

THE FACTORS AFFECTING THE EFFECTIVENESS OF THE ELECTORAL COMMISSION OF ZAMBIA (ECZ)'s MANAGEMENT OF THE ELECTORAL PROCESS (1996-2012).

BY

REX HIBAJENE

**Dissertation submitted to the University of Zambia in partial fulfillment of the requirement
of the degree of Master of Arts in Political Science.**

THE UNIVERSITY OF ZAMBIA

2016

DECLARATION

I, REX HIBAJENE, declare that this dissertation represents my own work and that it has not been previously submitted for a degree, diploma or other at this or any other university or college.

Signature.....Date.....

COPYRIGHT

All rights reserved. No part of this dissertation may be reproduced or stored in any form or by any means without prior authorization in writing from the author.

CERTIFICATE OF APPROVAL

This dissertation of REX HIBAJENE has been approved as partial fulfillment of the requirement for the award of the degree of Master of Arts in Political Science by the University of Zambia.

Name of Examiner	Signature	Date
Dr L.C.W. Kaela
Prof. J. C. Momba
Dr A. M. Ng'oma
 SUPERVISOR;		
Dr M. C. M. Bwalya

ABSTRACT

This dissertation examined the factors which affected the effectiveness of the Electoral Commission of Zambia (ECZ)'s management of the electoral process from 1996 to 2012. This study stems from the conditions and consequences of an effective electoral process in a liberal democratic country. Since its establishment in 1996 to 2012, the ECZ's main objective has been to deliver a credible electoral process by effectively performing its core functions (ECZ,2014). However, some electoral stakeholders have argued that the ECZ has not been adequate in delivering free and fair elections, and other electoral related activities.

The general objective of the study was to identify and examine factors which affected the effectiveness of the ECZ in performing its core functions. The specific objectives of the study were to identify and examine: (a) factors which affected the effectiveness of the ECZ in management of the registration of voters exercise. (b) factors which affected the effectiveness of the ECZ in management of Presidential, Parliamentary and local government elections. (c) factors which affected the effectiveness of the ECZ in enforcement of the electoral code of conduct. In order to achieve these objectives, the study used a descriptive and explanatory research design. Data was collected from both primary and secondary sources. Data was analyzed using both quantitative and qualitative methods.

The study found that the ECZ was ineffective in its management of the electoral process and its core functions. Inadequate funding, Inadequate logistical planning and arrangements affected effective management of elections. The 1996 and 2001 elections were poorly managed by ECZ. The study found that both the key informants and the electorate were of the view that the registration of voters in Zambia has been fraught with problems, these included inadequate materials and manpower, lack of adequate funding. Enforcing the electoral (code of conduct) regulations was poorly done in that the ECZ officials lack impartiality and too much abuse of public resources by stakeholders with impunity. The study also found that the ECZ had made a lot of efforts such as seeking for donor funding and computerization of registration of voters and voting process in trying to see to it that the Commission effectively managed the electoral process with help from donors such as the UNDP through the Zambian government.

ACKNOWLEDGEMENT

I wish to acknowledge and appreciate all the people and organizations that rendered their support towards the completion of this dissertation. I am particularly grateful to my supervisor Doctor M. C. Bwalya for his professional inspiration and academic guidance. My gratitude also extends to the University of Zambia (UNZA) for awarding me a Staff Development Fellowship (SDF) and for funding this study.

DEDICATION

I dedicate this dissertation to my daughter Natasha Mainza

TABLE OF CONTENTS

CONTENT.....	PAGE
Abstract.....	i
List of Figures.....	v
List of Tables.....	vi
List of Abbreviations and Acronym.....	vii

CHAPTER ONE: INTRODUCTION

Background.....	1
Statement of the Problem.....	3
Research Questions.....	3
Research	
Objectives.....	4
Significance of the Study.....	4
Conceptual Framework.....	5
Literature Review.....	8
Methodology.....	12
Organisation of the Dissertation.....	18

CHAPTER TWO: ORGANISATION AND FUNCTIONS AND THE ELECTORAL COMMISSION OF ZAMBIA (ECZ) AND OTHER ELECTORAL STAKEHOLDERS

Introduction.....	19
The Electoral Commission of Zambia (ECZ).....	19
Other Electoral Stakeholders.....	22
Conclusion.....	27

CHAPTER THREE: MANAGEMENT OF REGISTRATION OF VOTERS' EXERCISE

Introduction.....	28
Registration of voters Exercise.....	28
Registered Voters'	35
Conclusion.....	41

CHAPTER FOUR: MANAGEMENT OF ELECTIONS

Introduction.....	42
Management of Elections.....	42
Voter Turnout.....	53
Conclusion.....	55

CHAPTER FIVE: ENFORCEMENT OF THE ELECTORAL CODE OF CONDUCT

Introduction.....	61
Electoral (Code of Conduct) Regulations, 2006.....	61
Conclusion.....	69

CHAPTER SIX: SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

Introduction.....	71
Summary of Conclusions.....	71
Recommendations.....	77

BIBLIOGRAPHY.....	78
--------------------------	-----------

APPENDICES

Appendix A: Questionnaire for the Electorate.....	81
---	----

Appendix B: Interview Guide for Stakeholders.....86
Appendix C: Interview Guide for the ECZ.....80

LIST OF FIGURES

Figure 1.1: Conceptual relationship between the key variables.....6
Figure 3.1: Responses of the electorate in managing the registration of voters.....29
Figure 4.1: Responses of the electorate in managing elections.....52
Figure 4.2: Responses of the electorate in managing the electoral code of conduct.....58

LIST OF TABLES

Table 3.1: Registered voters against Eligible voters, (1996-2011).....	35
Table 4.1: Voter turnout, (1996-2011).....	57

LIST OF ABBREVIATIONS AND ACRONYMS

ADD	-	Alliance for Democracy and Development
AVAP	-	Anti-Voter Apathy
CSO	-	Central Statistical Office
CSOs	-	Civil Society Organisations
DNRPC	-	Department for National Registration, Passports and Citizenship
ECZ	-	Electoral Commission of Zambia
EU	-	European Union
FODEP	-	Foundation for Democratic Process
FDD	-	Forum for Democracy and Development
FDA	-	Forum for Democratic Alternatives
GRZ	-	Government of the Republic of Zambia
HP	-	Heritage Party
MMD	-	Movement for Multiparty Democracy
MP	-	Member of Parliament
NAREP	-	National Restoration Party
NGOs	-	Non-Governmental Organisations
NGOCC	-	Non-Governmental Organisations Coordinating Council
PF	-	Patriotic Front
SADC	-	Southern Africa Development Community
SACCORD	-	Southern African Center for Constructive Resolution of Disputes
TIZ	-	Transparency International Zambia
UDA	-	United Democratic Alliance
UNIP	-	United Nation Independent Party
UPND	-	United Party for National Development
UNDP	-	United Nations Development Programmes
USA	-	United States of America
ZADECO	-	Zambia Democratic Congress
ZNBC	-	Zambia National Broadcasting Corporation

CHAPTER ONE

INTRODUCTION AND BACKGROUND

INTRODUCTION

This chapter presents the background of the study, problem statement, research questions and research objectives. Significance of the study, conceptual framework, literature review and methodology follow to complete the presentation. The focus of this study was on the factors which affected the effectiveness of the Electoral Commission of Zambia (ECZ) in performing its core functions from 1996 to 2012.

BACKGROUND OF THE STUDY

The ECZ was established in 1996 under article 76 of the Constitution of Zambia (Constitution of Zambia, 1996). The Electoral Commission Act 24 of 1996 provides for the composition of Electoral Commission and its operations. The Commission consist of a Chairperson and not more than four other members appointed by the President, subject to ratification by the National Assembly (Section 4 (1) (b)), for a term not exceeding Seven years (Electoral Commission Act, 1996).

The primary objective of the Commission is to deliver a credible electoral process (ECZ, 2014). The Commission has a number of functions which it performs in order to deliver a credible electoral process; it has regulatory powers to determine how all the elections activities shall be conducted. The Electoral Act No. 24 of 2006 empowers the Commission to make such regulations vis-à-vis: the registration of voters; Presidential, Parliamentary and local government elections; Elections Offences; Electoral Code of Conduct and Penalties; and Elections petitions among other functions.

The core functions of the ECZ include: registration of voters; management of the Presidential, Parliamentary and local government elections and the Electoral Code of Conduct.

The ECZ is responsible for the registration of voters exercise in Zambia (ECZ, 2014). However, according to Coalition 2001 (2002) the exercise is alleged to be poorly managed by the ECZ and that there are perceptions among electoral stakeholders that the registration of voters in Zambia

has not been adequately managed. In 2001 for instance, only 2,604,761 people were registered out of a total of 5 million eligible voters (Muyoyeta, 2006).

The commission managed the 1996, 2001, 2006, 2011 local government, parliamentary and presidential elections and the 2008 presidential by-election as well as managing numerous local government and parliamentary by-elections, between 1996 and 2012 (ECZ, 2014). However, in 2001 losing presidential candidate of opposition United Party for National Development (UPND) late Anderson Mazoka petitioned the results in the high court of Zambia while through the media he questioned the autonomy of the ECZ in delivering free and fair elections (The Post Newspaper, 2001; Katulwende, 2013). The question to ask is: Why do elections in this country end up with election petitions most of the time since the ECZ was established be it losing Members of Parliament (MPs) or losing presidential candidates?

The electoral code of conduct establishes the rights and responsibilities of electoral stakeholders during the course of the election, and applies to the conduct of political parties, candidates and their supporters, election and polling agents, the Zambia Police Force, election observers and monitors, the media and the ECZ (Electoral Regulations, 2006). However, as of 2006 elections, there were perceptions among stakeholders that the ECZ and law enforcement agencies were incapable of enforcing the electoral code of conduct (Kabemba, 2006).

The background information implies that electoral stakeholders such as opposition political parties and civil society organizations have argued that the organization charged with the responsibility of managing the electoral process in Zambia has not been adequate in delivering free and fair elections and other electoral related activities such as the registration of voters and enforcement of the electoral code of conduct as evidenced by post election petitions and complaints from key electoral stakeholders during election cycles.

STATEMENT OF THE PROBLEM

Despite the commission's commitment to achieve its objective as evidenced in its continued management of the electoral process since its inception, numerous complaints have been raised in relation to its effectiveness in performing its core functions. For instance, as already stated, in 2001 tripartite elections, losing presidential candidate of opposition UPND, late Anderson Mazoka petitioned the results in the high court of Zambia, while through the media he

questioned the autonomy of the ECZ in delivering free and fair elections. These complaints have been raised by opposition political parties, civil society organizations, church organizations, and the electorate through political rallies and the media.

Notwithstanding these complaints, the factors that have affected the effectiveness of the ECZ from fairly performing its core functions are unknown and there is lack of formal study having been undertaken before to ascertain factors which affect the effectiveness of the ECZ in performing its core functions from 1996 to 2012. Thus this study is an attempt to ascertain and examine the factors which have affected the effectiveness of the ECZ in performing its core functions, already outlined.

In this respect, the Key Questions were:

- a) What factors have affected the effectiveness of the ECZ in the:
 - i. Management of the registration of voters exercise?
 - ii. Management of the elections?
 - iii. Enforcement of the electoral code of conduct?

- b) How have these factors affected the effectiveness of ECZ in the:
 - i. Management of the registration of voters exercise?
 - ii. Management of the elections?
 - iii. Enforcement of the electoral code of conduct?

RESEARCH OBJECTIVES

General Objective

To identify the factors and examine how these factors have affected the effectiveness of the ECZ in performing its core functions.

Specific Objectives

- a) To identify the factors and examine how these factors have affected the effectiveness of the ECZ in management of the registration of voters exercise.
- b) To identify the factors and examine how these factors have affected the effectiveness of the ECZ in management of Presidential, Parliamentary and local government elections and

- c) To identify the factors and examine how these factors have affected ECZ's enforcement of the electoral code of conduct.

SIGNIFICANCE OF THE STUDY

Findings of this study will greatly contribute to the understanding of the effectiveness of the commission in performing its core functions of: management of elections; registration of voters exercise and enforcement the electoral code of conduct. There is lack of research having being conducted before with respect to examining the factors which affect the effectiveness of the ECZ in performing its core functions in Zambia's electoral process. It is imperative that this research examines the factors which affect the ECZ in performing its core functions.

Therefore, this will encourage the ECZ to enhance its effectiveness in managing Zambia's electoral process in areas where it does not perform its functions effectively. This can help restore the institution's credibility in the eyes of all the stakeholders and the public at large. This study will not only be restricted to fact findings, it may also result in the formulation of important principles of knowledge and solution to significant problems.

CONCEPTUAL FRAMEWORK

Any electoral commission ought to be a major instrument in the management and control of the electoral process of any liberal democratic country. In the electoral process ought to be imbedded the rules or procedures of ensuring orderly of voter registration, the electoral code of conduct, voters and voting procedures and their management and control. These are necessary ingredients for the effectiveness of any electoral process and its management. Figure 1.1 is a conceptual model of this process.

In that figure, an *Electoral Process* means a process of how elections are supposed to be conducted. The electoral process includes, who is eligible to vote; how people are nominated to stand as candidates on the day of polling; the electoral system used; scheduling the date for elections; and finally the campaign period.

