



**REPORT ON 2015 PRESIDENTIAL ELECTION  
by  
ICGLR ELECTION OBSERVATION MISSION TO ZAMBIA**

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## **I. INTRODUCTION**

The Protocol on Democracy and Good Governance of the Pact on Security, Stability and Development in the Great Lakes Region, specifically Chapter III, Article 13 stipulates that “At the request of any member State, the International Conference may provide help and assistance in organising and running any election in the requesting Member State. Similarly, the Conference may send an election monitoring or observation mission to the country concerned”<sup>1</sup>.

In view of the above mandate and following an invitation by the Republic of Zambia to the International Conference on the Great Lakes Region (ICGLR) to observe the Presidential election which took place on 20th January 2015, ICGLR sent an observation mission from 14th to 21st January 2015. The mission was led by Mr. Joseph Biribonwa, from Uganda, Deputy Chairperson of the Uganda Electoral Commission. In total, the ICGLR deployed eight (8) observers from Member States of Angola, Central African Republic, Kenya, United Republic of Tanzania, Uganda and members of the ICGLR Secretariat. The observers were deployed in the Districts of Chibombo, Chisamba, Chongwe, and Lusaka City. Additionally, two delegates from the Kenyan High Commission headed by Her Excellence Sophy, K. Kombe, High Commissioner accredited to Zambia, Malawi and COMESA joined the mission to add their expertise on the Election Day.

The ICGLR Observation Team interacted with a number of stakeholders to establish the political mood on the ground and the general preparedness for the election. There were:

- Electoral Commission of Zambia
- ICGLR – Member States Missions in Lusaka (Kenya, Angola, Burundi)
- Zambia Ministry of Foreign Affairs
- Other election observer Missions; COMESA, SADC, AU

The ICGLR Observation Team mission also attended political rallies in and around Lusaka City and further attended one of the Presidential Candidates public debate.

This report provides details of ICGLR election observation mission findings and recommendations for the improvement of Zambia’s future elections. The ICGLR Election Observation Mission is independent in its findings and conclusions and adheres to the ICGLR Protocol on Democracy and Good Governance.

## **2. POLITICAL BACKGROUND**

### **a. Political Context**

The January 20, 2015 Presidential election was the second to be held after the death of a sitting President since the introduction of the multiparty system in Zambia in 1991. The first Presidential election was held on 30 October 2008, following the death in office of former President Levy Mwanawasa.

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<sup>1</sup> ICGLR Protocol on Democracy and Good Governance

Historically, Zambia since independence in 1964 to date has witnessed smooth political transitions. In the early 1990s, Zambia positively transitioned from being a one---party state to a multi---party democracy. Since then, Zambia has continued to experience peaceful alteration of power between opposing parties. Pundits of democracy and good governance have argued that for over 24 years since the introduction of multiparty democracy in 1991, the country has set a high bar for free and fair elections on Africa's political landscape.<sup>2</sup>

Zambia has not only demonstrated the democratic peaceful transfer of power but also its commitment to the promotion of democracy and good governance through belonging to regional bodies and ratification of regional and international instruments such as the International Conference on the Great Lakes Region (ICGLR) Protocol on Democracy and Good Governance which mandates Member States to abide by constitutional principles, among others, the accession to power through regular, free, fair and transparent elections.<sup>3</sup>

The 2015 Presidential Election constituted Zambia's barometer as a beacon of peace, democracy and good governance in Africa for the second time when the country experienced a gloomy event in its history with the death of the incumbent President, the second president to die in office in a space of six years. Many lessons were drawn from the country's Presidential election beginning from the transition period culminating into the constitutionally mandated elections 90 days after the president's demise held on 20th January, 2015.

## **b. Presidential Candidates**

There were eleven presidential aspirants after nominations closed on 23rd December 2014 who successfully filed their nomination papers with the returning officer who is also the Acting Chief Justice as below

1. Daniel Pule (Christian Democratic Party)
2. Edgar Lungu (Patriotic Front)
3. Edith Nawakwi (Forum for Democracy and Development)
4. Elias Chipimo (National Restoration Party)
5. Eric M. Chanda (4th Revolution Party)
6. Godfrey Miyanda (Heritage Party)
7. Hakainde Hichilema (United Party for National Development)
8. Ludwig Sondashi (Forum for Democratic Alternatives)
9. Nevers Mumba (Movement for Multi---Party Democracy)
10. Peter Sinkamba (Green Party of Zambia)
11. Tilyenji Kaunda (United National Independence Party)

