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## **ELECTION OBSERVATION DELEGATION FOR THE PRESIDENTIAL AND PARLIAMENTARY ELECTIONS IN ZAMBIA**

2 October 2011

**Report by Mr. David MARTIN  
Head of the Delegation**

### **Annexes:**

- A. List of participants**
- B. Programme of the delegation**
- C. Observations by the EP Delegation**
- D. Preliminary Statement**
- E. Press release by EU EOM's Chief Observer, Ms. Maria Muñiz De Urquiza**

## **Introduction**

Following an invitation sent by the President of Zambia on 17 December 2010, the Conference of Presidents of the European Parliament authorised, on 7 September 2011, the sending of an Election Observation Delegation to observe the presidential and parliamentary elections in Zambia, scheduled for 20 September 2011. The country also held local government elections that day which were not observed by the EU EOM.

The European Parliament Election Observation Delegation was composed of two Members: Mr David MARTIN (S&D, UK) and Ms Radvilė MORKŪNAITĖ-MIKULĖNIENĖ (EPP, Lithuania)<sup>1</sup>. Mr David MARTIN was appointed Chair of the Delegation at its constitutive meeting.

These elections were the fourth since the introduction of the multipartite system in 2001. The Movement for Multiparty Democracy (MMD) was in power since then. The previous general elections had been organised in 2006. Nevertheless presidential elections had to be held in 2008 after the death of late President Mwanawasa.

The presidential election was the most watched and commented as a close contest was expected between the two runners from 2008 election: incumbent President Rupiah Banda and main opposition leader Michael Sata. In 2008 Mr Banda won with a small margin (40% against 38%). The three elections are single round "first-past-the-post".

On Saturday 17 September, the Chair of the EP Delegation, David Martin, could attend the final rallies of incumbent President Rupiah Banda (MMD) and of Hakainde Hichilema (UPND), the country's third party, in Lusaka.

## **Meetings with the EU EOM Core-Team**

The campaign went rather peacefully despite some tensions between youngsters from both parties. The opposition's strongholds are in the capital Lusaka and in mining region Copperbelt (North of the country where Michael Sata comes from) when the majority's strongholds are in the rural parts of the country (President Banda comes from the Eastern part).

President Banda's Movement for Multiparty Democracy (MMD) claimed to be the only nationwide party. Nevertheless his contender's Patriotic Front (PF) managed to field candidates in 148 of the country's 150 constituencies which is a huge rise compared to 2006 (where PF yet won all the constituencies in Lusaka and Copperbelt). The UPND had 136 candidates.

None of the parties had a very strong and detailed programme. The MMD mainly argued on its economic results and on stability. But after 20 years in power, the party showed sign of "tiredness" which was exploited by the opposition together with the fact that poverty is still extremely important despite relatively good macro-economic results. Hence the PF programme insisted on the need for better service delivery but also on the fight against corruption and on the re-negotiation of mining contracts with China. Many prominent persons from the MMD had decided to join the before the elections.

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<sup>1</sup> Mr John ATTARD-MONTALTO (S&D, Malta) had to cancel its participation when the rest of the Delegation had already arrived in Zambia.

The main problems exposed to the Delegation on arrival were about the lack of a level-playing field in means used for campaigning. Indeed the MMD, and the incumbent had access to State resources and to State-owned media.

### **Meeting with the Electoral Commission of Zambia (ECZ)**

The Delegation met the Chairperson and the four Commissioners. At the time of the meeting, on the eve of the elections, they were satisfied to note that everything was ready and that all voting material had been transferred to the polling stations. They explained the system of electronic transmission of results which was essential to shorten the procedure.

Most complaints received by the ECZ were on unfair coverage by media and on violence, until all parties came with a joint statement condemning the use of violence.

The Commissioners acknowledged that the Electoral Assistance Project - largely funded by the EU - was instrumental as many experts could support the ECZ for voter registration and also helped financing many actions for voter education.

Asked on possible improvements, the Commissioners pointed a change of legislation to allow the ECZ to prosecute itself any breach in electoral law and to regulate electoral process.

### **Meeting with civil society organisations**

The CSOs also outlined the unbalanced media coverage and the abuse in State means. Some criticised more heavily State media arguing that being paid by taxpayers' money they should perform a public function and not take side. Some also complained about the fact that media reported more over people than over content.

They were concerned about the breaches to the Code of Conduct and particularly cited the fact that some traditional leaders took side, the abusive language, the carrying of weapons, the structural inequalities in playing-field, and the narrow interpretation of the Code of Conduct which led to the disenfranchisement of citizens according to them. They noted that the composition of the ECZ also led to suspicion and mistrust from opposition parties.