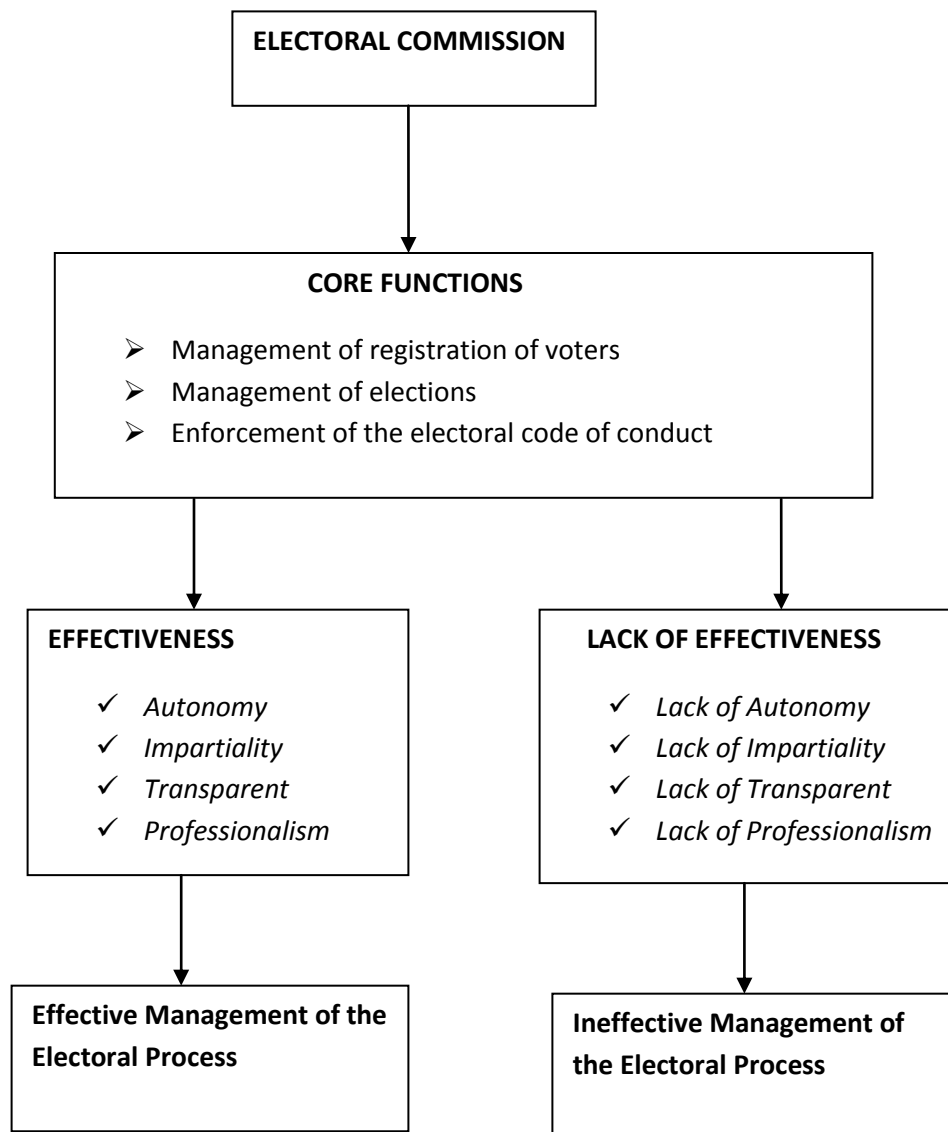
An *Election* means a process of choosing somebody or of being chosen by vote. In practice it might seem obvious that all national elections are organized in order to gain legitimacy for state authority, if not internally, then certainly internationally, thus, declared free and fair by all stakeholders.

A *Voter* means somebody who votes or is eligible to vote in an election. In a liberal democracy the registration of eligible voters exercise ought to be inclusive and not exclusive.

Free and Fair election means that all participants in an election are, without exception, subject to the same rules of conduct and sanctions.

An *Electoral Code of Conduct* refers to the regulations guiding all participants' behavior in the electoral process. The participants might be ordinary voters, supporters and candidates from various political parties, the media and election monitors and the electoral commission itself.

Figure 1.1 Conceptual Model of the Relationship Between the Key Variables in the Electoral Process.



Source: Compiled by the Author

As figure 1.1 exemplifies, in an electoral process, a given electoral commission would perform core functions of voters registration exercise; management of elections; and enforcement of the electoral code of conduct regulations. There would be several indicators that could be used to measure the effectiveness of an electoral commission. Nevertheless, in this study, the major yardsticks identified as measures of effectiveness were: *autonomy; professionalism; impartiality; and transparency*.

Autonomy means that an electoral commission is independent from the influence or pressure of the executive and other areas of the government.

Professionalism means that officials of an electoral commission are expected to perform their duties objectively (without subjectivity interfering).

Impartiality means that an electoral commission ought to perform its functions without biasness (without favoring some players).

Transparency means that decisions taken and their enforcement must be done in a manner that follows set down rules and regulations and in an open manner. It means that information must be freely available and directly accessible to those who will be affected by such decisions and their enforcement.

As shown in Figure 1.1, *Professionalism; transparency; autonomy; and impartiality* would denote the necessary intervening variables or conditions (actions/causes) for an effective electoral process. The consequences (outcomes/effects) would be: the effective registration of voters; effective management of elections; and effective enforcement of the electoral code of conduct respectively.

Consequently, there is a cause and effect relationship between the necessary conditions and the consequences. That is, if an electoral commission exhibits: *professionalism; autonomy; impartiality; and transparency* in management of the registration of voters exercise; management of elections; and the electoral code of conduct, then the commission can be considered to be effective by electoral stakeholders in terms of performing its core functions.

Thus, lack of these yardsticks would mean that the commission is ineffective in its management of the electoral process.

LITERATURE REVIEW

This section provided a review of works by Kanyanga Muchangani (2012), entitled *“The Independence of the Electoral Commission of Zambia and the Appointment of the Election Date by the President”*; Lucy Muyoyeta (2006), entitled *“Zambian Elections 2006: The State of Democratisation and the Struggle for Constitutional and Legal Reforms”*; Claude Kabemba (2006), entitled *“ Elections and Democracy in Zambia”*; and that of Evans Mwaba (2012), entitled *“The Electoral Commission of Zambia: the Challenge of Being Autonomous and Independent”*.

Muchangani (2012) interviewed various stakeholders in the electoral process on the best way forward for a truly independent and autonomous ECZ. In Muchangani’s study it was generally observed by most stakeholders that the ECZ needed to be strengthened in its organic structure and operations set up. The study found that the major concern of the stakeholders was the powerlessness of the ECZ and therefore its dependence on the government to carry out its duties.

Muchangani noted that Section 25 of the Electoral Act of 2006 of the Laws of Zambia allows the president to participate in elections by determining election date. This should as well mean that the president must set the election date for parliamentary by-election which is not the case as the ECZ is responsible in setting the date. The study suggested that the election date should be set by the ECZ rather than being set by the president who is also a political player in an election. Respondents interviewed from Civil society organisations stated that the reason as to why ECZ was established was to preside on all sorts of elections not only by-election but even general and parliamentary elections inclusive date determination. It was argued that for as long as the election date is always set by the president then there shall never be a complete independence of the Commission.

Muchangani’s findings were insightful because the results of the investigation effectively highlighted some of the contradictions of what is embedded in the Electoral Act and the actual management of elections and the determination of the election dates. It was found that from the constitution point of view, there is no where were it is stated that the president should be

involved in the operation and management of elections when it comes to general and parliamentary elections.

Nevertheless, Muchangani did not tackle views of the electorate. The study had the weakness of only focused on investigating the Independence of the Electoral Commission of Zambia and the appointment of the election date by the president. In so doing it did not investigate on the professionalism and impartiality of the ECZ in terms of enforcing the electoral code of conduct and registration of voters. Muchangani only looked at autonomy and transparency as the measures of effectiveness of the Commission and did not include professionalism and impartiality and also getting the views of the electorate which are key part of this study.

Kabemba (2006) argued that the organisation of elections needed to be improved in Zambia. According to Kabemba's findings, it was common to hear Zambians say that it is impossible for the ruling party to lose an election, not because it is politically strong but because it uses its incumbency either to manipulate or simply rig the elections. Citizens' lack of trust and confidence in the electoral process suggested that constitutional and electoral reforms were urgently needed.

Kabemba's findings recommended that for a smooth democratization process to be restored in Zambia, the following among others must happen. For the administration of elections, a truly independent electoral commission is needed in Zambia. The current arrangement for the appointment of commissioners is, in the view of many, unsatisfactory. At present, the president selects and then appoints the commissioners. There is no independent element in this process nor are there any criteria for selection. Parliament is then requested to ratify the president's decision. A more open and transparent mechanism is required involving all stakeholders, including political parties, to ensure that the ECZ is not only independent but, equally importantly, is also generally perceived to be such.

Kabemba's work was important to this study because the findings effectively show that although Zambia has been a pioneer in showing the way to multipartyism, it has failed to progress towards some form of democratic consolidation with regards to management of elections. Instead, the country has regressed, and it is surely not the best example to follow as far as the democratization process is concerned. It was found that the failure of the political elite to respect

the autonomy and independence of institutions such as the ECZ and the justice system is the biggest weakness of the unfolding democratization process in Zambia. Despite the strength of Zambia's civil society, it has not been consistent in keeping leaders accountable and forcing respect for state institutions.

However, the article by Kabemba is too general by focusing on elections and democracy in Zambia. It did not tackle other functions of the Commission such as those of management of the registration of voters and management of the electoral code of conduct, it only focused on the function of administration of elections. Doing so would have given a comprehensive understanding of elections and democracy in Zambia. Hence, there is need to focus on the ECZ and examine the factors affecting the commission's effectiveness from 1996 to 2012 with regards to performing all the three core functions already outlined.

Mwaba (2012) found that the ECZ had come under severe criticism at each and every general election held in Zambia since 1996 on suspicion of being a political tool for the political party in power.

Mwaba's findings revealed that these persistent attacks on the credibility of the ECZ are related to various reasons. The ECZ is perceived not to be independent and autonomous because it suffers from both direct and indirect interference by the executive arm of government in the electoral process when at the same time the executive are active political players in the race for political power. One of the major criticisms is the direct role the President plays as the sole appointing authority of the commissioners including the chairperson.

Mwaba's findings were vital to this study because they effectively highlighted that the problems of independence and autonomy of the ECZ are not peculiarly internal but that much of it is external. It was found that the political players themselves have much to learn about democratic ideals and good governance.

Nevertheless, Mwaba's study only focused on the challenge of being autonomous and independence of the ECZ with regards to management of general elections without taking into consideration of other measures such as transparency, impartiality and professionalism which are the focus of this study in order to effectively measure effectiveness of the Commission. It did not tackle on how the Commission performs its core function of registration of voters. It further did

not tackle on the aspect of examining how the external challenges found affected ECZ's management of the electoral code of conduct and registration of voters as it only tackled on general elections. Thus, there was need to conduct a similar research with focus on the effectiveness of the ECZ in performing all its core functions outlined not just focusing on general elections.

Muyoyeta (2006) found that the laws did not guarantee full independence and autonomy of the ECZ in the 2001 and 2006 elections. In particular concerns were raised about the composition of and the mode of appointing commissioners. The lack of financial autonomy was also cited as a problem.

The findings of Muyoyeta were that during the 2001 elections the commission came under particular attack for the poor administration of the electoral process. Under the direction of new Chairperson judge Irene Mambilima, the ECZ was more transparent, consultative and more efficient. It diligently and consistently involved other stakeholders, especially political parties and civil society organizations, in the various processes. This helped build confidence in the process. Judge Mambilima also had shown greater independence than her predecessors. But the problem was that this independence was not institutionalized through legal protection. Therefore, even her on a number of occasions seemingly bowed to executive pressure. A case in point was during the voter registration period, when the ECZ announced it would extend the registration period in order to capture more voters. This exercise was, however, discontinued after President Mwanawasa raised objections to it (Muyoyeta, 2006).

According to Muyoyeta, a key role of the commission and a cornerstone of the elections is the registration of voters. It was found that in the past, this exercise had been plagued with problems. In 2001 for instance, it was found that only 2,604,761 people were registered out of the total number of 5 million eligible voters. In an attempt to deal with this problem, government in 2001 passed Statutory Instrument Number 55, which provides for continuous registration of voters. Despite the passing of this enabling legislation, continuous registration was never implemented because of inadequate funding by government to the ECZ.

Muyoyeta found that the registration for the 2006 elections was therefore done the traditional way. An initial registration period of 21 days was announced and was extended twice. The major

problem that faced this exercise was the issuance of National Registration Cards (NRC). The inefficient issuance of NRCs was once again to be amongst the greatest obstacles to the registration of voters. Complaints were raised to the effect that the president's strongholds appear to have disproportionately succeeded in registering more voters than in other areas.

Muyoyeta's work was important to this study because it effectively highlighted some of the problems that affected the ECZ in performing its core functions effectively such as lack of financial autonomy, poor administration of registration of voters, inadequate funding by government and that the laws did not guarantee full independence and autonomy of the ECZ from the executive in the 2001 and 2006 election cycles.

However, the article by Muyoyeta only looked at the 2001 and the 2006 elections. Thus, there was need to focus at the core functions that the ECZ has managed so far from 1996 to 2012 in order to effectively identify and examine factors which affected the effectiveness of the ECZ in performing its core functions already outlined.

Summary of Literature Review

The foregoing review of literature indicates that the few related works to this study seemed to be only of peripheral relationship to the issue of interest in this research because not much research has been done related specifically to identifying and examining the factors that affected the effectiveness of the ECZ in performing its core functions, that is: management of elections and the electoral code of conduct; and the registration of voters exercise, from 1996 to 2012.

METHODOLOGY

This section presents the methods of investigation the researcher used. It consists of study design; sources of data; sampling; instruments; and data analysis.

Study Design

The study was both descriptive and explanatory in terms of its design. It was descriptive in that it provided an account of factors which affect the effectiveness of the ECZ in performing its core functions. The study was also explanatory as it showed the cause and effect relationship between variables which impede the ECZ from performing its core functions effectively. Both quantitative and qualitative methods were used. The use of quantitative and qualitative methods

was necessitated by the fact that the study required several methods to be used to collect data in order to achieve desired results.

Study Site

The research was conducted in Lusaka district. The key informants were drawn from Lusaka district and the electorate were drawn from Kabwata constituency in Lusaka district. Key informants were sampled from Lusaka District because it is in this district in which the ECZ and other electoral stakeholders such as civil society organizations who are involved in monitoring and observation of elections are located. On the other hand, Kabwata Constituency was chosen because it has low, medium and high density populations.

Lusaka District is located in Lusaka Province. Lusaka Province is one of the ten provinces of Zambia and these include Muchinga, Luapula, Northern, Western, Central, Copperbelt, North-Western, Eastern, Southern province and Lusaka itself. The district shares district boundaries with Chongwe, Mumbwa, Chibombo and Kafue districts within Lusaka province. Lusaka is also the political, administrative and economic capital of Zambia (Central Statistical Office, 2012).

Demography: According to the Census of Population and Housing of 2010 (Central Statistical Office, 2012), the population of Lusaka District is 1, 747, 152 persons, leading to a density of 4,853.2 people per square kilometer and a 4.9% growth rate. Of this population, 860,424 which is 49.2% were male and 886,728 which is 50.8% were female (Central Statistical Office, 2012). The national Census conducted in 2010 also shows that the city is the most urbanized in Zambia with 90% of the population living in urban areas. The number of households in Lusaka stood at 358,871 (Central Statistical Office, 2012).

Economy: The Living Conditions Monitoring Survey (LCMS) of 2010 collected data for measuring the state of economic activities in the country and analysis by province shows that Lusaka has the highest proportions of the unemployed, it has 20% unemployment rate (LCMS, 2010). Business appears to be a growing sector in Lusaka especially with regard to makeshift stores; commercial investments such as shops; and small-scale enterprises; street vending; as well as professional and consulting services. The major industries in Lusaka include manufacturing, farming and construction (LCMS, 2010).