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2. Charles Mwewa, Zambia Democracy: Work in Progress, <http://www.mwewa.ca/>

3. ICGLR Protocol on Democracy and Good Governance

### **3. LEGAL FRAMEWORK**

#### **a. National Legal Framework**

The Electoral Commission of Zambia is an independent and autonomous Electoral Management Body (EMB) that is governed and regulated by the following pieces of legislation:

- The Constitution of Zambia, 1991;
- The Electoral Commission Act No.24 of 1996;
- The Electoral Act No.12 of 2006;
- The Local Government Elections Act, Cap 282 of the laws of Zambia;
- The Local Government Elections (Amendment) Act, 1997; and
- Various statutory instruments made to regulate the electoral process, such as the Electoral (Code of Conduct) Regulations, the Electoral (General) regulations and the Electoral (Registration of Voters) Regulations.

The Electoral Commission of Zambia is responsible for the delimitation of constituency, ward and polling district boundaries;<sup>4</sup> the registration of eligible citizens as voters and the update and maintenance of a register of voters (Article 76 and Section 4 of the Electoral Act); the conduct and the supervision of the Zambia's Presidential, National Assembly (parliamentary) and Local Government elections (Article 76 of the Constitution and Section 2 the Local Government Elections (Amendment) Act No 17, 1997).

The Electoral Commission is also responsible for providing electoral information and voter education to members of the public and the electorate on the various phases/stages of the electoral process and elections, in particular <sup>5</sup>. It also has powers to facilitate the establishment of alternative dispute resolution mechanisms for the management of electoral disputes (Section 111 of the Electoral Act, 2006); and powers to make regulations deemed pertinent to the electoral process.<sup>6</sup>

While the Electoral Commission is explicit in terms of its mandate, there are no laid down mechanisms within its provisions or legal framework to enable voting of all eligible and registered security personnel deployed to man polling stations and polling agents/staff on Election Day.

#### **b. Structure and Composition of the Election Administration**

The Electoral Commission as established under Article 76 of the Constitution consists of a chairperson and four other members appointed by the President, subject to ratification by the National Assembly for a term not exceeding seven years.<sup>7</sup>The Act also provides the provisions for the removal of Commission members and all matters incidental to the internal operation of the Electoral Commission.

#### **c. Registration and Regulation of Political Parties**

There is no proper legal framework in Zambia to regulate the operation of political parties despite the pivotal role that political parties play in the country's governance process. Instead, political

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<sup>4</sup> The Constitution of Zambia, Article 76

<sup>5</sup> Government of Zambia, Electoral Act 2006, Section 77

<sup>6</sup> Government of Zambia, Electoral Act 2006, Section 129

<sup>7</sup> Government of Zambia, Electoral Commission Act, section 4

parties are registered and regulated under the Societies Act, an umbrella law that governs the operations of all associations. There is need to pass a Political Parties Act to regulate the registration and operations of political parties.

## **4. NOMINATION AND REGISTRATION**

### **a. Candidate and Party Nomination**

In Zambia, the nomination of candidates by political parties is always an internal affair conducted on the basis of each party's constitution and election nomination rules. This has always resulted into complaints about how political parties conducted their nominations; subsequently the primary elections are characterised with complications and violence. The January 20, 2015 Presidential Election was unprecedented in Zambia's electoral history as eight (8) presidential aspirants emerged for succession within the ruling Patriotic Front (PF) Party namely: Captain Selemani Banda, former Zambian Ambassador to Nigeria, Chishimba Kambwili, Minister of Youth and Sport, the Edgar Lungu, the then Minister of Defence and Minister of Justice, Given Lubinda, MP for Kabwata and former Minister of Foreign Affairs, Geoffrey Mwamba MP for Kasama and former Minister of Defence, Miles Sampa MP for Matero and Deputy Minister of Commerce, and Robert Sichinga a nominated MP and the then Minister of Commerce and Industry; including former First Lady and widow of President Michael Sata. The succession wrangles about who would head the PF brought about divisions which resulted into two party general conferences which translated into two rival camps. The contest was only arbitrated by the courts of law to settle the presidential candidate for the party.

Equally, the opposition Movement for Multiparty Democracy (MMD) also had leadership wrangles involving the Former President Mr. Rupiah Banda and current party President Dr. Nevers Mumba who both campaigned as candidates for their party until the settlement of the matter by the court that enabled Dr. Nevers Mumba to successfully file in his nomination as presidential candidate.

