ECZ and CSOs to educate voters on how to assess candidates and potential leaders. However whilst the content was good, we note that these efforts may have been insufficient given that a sizeable number of voters were uncertain of the procedures.

3.4 Processing of voters

The processing of voters was somewhat slow, caused by all the procedures that had to be followed before voters could receive their ballot papers. At

stations in some urban areas, election personnel struggled to manage the large number of voters who arrived at the stations in the morning. In addition multiple streams resulted in some degree of confusion for voters who did not know which stream to vote in, a situation exacerbated by inadequate numbers of ushers at the stations where the voting population was large.

The mission recommends that in future more ushers should be allocated to those stations with large groups of voters. It would be useful to simplify as much as possible the voting procedures so that voters can be processed in time.

3.5 Counting and compilation

Voting station staff displayed a great deal of patience and commitment as they continued the process of counting. However there was inconsistent application of counting procedures. At some polling stations the ballot papers from different streams were mixed before counting, while at others counting was carried out by stream. In addition, at some stations there was no reconciliation of ballot papers. Furthermore, there were no tally sheets available at the polling station where members of the mission witnessed counting (Ndola Central, Chipata and Solwezi).

The mission recommends that reconciliation of ballots be conducted prior to counting.

3.6 Electoral staff training

On the whole, electoral staff appeared to be well trained in terms of managing the voting process and were able to manage the movement of voters and the casting of the ballots. Some staff, however, appeared less confident about the counting procedures and the resulting administrative process.

The mission recommends that training given to staff for the counting process be strengthened in order to familiarise them fully with the procedures.

3.7 Gender representation

The electoral process did not meet the gender parity required by the SADC Declaration on Gender and Development and which is necessary to increase the participation of women in the political process.

The mission recommends that corrective measures such as appropriate reform and quotas for women be applied by political parties in order to achieve gender parity.

4. CONCLUSION

At the time of the compilation of this statement, the tabulation and announcement of results are in progress. Therefore our conclusion on the conduct of these elections is restricted to the period of our observation up to this day (30 September 2006).

On the basis of its observation thus far and using the guidelines enshrined in the PEMMO, the EISA Election Observer Mission concludes that the tripartite elections held on 28 September 2006 in Zambia were conducted in a manner that allowed the people of Zambia to express their democratic choice. It is the hope of the mission that the tabulation and announcement of the final results will be conducted in the same manner as the preceding stages so that the electoral outcome can reflect the will of the Zambian voters.

Contacts: Belinda Musanhu +260 9 912 7593 • Lucky Sichula +260 9 786 4038

Abel Leshele Thoahlane
Mission Leader

APPENDIX 6**Letter from UDA to ECZ director**UNITED DEMOCRATIC ALLIANCE

National Campaign Office
28A Lagos Road
Rhodespark Area
+26 097 77 77 64

September 22, 2006

Mr. D.N. Kalale
Director
Electoral Commission of Zambia
P.O. Box 50274
LUSAKA

Dear Mr. Kalale

**ACCREDITATION FOR ACCESS TO 2006 ELECTION RESULTS
CENTRE MULUNGUSHI INTERNATIONAL CENTRE**

We thank you for inviting our Alliance to nominate (20) of our officials who will have access to the Results Centre.

While we appreciate the invitation, I wish to state that as participants in this year's elections, we are concerned that you have not extended invitations to political parties and other stakeholders to send some **Electronic Agents** or **Observers** both domestic and international, to sit in your **Computer Room** to witness the receipt of the results as they come from the 73 districts.

We have just realized that although your commission took time to orient political parties and other stakeholders on the computer system which you have put in place and are so far satisfied with your briefings, you did not tell us whether you ever engaged any **independent body of experts** to **verify** and **validate** your system.

In our view, you have so far exhibited transparency to ensure free and fair elections except for this omission. Please accept our apologies in the event that the above exercise was conducted by the commission and the same was not officially communicated to us.

To give **credibility** to the **system**, ECZ could have invited **non political independent bodies** such as the **Zambia Institute of Engineers (ZIE)** or **Computer Society of Zambia (CSZ)** to **verify and validate the system**.

You will no doubt agree with me that **transparency, genuine openness and accountability** is a **key feature** for **credibility of democratic elections**. With the use of high technology, it may be difficult if not impossible for observers both domestic and international to testify that the outcome is correct.