Roads and Transport: The official Lusaka road network is about 900 km of roads comprising of unsurfaced, gravel and Asphalt surfaced roads (LCMS, 2010). The road transportation network is mainly determined by a set of guidelines and falls under the jurisdiction of the Road Transport and Safety Agency (RTSA) and maintained by the Road Development Agency (RDA). As for the railway transport sector, Zambia has two major railway systems: Railway Systems of Zambia (RSZ) and the jointly owned Tanzania Zambia Railway Authority (TAZARA) but it is only the RSZ which passes through Lusaka district. With the liquidation of Zambia Airways, the air transport sector is run by the private sector largely dominated by Proflight and other private airlines such as Zambezi Skyline (LCMS, 2010).

Public Facilities: Lusaka is home to public facilities such as the Electoral Commission of Zambia (ECZ), Zambia National Broadcasting Cooperation (ZNBC), National Heroes Stadium, Levy Mwanawasa General Hospital (LMGH), the University Teaching Hospital (UTH), University of Zambia (UNZA), National Assembly, Supreme Court, National Institute of Public Administration (NIPA), National Resource Development College (NRDC), and Cabinet Office, as well as the Kenneth Kaunda International Airport among other public facilities. The district is also endowed with all government ministries and the headquarters of various organizations such as Civil Society Organizations, Political Parties, among other organizations (LCMS, 2010).

Constituencies: According to ECZ (2014), Lusaka District has seven (7) constituencies for national assembly elections and thirty-three (33) wards for local government elections. These constituencies are: Kabwata; Chawama; Kanyama; Lusaka Central; Mandevu; Matero; and Munali.

Kabwata constituency: This constituency consists of five wards which are: Kamwala; Kabwata; Libala; Chilenje; and Kamulanga. According to the Census of Population and Housing of 2010, Kabwata constituency has 34, 202 number of households (Central Statistical Office, 2012). Kabwata constituency in Lusaka district was chosen because it has high density, low density and medium density population.

Findings in this study indicate that out of the 190 Kabwata Constituency electorate, 95 (50%) of the respondents were between the age of 26 and 33 years, 47 (25%) aged between 34 and 41, 29 (15%) aged between 18 and 25 and 19 (10%) were above 41 years.

Sources of Data

The sources of data for this study include both primary and secondary sources. Primary data was collected from among the electorate from all the five wards of Kabwata Constituency which include Libala, Kabwata, Kamulanga, Chilenje, and Kamwala. It was also collected from key informants from key electoral stakeholders within Lusaka District which include: ECZ; Political Parties; Church organizations; Civil Society; and the Media. Primary data was collected from 27th March 2015 to 28th April 2015. On the other hand, Secondary data was collected through desk research from various sources such as the reports, journals, books, newspaper articles, statistical bulletins, internet and other relevant publications.

Sampling

The sampling techniques employed in this study include cluster sampling and purposive sampling. This study had a total sample size of 200 respondents' representative of all key electoral stakeholders. The total sample size of 200 was composed of 190 electorate and 10 key informants.

The 190 electorate were selected from the five wards of Kabwata Constituency which include Libala, Kabwata, Kamulanga, Chilenje and Kamwala which were considered to be clusters. The 190 electorate were representative of all the units from all the five wards (clusters). Although the sample of 190 electorate was small, the nature of the study did not require a large sample, as long as the research questions were answered and the main focus was not only on the electorate but on all the electoral stakeholders. The researcher selected every 20th household from all the five (5) wards of the constituency which in this case are the clusters. The researcher used cluster sampling because the total area of interest which is Kabwata Constituency happens to be vast geographically, thus the most convenient way was to select every 20th household from all the five clusters, wards in this case, with the ultimate sample consisting of all units in these small areas or clusters.

The 10 key informants were sampled purposively from among personnel from a group of organizations believed to be reliable for the study and these were key electoral stakeholders within Lusaka District which included: 1 ECZ official; 2 Political Party officials (1 from the ruling and 1 from the opposition); 2 Church organization leaders; 3 Civil Society leaders; and 2 Media houses personnel (1 from private and another 1 from government owned). These key

informants had been identified to help with the generation of the required data. Purposive sampling was adopted in order to avoid a situation where a key respondent was selected but had little knowledge of the ECZ or a key respondent was selected but knew almost nothing about the electoral commission, hence to pick key informants based on purposive sampling thereby targeting those who were in a position to provide relevant data/information.

Instruments

This study used both quantitative and qualitative instruments which included the semi-structured questionnaires and interview guides. Questionnaires containing both close ended and open ended questions were used to collect qualitative and quantitative data. The inclusion of open ended questions was meant to elicit detailed responses. The semi-structured questionnaire was used because the field of research was vast and the respondents were scattered over a very large area. By using this method an appropriate sample was drawn and all groups of people could easily be covered and contacted. The method also ensured anonymity and this method places less pressure on the subject for immediate response and gives more time to the respondents for properly answering questions. All the questionnaires were administered by the researcher. This is because some areas like Kamulanga are mostly characterized by low levels of literacy and most people in the communities are not able to read and write.

Interviews were used to collect data from the key informants. All the interviews were conducted by the researcher. The format of these interviews was semi-structured as a list of questions in form of an interview guide was prepared in advance before the interview. The use of semi-structured interview enabled the researcher to explore areas of interest from the responses which were given by key informants. A voice recorder was used to record information during interviews together with note taking by the researcher. The information given by the interviewee was tested through cross-examination to identify emotional excesses and sentimental outbursts. Through this method, the background of the ECZ and the historical evidence was best known by interviewing eye witnesses and the observers such as civil society organisations involved in monitoring elections since 1996.

Data Analysis

The data from questionnaires was analyzed using Statistical Package for Social Sciences (SPSS) while data from key informants interviews was transcribed into major themes which emerged.

The themes which emerged formed the basis of data categorization. Written notes were verified by using voice recordings which were taken during key informants interviews.

ORGANISATION OF THE DISSERTATION

This dissertation is divided into six chapters. Chapter One gives the background of the study, statement of the problem, objectives of the study, significance of the study, conceptual framework, literature review and methodology of the study. Chapter Two focuses on the organization and functions of the ECZ and other key electoral stakeholders. Chapter Three discusses management of the voters' registration exercise by the ECZ. Chapter Four discusses the ECZ management of elections. Chapter Five discusses ECZ enforcement of the electoral code of conduct. Chapter Six presents the summary of conclusions and gives recommendations.

CHAPTER TWO

ORGANISATION AND FUNCTIONS OF THE ELECTORAL COMMISSION OF ZAMBIA (ECZ) AND OTHER KEY ELECTORAL STAKEHOLDERS.

INTRODUCTION

This chapter outlines the organization and functions of the ECZ and other electoral stakeholders. It focuses on the ECZ, Political Parties, the Media, and Civil Society organizations involved in the electoral process in Zambia before concluding.

THE ELECTORAL COMMISSION OF ZAMBIA (ECZ)

The Electoral Commission of Zambia (ECZ) is the autonomous electoral management body for the Republic of Zambia. The ECZ was established in 1996 under article 76 of the constitution of Zambia. It is located within Lusaka District. It is an independent and autonomous Electoral Management Body (EMB) responsible for spearheading, facilitating and supervising the electoral process of Zambia, in line with the country's electoral system. The aim of the ECZ is to deliver a credible electoral process. Its vision is to deliver an electoral process that commands public confidence for sustained democratic governance. Its mission statement is to be an autonomous Electoral Management body promoting democratic governance through the delivery of a credible electoral process (ECZ, 2014).

Electoral Commission Act No. 24 of 1996 provides for the composition of Electoral Commission and its operations. The Commission consists of a Chairperson and not more than four other members appointed by the President, subject to ratification by the National Assembly for a term not exceeding Seven years (Section 4 (1) (b), Electoral Commission Act, 1996). In addition, it sets out the circumstances under which the President may remove a member of the Commission. The Act also provides the provisions for the removal of Commission members and all matters incidental to the internal operation of the Electoral Commission (Electoral Commission Act, 1996).

The chairperson of the Commission shall be a person who has held, or qualified to hold high judicial office or any other suitably qualified person. Whereas the Chairman and members of the Commission constitute the policy making body, the Electoral Commission Act 24 provides for

the Commission to appoint a Director who is the Chief Executive Officer of the Commission and is responsible for: Management and Administration of the Commission and; Implementation of the decisions of the Commission. The Director is assisted by such staff as the Commission appoints by statutory instrument on such terms and conditions as the Commission determines (Electoral Commission Act, 1996).

The Chairperson, Members, Management and Staff of the ECZ are committed to: *Transparency*: ensuring the transparency of the electoral process and delivery of credible elections at all times. The core values include: *Impartiality*; guaranteeing impartiality in service delivery to stakeholders in the electoral process. *Tolerance*; staff members embrace tolerance of individual views and opinions and exercise flexibility in the conduct of their duties. *Openness*; the organization thrives on openness for fresh ideas. *Team work*; the staff work together to achieve organizational objectives (ECZ, 2014).

ECZ 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 primary goal of the ECZ is to deliver a credible electoral process that is achieved through: The establishment of alternative dispute resolution mechanisms for the management of electoral disputes; Enforcing the Electoral Code of conduct and penalties: The hearing and determination of applications relating to Parliament; and The continuous review and update of electoral laws (ECZ, 2014).

The ECZ is responsible for the delimitation of constituency, ward and polling district boundaries (Article 76 of the Constitution, Section 9 of the Local Government Act and Section 37 of the Act, 2006, respectively); 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 Zambia's presidential, National Assembly (parliament 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 to provide 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 (Section 77 of the electoral Act, 2006); 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 (Section 129 of the Electoral Act, 2006).

The Commission appoints the Director, who is the Chief Executive Officer of the Commission and is responsible for the management and administration of the Commission and the implementation of the decisions of the Commission (Electoral Act, 2006).

The Commission also appoints other support staff. During registration of voters and elections the Commission hires additional staff on a temporary basis. Town Clerks/Council Secretaries are normally appointed as electoral officers whilst headmasters, teachers, Civil Servants and Council workers are appointed as presiding officers, Election officers, and Assistant Election Officers. One of the major functions of the Electoral Commission is the registration of voters and the conduct of elections in every constituency. The registration of voters is conducted in the months preceding the Presidential and Parliamentary once every five years (ECZ, 2014).

OTHER KEY ELECTORAL STAKEHOLDERS

There are various electoral stakeholders in addition to the electorate and the ECZ. These include registered political parties, the media, law enforcement Agencies and the civil society among other electoral stakeholders. The roles played by other electoral stakeholders include:

Political Parties: The formation and registration of political parties is governed by the Societies Act (Cap. 119 of the Laws of Zambia). The Act provides that within 28 days of its formation or adoption, a society- in this a case a political party- should make an application to the Registrar of societies for registration. On registration the Registrar shall issue to such a political party a certificate that will be a prima facie evidence of registration. The registration is largely a routine matter, and so far there has never been a case of a political party that has been denied registration since 1991 (Chipenzi et al., 2011).

Zambia has almost 40 registered political parties, with only about six of these having seats in the national assembly. Thus, the Movement for Multiparty Democracy (MMD), Patriotic Front (PF), United Party for National Development (UPND), United National Independence Party (UNIP) and Forum for Development and Democracy (FDD) are consistent serious contenders for political power. The Societies Act also guides the operation of political parties. There are several other legislations that govern the operations of political parties besides the Societies Act. One piece of legislation that specifically governs the operations of political parties is the Electoral Code of Conduct. There is also the Public Order Act which has at times been used against the opposition political parties because of the way it has been operationalised (Chipenzi et al., 2011).

Zambian political parties perform several important functions which include: the selection of candidates or nomination of official personnel; they seek to control the government; framing of political issues for the people or the formation of public policies; conducting and providing checks and balances to the government to ensure that there is separation of powers; conducting political or civic education; act as a link or intermediate between citizens and government; development and maintenance of a sense of national unity; coordination of the branches of government; minimizing the clash of economic interests by establishing a basis of compromise under a common party platform; and making it possible for the electorate to function in an organized and effective manner by encouraging them to go to the polls every time there is an election (Chipenzi et al., 2011).

The Media: The media in a democracy has a number of overlapping but distinctive functions that include informing, educating and entertainment. To make informed decisions about public policy, people need accurate, timely and unbiased information. Because opinions diverge, they also need access to a wide range of viewpoints. This role is especially important during election campaigns when few voters would have an opportunity to see much less speak with candidates in person and rely more on the various forms of media to explain the issues and characterize the respective positions of candidates and their political parties (EISA, 2003).

The media landscape in Zambia has changed significantly since the demise of the one-party state over two decades ago. From a media totally dominated by state control, the country now has a vibrant independent media including many commercial and community radio stations, private

television stations, daily newspapers and several weekly newspapers. This is in addition to two state controlled daily newspapers, television and radio (EISA, 2003).

The media fraternity has been promoting initiatives on the Freedom of Information law, introduction of the Independent Broadcasting Authority (IBA) Act and extensive amendments to the Zambia National Broadcasting Corporation (ZNBC) (Amendment) Act. However, Freedom of Information (FOI) Bill has not been enacted hence the consistent call for the enactment of the FOI Bill as well as the reform of various laws that impede press freedom and are considered archaic by stakeholders (EISA, 2003).

During elections, the media has a very important task of covering all political parties in a fair and objective manner and giving information to help people make informed choices. The media covers mostly sponsored programmes by civil society organizations such as FODEP, SACCORD, Misa-Zambia and the National Womens Lobby and largely on the private run television and radio stations, some with very limited reach. Closer to the election, largely through the sponsorship of the Electoral Commission of Zambia (ECZ), a few more debating programmes on political party policies and programmes are broadcast (EISA, 2003).

One notable improvement by the media during election time is more coverage of opposition parties on ZNBC television and radio news compared to previous elections, but the majority of coverage still focuses on the president and the ruling party. However, the ban on live shows on television imposed by the minister of information and broadcasting services in 2005 remains in effect and this detracts from the richness of the debates as programmes may be subjected to prior censorship (Muyoyeta, 2006).

The electoral act of may 2006 also prescribes certain behaviours on the part of the media. It provides against publication of any false statement of fact in relation to the illness, death, or withdrawal from elections, personal character or conduct of a candidate in that election (Muyoyeta, 2006).

Law Enforcement Agencies: The key law enforcement agencies with regard to election management are the police and the Anti-Corruption Commission (ACC). The Inspector General of police has come forth strongly to emphasis that police will act professionally in dealing with

electoral matters. However, this may be difficult in the absence of legal backing and with laws such as the Public Order Act (Muyoyeta, 2006).

