



Zimbabwe Election Support Network Election Observation Mission to Zambia
2021 General Elections Observation Report

12 August 2021

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1 Introduction

The Zambia general elections held on 12 August 2021 were the seventh since the reintroduction of multiparty democracy in 1991. Hakainde Hichilema, President of the United Party for National Development (UPND) emerged the victor for the Presidential seat. This was the sixth time for Hichilema to contest as a presidential candidate and the third time in a row where he was contesting against Dr. Edgar Lungu. Hichilema won by a margin of 59.4% of the votes cast while the President of the Patriotic Front (PF), President Lungu received 38.3% of the votes and was seeking a second term.

Following the invitation from the Zambian Government, and during the period leading to the elections, the Zimbabwe Election Support Network (ZESN) deployed a learning observation mission which was accredited by the Electoral Commission of Zambia (ECZ) to observe the polling day processes and those at the National Results Centre. The ZESN Team comprised of three observers drawn from the ZESN board, the secretariat, and a representative of the ZESN provincial taskforce. To enhance the ZESN Team's understanding of the socio-economic and political contexts as well as election-related procedures and processes, the Team interacted with various stakeholders' mostly domestic election observer groups, media, and civil society organizations in Zambia.

The Mission's main objective was to draw lessons on how general elections could be successfully conducted during the COVID-19 pandemic. The lessons learned from this observation mission have informed ongoing advocacy efforts by ZESN on the need to lift the indefinite suspension of elections in the country as well as advocacy for appropriate political, legal and administrative reforms in Zimbabwe.

2 Background and Political Context

The political environment leading to the 2021 elections was highly polarised, particularly between the two main political party leaders, the ruling PF's Edgar Lungu and the main opposition party leader, the UPND's Hakainde Hichilema. Reports from domestic observers indicated the selective application of COVID-19 regulations, restrictions on freedoms of assembly and movement, allegations of electoral malpractices which threatened the general elections, arbitrary and selective application of the law, polarized media space, violence, tribalism and abuse of incumbency, among others, marred the election.

According to domestic observer reports, both the UPND and PF parties were identified as victims and instigators of politically-motivated violence, hate speech which in some instances included the use of vulgar language, intimidation, and harassment of citizens, and cyberbullying, among others. Tensions between the two major political parties escalated to a point where the ECZ felt compelled to temporarily suspend campaigns in some Constituencies around the country. Interlocutors met by the ZESN team indicated that there was a significant increase in the frequency and intensity of politically-motivated violence ahead of the 2021 elections.

Sixteen candidates contested the Presidential elections, nevertheless the most visible campaigns were incumbent president Edgar Lungu of the Patriotic Front (PF), and main opposition leader Hakainde

Hichilema of the The United Party for National Development (UPND). This turned election to be a two-horse race between the PF and the UPND. The stakes were very high for both leading contenders during that election, partly because both candidates competed in the 2015 presidential by-election and 2016 presidential election. Edgar Lungu won both elections, albeit by narrow margins. Only one of the sixteen presidential election candidates was a female.

Twelve days before polling day, the former President announced the deployment of the Zambia Defence Force to support police efforts to maintain peace during the run-up to the elections, a move that was condemned by many local, regional and international stakeholders. On the economic front, according to the World Bank, the country had huge economic challenges which include debt, corruption, poor fiscal management, and high unemployment.

ECZ has the legal power to enforce the Electoral Code of Conduct which is embedded in the Electoral Processes Act. This is provided under Article 229, Sub-article 2 (e) of the Zambian Constitution and subparagraphs 4(1) (c) (d) (i) and 11 (d) of the Electoral Code of Conduct. The ZESN team observed exertion of powers by the ECZ which suspended campaign activities for individuals or political parties who were found violating the Electoral Code of Conduct. The major culprits were the then ruling PF and the main opposition UPND parties. For instance, a few days before the polling day, two supporters of the PF lost their lives in clashes with the UPND in Kanyama Constituency in Lusaka. Upon completion of its investigations, the ECZ banned UPND from conducting any form of campaign in the Constituency. Most stakeholders that interacted with the ZESN team applauded the ECZ for their ability to enforce the Electoral Code of Conduct without fear or favour. Such powers may empower the ZEC to better manage the behaviour of political parties during the campaign period, in particular ending the use of hate language, cyberbullying, and violence among others.

3 Legal Framework

Zambia's legal framework provides a reasonable basis for democratic elections that protect and promote civil and political rights. In addition several pertinent legal reforms were instituted before the 2021 elections which among other things extended the right to vote to prisoners and strengthened the security of the tenure of electoral commissioners.

Zambia is one of the countries in Africa that decided to uphold democracy in the context of COVID-19, thus ensuring that the principle of universal suffrage is respected by successfully conducting its elections. The ZESN team learned that in the run-up to the general election, the ECZ worked with the Ministry of Health to form a Multi-sectoral Technical Committee that developed modalities and guidelines for conducting elections in the era of the pandemic. A detailed document of Standard Operating Procedures (SOPs) Against Covid-19 was developed to guide the ECZ's work as well as that of political parties and other electoral stakeholders.