In our view, it is incumbent on you to **maintain transparency** and **ensure ethical behaviour** while adopting new technology. As of now, we are not sure that ECZ sought any assistance of **specialized experts** or **auditors** able to verify the accuracy of this new system and to provide training to observers.

Our observation is that no equity considerations were taken into account when designing and adopting this new technology as people with special needs are not included.

The purpose of our letter is to request your good-self to ensure that you consider the serious issues raised above. This is one responsibility we Zambians should collectively share, **to ensure free and fair tripartite elections**.

We hear that some districts have been left on **manual system** and also our observer who traveled to Durban in his briefing, has indicated that the presidential vote results Form (Part A) and (Part B) or ECZ 10a is to be completed in pencil. We are gravely concerned as a Party because this could be a **recipe for rigging**. Results recorded in pencil can easily be rubbed or swapped to suit the favored candidate.

We also note that you have not responded to the concerns raised by Mr. Katyoka in his letter of August 24, 2006 titled **Zambia 2006 Elections: Integrity of the Presidential September 28 Poll Compromised**.

We have a feeling that more needs to be done and this responsibility squarely rests on ECZ, and you in particular **Mr. Director** as well as my **Lady the Chairperson**.

We also wish to draw your attention to a very serious anomaly that occurred on Thursday, September 21 last, during the transmission of our **Presidential Race to Plot 1 Programme** featuring President **Hakainde Hichilema** of UDA, Central Province and Petauke District in Eastern Province were **blacked out** as they were unable to access ZNBC signal for the duration of this crucial campaign programme.

Our Preliminary investigations show that this action was deliberate and designed to deny voters the chance to evaluate our candidate against other presidential aspirants.

We demand that ECZ requests ZNBC to re-run the programme to give chance to our candidate to be properly evaluated.

Yours faithfully

Tiens Kahenya

SECRETARY GENERAL

- cc: 1. Chairperson – ECZ
2. All People’s Congress
3. Heritage Party
4. Movement for Multiparty Democracy
5. Patriotic Front
6. European Union Elections Observers Team
7. SADC Parliamentary Forum
8. Commonwealth Observer Mission
9. Electoral Institute of South Africa
10. FODEP
11. Law Association of Zambia
12. Oasis Forum
13. Citizens Forum
14. NGOCC

APPENDIX 7**Letter from ECZ to Patriotic Front**

*Communications should be addressed
to the Director*

Telephone: 01-250081/253155-7

Telefax: 01-257274/253884

E-mail: electcom@zamnet.zm

Website: elections.org.zm

In reply please quote

No

OFFICE OF THE ELECTORAL COMMISSION

NDEKE ANNEX

P O BOX 50274

LUSAKA

22nd September, 2006

Dr Chileshe Mulenga
Director of Research
Patriotic Front
LUSAKA

Sir,

I write in response to your letter of 21st September 2006 on the concerns you have on some aspects of the 2006 electoral process.

With regard to your concerns on the closed connectivity network between our Lusaka station and the 72 districts, I wish to state that we did bring to the attention of the stakeholders very early in the day, in various meetings, also attended by PF, that it was our wish to electronically link up all the 72 districts to the main database at Lusaka for two reasons; namely.

1. to use the network to transmit results from all the districts to Lusaka expediently; and,
2. to serve as the infrastructure for the continuous registration of voters. You may be aware that the law providing for continuous registration of voters was passed in 2001 but could not be implemented due to the non availability of the infrastructure to do so.

ZAMTEL was contracted to put in place this network which is a private point to point network and not web based. They put the system in place long before the alleged differences between your Party and the Chinese arose. We have provided the computers, scanners, and finger print readers in all the districts. All our computers are Hewlett Packard and the scanners are from Germany. They were procured through open tender. The equipment installed by ZAMTEL is:

1. CISO Rontus which are USA made and installed at the nine (9) Provincial Centres and the 72 Districts.
2. Patton Modems from the USA, two per District.
3. Multi plexers from Japan (NEC), Taiwan (NEC) and China (ZTE). These have been part of the ZAMTEL existing transmission equipment. The equipment was procured through normal bonafide commercial transactions.

The transmission of the results or any other information will be through the Wide Area Network, but this does not replace the requisite Legal and Administrative forms.

Results will be collected by means of the OMR form at the Polling Station. Party agents and monitors will sign the OMR form to certify the results which will be announced at the Polling Station by the Presiding Officer. The Party agents and monitors will also sign the corresponding administrative results form.

The forms will then be transported to the Returning Officer at the constituency Collation Centre.