The Inspector-General of Police is an appointee of the president. This limits their independence. The Inspector General is in most cases humiliatingly dismissed at a press conference by the president. The president does not hide the fact that he dismisses him for not following instructions over arresting a political opponent (Muyoyeta, 2006).

The electoral act of 2006 removes the ambiguity that existed over arresting and prosecution for electoral malpractices. It is hoped therefore that both the police and the ACC act more decisively in the cases of malpractices (Muyoyeta, 2006).

Civil Society Organisations: Civil society has played very important roles in fighting for the deepening of Zambia's democracy in various ways especially in the electoral process. Civil society organizations are independent societies which work without government control. They include non-governmental organizations (NGOs), business associations, industrial associations, professional associations, faith based organizations (FBOs), trade unions and pressure groups. Many civil society organizations have emerged in Zambia since the re-introduction of political pluralism in 1991 (Shawa, 2010). The following are examples of civil society organizations in Zambia:

International Organisations: Examples of international organizations are: The Media Institute of Southern Africa (MISA); Transparency International Zambia (TIZ); and The Carter Center Foundation. These organizations are involved in electoral civic education and monitoring of elections in Zambia.

Pressure Groups: A pressure group is a civil society organization formed to influence government policy and decisions on a particular subject. Sometimes pressure groups are known as interest groups (Shawa, 2010). Examples of pressure groups are: The Oasis Forum and The Committee for Clean Campaign (CCC).

The Oasis Forum (OF) is a loose alliance comprising five organizations, namely the Non-Governmental Organisation Co-ordinating Council for Gender and Development (NGOCC), the Council of Churches in Zambia (CCZ), the Evangelical Fellowship of Zambia (EFZ), the Law

Association of Zambia (LAZ) and the Zambia Episcopal Conference (ZEC). It was formed on February 21, 2001 at a citizens' public meeting convened to mount a spirited campaign to oppose attempts to extend the rule of the then president, Fredrick Chiluba, contrary to the provisions of the constitution. The five organizations led the citizens through a successful campaign to defeat the third term bid (Muyoyeta, 2006).

Following the defeat of the bid, the Oasis Forum was reconstituted to focus on the need for a comprehensive reform of the Republican Constitution in an effort to promote a culture of constitutionalism and constitutional development. Supported by other civil society organizations including, amongst others, the trade unions and students, the Oasis Forum has put up a spirited struggle for the reform of Zambia's constitution (Muyoyeta, 2006).

Pressure groups usually disband and cease to exist once their objectives have been achieved. For instance, the CCC which was formed to advocate free and fair campaigns and elections disbanded after the 1996 elections.

Civic Organisations: Civic organizations are concerned with issues such as civic education, human rights and good governance (Shawa, 2010). The following are examples of civic organizations: The Anti-Voter Apathy Programme (AVAP) and The Foundation for Democratic Process (FODEP).

FODEP is a civic, non-governmental organization dedicated to the promotion and strengthening of democratic governance in Zambia through advocacy and civic education programmes on the electoral process in elections, as well as on local governance and development, and human rights. The organization was formed in 1992 as a successor to the Zambia Election Monitoring Coordinating Committee (ZEMCC), a consortium of civil society organizations which was in turn formed in 1991 to monitor Zambia's first round of multi-party elections (Chipenzi et al., 2011).

FODEP has led the struggle for electoral reforms, whilst the Southern African Center for the Constructive Resolution of Disputes (SACCORD) has put up a spirited fight for the reform of the Public Order Act. Women for Change has fought to ensure that rural womens' voices are heard whilst the National Womens' Lobby has led the campaign for more women in decision-

making. Misa-Zambia and other media bodies have led the advocacy for media reforms (Chipenzi et al., 2011).

Professional Associations: Professional associations are primarily formed by people in a particular profession to promote and protect their professional interests. However, they often act as pressure groups on the government and they educate people on their rights (Shawa, 2010). The following are Zambia Independent Media Association (ZIMA) is an example of these professional associations in Zambia.

Religious Organisations: Churches and other religious organizations often speak out on governance issues such as elections, constitutional reforms, unemployment and corruption (Shawa, 2010). Caritas Zambia is an example of these organizations.

Civil Society organizations do not always exist for the purpose of dealing with one particular issue only. This makes their classification difficult as one organization may deal with a variety of issues (Shawa, 2010). Thus, civil society organizations undertake a number of activities during elections which include civic and voter education and preparations for monitoring and observing elections.

CONCLUSION

The general conclusion is that Article 76(1) of the Constitution of Zambia provides for the creation of an autonomous Electoral Commission to supervise the registration of voters, to conduct Presidential and Parliamentary elections and to review constituency boundaries among other functions and that there are various electoral stakeholders in addition to the electorate and the ECZ. The other electoral stakeholders include registered political parties, the media, and the civil society among other electoral stakeholder.

CHAPTER THREE

FACTORS AFFECTING THE EFFECTIVENESS OF THE ECZ'S MANAGEMENT OF REGISTRATION OF VOTERS, 1996-2011

INTRODUCTION

This chapter addresses the question: What factors have affected the effectiveness of the ECZ in management of the registration of voters exercise? It also examines how these factors had affected the effectiveness of the ECZ in management of voters registration exercise. The study found that some of the factors that have affected the effectiveness of the ECZ's management of registration of voters from 1996 to 2011 include: Lack of adequate manpower; lack of public scrutiny of the provisional voter register; lack of prior publication of final voter register in the media; lack of adequate materials; and poor funding. It also compares the number of registered voters against eligible voters from 1996 to 2011 before concluding.

MODALITIES OF REGISTRATION OF VOTERS

The first thing before voting in an election is registering as a voter. Baylies and Szeftel, (1996) argued that Electoral Registers are not just one additional element of the electoral process; they are in fact a crucial factor in the establishment and consolidation of a liberal democratic system of government. Having comprehensive, accurate voter registers should be considered a prerequisite for free and fair elections. The main function of a good voter register is not only to promote high voter turnout, but also to enable any turnout at all. In general, it can be expected that comprehensive, continuously updated voter register will produce higher voter turnout rates, although as an indirect effect. In fact, voter turnout rates are over 70 percent (Baylies and Szeftel, 1996) in most well established liberal democracies where comprehensive and continuous voter registration and updated voter registers exist. On the other hand, the experience of emerging liberal democracies shows that whenever voter registers are created or existing registers of a limited scope are substantially improved, voter turnout rates tend to be, on average, as high as in most established liberal democracies like United States of America (USA), (Baylies and Szeftel, 1996). Voter turnout is discussed in chapter four of this dissertation. This chapter focuses on registration of voters exercise as already stated.

Zambia got her Independence from British rule in 1964 and adopted a universal adult suffrage and a common voters' roll. Universal adult suffrage implies that all adults have the right to vote while a common voters' roll is an official list or register of people who are eligible to vote in an election (Reynolds and Reilly, 1997). Any citizen aged 21 years and above was eligible to vote. The minimum age was later reduced to 18 years by an Act of Parliament of 1965 until now. Registration takes place at gazette centers, which also serve as polling stations (places) at the time of elections. The National Registration Card (NRC) must be produced as proof of Zambian citizenship at the time of registration. Thus, the NRC is a citizenship identification card and is also a prerequisite for registering as a voter. Registered voters are then issued with voters' cards, which they must produce together with the NRC each time they want to vote in an election (Baylies and Szeftel, 1996). As already stated, the management of registration of voters exercise in Zambia is done by the ECZ. Usually, this is done in the run up to general elections and it is rarely done when there are no elections.

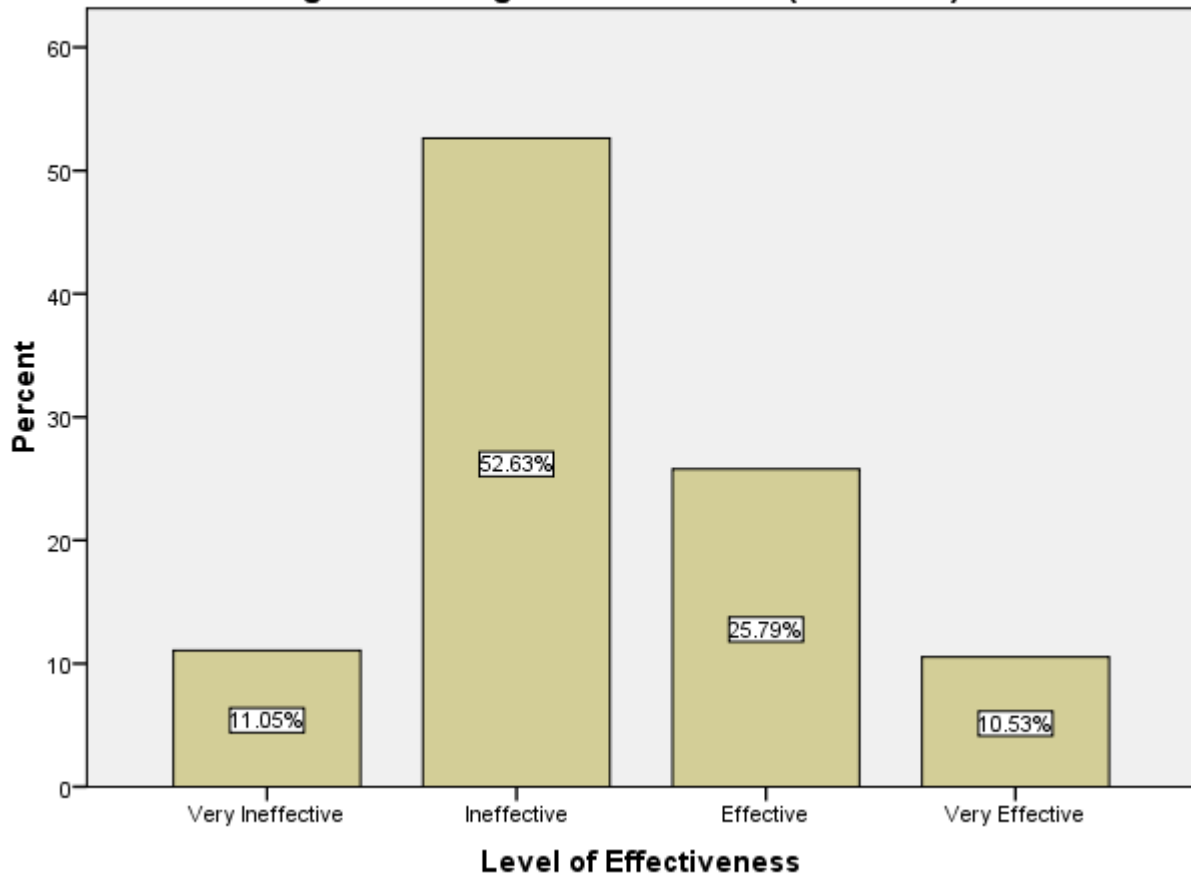
FACTORS AFFECTING EFFECTIVENESS OF THE ECZ MANAGEMENT OF REGISTRATION OF VOTERS (1996-2011)

As already stated, the study found a number of factors which affected the effectiveness of the ECZ in management of voters registration exercise from 1996 to 2011 such that both the key informants and the electorate from Kabwata Constituency rated the ECZ as being ineffective with regards to rating the level of effectiveness of the Commission in management of this particular function.

As shown in Figure 3.1, it was found that 100 (52.6%) of 190 of the electorate from Kabwata Constituency were of the view that the ECZ manages the registration of voters exercise ineffectively. The reasons given for this choice were that the ECZ is ineffective in the way it conducts the registration of voters exercise as the process leaves out a large number of potential voters as a result of internal factors on the part of the Commission. Internal factors such as weaknesses in the registration process play a part such as shortage of materials and manpower relative to the number of people who intend to register as a voter and this contributes to most of them not to register as they are discouraged by long queues. The electorate argued that this ineffectiveness of the registration process may also be partly due to non-system factors such as

apathy and the failure by the National Registration office to register a large number of people with NRCs.

Figure 3.1. Distribution of respondents by effectiveness of the ECZ in management of registration of voters (1996-2011)



Source: Field Data, 2015

It was further argued that the requirements and procedures which always requires the production of a National Registration Card for them to register as a voter discourages those whose NRCs have been misplaced this is because there is need for a police report and for the most, people have to wait in long queues to have their NRCs. Hence, this discourages eligible voters from registering thereby reducing the number of eligible voters which by implication made the ECZ to be ineffective in the management of the registration of voters. 48 (25.3%) of 190 of the electorate were of the view that the ECZ is effective. 22 (11.6) of 190 of the electorate were of the view that the ECZ is very ineffective. 20 (10.5%) of 190 of the electorate were of the view that the

ECZ is very effective in management of the registration of voters exercise. This information implies that the majority of the electorate was of the view that the ECZ is ineffective with regards to fairly performing its function of registration of voters exercise from 1996 to 2011. These results are in line with the views of the key informants.

Baylies and Szeftel (1996) argued that having comprehensive, accurate voter registers ought to be considered a prerequisite for free and fair elections. Thus, the more regularly a voter register is updated the more likely it is that an update takes place under the exclusive responsibility of public authorities rather than the citizen and lack of it makes the Commission to be ineffective in the management of the voters registration exercise.

Brian Mwale interviewed from TIZ Secretariat on 28th March 2015 stated that “at least on technical and financial grounds, otherwise, working to have permanently updated voter register is the ideal situation. This would imply systematic inclusion of newly eligible voters; moving those who have changed residence; and removing the deceased, the convicted and expatriates. As for the question of who shall be held responsible for initiating the update, quite often responsibility is placed upon individual voters, but it is mainly the job of the ECZ to ensure that the voter register is updated quite often with help from other municipal authorities such as the judiciary (criminal offences) and civil registers (deaths)” (Views of Brian Mwale interviewed from TIZ Secretariate on 28th March 2015). In the same vein, Kaela in OSSREA (2006) argued that the ECZ is ineffective in its function of registering of voters because there is lack of an updated voter register every time we have elections in this country as evidenced in the 2001 and 2006 elections and this negatively affects the commission because one would find that the voter registers were outdated by having people who are deceased still shortlisted in it.

The information from the key informant and from secondary sources implies that the ECZ is ineffective with regards to fairly performing its function of registration of voters exercise because it fails to continuously update the voters’ register prior to an election.

Kaela in OSSREA (2006) argued that before an election takes place, the final voter register should be known and made available to political parties and candidates as well as to other relevant groups, such as electoral observers and civil society organizations as this is a standard democratic practice in relation to the exercise of registration of voters by the Commission.