Zambia's August 2021 elections were governed by a number of national and international normative instruments including:

- the 1991 Constitution (as amended);
- the 2016 Electoral Processes Act; (as amended);

- the 1955 Public Order Act;
- the 2015 Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections;
- 2002 OAU/AU Declaration of Principles Governing Democratic
- Elections in Africa, the 2007 African Charter on Democracy, Elections and Governance;

4 Election Administration

The Electoral Commission of Zambia (ECZ) is established in accordance with Article 229 of the Constitution, and the Electoral Commission Act No. 25 of 2016. According to the Constitution, the Commission shall: "implement the electoral process; conduct elections and referenda; register voters; settle minor electoral disputes, as prescribed; regulate the conduct of voters and candidates; accredit observers and election agents, as prescribed; and delimit electoral boundaries." The Chairperson of the Commission is the Returning Officer for the Presidential Election.

5 Voter Registration

One of the several ways to protect the right to vote is the provision of effective voter registration to eligible citizens. Voter registration is one of the means of promoting inclusive voting processes, while at the same time safeguarding against voting by ineligible people.

The ECZ conducted voter registration from 9 November to 12 December with an extension from 17-20 December. Citizens' observer groups that observed the voter registration process indicated that largely adhered to set procedures, and resulted in the registration of over 7 million people. However, some irregularities were reported regarding how the process was conducted including the shorter registration period than in the past, and disparities in registration centres staffing levels across provinces. Stakeholders were of the view that the credibility of the voter registration process and the resultant register was the refusal by the ECZ to permit an independent audit of the voter register, thus eroding stakeholder confidence in the final register.

6 Civil Society Participation in electoral processes

Civil society plays a key role in the electoral process and they should never be viewed as competitors by the EMB, but as stakeholders that can complement the work of the EMB, thereby instilling confidence in electoral processes. Engagement meetings between the EMB and civil society are key to enhance transparency and accountability. The ECZ missed an opportunity to strengthen relationships with key electoral stakeholders by not investing in sustained engagement and discussions on the issues raised by stakeholders at critical junctures, such as those relating to the issuance of National Registration Cards, the discarding of the voters' roll which was used in 2016, voter registration rates which were inconsistent with the national average, and which in some constituencies were actually lower than those recorded in the voter registration exercise for the 2016 elections.

Zambian Civil Society Organisations (CSO) actively supported ECZ voter education efforts by conducting initiatives that helped broaden the reach of pertinent electoral information to eligible voters and those eligible to register. CSOs also conducted oversight over electoral activities that were conducted across the electoral cycle therefore providing in-depth analysis of not just the

pre-electoral environment but more broadly assessment of key electoral processes conducted since the conclusion of the previous election. However the work of CSOs was reportedly hampered the fact that many inquiries for pertinent electoral information either went unanswered or were responded to in a timeous manner. Such inquiries relate to, for instance, voter registration procedures, and registration teams and kits deployment, in addition, Election Day procedures were not publicly shared.

7 Election Day Observation

Overall, the Zambia general elections recorded a high turnout of about 70%. However, it seemed the polling officials were not adequately prepared for such a high turnout. There were polling stations across the country that reportedly finished polling close to midnight, and only commenced counting the following day. It is therefore important for the ECZ to review its polling stations thresholds for registered voters to a number that can be reasonably processed within the official voting hours.

Observer Accreditation: From what ZESN was able to establish, all domestic elections observers were accredited as per the different organisations' requests, nevertheless, the accreditation requirements and process for the 2021 general elections was both cumbersome and expensive in comparison to the process that was in place for the previous general elections. EMBs should facilitate smooth observer accreditation processes as observers provide valuable oversight of electoral processes.

Opening of polling stations: Polling stations opened on time (06:00 hours) where the ZESN team observed. On average polling stations had six polling officials. PF and UPND had party agents at all the polling station observed and at least one party agent from other parties was also present.

Voting: the set voting procedures were consistently following at the polling stations visited, with: voters' fingers being checked for indelible ink; voters being required to show their National Registration Card and Voter ID card; polling officials checking for voters names in the voters register; polling officials stamped the presidential ballot paper before issuing it to voters; and voters' fingers were marked with indelible ink.

Oversight of the polling process by party agents: The ECZ is required by law to give accredited party agents stationed at polling stations a hard copy of the polling station-based voters' roll in the same format as the one that polling officials will be using at that particular polling station. This confidence building measure allows for party agents to effectively track the polling process as well as satisfy themselves that only eligible voters are receiving ballot papers and casting their votes at a particular polling station. This also increases transparency and reduces fears of bussing in of voters by some political parties.