The Returning Officer will then scan the OMR forms (data) which will be packed in 128 encryption plus check sum and transferred by the fingerprint of the Returning Officer to the Electoral Commission in Lusaka.

When received at Electoral Commission, the data will be verified and an acknowledgement of receipt sent back to the districts. The data will then be displayed at the Electoral Commission Results' Centre.

I would like to believe that the measure of an agent of a political party or independent candidate signing for their candidate's result adds credence because any tampering with the figures will easily be exposed regardless of where the equipment used to transmit the results is sourced from.

I should emphasize, we have not discarded the manual system. As stated above, it is a requirement that the usual legal and administrative forms be filled in by the Returning Officer. In respect of Parliamentary elections, a Declaration is read in public to announce the winner. The Returning Officer is also required to announce the totals for the Presidential election in the constituency and again, avail us the documents. In addition, a Presiding Officer of a Polling Station is required to complete a Record of Proceedings at the Count document showing the number of votes received by each candidate, rejected ballot papers and disputed ballot papers. The Returning Officer is also required to fill in his own Record of Proceedings at the Totaling of Votes document. All these hard copies will be used to verify the results and it is from these documents that results have been computed manually. The requirement for these administrative documents to be completed is still intact.

I should also state that it is you, the same stakeholders, who expressed grave concerns in the manner that the result were computed manually and to address the problem, we have added the improvement, which from what I have stated above, is not the sole method of computing results but is aided by enough hard copies to verify the results and expose any fraud. We accept that it is a new system, but for everything, there is a starting point. What remains is to build upon the system, improve upon it while safeguarding the accuracy of the results. The system is not web based and it will be operated by our officers who are computer literate and have been trained specifically to operate it. The question of low literacy levels does not therefore arise.

However, in our usual spirit of dialogue and transparency, I have instructed the Director to write to all political parties to send their IT specialists to a meeting at which the system will be explained. Also to be invited will be independent non political experts as well as ZAMTEL.

On the printing of registers, I must say that I am surprised that you are raising

this issue after the Director explained to yourselves as well as other political parties the circumstances under which the registers were printed. First and foremost, it is not true that we told political parties that they will have to buy the registers. I chaired meetings, also attended by PF, at which I informed everybody that the Commission will provide registers free of charge to all candidates. This was long before nomination. We had a choice either to provide you with soft copies of the register so that you source your own printing or provide you with hard copies. We settled for the hard copy and sought the intervention of the UNDP Elections Trust Fund to finance the cost of doing so. We believed then and still do so now, that very few, if any of the political parties would afford the cost of K129,120,000.00 for the entire register in colour or K96,840,000, in black and white.

The register database is at Lusaka. One can get a soft copy and print a hard copy anywhere. There is nothing sinister about printing a copy elsewhere other than ECZ. What was printed in South Africa is exactly the same copy as what we have printed on our machines. Our machines are not industrial and when they broke down, we had to make arrangements to outsource the printing. I do not believe that it would have been prudent for us to bury our heads in the sand and fail to provide you with the registers. We had made an undertaking which we had to fulfill. The decision to provide free registers was made in good faith and it is unfortunate that we are now being demonized for it. My Commission has demonstrated that we have no hidden agenda other than the conduct of credible, free and fair elections.

On your “... learning with shock during the receipt of ballot papers that there would be transfer of ballots between polling stations through the use of polling certificates”, I would earnestly appeal to you to get your facts right. We stated to all political parties including PF that there would be no transfer of ballot papers or indeed ballot boxes from one station to another. All counting will be done at polling stations after the poll where any political agent can ask for a recount.

It has always been a procedure in all elections for the Commission to put in place measures to allow our electoral officers, i.e. all those involved in the conduct and administration of elections, to vote where they will be deployed. It is physically impossible to deploy officers only to those areas where they

registered. We do this by giving them certificates of authority to vote at their place of deployment. A certificate will only be issued upon proof that one is a registered voter. As I stated above, this procedure has always been there, right from the first Republic up to now. It has never been contested. It is in this respect that we asked the Police Command to avail us particulars of the officers to man our stations so that we can prove that they are registered voters before we issue them with certificates.

With regard to your allegation that the Army Command collected voters' cards from officers going to Darfur, I should state that we are hearing this from you and we have no other reports of the same. I should state however that with measures which are now in place, it is not possible for anyone to use another person's voters card because we are able to identify the voter through the photograph in the register, voters card and NRC. As such, if the said cards were indeed collected, they will benefit no one other than the owner. We have however soldiers serving on operations within the country for whom we have been requested to make arrangements. You will be informed as stakeholders the arrangements which we have put in place.