### **Meeting with the Long Term Observers in Lusaka**

The country's capital is a stronghold of the opposition but the MMD put many efforts in these constituencies to become at least second. Many potential candidates also changed their affiliation over the previous months, between MMD, PF and UNPD.

### **Election Day**

The Delegation split in two teams: one to urban Lusaka and one to rural Lusaka. The first one - David Martin - experienced a very peaceful and well organised voting day when the second - Radvilè Morkünaitè-Mikulèniènè, witnessed delays and problems on ballot papers. It seemed though that these incidents were limited to few polling stations.

### **Meeting with the Chieftainess**

The day after the elections, the EP Delegation went to Chongwe (rural area in the outskirts of Lusaka) to meet with the influential local Chieftainess, Nkomeshya Mukamambo II. Her territory covers Lusaka. She has been 40 years in the throne. She had an argument with President Banda after having criticised the lack of government efforts to develop her territory, in June, a couple of months before the elections. She then refused to meet the President in September when he came for a rally as he came as candidate and not as Head of State, and traditional leaders are constitutionally prevented from taking part to political activities. President Banda considered it as a political attack and positioning and threatened to dethrone her if re-elected.

There are still many traditional leaders in Zambia. They are represented in the House of Chiefs which is mainly an advisory body to the authorities.

### **Debriefing with the CO**

The Chair of the EP Delegation and the Chief Observer shared their conclusions on the process so far and prepared together the press conference.

Conclusions were that despite some glitches, also witnessed by the EP Delegation, voting process went well but there was clearly no level-playing field.

Both regretted that the time which elapsed between the closing of polling stations and the announcement of results gave rise to suspicion of fraud and made the situation very tense. The Chief Observer insisted during the press conference that the transparency of the process was more important than its speed.

### **Conclusion**

At the press conference, the Chair of the EP Delegation stated: "*We welcome the well organised elections in Zambia and hope the country will continue to build a robust and open democracy. Credible elections that are open and competitive are a reflection of a country's democratic credentials and the European Parliament remains committed Zambia and its electoral process.*"

Indeed the EP Delegation has observed well organised and transparent voting and counting and could generally appreciate the training of polling staff, attentive party agents and domestic observers. Participation of women and of young people in the process was also stressed. Nevertheless the EP Delegation deplored the use of state resources by the ruling party.

On the night after the EU-EOM press conference the ECZ announced that Michael Sata had won the presidential election and he was sworn in the day after as the fifth Zambian President since the independence of the country in 1964. The transition went very well in the days after the elections as incumbent President Banda accepted very quickly his defeat. This is an important demonstration of democracy for the region and for Africa. After having been a pole of peace and stability in Southern Africa, Zambia should now lead the way in terms of political transition.

When the opposition wins an election, this is a sign of maturity of voters and is a clear indication that citizens could cast their vote freely. Nevertheless it does not cancel all shortcomings that were noted during the process.

The elections were well managed partly thanks to the support of the EU. That technical support should go ahead to address the problems outlined by the EU EOM Final Report. But there should also be a reinforced political support, through political dialogue and development cooperation, to help Zambia's democratic process no matter who is leading the country.

Zambia is a good example – and should be a test-case – of what the European Parliament is calling for: support to democratisation throughout the electoral cycle and follow-up.

# EUROPEAN PARLIAMENT

## ELECTION OBSERVATION DELEGATION FOR THE PRESIDENTIAL AND PARLIAMENTARY ELECTIONS IN ZAMBIA

20 SEPTEMBER 2011

### MEMBERS

**Ms Radvilė MORKŪNAITĖ-MIKULĖNIENĖ, EPP, Lithuania**  
**Mr David MARTIN S&D, UK**

### Secretariat

Ms Armelle DOUAUD, Administrator  
Ms Alyson WOOD, Assistant

### Political Groups

Ms Radostina MUTAFCHIEVA, S&D

#### Abbreviations :

<b>PPE</b>	<b>Parti Populaire Européen (Démocrates-Christiens</b>
<b>S&amp;D</b>	<b>Alliance Progressiste des Socialistes et Démocrates au Parlement européen</b>

## Annexe B

# PROGRAMME

### Saturday 17 September 2011

- 12:00-16:00      **Meetings with EU Delegation and Core Team** to finalise the programme and the logistics  
(Secretariat only)
- 16:30-18.30      Visit to rallies (MMD and UPND)
- Sunday 14.00hrs      Arrival of Ms MORKŪNAITĒ-MIKULĒNIENĒ and transfer to the hotel
- Hotel Intercontinental  
Haile Selassie Avenue  
PO BOX 32201 LUSAKA, ZAMBIA  
Tel: +260-211-250000 • Fax: +260-211-256035*

