



## European Union Election Observation Mission Zambia

Tripartite Elections – 28 September 2006

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### PRELIMINARY STATEMENT

#### **Generally well-administered elections demonstrate significant progress**

**Lusaka, 30 September 2006**

*The European Union Election Observation Mission (EU EOM) has been present in Zambia since 5 September 2006 following an invitation from the government of Zambia and the Electoral Commission of Zambia (ECZ). The mission is led by Chief Observer, Annemie Neyts, a Member of the European Parliament from Belgium. It comprises a core team of eight election experts in Lusaka, 36 long-term observers (LTOs), 48 short-term observers (STOs) and 52 locally-recruited short-term observers (LSTOs) from the diplomatic staff of all EU Member State embassies present in Zambia. In total, the EU EOM deployed 146 observers from 22 countries to all nine provinces in Zambia to assess the whole electoral process in accordance with international principles for genuine democratic elections. On election day, the observers visited 790 polling stations in 75 of the 150 constituencies to observe voting and counting. The EU EOM is currently observing the conclusion of the transmission and tabulation procedures. The mission will remain in country until the end of October to observe all aspects of the post-election day period. The EU EOM will publish a final report, containing detailed recommendations, in November. The EU EOM operates in compliance with the Declaration of Principles for International Election Observers, commemorated at the United Nations in New York in October 2005.*

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#### **Executive Summary**

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- The 28 September 2006 tripartite elections have so far been conducted peacefully and have been managed by the Electoral Commission of Zambia (ECZ) in a largely professional manner. Voters had the option of a wide range of candidates to choose from in a genuinely competitive process. The enthusiastic participation of voters indicates a strong commitment of the people of Zambia to further the democratic development of their country.
- Despite some delays in the start of voting due to the late arrival of essential election material, election day proceeded well. Voters turned out in significant numbers and polling took place in a calm and orderly environment. ECZ polling staff followed procedures well, and party agents and domestic monitors from NGOs were present in most polling stations observed.
- The counting was conducted in a transparent manner. The process was slowed down by complex procedures and complicated counting forms. The electronic transmission of results is taking longer than expected due to insufficient staff training and unfamiliarity with the technology and the transmission forms. Confidence in the system nonetheless remains high.
- Preparations for the elections were managed in a largely professional and transparent manner. The ECZ's independence added to public confidence in the process, and it was perceived to be a credible and effective institution.

- The legal framework provided for the conduct of democratic elections, although some areas require improvement and reform. The ECZ did not always adopt timely and clear administrative procedures to facilitate its organisation of the elections, sometimes resulting in unnecessary confusion.
- The campaign period was generally calm, with only a few minor election-related incidents. Freedom of assembly was largely respected and provided in compliance with the Public Order Act. Freedom of expression was respected across the country. However, the lack of transparency and accountability in campaign spending, as well as the advantage of incumbency, resulted in an uneven playing field for candidates and parties.
- The ECZ conducted a generally successful voter education programme that clearly enjoyed significant investment in resources and planning. However, activities did not always reach the most remote areas of the country.
- Civil society organisations were actively engaged in election monitoring, civic and voter education programmes and facilitated public debates between contestants. These groups played an important and positive role during the elections and provided an invaluable service to voters.
- The main candidates and parties gained access to the state-owned television channel, ZNBC TV, due to the sponsorship of a series of programmes by the ECZ and local NGOs. However, both in its television and radio services ZNBC failed to provide balance between candidates in key areas such as news and there was strong bias in favour of the Movement for Multi-Party Democracy (MMD). The private media provided wider coverage of candidates and greater access to candidates and parties.
- The number of women standing as candidates was extremely low, demonstrating a lack of recognition of the vital role of women in political life. There was however a stronger presence of women in the election administration and civil society groups.

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### **Statement of Preliminary Findings and Conclusions**

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#### **Background**

The September 2006 presidential, parliamentary and local elections were the country's fourth elections since the return to a multi-party system in 1991. While the 1991 elections constituted a significant landmark in the country's transition to democracy, the elections in 1996 and 2001 failed to consolidate this progress. The 2006 elections benefited from the increased management capacity and independence of the Electoral Commission of Zambia (ECZ). However the late adoption of the new Electoral Act in May 2006 and the announcement of elections by the President in July 2006 meant that the ECZ had only two months to make all necessary arrangements.