Hope Mubanga interviewed from FODEP Secretariat on 2nd April 2015 stated that the voter registration exercise by the ECZ lacks prior publication of final voter register in the media. She further stated that “the straight forward approach would recommend timely availability of the voter register by publishing it in the media to allow political contenders a chance to make use of the register for the organization of campaign activities and their Election Day operation. Moreover, election monitors and other civil society organizations can make use of the voter register for civic education purposes and for distributing information to voters on where and how to vote” (Views of Hope Mubanga interviewed from FODEP Secretariat on 2nd April 2015).

The information from the key informant and from secondary sources implies that the failure to follow this standard democratic practice of publication of final voter register in the media made the stakeholders to question the management, credibility and transparency of the ECZ thereby rendering it ineffective with regards to fairly performing its function of registration of voters.

Baylies and Szeftel (1996) argued that making provisional voter register publicly available for corrections, deletions or additions is standard democratic practice and that having a provisional voter register scrutinised by the public contributes to effectiveness of the Commission in terms of its mandate of registration of voters exercise.

Brian Mwale interviewed from TIZ Secretariat on 28th March 2015 noted that by not complying to the above standard democratic practice or not doing this in a timely manner, the transparency and fairness of elections can be compromised. He further stated that “the main issues in making provisional voter register publicly available for voter scrutiny have to do with places and methods for publication, deadlines for changes and timely adjudication of complaints and this is not the case in this country thereby making the ECZ to be ineffective” (Views of Brian Mwale interviewed from TIZ Secretariat on 28th March 2015).

Similarly, Chipenzi et al., (2011) argued that there is lack of public scrutiny of the provisional voter register in this country. If the provisional voter register was scrutinized by the public, then it can be possible for the family members of the deceased persons who are still shortlisted in the register to quickly notify the commission so as to help with corrections or deletions. Lack of public scrutiny of the provisional voter register implies that the ECZ is ineffective in fairly performing its function of registration of voters.

Priscilla Isaac interviewed from ECZ Offices on 25th April 2015 stated that the continuous voter register update and registration is hampered by lack of adequate funds as the process is costly thereby making the commission to be seen to be ineffective by stakeholders in its operations. She stressed that efforts were made with financial support from donors to ensure that there is continuous voter register update and registration. The ECZ works hard to ensure that there is a continuous voter register update and registration of voters but this process is very expensive and funds from government are never enough.

She further stated that the ECZ with support from donors is doing everything possible to ensure that there is continuous voter registration. Among other recent developments, the computerization of voter register has proved to be a reliable and effective mechanism for updating and cross-checking the register at the national level. In addition, the single most important cost-cutting measure is continuous registration. Although ECZ has not been able to conduct continuous voter registration exercise completely and successfully instituted due to huge costs, we are moving in that direction (Interview with Priscilla Isaac from ECZ Offices on 25th April 2015). By implication, this means that the ECZ is doing everything possible to see to it that it effectively manages the registration of voters exercise despite among other external factors such as lack of adequate funding.

Kaela in OSSREA (2006) argued that one way in which one would assess the level of effectiveness of the voters registration exercise by an electoral commission is by comparing the number of eligible voters and the number of registered voters every after the registration period. That is, the closer the number of registered voters is to the number of eligible voters, the more effective the electoral commission. Conversely, the smaller the number of registered voters is to the number of eligible voters, the less effective the electoral commission. The next section compares the number of registered voters by the ECZ and the estimated number of eligible voters from 1996 to 2011 electoral cycles.

REGISTERED VOTERS AGAINST ELIGIBLE VOTERS (1996-2011)

As table 3.1 exemplifies, in the 1996, 2001, 2006 and 2011 election cycles, the number of registered voters was low as compared to estimated number of eligible voters. This implies that the number of registered voters is always low as compared to estimated number of eligible voters every after the registration exercise is done by the ECZ in a given electoral cycle and this affects

the ECZ such that the institution is said to be ineffective in performing its function of registration of voters by electoral stakeholders as discussed in this section.

Table 3.1: Number of Registered Voters against Eligible Voters (1996-2011)

	1996	2001	2006	2011
Eligible voters	4,500,000	4,687,997	5,800,000	6,434,272
Registered voters	2,267,382	2,604,761	4,000,000	5,167,154
Percent(%) registered	50.39	55.56	68.96	80.31

Source: Compiled from ECZ Data

Table 3.1 shows that calculations based on aggregate national figures suggest that fewer than half of eligible Zambians registered to vote during the 1996 registration exercise. Bwalya (2001) argued that while one would naturally like to see all citizens exercising their electoral rights, it is justified to ask what would be considered a reasonable level of registration in Zambia were a number of eligible voters are left out during the voters registration exercise. That 2,267,382 million of a potential 4,500,000 million Zambians did register to vote is hardly ideal, but under the circumstances of lack of adequate funding it might also be deemed an achievement of sorts (Bwalya, 2001).

Muyoyeta (2006) argued that the registration in 1996 required up to four separate visits to the polling station, thus making the process cumbersome. There were also long distances from home to registration site, with travel done predominantly on foot in rural areas. Communication was another bottleneck as people could not know when and where to register from. There were no public media that enjoyed blanket coverage of the rural areas, all these bottlenecks contributed to ineffectiveness of the ECZ in the management of the registration of voters exercise.

Table 3.1 shows that in the December 2001 elections only 2,604,761 voters out of an estimated 4,687,997 eligible voters were registered. This represented only fifty-five per cent (55%) of eligible voters. According to Brian Mwale interviewed from TIZ Secretariat on 28th March 2015, it was noted that the voters registration exercise by the ECZ in 2001 was ineffectively conducted because the disenfranchisement of 45 per cent of voters has a serious impact on democratic

governance, which requires popular participation, particularly in the election of political leaders. It also raises serious issues of accountability of elected officials when a large number of eligible voters do not participate in elections. It also raises serious issues of capability and effectiveness of the Commission in management of the registration of voters exercise.

According to data from the 2000 National Census of Population and Housing 3,984,697 people were eligible to hold green National Registration Cards, which are issued to citizens aged 16 years and above (CSO, 2001). Out of this 3,068,148 which is 77% of the total, were issued with the cards, leaving out 916,549 which is 23% of the total persons eligible to hold NRCs. Thus, close to one million people who were eligible did not have the cards. This number included eligible voters who could not therefore register to vote (Muyoyeta, 2006). This implies that the registers are not very up-to-date and lack of voter register update means that the ECZ is ineffective with regards to fairly performing its function of registration of voters.

The 2000 Census data shows that out of the National population of 10,285,631, thirty-five point four-eight percent (35.48 %) were eligible voters (CSO, 2001; Muyoyeta, 2006). Registration data compiled by the Electoral Commission indicate that 2,408,307 persons were on the voters' roll. Thus 1,240,948 eligible persons were not on the voters' roll contributing to ineffectiveness of the ECZ since only 66% of eligible voters were captured. As shown in table 3.1 the number of registered voters in 1996 were only about 2,267,382 and only about 2,604,761 in 2001 were registered on the voters' register thereby implying that the ECZ is ineffective with regards to fairly performing its function of registration of voters.

In an interview with Priscilla Isaac from ECZ Offices on 25th April 2015, it was noted that in an attempt to deal with this problem of low number of registered voters, the Zambian government in 2001 passed Statutory Instrument Number 55, which provides for continuous registration of voters. However, despite the passing of this enabling legislation, continuous registration has never been implemented because of inadequate funding by government to the Commission.

Coalition 2001 (2001) observed that the 2001 registration of voters' exercise was conducted in a highly unsatisfactory manner. It was observed that the exercise was ineffectively managed by the ECZ, while the National Registration Office failed to provide a large number of eligible persons with NRCs, which were required for voter registration. While the low number of registered

voters as compared to the eligible voters from 1996 through 2006 may be partly due to high mortality rate in the country, registration bottlenecks are also to blame. These include failure to obtain NRCs; poor management of the registration process; and apathy (Coalition 2001, 2002). Priscilla Isaac interviewed from ECZ Offices on 25th April 2015 stated that “even if in 2001 the Electoral Act was amended to provide for continuous registration of voters, in 2002 the government released only K300 million out of K12 billion which the Commission needed to start continuous voter registration. As a result, continuous registration of voters could not commence due external factors such as lack of adequate funding” (Views of Priscilla Isaac interviewed from ECZ Offices on 25th April 2015).

Muyoyeta (2006) argued that the registration of voters prior to the 2006 general elections was done the traditional way. An initial registration period of 21 days was announced and was extended twice. The major problem that faced this exercise was the issuance of National Registration Cards (NRC). At the close of the registration exercise on 31 December 2005, there were still long queues of people struggling to get their NRCs. The inefficient issuance of NRCs was once again to be amongst the greatest obstacles to the registration of voters by the ECZ hence rendering the Commission ineffective as most eligible voters were not registered during the process.

In an interview with Hope Mubanga from FODEP Secretariat on 2nd April 2015 it was noted that FODEP and other civil society organizations raised complaints prior to the 2006 voters registration exercise to the effect that the president’s strongholds appear to have disproportionately succeeded in registering more voters than in other areas and the voters verification exercise was not effectively communicated as most people did not know when to verify such that most of the people did not verify their details and those whose details were incorrectly entered in the register were disfranchised in the process and this implied that the Commission is ineffective in its mandate to register voters fairly.

In addition, Muyoyeta (2006) argued that the ECZ seemingly bowed to executive pressure during the 2006 voters registration exercise as the head of state would direct ECZ on what to do rather than leaving the Commission to manage the exercise autonomously thereby rendering it ineffective with regards to fairly performing its function of registration of voters. A case in point was during the voter registration period when the ECZ announced it would extend the

registration period in order to capture more voters. This exercise was, however, discontinued after then late President Mwanawasa raised objections to it. On the whole, the exercise was fairly successful. By the end, about 4 million people had been captured in the register as shown in table 3.1 which show that 4,000,000 were registered out of 5,800,000 eligible voters.

However, the relative success of the registration exercise may be somewhat marred by the less successful verification exercise. Preliminary voters' roll was compiled and fourteen-day period was provided for voters to check that their details had been correctly entered. Overall the verification exercise registered only about a 40% turn out (Muyoyeta, 2006). This percent turnout shows how ineffective the Commission is with regards to performing its function of registration of voters as most people who might have had wrong details in the register did not check their details as evidenced by the 60% absenteeism from the verification exercise.

Table 3.1 does not show the number of registered voters against eligible voters for 2008 elections because in these elections the ECZ used the 2006 voters register since the presidential by election was unprecedented caused by the demise of the late president Mwanawasa in 2008. Hope Mubanga interviewed from FODEP Secretariat on 2nd April 2015 noted that following the untimely death of then incumbent President Mwanawasa in 2008, ECZ suggested that it would be necessary to hold the election without updating the voters' roll, but using an outdated voters' roll could cause complications during an election. Chipenzi et al., (2011) argued that the ECZ decided to use the voters' roll from the 2006 election in the 2008 presidential by-election due to lack of time. Against this background, a group called Anti-Vote Rigging, which was aligned with the opposition, took the matter to the High Court, seeking a decision that would force the Electoral Commission to register new voters ahead of the elections because most people would be disfranchised. The High Court ruled on 14 October that it was acceptable to use the old voters' roll due to time constraints (Chipenzi et al., 2011).

In an interview with Priscilla Isaac from ECZ Offices on 25th April 2015 it was noted that the 2011 voters' registration exercise was fairly successful partly due the help of donor funding from organizations like UNDP as well as the Commission's commitment to achieve its objective of delivering a credible electoral through effective registration of voters. This is evidenced in calculations based on aggregate national figures which suggest that 5,167,154 Zambians

registered to vote during the 2011 registration exercise out of the 6,434,272 eligible voters as shown in table 3.1.

In an interview with Bright Banda from Caritas Zambia Secretariat on 26th April 2015 it was noted that the 2001 registration of voters exercise was the most poorly managed by the ECZ because the process was characterized by inadequate preparation, shortage of materials and manpower hence making the process and ECZ to have been ineffective as compared to these other electoral cycles. Similarly, Bwalya (2001) argued that both the 1996 and 2001 registration of voters stand out as the most poorly managed processes by ECZ as evidenced from available data. Table 3.1 show that only about 2,267,382 were registered out of 4,500,000 eligible voters and 2,604,761 were registered out of 4,687,997 eligible voters respectively. Bwalya (2001) further argued that its conduct also tended to be haphazard. That is, in the run up to the 1996 and the 2001 elections, the registration process was extended by ECZ several times to try to get people to register, though without much success. This implies that the registration of voters failed to capture a significant number of eligible voters. Overall the registration processes can be said to have been ineffectively managed by the ECZ in these two electoral cycles.

However, in trying to enhance ECZ effectiveness in the management of voters registration exercise, donors have come on board to fund the Commission through the Zambian government (Support to the Zambian Electoral Cycle Report :2009-2012, 2012). Priscilla Isaac interviewed from ECZ Offices on 25th April 2015 stated that “the UNDP sponsored Electoral Cycle Project has been the largest electoral project funded by the donors to the ECZ. Funds from this Project facilitated for the establishment of continuous voter registration from 2009 beyond the 2011 general elections. Since the introduction of continuous voter registration, the number of registered voters has been increasing” (Views of Priscilla Isaac interviewed from ECZ Offices on 25th April 2015). Further, a total of 11 local Civil Society Organisations which included SACCORD, TIZ, AVAP and Operation Young Vote among others received 400 million kwacha each in form of grants to mainly conduct civic sensitization programmes on the importance of registering as a voter across the country in an effort to register a large number of eligible voters (Support to the Zambian Electoral Cycle Report: 2009-2012, 2012).

The information which follow table 3.1 implies that the registration of voters by the ECZ failed to capture a significant number of eligible voters from the 1996 through 2011 registration of

voters exercise and this made the Commission to be ineffective in fairly performing this function. However, the information from the key informant from the ECZ imply that the Commission is committed to fairly perform its mandate of registration of voters in the face of both internal and external factors which among others included: lack of adequate funding; Inadequate manpower; inefficient issuance of Voters Cards; interference from the executive and other organs of government; and apathy to Voter Registration Centers.

CONCLUSION

The general conclusion is that the ECZ manages the voter registration exercise from 1996 to 2011 ineffectively. The study found that both the key informants and the electorate were of the view that the registration of voters in Zambia from 1996 to 2011 has been fraught with problems, these include: lack of adequate funding; late release of funds by the government to the Electoral Commission; inadequate preparation; shortage of materials and manpower; long distances to registration centre's, to mention but a few problems.

However, the study found that the ECZ works hard to ensure that there is a continuous voter register update and registration of voters but this process is very expensive and funds from government are never enough. Notwithstanding, the ECZ with support from donors is doing everything possible to ensure that there is continuous voter registration, continuous update of the voters register, adequate materials and manpower, and adequate preparations by conducting workshops for officials.