*Venue for all the meetings, unless otherwise stated: Hotel Intercontinental  
Sunday 18 September 2011*

- 14:00-15:30      Roundtable discussion with international observers (Head of Delegation only)  
African Union, Commonwealth, SADC, COMESA, EISA
- 15:30 - 18:00      **Briefings with the EU EOM**
- Chief Observer María Muniz de Urquiza and Deputy Chief Observer David Ward  
Welcome note
  - Core Team  
Political and country analyst Martina Ciganikova  
Legal analyst Richard Barrett  
Election analyst Dimitra Ioannou  
Media Analyst Claudia Aranda
  - Security  
Steven Bowkett, Thomas Myatt
- 18:00      **EU cocktail with the international observers**  
Location: Intercontinental Hotel

## Monday 19 September 2011

- 9:00-12:00      **Meeting with representatives of political parties**
- MMD
  - PF
- 13:30-14:00      **Regional briefings by the EU EOM long term observer teams based in Lusaka**  
LTO 05 Lusaka urban: Dagmar Mehrtens, Petr Preclik  
LTO06 Lusaka rural: Liesbeth van Soest, Jan Kretzchmar
- 14:30-15:00      **Meeting with the Electoral Commission of Zambia (ECZ)**  
Location: Electoral Commission of Zambia
- 15:00-16:00      **Meeting with the UN Resident Coordinator, Ms Kanni Wignaraja**  
Location: UN House, UNDP conference room
- 16:00-17:30      **Roundtable discussion with representatives of civil society, media and churches**
- Civil society organisations: Zambia National Women's Lobby, NGOOC
  - Media representatives: MISA, Press Association of Zambia
  - Domestic observers: Caritas, FODEP, OYV, AVAP, TIZ, SACCORD
  - Churches: Council of Churches of Zambia, Zambia Episcopal Conference, Evangelical Fellowship of Zambia
- 18:00              **EU cocktail reception**  
Location: EU Residence

## Tuesday 20 September 2011 - ELECTION DAY

- All day              Deployment and observation of opening, voting and counting in Lusaka and surrounding area

## Wednesday 21 September 2011

- 08:30-10:00      **EP internal debriefing**
- 10:00-11:30      **Roundtable discussion with international observers** (Head of Delegation only)  
Location: Intercontinental Hotel
- 11:30-12:30      **Discussion of preliminary statement and EP statement** (Head of Delegation only)
- 10:00-12:30      **Aggregation at the National Results Centre**  
Location: Mulungushi Conference Centre
- 14:00-18:30      **Meeting with the Chieftainess Nkomeshya**  
Location: Palace of the Chieftainess, Chongwe
- 19:00              **Discussion on press conference**  
Chief Observer Maria Muniz de Urquiza  
Deputy Chief Observer David Ward  
Press Officer Paul Anderson



**Thursday 22 September 2011**

10:00-11:30 **Press conference** of the European Union Election Observation Mission and EP Delegation

14:00-15:30 **Roundtable discussion with female candidates from various political parties and independents**  
Location: Hotel Intercontinental

17:00- 18:30 Settling up of expenses with the hotel, drivers and guides  
(*Secretariat only*)

## **Annex C**

### **OBSERVATIONS OF THE EUROPEAN PARLIAMENT DELEGATION**

The European Parliament deployed two teams of short term observers, independent of, but supported by the EU observation mission.

Firstly, I would like to fully endorse the preliminary statement of the EU election observation mission and support the comments Maria Muniz has just made.

We deployed in and around Lusaka and observed well organised and transparent voting and counting. We found well trained polling staff, attentive party agents and domestic observers. Notwithstanding the occasional glitches they ensured that on the whole the process went well.

We noticed enthusiastic participation of women as polling staff and as voters and hope, in the future, to see this reflected in a number of women candidates and women elected to office.

We also welcome the enthusiasm shown by so many young people on polling day and believe this augurs well for democracy in Zambia.

Democratisation is a process and these elections are a milestone in Zambia's peaceful history.

Improvements, as in every country, can still be made and I am sure that the EU EOM will suggest some- particularly relating to the fair use of state resources.

In the meantime we congratulate Zambians on a good election so far and hope that the counting and announcement of results will remain transparent and the declarations will be received in a calm and peaceful manner.

Good luck Zambia.