President Levy Mwanawasa of the Movement for Multi-Party Democracy (MMD) campaigned for a second and final term in office. He stood in a simple majority system against four other presidential contestants: Michael Sata of the Patriotic Front (PF), Hakainde Hichilema of the United Democratic Alliance (UDA), Godfrey Miyanda of the Heritage Party (HP) and Ken Ngondo of the All People's Congress Party (APC). In the National Assembly elections, 13 parties participated and a total of 709 candidates contested the 150 parliamentary constituencies. A total of 4,095 candidates registered to compete in the local elections.

### **Legal Framework**

The new Electoral Act of 2006, together with other election-specific legislation and more general legislative provisions and manuals issued by the ECZ, provided an adequate framework and effective basis for the conduct of democratic elections. The new and comprehensive Code of Conduct further strengthened the electoral process. While the Electoral Act reformed the legal framework, it did not introduce many of the changes that regional international organisations, civil society and observer groups had recommended, such as decentralisation of the election administration. Existing shortcomings in the legal framework include the absence of an effective complaints mechanism and provisions to accommodate voters with special needs.

### **Election Administration**

The ECZ performed its duties in an independent and largely professional manner. Public confidence in the ECZ remained high, in marked contrast to previous elections. The ECZ organised a generally successful voter education programme communicated through the media and local stakeholders, although activities did not always reach the most remote areas of the country. These initiatives were supported by round tables with candidates, parties, youth and women's organisations. Voters were encouraged to exercise their right to vote, and innovative formats such as television drama were employed to further public understanding of the election process.

The performance of the ECZ was hindered by the absence of timely administrative procedures to facilitate its organisation of the elections. Its lack of a clear operational plan and comprehensive guidelines during certain stages of the electoral process created unnecessary confusion in the administration of the elections. The Electoral Act 2006 introduced a mechanism at both national and district levels for the resolution of electoral disputes before election day. A National Conflict Management Committee (NCMC) was set up, comprising various election stakeholders. Its late establishment, however, and its lack of both operational capacity and of public understanding of its procedures reduced the positive role that it could have played in the elections. Distinctions between the roles of the Conflict Management Committee and the Anti-Corruption Commission and the police remained unclear throughout the electoral process. Committees at district level to some extent suffered due to the delay at national level, and the resulting number of complaints lodged with district committees was small. In some areas, the committees actively resolved disputes and provided a valuable conflict resolution function; in others, their performance was less successful.

The selection of presiding officers and other polling station staff was viewed by some stakeholders as an arbitrary process. Polling staff are chosen from civil servants and public

workers, but the absence of any additional recruitment criteria raised doubts about the transparency and merit of the process.

### **Voter Registration**

A total of 3,940,053 people registered to vote in the 2006 elections. Although it is a significant increase of 33.9% on the 2,604,761 voters registered in 2001, it falls short of the target figure of 5,517,443. To qualify for registration, a citizen had to first be registered in the national civil register and be a holder of a national registration card. There were some criticisms of the coordination between the Ministry of Home Affairs and the ECZ in ensuring that citizens were issued national registration cards prior to the start of registration. There were also criticisms that the two-week verification period was too short for proper inspections, resulting in some omissions from the final voter list.

### **Candidate Nomination**

The process of candidate nomination was conducted openly, although a number of candidates and parties were critical of the one-day nomination period for the parliamentary and local elections. The unnecessarily short time placed restraints on potential candidates, particularly those without easy access to the district capital.

### **Campaign Environment**

The campaign period was generally calm, with only a few minor election-related incidents. The MMD, PF and UDA campaigned most actively across the country. The campaign centred very much on personalities, with candidates also focusing on national economic development and corruption. Freedom of assembly was generally respected and provided in compliance with the Public Order Act. The police adopted a flexible approach to the seven-day notice period necessary for a rally to take place, sometimes accepting very late notice of a planned event.

Across Zambia, various institutions and NGOs played a positive role in decentralising political debate by facilitating public discussions among candidates at a local level. Although the Electoral Act and Code of Conduct tightened regulations concerning the distribution of gifts by candidates to procure votes, the new legal provisions do not appear to have curtailed these problems. EU observers received several allegations of vote-buying as well as reports that candidates and parties were distributing gifts to individuals and communities. Despite the important role played by political parties in areas such as the training and deployment of party agents, there were incidents where parties openly encouraged distrust in the electoral system by promoting suspicion of election preparations, particularly the system for the electronic transmission of results. There are insufficient legal provisions to regulate campaign spending by parties and candidates, resulting in an uneven playing field.

### **Media Environment**

Freedom of expression and the right to publish was respected across the country during the deployment of the EU EOM. Media coverage of the elections was widely perceived to be a considerable improvement on the previous elections. The debate-style programmes sponsored by local NGOs and the ECZ on ZNBC TV that included candidates and NGO representatives, and the 90-minute interviews of the presidential candidates, were positive innovations that added considerably to the diversity of election coverage.