On the collection of the voter cards, we have received several allegations of members of various political parties collecting voters cards or particulars of voters. This is the reason why we delayed the release of the registers to political parties. We understand that some suspects have been netted collecting voters cards and it is our hope that they are brought to book. It is our position that the voters registers should not be used to harass the electorate; but to be used in the polling stations on polling day to identify the voters.

As to the alleged disappearance of ballot papers for some Constituencies, I would like to state that your so called whistle blower is fake. There is no bona fide ECZ employee who can give such an outrageous and untrue statement. All the ballot papers were accounted for not only by our staff from Headquarters, but also by the electoral officers from all the constituencies and representatives from political parties. The true position is that we instructed the printer, Universal Print Group to start printing for outlying Provinces like Northern, Luapula, North western and Western. I was in Durban when I was shown the Pdf files, for some wards in these areas where

the photos were very bad. We instructed our officers in Lusaka to arrange for fresh photos. By the time the first consignment was ready for shipment, those ballot papers were not ready. They were obviously “missing” from the first consignment because they were still being printed. They came with the second consignment. All bona fide ECZ employees are aware of this state of affairs. I can only describe your source as an alarmist, a mischief maker and a liar. It is at least comforting to note that the so called ECZ source is only alleging missing ballot papers for Constituencies and not for Presidential election because all the Presidential ballot papers came intact in the first shipment.

On the issue of vehicles, please find under listed herewith, a number of GRZ vehicles which will be involved in the elections. We had asked for more vehicles through Cabinet Office but this is all they could give us from the respective Ministries. We will still have to hire more than 400 vehicles. There are no Office of the President vehicles with us.

Ministry	Vehicle Type	Reg No.	District allocated	Driver
Defense	Toyota Hilux Twin Cab	GRZ 199 BN	Lusaka	S/Sgt John Phiri
	Mitsubishi Pajero	GRZ 930 BN	Lusaka	Mr. Japhet Goma
Science, Tech., Vocational & Training	Land Rover Discovery	GRZ 939 BR	Lusaka	Mr Rayford Mapili
Lands	Nissan Patrol	GRZ 501 BM	Lusaka	Mr Tackson Kangwa (to be released fm garage on 25.09.06)
	Isuzu Twin Cab	GRZ 251 BN	Kafue	Mr Wellington Simwelu
Finance	Nissan Hardbody	GRZ 813 BS	Lusaka	Mr Alfred Zulu

	Toyota Landcruiser	GRZ 291 BE	Monze	Mr. Stephen Ngoma
	Toyota Landcruiser	GRZ 194 BP	Chama	Mr B Katanga
	Nissan Hardbody	GRZ 517 BP	Monze	Mr B Mtonga
	Isuzu KB300	GRZ 387 BS	Monze	Mr Conrad Habukali
Foreign Affairs	Nissan Hardbody	GRZ 556 BS	Kafue	Mr George W Lubasi
Community Devt.	Suzuki	GR 386 BV	Lusaka	Mr Andrew Nyirenda
Provincial Admin. Lsk	Mitsubishi Colt	GRZ 511 BS	Lusaka	Mr E Hanguмба
	Mitsubishi L200	GR2 421 BJ (not delivered yet)	Lusaka	Mr V Mwansa
	Toyota L/Cruiser	GRZ 708 BE	Chama	Mr E Musonda
Tourism	Mitsubishi Pajero	GRZ 631 BN	Lusaka	Mr Thomas Bwalya
	Mitsubishi L200	GRZ 447 BN	Monze	Mr James Tembo
Justice	Mitsubishi Colt	GRZ 736 BS	Choma	Mr Joseph Msoni
	Land Rover S/W	GRZ 898 BP	Choma	Mr Lushinga Kawila
Home Affairs	Mitsubishi Colt	GRZ 1851 BP	Choma	Mr Boniface S Nondo

As to who will be supervising the Returning Officers in the field, the position is as it has always been. Each district has an electoral officer, who under the law and by virtue of their office, is the Town Clerk or the Council Secretary, with the Director and the Commission having the ultimate authority.

As to your sentiments regarding the Director, all I can say is that he is the Chief Executive of the Commission and we have no evidence to show that he is an undercover officer from the Office of the President. He is an experienced electoral officer who has been with the Commission for a very long time. In our view, he has discharged the functions of his office very effectively.

