



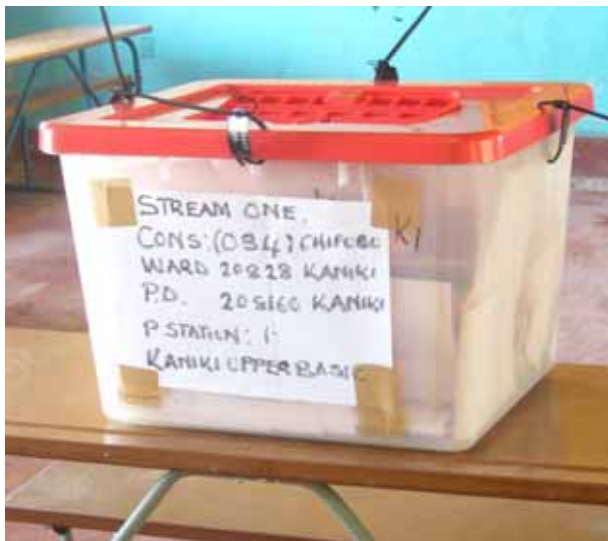
Factsheet

Monitoring By-Election in Chifubu Constituency

Preparations for the 2011 general election or wasted effort?

By-elections: Common practice in Zambia

The Chifubu by-election was held on 5 August 2010 after the demise of the area Member of Parliament Benson Bwalya Mwamba. Simultaneously a by-election in Luena constituency was held following the resignation of the independent Member of Parliament Charles Milupi, who formed a new political party called the Alliance for Democracy and Development (ADD).



ECZ transparent ballot box set in the centre of the room for all to see. Transparent ballot boxes may be used in order for voters to be able to witness that the box is empty prior to the start of the election i.e. not stuffed with fraudulent votes.

A recent trend that has been experienced in Zambia is the increase in by-elections at the parliamentary level due to death, resignations or expulsions from various political parties. Since 2009, there have been five by-elections held in various constituencies. The Chifubu and Luena by-elections make the sixth and seventh by-election in a period of less than twenty four months. The Zambian Constitution foresees by-elections as a fundamental democratic principle. Yet, by-elections incur high resources.

Continuous support for election monitoring

The Good Governance Programme has for the fourth time in a row supported the monitoring of a by-election by civil society organisations. The aim of this support is to strengthen democratic processes and institutions in the conduct of elections that meet high standards, are peaceful and have credible results. This support also goes towards the reinforcement of the efforts of civil society in the electoral process and helps to increase the credibility and perceived impartiality of their work. The CSOs provide an impartial assessment of the electoral process and where relevant, recommendations for ways to improve the process in the future.

This time the observation of the by-elections was a collaborative effort of a consortium of the three civil society organisations: AVAP, Caritas and SACCORD. The activities of the three CSOs at the Chifubu and Luena by-elections were financially supported by GTZ.

The activities implemented through this funding included: voter sensitisation through radio programmes, training of election monitors, monitoring of the nominations and the conduct of the campaigns, holding of stakeholder forums to discuss avoidance of electoral violence and observation of peace and respect for each others' rights, holding of "Meet your candidate" forums, poll day monitoring, engagement with media through joint press statements and the development and dissemination of a joint report.

In addition to that, members of the GTZ Good Governance Programme observed the by-election in Chifubu constituency.

Training workshop for monitors

The monitors recruited by the three CSOs attended a training to be prepared for their task. The training workshop was held at the Chifubu Catholic Church and was facilitated by SACCORD. 42 monitors were trained in a programme covered in one day. The training included information on the electoral laws of Zambia, the Electoral

Code of Conduct and the role of the monitor in the electoral cycle.

Future workshops could include updates on the three organisations' activities regarding the electoral process, for example, submissions of civil society organisations on the need to review the electoral code of conduct or engagement with parliament on the review of the electoral act. The use of information available on the ECZ website could also be recommended and incorporated into the workshop with a view to cultivate a force of well informed and enlightened monitors.

Voter sensitisation

This activity was spearheaded by SACCORD on behalf of all the partners and the panel featured discussants from AVAP and Caritas Ndola. Two radio programmes were aired on radio Icengelo. They were conducted in the local language to allow for wide participation and immediate feedback through call-in from listeners.

Observations at the polling stations

Members of the GTZ Good Governance Programme and monitors from AVAP, Caritas and SACCORD observed the by-election in Chifubu constituency which is an urban constituency with 6 wards and 39 polling stations. The total number of voters registered is 29,198.

The polling stations visited included: Pamodzi middle basic school, Intulo basic school, Intulo community hall, Fibobe middle basic school, Chifubu basic school, Chifubu council offices, Malasha middle basic school, and Kaniki upper basic school. In total, out of 39 polling stations, 20 polling stations were visited.