### **b. Registration of Candidates**

The filing in of nominations by the presidential aspirants by the ECZ took place beyond the intended two---day period 17th---19th December, 2014. The nominations period was extended to 23rd December 2014 due to fears that the intra---party disputes which had engulfed party primary elections would still be in the courts longer than anticipated, also that more parties would come forward with additional candidates.

Successful presidential candidates paid the ECZ a non---refundable fee of K10, 000 and produced 200 registered voters (National Registration Cards and Voter's Card) as stipulated by Electoral Laws of Zambia.<sup>8</sup> These two conditionalities prevented candidates from smaller parties and reduced the final number of presidential aspirants after nominations closed on 23rd December 2014 to eleven.

All Successful presidential candidates signed the Electoral Codes of Conduct as a commitment to peaceful campaigning and acceptance of results.

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<sup>8</sup> Government of Zambia, Electoral Act 2006, Chapter 13

## 5. CAMPAIGN ENVIRONMENT

### a. Election Date Announcement

The presidential election date announcement by the then Acting President Dr. Guy Scott was guided by article 34 of the current constitution which stipulates that elections be held within 90 days of the death of an incumbent president and 20th January 2015 was set as the presidential election date. This was in conformity with regional and international instruments such as the ICGLR Protocol on Democracy and Good Governance Article 5 of Chapter III which states in part, “ the elections at all levels shall take place on the dates or during the periods fixed by the constitution or electoral laws in good time....”<sup>9</sup>

### b. Election Campaign

The announcement of the presidential election date propelled the campaign period for the presidential hopefuls with their supporters. The ruling Patriotic Front Party presidential hopeful Mr. Edgar C. Lungu at the time was Minister of Defence a position he never relinquished after filing in his nomination and throughout the entire presidential race, an act which brought public outcry. The act was perceived as an advantage over other presidential aspirants. Critiques pointed out that it was a deliberate move to have access to massive media coverage and security from defence personnel by virtue of the position. The Electoral Commission of Zambia as the body with the

mandate to preside over electoral processes in the country was left helpless with the situation as the current constitution does not dictate for one to resign his/her ministerial position once vying and subsequently adopted for the position of republican president.



Photo:Victim lying on the ground as police restrain attacker

The country witnessed members of other political parties endorsing and supporting presidential aspirants from other parties even when their own parties had floated a presidential candidate. This was the case where about eight (8) members of parliament from MMD and two (2) from the ruling PF supported the presidential candidature of United Party for National Development (UPND) whereas the Former MMD President and Republican President Mr. Rupiah Banda together with other National Executive Members endorsed and supported PF presidential candidate.

Furthermore as earlier alluded, Zambia traditionally enjoys a positive reputation for stability in southern Africa. Zambia has held multiple elections, seen peaceful transitions between competing parties, and enjoys historically low crimes rates that is, until an election comes about. <sup>10</sup>

The advent of political violence as a form of mobilisation is certainly not unique, but in Zambia the phenomenon has become particularly acute in recent years. This trend was evidenced during the just ended presidential election where youths welding pangas (machetes) especially in urban areas were allegedly hired by major political parties to intimidate political

9. ICGLR Protocol on Democracy and Good Governance

10. James Kimer ,Rising Youth Cadre Violence Threatens Zambian Stability, 28 November 2012

opponents and voters which is putting Zambia at a blink of not staying so peaceful for very long if left unchecked. The ICGLR Observation Mission reported that the electoral process during the presidential elections, on balance, was generally peaceful despite few cases of violence and intimidation reported during the campaign period. There was respect for freedom of expression, assembly and movement for political parties and candidates around the country.

The holding of the first ever Presidential debates by a local private media house (MUVI television) towards the elections was a milestone in the Zambian political history which helped to acquaint the electorate with the candidates and their policies. The major campaign themes included free education, economic management, improve farmers support input programme, improve and access to better health services which were used to rally support from different regions.

### **c. Tribalism**

Since independence in 1964, electorates in Zambia have been voting for candidates they have known from their own area or region. The presidential election was perceived by some as tribally polarized with regard to the two front runners of the UPND and PF<sup>11</sup>. Objectively, there is nothing new to this voting trend but what has to be encouraged is to challenge the traditional voting pattern.

