

Interim Statement

Chair of the Commonwealth Observer Group
His Excellency Dr Jakaya Kikwete

Zambia, 13 August 2016

The Commonwealth Observer Group commends the people of the Republic of Zambia for the peaceful and orderly manner in which they exercised their right to vote on 11 August 2016.

The Group has been present in Zambia since 4 August. Our arrival was preceded by an advance team which has been in the country since 22 July.

We have met with the Electoral Commission of Zambia (ECZ), political parties, civil society, including women and youth groups, media representatives, the Police, Commonwealth High Commissioners and other election observer missions.

On 9 August, our teams were deployed throughout the ten provinces of Zambia to observe the election environment and preparations. Ahead of Election Day, our teams met electoral officials, political parties and the police at the district level to gain a comprehensive picture of the electoral processes and environment. Commonwealth teams also observed the final campaign events around the country.

The following is an initial assessment of the critical aspects of the election process and the electoral environment. Our final report, which we will complete before our departure, will be issued at a later date.

Key findings

Pre-election environment and issues

The campaign

In our briefings with a number of stakeholders, we were informed that there had been a significant increase in the frequency of politically-motivated violence in the pre-electoral environment.

We note, for instance, that the ECZ suspended campaigning in Lusaka and Namwala districts from 9 to 18 July following two separate fatal incidents.

We were further concerned about complaints that the Public Order Act was being applied in such a manner that it prevented some parties from campaigning, earlier in the process. In meetings with representatives of the Police Service, the Group was advised that the Police only cancelled public meetings in instances where they had received intelligence of a security threat, or where they did not have sufficient resources to provide security at the public event.

We were therefore particularly pleased to note that the campaigns conducted on the eve of elections, were lively and generally peaceful.

The Group will analyse the impact of the application of the Public Order Act in the greater detail in the final report.

The media environment

Most stakeholders expressed the view that the media in Zambia is polarised, with outlets demonstrating a clear bias for and against particular presidential candidates and parties.

It is the impression of the team that both public and private media in Zambia have, in some cases, reported events inaccurately, especially those which have not been in favour of their respective sympathising party. This type of reporting may have also been enhanced because of the lack of a self-regulatory body.

However, the Group notes that the public media should be held to a higher standard of responsibility to provide balanced coverage and equal access to airtime for all political parties. Therefore we encourage a more robust regulatory framework for public media institutions.

The Group notes that the Electoral Code of Conduct which is a schedule to the Electoral Processes Act, 2016, requires the media to provide fair and balanced reporting during elections, and to allocate public air time equally to all political parties and candidates. The enforcement of these provisions need to be strengthened.

The revised electoral framework

Zambia's 2016 General Elections was conducted under a revised constitutional framework. The constitutional review process that had been underway for the past 12 years culminated in the passage of the Constitution of Zambia Amendment Act No. 2 of 2016, which was enacted by Parliament early this year.

Some of the major changes introduced, include the 50% plus one threshold for the winner of the presidential elections, as well as the minimum Grade 12 certificate requirement for candidates seeking political office.

The revised Constitution necessitated the revision of about 33 subsidiary pieces of legislation. However, due to time constraints, only two election-related bills were tabled before Parliament before its dissolution.

We note the positive aspects of the election related bills. For instance, the integration of the code of conduct into the Electoral Process Bill, 2016.

However, we heard concerns that these bills were rushed through Parliament and did not benefit from sufficient consultation. Furthermore, subsidiary legislation was not subsequently passed, which limits the ability of the ECZ to conform fully with the new constitution and with regional and international standards. We shall address this issue more comprehensively in our final report.

Election Day

The voting process

On Election Day, our observers reported that most voting stations opened on time with a few exceptions. For instance, five polling stations in Nalolo District in the North Western Province, remained closed at 12:30pm.

Like other Observers, we were struck by the very long queues in some polling stations. In one polling centre in Solwezi District (North Western Province) there were 11,500 voters on the register, and the centre had 12 streams.

The prescribed layout within polling stations was adhered to, and was conducive for orderly voting. However, the compounds surrounding some of the schools, and even polling tents, were too small to accommodate the large queues in an orderly manner.

At the opening of polls, polling officials largely followed the opening procedures and voting generally proceeded in an atmosphere of calm and orderliness, even if slow in some instances.

The voter register lacked an alphabetical index locating and confirming the voter's name and registration number. This created confusion amongst voters regarding the appropriate streams and contributed to the slow pace of voting in some instances.

In some cases, we witnessed assigned police personnel assisting the presiding officers in queue management. Their presence was non-intrusive.