The atmosphere at the polling stations was altogether peaceful. Voters proceeded to cast their votes freely. Police officers were seen deployed in all the polling stations and this gave voters a sense of security during the voting process. It was also noted that the police officers deployed to provide security during the elections were not armed with weapons. This created an intimidation free environment for voters.



A makeshift polling station at Intulo Community Hall in Kawama.

It was noted with interest that some polling stations were mounted temporarily through the use of wood and plastics. In these makeshift polling stations space was small and was crowded by the polling agents from political

parties. A few voters spoken to complained about the lack of privacy. The makeshift polling stations were also not secure as was witnessed at Chipulukusu Kanyanje polling station where community members who were waiting for results began to tear down the plastics while counting was still going on. This puts the ballots at risk. Consideration must be given towards the use of the tents such as those which were used in other areas.

There were an observed number of people who needed assistance to vote. These were disabled, aged or blind. There is a strict requirement to have the presiding officer or a relative who is a registered voter in the same polling station to provide assistance to such people, but this situation is too subjective to the whim of the presiding officer. Civil society organisations must suggest alternative ways of how to deal with such situations for example, trusted relatives of the voter.

By-election monitors in one polling station informed us that a woman did not bring the necessary documents to vote but a letter of MMD instead asking the presiding officer to let the person vote. The woman was turned away. In one polling station we observed that a high MMD official was trying to deploy one more MMD observer by demonstrating his authority although the party had already reached the maximum number of observers.

Information on the required documentation for one-to-vote was not adequately communicated. A number of people were turned back at the polling stations after appearing without their NRC's or voters' cards. There is need for improved community voter education by the ECZ as well as the CSOs active in the area. The UNDP elections fund to CSOs focuses on voter education for this year and part of next year. This opportunity needs to be grasped by the nine CSOs that were awarded funding from UNDP. Though the ECZ has developed a voter education manual which forms the basis of comprehensive voter education, there is need to look into how effective the prescribed methodology is.

The current voter registration exercise clashed considerably with the conduct of the by-elections in the two constituencies. At many polling stations, a number of newly registered voters turned up to vote, only to be turned away as they did not appear in the 2006 register. At the same time a number of voters whose registrations details have changed found that they could not vote as they no longer had the cards with their personal details in the 2006 register. This confusion could have been avoided had ECZ communicated effectively on the fact that all the by-elections are conducted on the old 2006 voters' roll.

GTZ observed the counting of the ballots at Fibobe Middle basic school. The counting procedure was ardently followed by the presiding officer, who clearly understood the steps to be taken. The only mistake was that no tray for disputed votes was provided. Interestingly, a large number of ballot papers were not marked in the standard recommended way, a situation which could lead to arbitrariness. Some ballot papers were incorrectly marked, especially signed by the voter or marked more than once. This led to the question of whether there is need for stronger messaging and what form these messages should take in order for the general public to understand how to vote clearly. This situation was observed in the Milanzi by-elections already. It confirms the urgent need for comprehensive voter education.

At the collation centre

The monitors observed that at least six ballot boxes were not sealed when they were brought in. The presiding officer from one polling station was opening the two boxes as he was responsible for and putting ballots in order. We found this rather unusual and even suspicious.

The three monitoring organisations criticised “serious oversight on the part of ECZ to allow political party cadres and representatives to celebrate inside the collation centre. In Chifubu, these celebrations were allowed to proceed even before the totalling and declaration of the final results were done. This can cause anarchy and confusion in cases where errors and miscalculations are made and their preferred candidate does not turn out to be the final winner.” (Joint Statement of AVAP, Caritas Zambia and SACCORD on the Chifubu and Luena Parliamentary by-elections held on 5 August 2010).

The turnout

The voter turnout in the two by-elections was generally low. In Chifubu, it was noted that out of the 29,198 registered voters, only 12,296 turned up to vote. This represents 42% of the total number of registered voters in the constituency. Out of the 12,296 people who cast their votes, 148 had their votes rejected leaving a total number of 12,148 valid votes. The low voter turnout and increasing number of spoiled and rejected ballot papers could be attributed to a number of factors. These could be voter illiteracy, despondency over political leaders' inability to deliver on their promises, poverty and mere indifference. It is hoped that the voter apathy survey will confirm some of these factors and provide plausible ways of how CS should counter these factors and improve voter participation in 2011.

Recommendations to ECZ

There is an urgent need to conduct countrywide and continuous voter education in order to curb the high levels of voter illiteracy and apathy in particular. While voter education is not the sole responsibility of ECZ, the commission must be seen in the lead in ensuring that correct information is sent out to the electorate. At the end of the first 90-day period of the ECZ voter registration exercise, the voter education effort has been evaluated as patchy by most citizens. More focus has been given to general advertising of the process in ECZ – produced materials. Failure to capture the attention of the electorate could lead to difficulties in ECZ reaching its target of 2.5 million new registrations. For this purpose ECZ should engage CSOs that have a proven track record in voter sensitisation and education and that are well accepted dialogue partners of constituency representatives, government institutions and political parties.