Prisoners Vote: The right to vote by all citizens and upholding the principle of universal suffrage are key principles that are enshrined in the Constitutions of many jurisdictions. Following a Constitutional Court ruling that the right of prisoners to vote must be upheld, the ECZ put in place mechanisms such as voter registration, voter education, and polling stations to facilitate the implementation of prison voting for the first time since the country got independence in 1964. ZESN observed that the secrecy of the vote was upheld at the polling stations in the prisons, and that both party agents and observers were granted access to the polling stations.

The ECZ staff conducted themselves professionally and facilitated the work of monitors, party agents as well as observers to perform their oversight role at polling stations unhindered, including at polling stations that were located inside prisons.

Observation of COVID-19 Protocols: ZESN observed that at almost all polling stations that the team visited, the COVID-19 protocols were not systematically adhered to as many voters were not observing social distancing, sanitizing or washing of hands with soap and running water, despite the fact that ECZ made adequate provisions at every polling station.

Closing of Polling Stations: Polling stations were scheduled to close by 18:00 hours with voters already in the queue at 18:00 hours being allowed to cast their vote. Because of the overwhelming turn out, many polling stations in Lusaka where the ZESN team observed closed after 18.00 hours.

Counting: Counting at the polling stations where the ZESN team observed commenced promptly following the closure of polling stations, with party agents and observers present at the polling stations allowed to observe the counting process.

Restricted Access to Internet: There were numerous reports of internet access being limited on Election Day. The global internet monitor NetBlocks confirmed that social media platforms Twitter, Facebook, Instagram, and messaging apps Messenger and WhatsApp were restricted on multiple internet providers.

8 Post-Election Day Observation

The ECZ published its results management framework outlining the various steps for tabulating, transmitting and announcing official results. ZESN observers had the opportunity to visit the National Results Tally Centre and interacted with various representatives of the political parties that contested the 2021 general elections. From the interactions, it was evident that the results tabulation at the various tally centres (at national and subnational levels) was being conducted in a transparent and verifiable manner and that party agents were given adequate access to the process.

Presidential Results

Candidate	Party	Votes	% votes
Hakainde Hichilema	United Party for National Development	2,852,348	59.02
Edgar Lungu	Patriotic Front	1,870,780	38.71
Harry Kalaba	Democratic Party	25,231	0.52
Andyford Banda	People's Alliance For Change	19,937	0.41
Fred M'membe	Socialist Party	16,644	0.34
Highvie Hamududu	Party of National Unity and Progress	10,480	0.22
Chishala Kateka	New Heritage Party	8,169	0.17
Charles Chanda	United Prosperous and Peaceful Zambia	6,543	0.14
Lazarus Chisela	Zambians United For Sustainable Development	5,253	0.11

Nevers Mumba	Movement for Multi-Party Democracy	4,968	0.10
Enock Tonga	3rd Liberation Movement	3,112	0.06
Trevor Mwamba	United National Independence Party	3,036	0.06
Sean Tembo	Patriots For Economic Progress	1,813	0.04
Stephen Nyirenda	National Restoration Party	1,808	0.04
Kasonde Mwenda	Economic Freedom Fighters	1,345	0.03
Richard Silumbe	Leadership Movement	1,296	0.03
Total		4,832,763	100.00

Source: ELECTORAL COMMISSION OF ZAMBIA (ECZ) 2021 "Presidential: 2021 General Elections", [www] <https://zambiaelections2021.org.zm/>

Voting statistics

Registered Voters	7,023,499
Votes Cast	4,959,332
Voter Turnout	70.61
Valid Votes	4,832,763
Invalid Votes	126,569
% Invalid	2.55

9 Conclusion

The 2021 general elections in Zambia were held during difficult political and economic times. Political tensions were high, the economy was in recession and to further compound this, the elections were held during the COVID-19 pandemic which presented its own set of unique

challenges. Nevertheless Zambia succeeded in holding elections that were widely viewed as credible, transparent and professionally conducted.

10 Recommendations

In light of observations highlighted in this report, the ZESN election observation mission to Zambia's 2021 General Elections proffers the following recommendations for consideration by Zambia's electoral stakeholders.

The Government:

- Create and maintain an enabling environment that supports constitutionally guaranteed civil and political rights.

The Electoral Commission of Zambia (ECZ):

- Ensure that requirements for observer accreditation are clear and not administrative and financially burdensome on domestic observers.
- Ensure transparency and access to pertinent electoral information timeously throughout the electoral cycle.

Political Parties:

- Support inclusion of women, youth and persons with disabilities in elective and substantive positions with the respective political parties.
- Refrain from using insightful language and restrain supporters in time of heightened political tensions.

Security Services:

- Ensure that enforcement of adherence to COVID-19 health regulations is done impartially and professionally.
- Ensure that any restrictions to the enjoyment of civil and political rights is not done on a selective basis based on political affiliation to ensure equality before the law.