What was observed were maneuvers to pull a tribal card in pursuit of public office or marginalize a political opponent based on tribe. Worth noting, is the scenario of Zambia having 72 tribes is not a curse but a rich cultural diversity which should be strengthened through mutual appreciation and celebration. There is need to release that the choices of leaders to public office should be based on merit and not on tribe, race, colour or even political grouping.

### **d. Abuse of Public Resources**

The Election Act prohibits the use of public resources for the purpose of campaigning and also prohibits public officers from campaigning or initiating new development projects for the purpose of supporting a candidate or political party.

The ICGLR Observers reported no abuse of public resources in Zambia's January, 20, 2015 Presidential elections.

### **e. Campaign Financing**

There is no law in Zambia that compels political parties to disclose the sources of their funding but only spells out corruption, illegal practices and election offences<sup>12</sup>. The 2015 Presidential Elections witnessed two major political parties (PF and UPND) presidential aspirants using air transport and excessive spending during the campaign period which marginalized other parties and candidates with less money.

<sup>11</sup>. Zambia Episcopal Conference (ZEC) Statement on the 20th January 2015 Presidential Election

<sup>12</sup>. Government of Zambia, Electoral Act, Part VII

## **6. MEDIA AND THE ELECTIONS**

### **a. Media Coverage of the Elections**

The electoral process was extensively covered in the media. There were visible voter information/Civic Education Campaigns in the media before the elections which offered a variety of programmes addressing voters' understanding of voting procedures and messages of peace. Despite the extensive media coverage, the public (Zambia National Broadcasting Corporation, Times of Zambia Newspaper, and Daily Mail Newspaper) and private media (radio and television) stations demonstrated bias towards the contestants with the former giving more covering the ruling party and the later giving more covering the opposition political parties. This was contrary to the Electoral Act which stipulates that all print and electronic media should provide fair and balanced reporting of the campaigns, policies, meetings, rallies and press conferences of all registered political parties and candidates during the campaign period<sup>13</sup>. This scenario resulted in finger pointing among political parties with some opposition parties complaining that the public media gave more coverage to the ruling party while the latter complained that certain sections of the private media were biased against it.

Furthermore, while the media is often viewed as an indispensable pillar for the promotion of sustainable governance, some section of the media in their vigorous role of informing and educating the public were not scrupulously professional, objective, responsible and ethical with regard to exaggerating isolated incidences of tribalism. Their coverage was a source of concern to promoting tribal tension. They were not mindful of the delicate balance the media ought to nurture, guard and protect which is the love the Zambian have and their historical wish to live in harmony with one another through the motto, "One Zambia, One Nation". There is need for the media in Zambia to desist from exaggerating tribal tension through misinformation and irresponsible sensationalism which is destructive and instead focus on building the nation by empowering citizens through accurate information.

## **7. ELECTION DAY**

### **a. Opening and Polling**

According to statistics provided by the Electoral Commission of Zambia, there are 6,456 polling stations spread throughout the country. On Election Day 20th January, 2015, most polling stations opened on time at 06:00 am and closed at 06:00 pm as required by law. Nevertheless, 51 polling stations could not open for voting due to bad weather which resulted in the delay of reaching of voting material, however those stations were rescheduled to poll the following day.

Polling officials observed and interviewed by ICGLR Observers were aware of their duties and responsibilities and acted professionally within guidelines issued in conformity with the Electoral Laws of Zambia. Political Parties agents (particularly the 2 main political parties, PF and UPND), local monitors and Civil Society organizations were present at the polling stations visited by ICGLR Observers.

<sup>13</sup>. Government of Zambia, Electoral Code of Conduct Regulations 2011, Part II, Article 13 (1 a)

During polling, agents for the Political Parties were given copies of the voters register identical to that being used by presiding officers. This was for the purpose of transparency and accountability in voter identification. We also noticed the presence of other International Observers such as the Southern African Development Community (SADC), the African Union (AU), and the Common Market for Eastern and Southern Africa (COMESA), and Commonwealth.

## **b. Closing and Counting**

Most polling stations attended by ICGLR Observers closed at the official closing time and in all areas observed, counting took place in a peaceful atmosphere. Closing and counting procedures were respected, including correct allocation of votes to candidates, determining valid and invalid ballots and the procedures for disputed ballots. It was observed that in all the polling stations visited, the overall conduct of operations was transparent and fair and that the recorded results reflected the will of the voters.

After the closing of the polling stations, votes were counted in the presence of agents of political parties, monitors or observers, members of the Public and announced by the Presiding officer. The results were then delivered to the District Tallying Centre for onward transmission to the National Results Centre at Mulungushi International Conference Centre in Lusaka.