ECZ and all other stakeholders must ensure that make-shift polling facilities are available in a more secure and conducive environment to protect the voters and ensure the secrecy of their vote. The security of ballot boxes after the close of the polling stations must be seriously considered to avoid suspicion and controversies during the transportation to collation centres. It also has to be made sure that the ballot boxes are properly sealed at the polling stations.

It is commendable that the ECZ recently extended the date for the receipt of submissions on the review of the electoral code of conduct. CSOs must take advantage of this opportunity to engage constructively with ECZ.

Despite the irregularities in the implementation of the by-election the three CSOs came to the conclusion that the elections “...by and large represented the will of the voters.” (Joint Statement of AVAP, Caritas Zambia and SACCORD on the Chifubu and Luena Parliamentary by-elections held on 5 August 2010)



After walking three kilometres from the farm where she holds a part-time job this lady finally gets to the polling station to cast her vote.

Lessons learned: Towards 2011

Monitoring is important because they are the cornerstone of creating a democratic political system. Monitoring of elections in general helps to promote transparent, free and fair elections as there is a physical and vigilant presence of civil society. Through this direct and straight down participation it is expected that the electorate will feel more comfortable and confident to cast their vote.

Where contentious elections present fears of vote tampering and other irregularities, the presence of election monitors may serve to prevent mischief and give political parties greater confidence that the vote was free and fair. The key to achieving this outcome is monitors who are seen by all sides as neutral.

In Chifubu constituency the three CSOs have collaborated to achieve these aims. The collaboration has worked through district structures on the ground. In this, there has been a transfer of knowledge from the national level to the grassroots. The collective action of the three organisations has produced a comparatively large number of monitors who will be useful for the 2011 general elections. Hence, it can be said that collaborative action draws on the maximisation of each organisation's comparative advantage in the form of structures, networks and track record. The valuable connection with the grassroots is an attribute that helps to increase the long-term benefits of monitoring.

The independence of the three organisation consortium leaves these organisations relatively free from political pressure. To a large extent, they are seen as unbiased. With limited resources, they are more astute in using funds and are more flexible to meet unique challenges presented by each election.

Furthermore, organised and documented knowledge for public consideration and use on the experiences and malpractices taking place during the course of by-elections will be made available through the CSOs. A typical example is that of the Mufumbwe by-election petition where the CSO report is being used as documented evidence for the case.

Summarising the impact of the election monitoring it can be concluded that it has been a good preparation for the CSOs for the upcoming presidential election in Zambia in 2011.



The candidate: Who represents me? Who is my woman?

At what cost?

The electoral Act of 2006 states that a by-election to fill a vacancy in the National Assembly shall be held on such date as the commission may, by statutory order, prescribe, being a date not later than 90 days after the date

when notification of the vacancy was communicated by the speaker and received by the commission. On the one hand, the ECZ recently announced that the commission spends over K30 billion for each by-election. This raises the question of why democratisation should be promoted at the expense of poverty reduction.

On the other hand, election observation too has been criticised for being too costly and making only a limited, short-term impact on democratisation. One cynical writer, Karl Lyimo of Tanzania, wrote "Ever since I heard of election monitoring, I am yet to hear of election results being overturned on the strength of election monitoring findings and recommendations."¹ Therefore, one would ask the question of the value of the role of CSO during a by-election and the long term impact the activities have in increasing the preparedness for 2011.

With only a few months left to go before the general election in 2011 CSO's argue that it is possible to make use of other supportive structures that can manage a constituency and prevent revenue loss or redirect revenue to more progressive developmental projects. Another argument is that as the election draws nearer tension starts to increase among the political stakeholders and this could form a breeding ground for violence.

High costs of by-elections

"There is need for the Electoral Commission of Zambia (ECZ) to revise laws that govern elections. They must come up with policy on how and when a by-election should be held. I think it is high time we reviewed some of these laws because the current system disadvantages development and if you see this country has lost a lot of money in holding by-elections at the expense of developing the country."

"...we want also ECZ to tell the people of Zambia how much money had been used in the last six by-elections this country has had from the time President Rupiah Banda became President. Let them tell us how much money was used in Luena, Kasama, Chifubu, Milanzi, Solwezi Central and Mufumbwe by-elections. I am very sure it is not less than K30 billion plus and this money could have been used for other development projects such as construction of schools, clinics and other things in rural areas if the system allowed for a running mate to automatically assume office in any eventuality."

Bonny Tembo, Executive Director of the Anti-Voter Apathy Project (AVAP) in "The Post", 26 August 2010

¹ Source: <http://thecitizen.co.tz/sunday-citizen>

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Factsheet 8

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