We noted the ECZ's attempt to simplify the complicated process of voting in five elections by using colour coded boxes and corresponding ballot papers. We observed that the polling assistants responsible for guiding voters to place their ballots in the correct boxes played a critical role in facilitating this process.

We commend the contribution made to the process by party agents, as well as citizen observers and monitors, most of whom were young people. Party agents we met observed the rules of the polling station, were friendly and cooperated among themselves. They frequently assisted the polling officials to find names in the register, and engaged constructively when a problem arose.

In summary, we wish to highlight the following positive trends that we observed on polling day:

- An encouraging turn-out
- A largely peaceful process.
- A robust voter register.
- Non-intrusive presence of the police
- An inclusive process with a balance of Zambian women and men playing their roles as voters and as polling officers. However, we note, with concern, the very low participation of women as candidates which we will address in our final report. We further note that differently abled people as well as the elderly, mothers with young children, and pregnant women were assisted to vote.
- There was a visible presence of citizen observers across the country, most of whom were young people.
- Electoral processes were largely followed.

We however note the following challenges during the voting process:

The Referendum

It appeared that civic education on the Referendum, which commenced rather late, following the passage of bills in Parliament on 29 May 2016, was inadequate.

Observers came across a disturbing number of incidents where voters shunned the Referendum ballot, refusing to collect it, either due to lack of understanding or owing to the politicisation of this ballot. The inclusion of the Referendum vote, together with the four ballots, meant it did not receive the due attention it deserved.

Our sense, yet to be borne out by the results, is that the Referendum may have suffered from inadequate civic education on its importance. We note that in our briefing sessions, this development was foreshadowed by a number of stakeholders.

Queue management

Our advance observers were informed in their briefings that where polling stations had more than 500 voters on their voter registers, they would be split into multiple streams to handle the flow of voters. We note, however, that this did not seem to have occurred in a number of polling stations with overwhelming numbers of voters.

In some cases, queues caused congestion in the affected polling stations, and voters had to wait for long hours in vote. We note that in one polling centre, the Red Cross had provided a rest facility for those who might require it.

In a highly contested election such as this, where the political landscape is quite polarised, unwieldy queues could spark unruly behaviour. We will provide some recommendations on this issue in our final report.

Late opening of a few polling stations

We note the late opening of a relatively few number of polling stations. According to the ECZ, some of the lost time was compensated with the late closure of those polling stations affected.

Voting for polling officials and security personnel on duty

We witnessed cases where the 'certificates of authority' required by security personal and polling officials to vote in their duty locations had not been given to them, particularly in the Copperbelt area.

We understand that in some cases, these certificates arrived just before the close of polls. This incident brings to the fore the need to strengthen special voting arrangements for the next election.

We conclude that the voting process appeared to be smooth and peaceful. The voter register appeared robust with relatively few incidents where voters could not find their names. Our teams note that where there were anomalies in the application of certain procedures, they were not of such gravity as to negatively impact the credibility of the process.

Closing, counting and the results process

At the close of polls at 6:00pm, our Observers reported that there were still a significant number of voters in the previously long queues.

Our Observers reported that those voters in the queue at the close of polls were allowed to vote, in line with the law.

In the main, closing procedures were followed. The counting process was transparent, and spoilt ballots were determined in a consultative manner among the polling officials and party agents.

In some cases, however, the application of the counting processes appeared inconsistent. This seems to suggest that training of polling staff in those particular areas may have been inadequate.

Overall conclusion

Our overall conclusion is that the voting, closing and counting process at the polling stations on 11 August, were credible and transparent.

However, we are mindful that the results process is ongoing. Our final assessment on the entire process, will be contained in our final report.

It is the Commonwealth's hope and expectation that this spirit of orderliness, tolerance and peace, which has characterised the voting process, will prevail as the results phase continues.

We urge all political parties and candidates to respect the will of the people of Zambia as it emerges over the next few days, and to seek redress for any grievances through peaceful dialogue, and through prescribed legal channels. This is the Zambian Constitutional way. It is also the Commonwealth way.

We reiterate the appeal we made to all Zambians, in the joint statement by African and International Election Observation Missions on 10 August 2016, to refrain from making any utterances and/or performing acts that could trigger tensions and negatively affect the post-election environment.

As we underscored in that statement, Zambia has committed itself to certain democratic values contained in the national, regional, Commonwealth and International obligations it has chosen to subscribe to. This country has a history of upholding these values during elections. We urge all stakeholders to cherish this history.