Among other recent developments by the Commission includes the computerization of voter register has proved to be a reliable and effective mechanism for updating and cross-checking the register at the national level. In addition, the single most important cost-cutting measure is continuous registration. Although ECZ has not been able to conduct continuous voter registration exercise completely and successfully instituted due to huge costs, though it is moving in that direction.

CHAPTER FOUR

FACTORS AFFECTING EFFECTIVENESS OF THE ECZ'S MANAGEMENT OF ELECTIONS, (1996-2011).

INTRODUCTION

This chapter addresses the question: What factors have affected the effectiveness of the ECZ in management of elections from 1996 to 2011? It also examines how these factors have affected the effectiveness of the ECZ in management of elections. The study found that there are a number of factors which have affected the effectiveness of the ECZ's management of elections which include: Technical and Technological Challenges; Poor Funding; Partisan Commissioners; Voter Apathy; and Poor Voter Education. This chapter gives a brief background of the 1996, 2001, 2006, 2011 tripartite elections and the 2008 presidential by-election. It later examines how the outlined factors have affected the effectiveness of the ECZ in the management of elections before concluding.

ECZ'S MANDATE IN RESPECT TO THE MANAGEMENT OF ELECTIONS

As already stated in Chapter Two of this dissertation, the ECZ derives its authority from among other laws, the Electoral Act, of 1991 and the Electoral Commission Act of 1998, to manage elections in Zambia. From 1996 to 2012, the Commission managed the 1996, 2001, 2006 and 2011 tripartite elections, and the 2008 presidential by-election as well as numerous parliamentary and local government by-elections (ECZ, 2014). In doing so, the Commission is expected to function autonomously, that is, without direction from any one.

1996 Tripartite Elections: In the 1996 tripartite elections, the MMD won 131 National Assembly seats out of 150 (that is, 87.3%), with 60.97 percent of the vote. Independent candidates, combined won ten seats with 9.85 percent of the national vote. ZADECO and Agenda for Zambia got two seats each (1.3%). However, ZADECO received 13.82 percent of the vote (176,521), compared to Agenda for Zambia's 18,982 which is 1.49 percent of the vote (ECZ, 2014).

These elections were boycotted by the main opposition party, the United National Independence Party, together with five other allied parties, following changes to the constitution which they

failed to have reversed following a court challenge. The changes required a presidential candidate to be born to two Zambian citizens by birth or descent, and National Assembly candidates to give up their chieftaincy. UNIP believed this was specifically aimed at their candidate, Kenneth Kaunda, whose parents came from Malawi although he had previously served several terms as president, and its vice president who was a chief. Subsequently, the Movement for Multi-Party Democracy (MMD) won a comfortable victory in the elections and with its candidate, Frederick Chiluba, winning 73% of the vote in the presidential election (Chipenzi et al., 2011).

Hope Mubanga interviewed from FODEP Secretariat on 2nd April 2015 noted that although the constitution provided for an autonomous Electoral Commission, the members of the Commission, including its Chairperson, were appointed by the President who was an interested party in the outcome of the elections which by implication made the Commission to be ineffective in terms of fairly performing the function of management of elections (Interview with Hope Mubanga from FODEP Secretariat on 2nd April 2015).

Kaela in OSSREA (2006) argued that the European Union Observer Mission of 1996 elections questioned the impartiality of the ECZ in managing the 1996 elections in its report. It argued that the factor of the Chairperson being appointed by the President led to possible manipulation of the Commission to favour the ruling party, which also easily intimidated the ECZ. “It was strongly suspected that in practice the Commission was answerable to the ruling party in order for those in the Commission to maintain their jobs. It was alleged that commissioners were given ‘big cars and fat gratuities’. Largely because of the intimidation that the Commission was suspected to be subjected to, it was said that it succumbed to the executive, hence making it ineffective in the process” (Views of Brian Mwale interviewed from TIZ Secretariat on 28th March 2015).

However, Priscilla Isaac interviewed from ECZ Offices on 25th April 2015 stated that the ruling party was not in a position to manipulate 1996 elections because the process was quite transparent and it was, therefore, not easy to manipulate. Moreover, Priscilla Isaac further stated that the counting of votes was done openly, in the presence of representatives of political parties participating in the elections. Moreover, ECZ works with other organizations such as the National Registration Office, political parties, Civil Society Organisations and other stakeholders in order to deliver a credible electoral process.

The key informants' information and from secondary sources implies that the Commission was ineffective in fairly performing the management of the 1996 tripartite elections. However, the information from the key informant from ECZ stated that the Commission was effective in its management of the same elections.

2001 Tripartite Elections: Tripartite elections were held on 27 December 2001 to elect a President and National Assembly. In the 2001 elections, the MMD led by Levy Mwanawasa won sixty-nine seats (46%) with 28 percent of the valid votes. It was followed by the UPND with forty-nine seats (32.67%) which it won with 23.8 percent of valid votes cast nation-wide. Third came UNIP with thirteen seats (8.67%) secured with 10.59 percent of valid votes. It should also be noted that, unlike in 1996, no party received 50 percent or more of the valid votes cast. The MMD retained power with only 28 percent of the valid votes (ECZ, 2014).

The results of the elections were disputed by the main opposition parties, including the United Party for National Development led by Anderson Mazoka, which many observers claimed had actually won the elections. Both domestic and international election monitors cited serious irregularities with the campaign and election, including vote rigging, flawed voter registration, unequal and biased media coverage, and the MMD's improper use of state resources. In January 2002, three opposition candidates petitioned the Supreme Court to overturn Mwanawasa's victory. While the court agreed that the poll was flawed, it ruled in February 2005 that the irregularities did not affect the results and declined the petition (Kaela in OSSREA, 2006).

Kaela in OSSREA (2006) further argued that the European Union Election Observer Mission of 2001 elections observed that the management of the 1996 and 2001 elections revealed serious shortcomings. In some cases, election materials were not delivered on time, or polling stations opened late. Both in the 1996 and 2001 elections, voting in some polling stations continued for several days. Ballot paper account form verifications revealed inaccurate recording of results. Yet no recounts are allowed unless a court order is given pursuant to an election petition. The 1996 and 2001 elections were said to be inadequately managed by the Electoral Commission

In the same vein Bright Banda interviewed from Caritas Zambia on 26th April 2015 stated that the conduct of 2001 elections in Zambia had been fraught with problems, thereby threatening the integrity of the ECZ. In this regard, the conduct of the 1996 and 2001 elections stand out.

Election monitors concluded that these elections were not free and fair. They based their assessments on pre-election, election, and post-election observations (Interview with Bright Banda from Caritas Zambia Secretariat on 26th April 2015).

The information from the key informant and from secondary sources all imply that the ECZ was ineffective in fairly performing the management of the 2001 tripartite elections.

2006 Tripartite Elections: Tripartite elections were held on 28 September 2006 to elect the President, members of the National Assembly and local government councillors. The result was a victory for the ruling Movement for Multi-Party Democracy, which won 75 of the 150 National Assembly seats and whose candidate, Levy Mwanawasa, won the presidential. The MMD won with 42.98 percent of the votes cast nation-wide, followed by the PF with 29.37 percent. In the third position it was the UDA with 25.32 percent, followed by the HP which got 1.57 percent and the APC with 0.76 percent (ECZ, 2014).

Priscilla Isaac interviewed from ECZ Offices on 25th April 2015 stated that in 2005 the Commission had sought for donor funding towards enhancing Zambia's electoral process especially activities such as the management of elections. From 2005 to 2006 through to 2008 the ECZ received funding and support from UNDP to enhance ECZ's capacity for carrying out elections adequately. This was done with the support from the Zambian government. From that year, the UNDP has been playing the role of mobilizing donors and managing donor funds that have been meant for supporting the ECZ (Interview with Priscilla Isaac from ECZ Offices on 25th April 2015).

In the same year ECZ received funding from UNDP to conduct needs assessment and voter education at a cost of approximately US\$ 1.4 million. In addition, the electoral commission received about US\$ 0.25 million from UNDP to enhance management skills at ECZ and help in the preparation of the roadmap for the 2006 elections. From the same US\$ 0.25 million, the commission staff received on the job training regarding election management. Further, the US\$ 0.25 million from UNDP helped to develop modules and training manuals and trainers were instructed in the dissemination of voter and civic education. A national consultation process and civic awareness programmes took place in all 150 constituencies (Interview with Priscilla Isaac from ECZ Offices on 25th April 2015).

In 2006, the ECZ sought funds from nine cooperating donors namely Canada, the European Commission, Finland, Ireland, Netherlands, Norway, Sweden, the United States of America and the UNDP. These donors provided support to the Commission through the UNDP managed Trust Fund for the 2006 elections specifically in the area of voter education and sensitization. The funds, totaling US\$7.3 million were mobilized by the commission through the UNDP from these named donors to support the 2006 presidential, parliamentary and local government elections. Of this total, the UNDP contributed US\$ 250,000. From the same Trust Fund, a number of civil society organizations including Foundation for Democratic Process (FODEP), Anti-Voter Apathy (AVAP), Non-Governmental Coordinating Council (NGOCC), Southern African Center for Conflict Resolution and Disputes (SACCORD) and Transparency International Zambia (TIZ) were engaged by the ECZ to carryout voter education across the country. Each of these organizations accessed about 300 million kwacha from the Trust Fund for voter education (Interview with Priscilla Isaac from ECZ Offices on 25th April 2015).

The information from the key informant from the ECZ imply that the Commission had sought for donor funding to help with the management of the 2006 tripartite elections with support from the Zambian government and that this support had been provided through the UNDP managed Trust Fund initiated in 2005 for the purpose of enhancing the Commission's effectiveness in the management of elections.

2011 Tripartite Elections: Tripartite elections were held on 20 September 2011 to elect a President and representatives to the National Assembly. Incumbent President Rupiah Banda, of the ruling Movement for Multi-Party Democracy party, ran for his first full term as President after replacing Levy Mwanawasa, who had died in August 2008. Michael Sata was the candidate of the Patriotic Front and Hakainde Hichilema was the candidate of the United Party for National Development (Chipenzi, et al., 2011). In these elections, the PF won sixty seats (38.25%) with 42.24 percent of the valid votes. The MMD got fifty-five seats (33.56%) with 35.63 percent of the valid votes but this time lost the presidential elections to the PF. It was followed by the UPND with twenty-eight seats (16.99%) which it won with 18.28 percent of valid votes cast nation-wide. Independent candidates won three seats, while FDD and ADD both got one seat each (ECZ, 2014).

In an interview with Priscilla Isaac from ECZ Offices on 25th April 2015 it was stated that the UNDP sponsored Electoral Cycle Project has been the largest electoral project funded by the donors to the ECZ. From this project, the police officers were trained in human rights so that they could be able to police elections effectively during the 2011 general elections. In addition the media was trained in skills required to cover the electoral process effectively in an impartial way.

Priscilla Isaac interviewed from ECZ Offices on 25th April 2015 further stated that for each project funded by donors through the UNDP, agreements had been reached to indicate the terms of funding and commitments of the parties involved. The condition of funding put by the UNDP and other donors had been that the ECZ be accountable and transparent in the expenditure of funds from donors. In all the election projects funded by the UNDP in the years 2005 to 2011, the UNDP has always demanded that the procurement of goods and services and the recruitment of personnel to assist in the electoral process be done in a transparent manner following both the Zambian and international regulations and procedures. In addition, it has always been agreed that the ECZ should take a leading role in the implementation of all activities funded by the UNDP and its donor partners (Interview with Priscilla Isaac from ECZ Offices on 25th April 2015).

Hope Mubanga interviewed from FODEP Secretariat on 2nd April 2015 noted that “the 2011 elections were well organized and well funded from donors like the UNDP and the European Union. Voter education was done in all the 9 provinces of the country. This contributed to increase in voter turnout and change in the voting behaviour of the electorates which eventually saw the removal of the MMD government from power”. The 2011 tripartite elections were the best well funded by donors (SACCORD Annual Report, 2011, 2012).

Another project that the UNDP supported the ECZ towards enhancing the electoral process in Zambia was entitled, “Strengthening Electoral Process in Zambia: Support to the 2009-2012 Electoral Cycle”. The project which started in 2009 supported capacity development of the ECZ, national institutions and civil society organizations towards organizing and managing of the electoral process. The “Electoral Cycle Approach” assistance had been developed by donor agencies among them the European Union, IDEA and the UNDP (Support to the Zambian Electoral Cycle Report: 2009-2012, 2012).

In order for this electoral cycle project to have been effectively administered, the UNDP established a UNDP section at the ECZ which is managed by a Technical Support Team. This team had been mandated to administer and manage project activities in partnership with Electoral Commission. The Technical Support Team was headed by the Project Manager and was assisted by other officers who were specialized in electoral procurement, logistic and finance/administration (Support to the Zambian Electoral Cycle Report: 2009-2012, 2012).

The Technical Support Team emoluments had been under the mandate of the UNDP. It helped the ECZ to address six components of the electoral cycle project which were: (i) increasing participation in the democratic process; (ii) developing shared democratic values; (iii) enhancing the integrity and accountability of the process; (iv) promoting sound electoral management practices; (v) efficient use of national resources; and (vi) the development of desired synergies with other state institutions. An overall Donor Coordination Mechanism that included heads of donor agencies, both those contributing to a common basket fund and those contributing to the elections through bilateral or other means, had been chaired by the Technical Support Team. The total funding of this project was US\$ 20 million. Out of these funds, UNDP contributed approximately US\$ 7.5 million in support of the project (Support to the Zambian Electoral Cycle Report: 2009-2012, 2012).

The information from key informants and from secondary sources means that with adherence to the conditions of the UNDP and other donors the ECZ had received substantial funding from donors for the management of the 2011 tripartite elections and by implication the Commission effectively managed the elections as compared to other elections as a result of unprecedented increase in donor funding.

2008 Presidential By-Election: Following the death of then incumbent President Levy Mwanawasa on 19 August 2008, the election had to be called within 90 days of the date of death. It was expected that there would be internal problems within the ruling Movement for Multi-party Democracy (MMD) as Mwanawasa had not declared a successor prior to his death. Nevertheless, acting President Rupiah Banda was selected as the MMD's presidential candidate. Michael Sata stood as the candidate of the Patriotic Front (PF), while Hakainde Hichilema stood as the candidate of the United Party for National Development (UPND). Godfrey Miyanda stood as the candidate of the Heritage Party (HP) (Chipenzi, et al., 2011). In the election, the MMD

won with 40.09 percent of votes cast nation-wide. Followed by the PF with 38.13 percent. Third was the UPND with 19.70 percent. Fourth position was the HP which got 0.76 percent of the national vote (ECZ, 2014).