## **c. Tallying**

The results were tallied at the District Tallying Centres in the presence of agents of political parties and monitors or observers and electronically transmitted to the National Result Centre.

# **8. RESULTS**

## **a. Declaration and Announcement of Results**

The Electronic Transmission of Results System was used to transmit results from the Tallying Centres to National Results Centre and relayed on the public National Broadcaster, Zambia national Broadcaster Corporation (ZNBC).

The elections were contested between 11 Presidential aspirants who successfully filed in their nominations. The ruling Patriotic Front (PF) party emerged victorious with a close margin of 48.33% to beat its close rival the opposition United Party for National Development with 46.66%. The low voter turnout during the voting was due mainly to the timing (as this case determined by the constitution) which coincided with the rainy and farming season. However, there are other reasons that could have contributed to the 32.36% voter turnout, mainly voter apathy the trend which has been increasing since the 1991 general elections. <sup>14</sup>

## b. Summary of the Results

### i. Poll Statistics

<b>Total Registered Voters</b>	<b>5,166.084</b>
<b>Total Votes cast</b>	<b>1,671,662</b>
<b>Total Votes Rejected</b>	<b>17,313</b>
<b>Voters Turnout</b>	<b>32.36%</b>

### ii. Candidate Results

<b>Candidate Name</b>	<b>Party</b>	<b>Votes</b>
<b>Lungu Edgar. C.</b>	Patriotic Front (PF)	807,925
<b>Hichilema Hakainde</b>	United Party for National Development (UPND)	780,168
<b>Nawakwi Edith. Z.</b>	Forum for Democracy and Development (FDD)	15,321
<b>Mumba Never. S.</b>	Movement for Multi-Party Democracy (MMD)	14,609
<b>Kaunda Tilyenji. C.</b>	United National Independence Party (UNIP)	9,737
<b>Chanda Eric. M.</b>	4 <sup>th</sup> Revolution Party (4R)	8,054
<b>Chipimo Elias. C. M.</b>	National Restoration Party (NAREP)	6,002
<b>Miyanda Godfrey. K.</b>	Heritage Party	5,757
<b>Pule Daniel. M.</b>	Christian Democratic Party (CDP)	3,293
<b>Sondashi Ludwig. S.</b>	Forum for Democratic Alternatives (FDA)	2,073
<b>Sinkamba Peter. C.</b>	Green Party of Zambia	1,410

## **9. CONCLUSION**

Zambia once again demonstrated her maturing democratic culture through a closely contested competitive electoral process. The ICGLR Observation Mission concluded that although there were few cases of violence and intimidation reported during the campaign period, there were isolated and the electoral process was generally peaceful and reasonably satisfied on balance, that the elections were conducted in free, fair, transparent, credible and democratic environment, which substantially met Chapter 3 of the ICGLR Protocol on Democracy and Good Governance.

Further, the elections provided the country with the opportunity to learn valuable lessons as it prepares for the 2016 tripartite elections as it substantially met Regional and International Standards of conducting elections and gave the people of Zambia an opportunity to freely express their political choices through the vote in conditions of peace.

## **10. RECOMMENDATIONS**

The ICGLR Observation Mission noted that Zambia was in the process of receiving its Constitution which was a window of opportunity for the country to undertake electoral law reforms and strengthening intraparty governance, democracy and management in order to improve adherence to the electoral process and code of conduct. The following recommendations are envisaged to enhance Zambia's future elections especially as the nation prepares for the 2016 tripartite elections:

- Provision of mechanisms to ensure voting by all eligible and registered security personnel manning polling stations and polling agents/staff on duty on Election Day.
- Laws should provide for automatic succession of the Vice President in case of death in office of incumbent president.
- Laws should also provide for the procedure of appointment of Chairperson and Commissioners of Electoral Commission of Zambia that is more acceptable to most stakeholders.
- There is need to strengthen the powers of the Electoral Commission of Zambia to enable it to mandate arrest and prosecute cases that breach electoral code of conduct.
- There is need to pass a Political Parties Act to regulate the registration and operations of political parties to strengthening intraparty democracy, governance and management in order to improve discipline, adherence to the electoral process and code of conduct.
- There is need for the media in Zambia to demonstrate responsibility by desisting from exaggerating tribal tension through misinformation and irresponsible sensationalism which is destructive and instead focus on building the nation by empowering citizens through accurate information.