Let me reiterate once again that we remain committed to deliver a credible election but we can only succeed to do so if the stakeholders bonafidely play their part. I would appeal to you to check whatever information you are given with us and not take it as gospel truth.

Yours sincerely,
Justice I.C. Mambilima

CHAIRPERSON

C.c: All Diplomatic Missions to Zambia
All Political Parties contesting elections
All Monitoring Teams
Secretary General, Zambia Episcopal Conference
The Secretary-General, Council of Christian Churches in Zambia
The Executive Director; Evangelical Fellowship of Zambia
The President, Law Association of Zambia
The Executive Director, NGOCC
The President, FFTUZ
The President, ZCTU

APPENDIX 8**Letter from UDA to ECZ chairperson**

UNITED DEMOCRATIC ALLIANCE

Kenneth Kaunda House,
Caltro Road
P. O. Box Fw 8,
Cell: 096-804651
097-776347; 097-627577
Lusaka, Zambia

01 October, 2006

Justice Ireen Mambilima,
Chairperson
ECZ,
LUSAKA

Dear Justice Mambilima,

ELECTORAL MALPRACTICES - 2006 TRIPARTITE ELECTIONS

We refer to our meeting this afternoon in your office at Mulungushi International Conference Centre and our letter of Electoral Complaints dated 1 October 2006.

As stated in our meeting, we hereby further outline more electoral malpractices from various Polling Districts across the country that we have received so far.

53 Kapoche Constituency

Our officers on the ground have reported disparities in the figure announced for UDA Presidential Candidate Hakainde Hichilema of 6,860 instead of 13,000 plus.

52 Nyimba Constituency

The announced figures of 10,426 for Levy Mwanawasa (MMD) and 3,479

for Hakainde Hichilema (UDA) were different from the official declared results at the Polling District of 10,226 and 5,879 respectively.

72 Chilanga Constituency

The announced figures for Michael Sata (PF) of 4,871, Levy Mwanawasa (MMD) of 6,029 and Hakainde Hichilema (UDA) 6,984 were different from the official declared results at the Polling District of 4,754, 6,081 and 7,126 respectively.

110 Solwezi Central Constituency

The announced figures for Michael Sata (PF) of 1,859, Levy Mwanawasa (MMD) of 16,072 and Hakainde Hichilema (UDA) 4,204 were different from the official declared results at the Polling District of 1,439; 7,020 and 3,497 respectively.

Lukulu District

In Lukulu, voting went on up to September 30, 2006 while results in other parts of the country were being announced.

Kalabo District

In Kalabo voting went on up to September 30, 2006 while results in other parts of the country were being announced.

136 Sikongo Constituency

All teachers who are known to be active members of MMD were Presiding and Returning Officers during the Tripartite Elections, while those who were perceived to belong to the opposition were dropped immediately before elections. In this same constituency, voting continued at 901115 Nene Polling and 901114 Muweshi Stations, voting started at 16.00 hours and continued throughout the night until the following morning, by which time results were being announced. Further, UDA was restricted to deploying only one Polling Agent to cover all Streams while MMD was allowed to deploy more than 20 Agents.

504138 Woodlands B Basic School Polling Station

Here, except for two Polling Assistants and a Police Officer, all Polling Agents were ordered to leave the Polling Station. In the circumstances, we have no assurance of the safety of the Ballot Papers.

The same pattern goes with 97 Senga Hill, 92 Malole and more others country wide.

81 Munali Constituency

The over 22,000 votes discrepancy in the results at Munali that you are already aware of require to be addressed expeditiously.

In the light of the above widespread and glaring irregularities, we demand the following;

1. Comprehensive verification **of all the** results.
2. **Immediate suspension** of the **announcement** of the **remaining results** until the **verification process** throughout the country is **completed**.
3. Based on the 2001 experience that revealed inadequacies in the provisions of electoral law in addressing electoral irregularities and malpractices, we will not agree to any other method or formula to addressing the various submitted complaints and irregularities other than the immediate **Results Verification** or a **Re-run** of the **Tripartite Elections**.

In the interest of strengthening our emerging democracy and transparency, we await your urgent response to the issues raised.

We thank you in advance for your continued co-operation.

Yours in the National Duty,

Tiens Kahenya
Co-SECRETARY GENERAL
Cell-097-777764

Ken Kaira
Co-SECRETARY GENERAL

cc: Other Participating Political Parties
Election Observers
NGOs