In an interview with Priscilla Isaac from ECZ Offices on 25th April 2015 it was stated that by using the Zambian government funds as well donor funding, the Commission injected billions of kwacha into various electoral programs in order to perform the management of elections effectively. For instance, after the 2006 elections, a Preparatory Assistance Project funded by the UNDP and the European Union totaling US\$ 0.8 million was set up with a view to supporting the ECZ and Department of National Registration Passport and Citizenship (DNRPC) in addressing capacity development and assessments of the DNRPC. Some of the activities undertaken with this support relate to the development and implementation of a curriculum for training and certification of electoral officials, revisions to the results management system, input to legal reform and training of permanent ECZ staff in electoral administration. In addition, a needs assessment study of the DNRPC was conducted to elaborate support required by DNRPC for the creation of a more secure and accurate electronic civil register. Such a register was meant to facilitate the implementation of continuous voter registration (Interview with Priscilla Isaac from ECZ Offices on 25th April 2015).

This project was meant for the 2011 presidential, parliamentary and local government elections. However, when President Mwanawasa died in 2008, the project changed direction and was used to hold a presidential by-election in October 2008. In the 2008 elections the ECZ set a budget of 240 billion kwacha (about 75 million US dollars) for the election. International donors namely the governments of Finland, Japan, Norway, Sweden, the United States of America, as well as the European Union, contributed over US\$ 11.5 million towards support of the 2008 by-election (Interview with Priscilla Isaac from ECZ Offices on 25th April 2015).

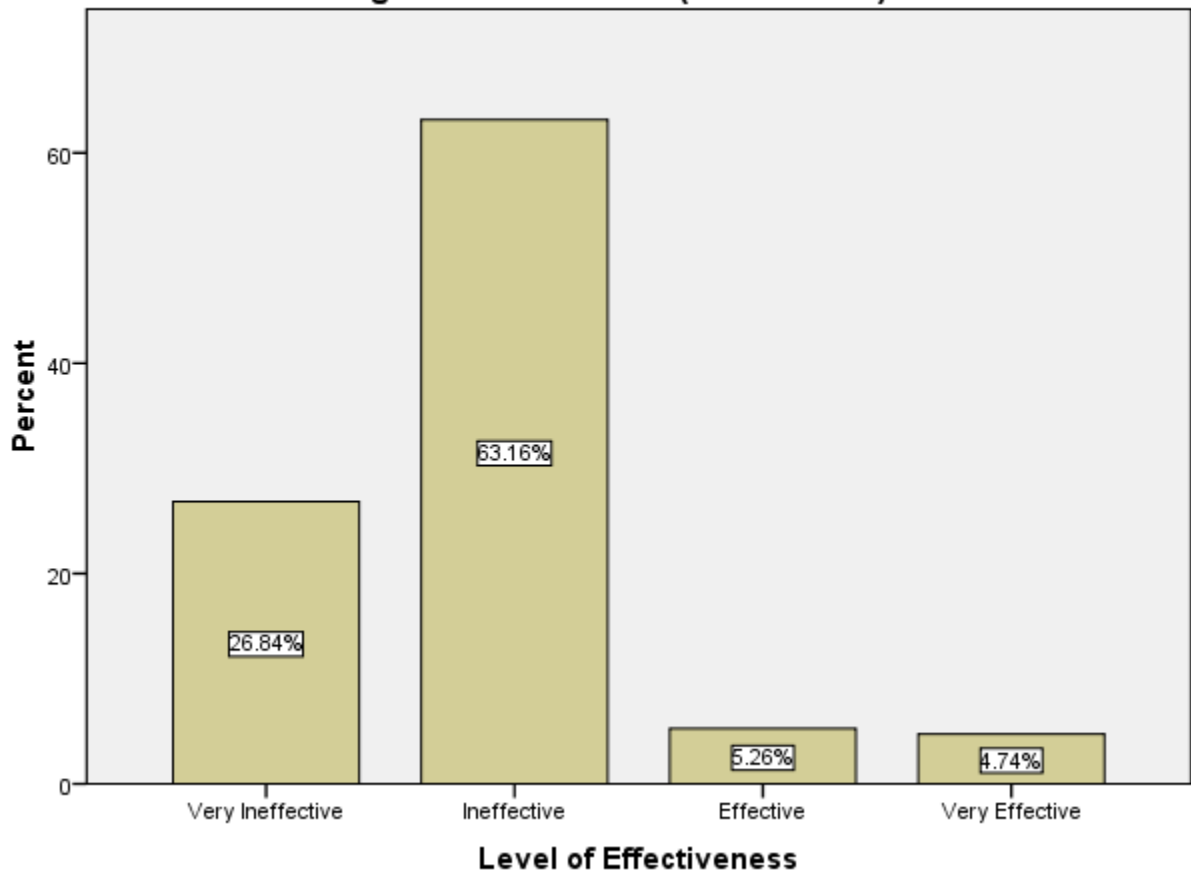
Before the elections, many provinces had received electoral materials being distributed by the Electoral Commission. The ECZ printed 600,000 more ballot papers than needed, saying that these would be used as substitute ballots in case of voter mistakes. The opposition objected to the printing of these extra ballot papers, arguing that they could facilitate vote rigging and calling for them to be destroyed. The Electoral Commission asked the four presidential candidates to attend a meeting on 15 October to discuss this issue. In response to allegations from the opposition that

there were plans to rig the election in Banda’s favor, Florence Mumba, the then Chairperson of the Electoral Commission, gave an assurance on 22 October that the Commission was committed to a credible and acceptable election and that any complaints regarding the election would be investigated (Interview with Priscilla Isaac from the ECZ Offices on 25th April 2015).

The information from the key informant from the ECZ and from secondary sources imply that by using the Zambian government funds as well donor funding, the Commission injected billions of kwacha into various electoral programs in order to fairly perform the management of the 2008 presidential by-election.

FACTORS AFFECTING THE EFFECTIVENESS OF THE ECZ’S MANAGEMENT OF ELECTIONS (1996-2011)

Figure 4.1. Distribution of respondents by effectiveness of the ECZ in management of elections (1996 to 2011)



Source: Primary Data

As already stated, the study found a number of factors which affected the effectiveness of the ECZ in the management of elections from 1996 to 2011 such that both the key informants and the electorate from Kabwata Constituency rated the ECZ as being ineffective with regards to rating the level of effectiveness of the Commission in management of this particular function.

As shown in Figure 4.1, it was found that 120 (63.2%) of 190 Kabwata Constituency electorate were of the view that the ECZ is ineffective in its function of management of elections. The reasons given for this choice were that the ECZ is ineffective in the way it manages elections despite the legal guarantee of the independence of the Commission, in reality it enjoys little autonomy as it does not enjoy financial autonomy. It is not funded directly by Parliament. The executive has sought to undermine the Commission through inadequate and late release of funds to the Commission. Its commissioners tend to be partisan. 50 (26.3%) of 190 of the electorate were of the view that the ECZ is very ineffective. 11 (10%) of 190 of the electorate were of the view that the ECZ is effective. 9 (5%) of 190 of the electorate were of the view that the ECZ is very effective in managing elections. This information implies that the majority of the electorate was of the view that the ECZ is ineffective with regards to fairly performing its function of management of elections from the 1996 tripartite elections to the 2011 tripartite elections due to the already stated factors. These results are in line with the views of the key informants.

Muchangani (2012) argued that in order to have a complete independent Electoral Body it is a standard democratic practice to ensure that there is no interaction between the President and candidates arising from the selection committee constituted by Parliament and not by the President. It was further argued that Parliament shall enact legislation prescribing the rules and procedure by advertising the positions to be Commissioners for the Commission, shortlisted candidates and selection of members for appointment to the Commission. It was further argued that a quality Electoral Management Body (EMB) membership selection process would be achieved by openly advertising for candidates and ranking all participants according to a transparently applied fit and proper test. For a standard democratic practice, Electoral law usually specifies the qualification to be an EMB commissioner, which generally includes citizenship, good repute, ability to act impartially, and professional qualifications or knowledge,

age, healthy, holding or not holding specified positions in a certain party or in government, and residence.

Brian Banda interviewed from TIZ Secretariat on 28th March 2015 stated that the fact that the president and not parliament is the appointing authority of the commissioners and the absence of qualifications for commissioners other than the chairperson undermines the Commission's independence as it is conceivable that unsuitable candidates who are partisan or incompetent can be appointed as commissioners to serve the interests of the appointing authority hence negatively affecting the Commission in its management of elections as partisan commissioners may temper with the results to favour the appointing authority. Moreover, the requirement of ratification of the commissioners' appointment by the National Assembly can only work if the Assembly is independent of executive control, which is said to be not the case most of the time in Zambia.

Similarly, Chipenzi et al., (2011) argued that the ECZ commissioners serve at the pleasure of the President as there is no objective procedure for their removal prescribed in the Constitution or other law. It was further argued that the fact that the president is the appointing authority automatically hinders the commissioners from being impartial as they cannot go against their appointing authority for fear of losing their jobs and this makes the commission to be ineffective in its management of the elections.

The information from the key informant and secondary sources mean that the appointment, dismissal procedures for commissioners is not clearly articulated and that the process is not undertaken in a manner that is impartial, accountable and transparent. There is no way by which the president could be an appointing authority because in an election the same president is a political player just like the opposition. For as long as there is the involvement of the president in the appointment of the members of the Commission, there shall never be a complete independence of the Commission which by implication makes the Commission ineffective in its management of elections.

Muchangani (2006) argued that it is a standard democratic practice to let the Commission to be independent and impartial, and that one way in which this would be done is to let parliament to be responsible for the disbursement of funds to the Commission. Furthermore, the Commission ought to be audited by the Office of the Auditor general for accountability and transparency.

Bright Banda interviewed from Caritas Zambia Secretariat on 26th April 2015 noted that “quite alright the ECZ employs the government accounting system. However, this contributes to the inefficiency of the Commission as the Government machinery moves very slowly. Moreover, the Commission cannot freely access funding from donors as the President must approve all gifts or transfer of funds to the Commission”.

Priscilla Isaac interviewed from ECZ Offices on 25th April 2015 stated that the management of elections is hampered by lack of adequate funds as the process is costly thereby making the commission to be said to be ineffective in its operations as it cannot also recruit permanent officers and make the voting process electronically. However, efforts are being made with financial support from donors to ensure that the voting process becomes electronically and that in the future the commission may have permanent officers in all the provinces by decentralizing it. It was further stated that the ECZ works hard to ensure that the management of elections is effectively done but this process is very expensive and funds from government are never enough.

Similarly, Chipenzi et al., (2011) argued that since its establishment as an autonomous Commission in 1996, ECZ continues operating as a normal government department with a head of expenditure reflected in the Estimates of Revenue and Expenditure. As a result, it receives Government funding on a monthly basis and is thus subject to normal treasury controls like any other government department. However, it is believed that these funds are not enough and that there is need to decentralize the Commission so that it can have permanent employees all over the country not just Lusaka offices.

The information from the key informants and from secondary sources implies that poor funding contributes to the ineffectiveness of the Commission in the management of elections.

Priscilla Isaac interviewed from ECZ Offices on 25th April 2015 stated that some of the problems that ECZ face in the management of elections are related to inadequate logistics meant for logistical planning and arrangements. These are technical and technological challenges that ECZ face due to limited resources. These include lack of enough computers, lack of enough electronic gadgets for transmitting the results to the totaling center such as advanced mobile phones as well as lack of computerization of the voting process which is still done manually.

It is however gratifying to note that in the recent years, the Commission had made so much marked improvement in the way elections are conducted and efforts such as the computerization of the voting process are being sought to make further improvements (Interview with Priscilla Isaac from ECZ Offices on 25th April 2015). All these technical and technological challenges by implication made the Commission to be said to be ineffective in relation to its function of management of elections.

According Cornelius Mweetwa interviewed from UPND Secretariat on 17th April 2015, it was noted that the major symptom of the ECZ's ineffectiveness in the management of elections since its establishment is the late release of results. It was argued that the 1996, 2001, 2006, 2008 and the 2011 elections were all characterized by late release of results which caused panic among the electoral stakeholders with a view that maybe the reason for the delay is meant to manipulate the results so as to favour the party in power. Similarly Chipenzi et al., (2011) argued that in the 2008 and 2011 elections there were some pockets of violence in the Copperbelt and some parts of Lusaka in protest against the ECZ for its delay in releasing the results. The protests were spearheaded by party stalwarts of the opposition as well as UNZA students

However, Priscilla Isaac interviewed from ECZ Offices on 25th April 2015 stated that the late release of results in most cases is as result of external factors. Bad weather sometimes delays voting in some polling stations especially in rural areas as a result of heavy rains. This is aggravated by poor infrastructure such as road network and communication. Roads become impassable whenever elections are conducted in the rain season and the chopper for air transport cannot ferry ballot boxes from remote areas in bad weather whenever roads and bridges have been washed away by heavy rains hence delaying the compilation of the results at the totaling center.

The information from a key informant from the opposition and from secondary sources mean that late release of results by the ECZ is a symptom of ineffectiveness in management of elections. However a key informant from the ECZ stated that the late release of results in some case is as result of external factors such as bad weather and roads when elections are taking place during the rainy season.

Another external factor includes Voter apathy. Voter apathy is lack of caring amongst eligible voters. That is, it is often used to explain a poor turnout for elections/voting. It is associated with people that have no motivation to vote because they feel that it will have no effect on their lives (AVAP, 2011). Voter apathy is an undesirable situation which may lead to irresponsible leaders assuming office due to low voter turnout. This may lead to implementation of inappropriate policies which may in turn affect citizens with various socio-economic needs, especially the youths who are majority in Zambia and take a larger segment of the registered voters' population (AVAP, 2011).

As table 4.1 exemplifies, the number of registered voters have been far much higher than the voter turnout in all the elections managed by the ECZ from 1996 to 2011 elections. The core problem is persistence in the low voter turnout rates in elections. For instance, a number of parties boycotted the 1996 elections due to disagreements of electoral rules and processes. Voter apathy in the subsequent elections has persisted, with voter turnout recorded at 58 per cent of registered voters in 1996 though this represents about 15 points higher than the voter turnout in 1991 (AVAP, 2011).