David Martin MEP  
Head of EP Delegation

## Annex D

### European Union Election Observation Mission to Zambia 2011

#### **Preliminary Statement** For immediate release Lusaka, 22 September 2011

**A generally well administered Election Day and a highly competitive campaign, despite the absence of a level playing field** The preliminary findings of the European Union Election Observation Mission (EU EOM) conclude that presidential and parliamentary elections held on 20 September 2011 were conducted in a generally calm and well organised manner, despite isolated incidents. Regional principles and international commitments for periodic and genuine elections have been mostly respected, but reform of key aspects of the electoral framework is required for future elections. So far, the Electoral Commission has acted with impartiality and transparency. Nationally, voting and counting of ballots was smooth, although there were a few glitches. The enthusiasm shown by the Zambian public for the elections demonstrated their desire to further consolidate democracy. The European Union Election Observation Mission continues to observe the aggregation of results. This statement is preliminary and the EU EOM will not draw final conclusions until the results process, their certification and acceptance are completed in a manner that is in line with all the stakeholders' responsibilities. Fundamental freedoms of expression and assembly were respected during a highly competitive campaign, although unequal access to resources meant there was not a level playing field for campaigning. Whilst commercial radio and television stations provided viewers and listeners with a range of information, the state-owned media failed to meet even their minimal obligations as public service media, as key programming such as news bulletins lacked any degree of balance in their coverage. The EU EOM's Chief Observer, Ms. Maria Muñoz De Urquiza, said: *"We are pleased to see voters were able to exercise their right to vote in a largely conducive atmosphere across the country. This, and transparent organisation, is a critical step in ensuring legitimacy. We hope this continues during the final counting of votes, the announcement of results and in the period directly after."* She continued *"What we have seen in Zambia so far ensures that the country will be part of the group of countries that continues to consolidate its electoral process to further deepen its democracy."* Mr. David Martin, head of the European Parliament Election Observation Delegation also in Zambia to observe the elections, said: *"We welcome the well organised elections in Zambia and hope the country will continue to build a robust and open democracy. Credible elections that are open and competitive are a reflection of a country's democratic credentials and the European Parliament remains committed to Zambia and its electoral process."* The EU EOM has been present in Zambia since 12 August 2011. It has deployed around 120 observers from 27 European Union member states, Norway and Canada to all nine provinces of the country to assess the electoral process against international and regional standards for elections as well as the laws of Zambia. It will present a final report before the end of the year containing analysis of the entire electoral process, including a series of recommendations for all stakeholders. For further details please contact Paul Anderson, Press and Public Outreach Officer Phone: + 260 (0) 963 808506

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## Annex E

### PRESS RELEASE

**EUROPEAN UNION  
ELECTION OBSERVATION MISSION  
ZAMBIA, GENERAL ELECTIONS, 2011 : Lusaka 9 December 2011**

**Maria Muniz de Urquiza, Chief Observer of the European Union Election Observation Mission,  
Returns to Present the Mission's Final Report**

Maria Muniz de Urquiza, member of the European Parliament and Chief Observer of the European Union Election Observation Mission (EU EOM) that observed the general elections on 20 September 2011 has returned to Zambia to present the mission's final report. Ms. Muniz met with the Electoral Commission of Zambia, key government ministers, the Vice President, members of major political parties as well as other stakeholders including civil society.

At the conclusion of her visit to the country she stated: "This was a very important election for Zambia and I am delighted to be back to present our report which brings together the findings of all our observations over the two month period that the mission was here. I would like to congratulate the Electoral Commission of Zambia for organising a transparent and credible election process. Of course, the process is not yet fully complete – there are a number of petitions in the court related to parliamentary elections that would benefit from being expeditiously concluded. As in any electoral system there are also always some areas that can be improved and the mission has offered a series of recommendations for consideration by the Zambian government, political parties and others for future elections."

Note for editors

The final report of the EU EOM contains a detailed analysis and assessment of the 20 September 2011 elections including the legal framework, performance of the electoral administration, the campaign environment, media coverage and the role of the judiciary and security forces in these elections. The report's main findings are that although generally the elections were well managed on election day, a number of improvements have been identified to ensure that Zambia fully meets its international and regional commitments for the holding of democratic elections. A key set of 36 recommendations to improve the electoral process are set out in the report for consideration by the Government of Zambia, the Electoral Commission as well as other stakeholders. Download the final report at: <http://www.eueom.eu/zambia2011>

The EU EOM was present in Zambia between 12 August and 8 October 2011. It deployed 120 observers from 27 European Union member states, Norway and Canada to all nine provinces of the country to assess the electoral process against international and regional commitments and the laws of Zambia. The EU EOM was independent in its findings and conclusions of any other European Union institution. In organising its election observation activities the European Union adheres to the *Declaration of Principles for International Election Observation* commemorated at the United Nations in October 2005.

European Union Election Observation Mission to Zambia

Web: <http://www.eueom-zambia.eu>

For more information on the role of the European Union in election observation visit

<http://www.eueom.eu/home>