The media monitored by the EU EOM<sup>1</sup> covered the elections in markedly different ways. With the inclusion of the sponsored programmes the state-owned television channel, ZNBC TV, allocated, overall, 37% of its election-related coverage to MMD, 24% to UDA, 13% to HP, 13% to PF and 9% to APC. Despite these positive steps, ZNBC TV failed to provide balance in important programmes such as news bulletins. The MMD received a high proportion of news coverage (73%). The only other parties to receive any significant coverage in the news of ZNBC were the PF with 11% and the UDA with 10%. The remaining parties each received below 3%. Two of the three ZNBC radio stations demonstrated similar trends. On Radios 1 and 4, the MMD received 77% of election-related coverage across the two channels. Radio 2, however, provided a far greater degree of balance, allocating the MMD 42% of coverage, the PF and the UDA 20% each, followed by APC with 12%.

The private audiovisual media generally provided a greater degree of access to candidates, though the MMD remained the dominant party. Radio Phoenix's coverage afforded the MMD 64% of time, followed by the PF (18%) and the UDA (13%). This, however, includes a large proportion of MMD paid for advertisements. Its news coverage demonstrates far more balance than the state broadcasters: MMD (44%), PF (28%), UDA (14%), ULP (6%) and the remaining coverage shared by four other parties. The independent candidate, Patricia Nawa, received the majority of airtime on MUFI TV due to the purchase of lengthy paid for political advertising slots. The channel's news coverage allocated the MMD 59% of time, followed by the PF (27%) and the UDA (8%).

Newspaper coverage of elections also demonstrated varying trends. Excluding paid for political advertising, the MMD received 64% of election-related coverage in the *Daily Mail*, followed by the PF (16%) and the UDA (13%). In the *Times* a similar amount of space was afforded the MMD (62%), with the PF receiving 16% and the UDA 12%. The *Post*, however, provided far greater balance. The PF received 38%, the UDA 16% and the MMD 38%. In general, the tone of the coverage of elections across all media was neutral or positive. The only media outlets to critically engage in the elections were Radio Phoenix and The *Post*.

## Participation of Women

Women were seriously under-represented as candidates in the elections, and the number of women who stood for election was less than in 2001. None of the five candidates running for president were women. A total of 106 (15%) of the 709 candidates standing for one of the 150 parliamentary seats were women. Female candidates contested seats in only 80 of the 150 constituencies. In the local council elections, of the 4,095 candidates standing in the 1,422 wards, there were only 404 female candidates. The low proportion of female candidates is significantly below the commitments and targets included in various international protocols and agreements.

<sup>1</sup> The media outlets monitored by the EU EOM were the state-owned ZNBC TV & ZNBC Radio 1, 2 & 4; state-owned daily newspapers the *Daily Mail* and the *Times*; and a sample of private media: The *Post*, Radio Phoenix and MUFI TV. Monitoring of the broadcast media was conducted daily between 18:00-00:00 hours. An additional 2 hour period 06:00-08:00 was added for Phoenix Radio.

While a handful of candidates addressed issues of particular concern to the female population, only a small number of political parties and candidates made significant efforts to attract female voters. Such neglect in recognising the importance of women in political life also appears to be reflected in political party structures. Women candidates reported that parties provided unequal access to resources and that the nomination process favoured male candidates. There was however a stronger presence of women in both the election administration and the civil society groups involved in the elections. For example, 28% of presiding officers were women.

### **Election Day**

EU observers visited a total of 790 polling stations. Election day proceeded well, despite some delays and postponements in the start of voting due to the late arrival of essential election material. Voters turned out in significant numbers and, despite often lengthy queues, polling took place in a calm and orderly environment. Domestic monitors from NGOs were present in 89% of visited polling stations. Party agents were present in 95%, contributing to the transparency of the process.

Polling procedures were assessed positively in 90% of polling stations visited, demonstrating the quality of staff training and the professionalism of election officials. The counting process was slowed down by complex procedures and complicated counting forms. Nonetheless, it was conducted in a transparent manner, with election officials demonstrating commitment to their duties.

The system for the electronic transmission of results was introduced to facilitate their tabulation and announcement. However, insufficient staff training and unfamiliarity with both the technology and the transmission forms has slowed down the process. Confidence in the system by election stakeholders remains high.

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The EU EOM wishes to express its appreciation to the ECZ and other Zambian authorities, political parties and civil society for their cooperation and assistance during the course of the observation. The EU EOM is also very grateful to the Delegation of the European Commission to Zambia for their support throughout.

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