Table 4.1. Voter Turnout (1996-2011)

Election Year	1996	2001	2006	2008	2011
Registered Voters	2,267,382	2,604,761	4,000,000	4,000,000	5,167,154
Voter Turnout	1,325,053	1,766,356	2,789,114	1,791,806	2,789,340
Percent (%)Turnout	58.44	67.81	69.73	44.80	53.98

Source: Compiled from ECZ data

Table 4.1 shows the number of registered voters as compared to the voter turnout from 1996 to 2011 elections. These statistics show that voter apathy became intense after the 1996 elections and became quite a prominent feature of every election that followed. This results in a smaller number of voters relative to the registered voters' population. For example, in 1996 out of the total 2,267,382 registered voters only about 58 per cent voted. In 2001, the registered voters' population was 2,604,761 and only 67 per cent voted. In 2006 from about 4,000,000 registered voters' only about 2,789,114 which was about 69 per cent and in 2008 the 2006 voters' register

was used and only 1,791,806 which was about 44 per cent voted. The 2008 presidential by-election recorded the lowest voter turnout rate and the 2006 elections recorded the highest turnout of voters' relative to the number of registered voter population.

Furthermore, in 2011 elections, slightly more than half, that is, 2,789,340 (53 percent) of the 5,167,154 million registered voters turned out in the election. This amounted to an increase of 9 percent when compared to the 2008 presidential by election. According to AVAP (2011) there was a good turnout of young voters as well as a balanced turnout of both female and male voters in polling stations. The reasons for low level of turnout could be explained by various reasons among them are the insufficient voter information and education campaigns on the part of the Electoral Commission. Since low level of turnout in an election is not a representation of majority will, this means that voter apathy negatively affects the effectiveness of the Commission in the management of elections.

Stakeholders within civil society are critical of the fact that voter information and education campaigns are always not as intensive in the rural areas as they are in the urban areas. voter turnout might have been affected partly by cases of registered voters who had gone to the wrong polling station; voters whose names did not appear on the voters' roll in spite of the fact that they had a voter's card; or voters whose identity was questioned because their name on the voter's card did not match their details on the National Registration Card (NRC), (AVAP, 2011). The low turnout in elections is also impacted upon by the number of polling staff on duty outside their constituency who could not cast their vote because they did not obtain a Certificate of Authority from the ECZ on time (AVAP, 2011).

However, in an interview with Priscilla Isaac from ECZ Offices on 25th April 2015 it was noted that there are various programs that are undertaken by the ECZ since its establishment aimed at reducing voter apathy and increase effectiveness in voter education such as continuous sensitization programmes through the media and posters on billboards. The ECZ also organizes debates for all political party candidates on Television. The Commission also informs political parties to encourage the electorate to go and vote during an election as they carry out their political campaigns during public rallies as well through the media. In so doing, would reduce voter apathy and increase voter turnout, hence contributing to the Commission's effectiveness in the management of elections.

CONCLUSION

The study found that the ECZ is ineffective in the management of elections in Zambia. The electorate and key informants were of the view that the compilation of the results for the 2001 elections revealed anomalies which were not satisfactorily explained or investigated by the ECZ and this showed how ineffective the Commission is with regards to management of any election. Similarly, the European Union Election Observer Mission and Coalition 2001(2002) argued that the discrepancy between votes cast for presidential candidates and those for parliamentary candidates in the 1996 and 2001 elections raised questions about the integrity of the count by the ECZ officials.

The study found that there are a lot of factors that affect the effectiveness of the ECZ in the management of elections in Zambia from 1996 to 2011. Problems that ECZ face in the conduct of elections are related to inadequate logistical planning and arrangements. This is aggravated by non-system factors such as poor infrastructure such as road network and communication as well as voter apathy and bad weather.

A key informant from the ECZ appealed to the Zambian government to timely put in place reforms for electoral laws when need arises. For countries like Zambia which is undergoing constitutional change, ECZ wish to commend and appeal to the government to hasten the processes so that the nation can put in place suitable electoral laws that would consequently lead to improved electoral systems, to ensure that there is wider acceptance of the results of the elections results every time there are elections in this country.

CHAPTER FIVE

FACTORS AFFECTING EFFECTIVENESS OF THE ECZ'S ENFORCEMENT OF THE ELECTORAL CODE OF CONDUCT, (1996-2011).

INTRODUCTION

As already stated in Chapter Two of this dissertation, Section 129 of the Electoral Commission Act of the Laws of Zambia confers upon the ECZ the administrative and regulatory powers to initiate legislation pertaining to the conduct of elections in the form of statutory instruments. Statutory Instrument No. 52 of 2011 is a legal document that provides for the Zambian Electoral Code of Conduct. This new Electoral Code was issued in 2011 and it is a build up from the 2006 Electoral Code. The study found a number of factors which affect ECZ's enforcement of the electoral code of conduct which include: abuse of resources by the party in power during campaigns; partisanship of the media; government interference; and uneven campaign ground which in most case favour the party in power. This chapter focuses only on those mandates of the code that are relevant to the study and not on all the regulations of the code.

ECZ'S MANDATE IN RESPECT TO THE ELECTORAL CODE OF CONDUCT.

With respect to the Electoral Code of Conduct, the Electoral Commission of Zambia, is mandated as follows: (1) where reasonable and practicable to do so (a) meet political party representatives on a regular basis to discuss all matters of concern related to the election campaign and election itself (b) ensure that political parties do not use state resources to campaign for the benefit of any political party or candidate; (d) censure all acts done by leaders of political parties, candidates, supporters, Government and its organs, which are aimed at jeopardizing elections or done in contravention of this code; (f) ensure that any campaign rally or meeting which is legally organized by any political party is not disrupted or wantonly prohibited; (j) ensure that equal opportunity is given to all stake holders, particularly political parties to participate in and conduct their political activities in accordance with the law; and (k) condemn acts of media organizations and personnel aimed at victimization, punishment or intimidation of media practitioners implementing any of the provisions of this code (Electoral Code of Conduct, pp. 11-12: 2006).

Election offences are stipulated under Part IV of the *Electoral (General) Regulations*. These cover corrupt and illegal practices as well as other violations of the law. These offences may be committed by candidates, their agents, members of the public, election officers and printers and publishers. The offences include Bribery; Personation; Treating; and Undue influence among other electoral offences. Regulations 55 provides that any person who commits the offence of bribery, personation, treating or undue influence shall be guilty of a corrupt practice and shall be liable on conviction to a fine not exceeding eight hundred penalty units or to imprisonment for a period not exceeding two years, or to both (Electoral Code of Conduct, pp. 13-14: 2006).

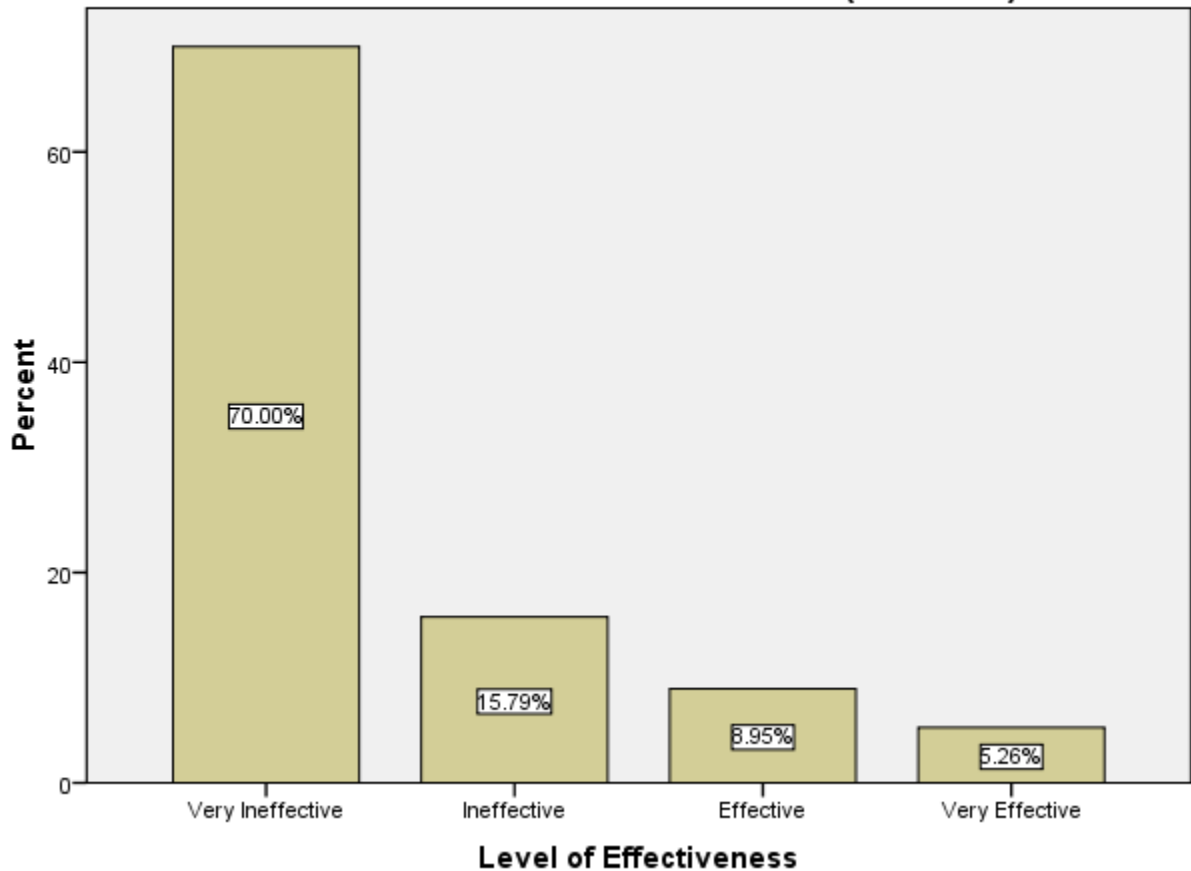
FACTORS AFFECTING ECZ ENFORCEMENT OF THE ELECTORAL CODE OF CONDUCT (2006-2011)

As already stated, the study found a number of factors which affect ECZ effectiveness in enforcement of the electoral code of conduct from 1996 to 2011 such that both the key informants and the electorate from Kabwata Constituency rated the ECZ as being very ineffective with regards to rating the level of effectiveness of the Commission in enforcement of this particular function.

As shown in Figure 5.1, it was found that 133 (70%) of 190 Kabwata Constituency electorate were of the view that the ECZ enforces the Electoral Code of Conduct very ineffectively. The reasons for this choice were that these obligations are merely declaratory in character and non-enforceable. It was argued that the Electoral Code of Conduct has been honoured more in breach than observance for a number of reasons. The Electoral Commission, for example, has no capacity to enforce the Code of Conduct. The respondents were of the view that there is too much abuse of resources by the party in power during campaigns, partisanship of the media, government interference, and uneven campaign ground which in most case favour the party in power as among the factors that affect the Commission. Furthermore, 29 (15%) of 190 of the electorate were of the view that it is enforced ineffectively. 19 (10%) of 190 of the electorate were of the view that it is effectively enforced. 9 (5%) of 190 of the electorate were of the view that the ECZ and law enforcement agencies, enforces the electoral code of conduct very effectively. This information implies that the majority of the electorate were of the view that the ECZ is very ineffective with regards to enforcement of the electoral (code of conduct)

regulations from the inception of this code in 2006. These results are in line with the views of the key informants.

Figure 5.1. Distribution of respondents by effectiveness of the ECZ in enforcement of the electoral code of conduct (2006-2011)



Source: Field Data, 2015

As already stated, with respect to the Electoral Code of Conduct, the ECZ is mandated as follows: (1) where reasonable and practicable to do so (a) meet political party representatives on a regular basis to discuss all matters of concern related to the election campaign and election itself (b) ensure that political parties do not use state resources to campaign for the benefit of any political party or candidate (Electoral Code of Conduct Regulations, 2006).

Cornelius Mweetwa interviewed from UPND Secretariat on 17th April 2015 stated that “the ruling party enjoys some advantage in terms of using government resources such as vehicles thereby making the playing field not at the same level every time we have elections. For

instance, in its ruling over the 2001 presidential election petition, the supreme court found that the then ruling MMD had used public resources to purchase 150 vehicles that it used for its campaigns and that they should be returned to the state. However, the then ruling party defiantly carried on using these vehicles. President Mwanawasa urged candidates adopted to run for parliament in 2006 not to give bribes and not to engage in electoral vices. However, this was rather too little too late. The MMD announced its list of adopted candidates for parliament about a month before parliament was dissolved. There were complaints about those cabinet ministers and deputy ministers who had been adopted of taking advantage and using their official vehicles on their campaign trails. Abuse of state machinery was also experienced in the 2008 and 2011 elections” (Views of Cornelius Mweetwa interviewed from UPND Secretariat on 17th April 2015). Similarly, Chipenzi et al., (2011) argued that during elections, people are given material gifts, beer and money by competing political parties.

The information from the key informant and secondary sources implies that failure to follow the above regulations or mandates as evidenced in the 2006, 2008 and 2011 campaign periods made the key electoral stakeholders such opposition political parties and civil society organizations to consider the ECZ to be ineffective in its enforcement of the Electoral Code of Conduct.

Article 13 (1) of the Electoral Code of Conduct provides for the provision of fair and balanced reporting of campaigns, meetings, rallies and press conferences of all registered political parties and candidates during the campaign period (Electoral Code of Conduct Regulations, 2006).

Brian Hapunda interviewed from PF Secretariat on 17th April stated that “the public media is always perceived to be pro-government giving preferences to campaign activities of the ruling party. Private media is always perceived to be in favour of one specific party within the opposition. Thus, media reports are more about personalities and less about the programmes and visions of contestants and you cannot blame the party in power but the media itself” (Views of Brian Hapunda interviewed from PF Secretariat on 17th April 2015). However, the partisanship of the main media both public and private results in selective reporting and coverage of campaign activities of political parties and encroaches on the right of the electorate to accurate and fair competition (SACCORD Annual Report of 2011, 2012).

Cornelius Mweetwa interviewed from UPND Secretariat on 17th April stated that “despite major policy shifts in 1987, which saw the enactment of the Zambia Broadcasting Corporation (ZNBC)

Act and the transformation of ZNBC into a nominally independent corporation, the broadcasters remain under state influence. It was found that access to the public media during election campaign period is heavily controlled by government in such a way that only the party in power is aired on the national television” (Views of Cornelius Mweetwa interviewed from UPND on 17th April 2015). Similarly, Chipenzi et al., (2011) argued that in the 2001, 2006, 2008 and 2011 elections, public broadcasters openly and primarily served the needs of the government of the day, that is, the party in power.

However, Masuzyo Ndlovu interviewed from ZNBC Offices on 8th April 2015 stated that “the ZNBC 1987 reforms were purely cosmetic as the public broadcasters remain firmly in the hands of the government in every essence. For instance, ZNBC TV and radio and any other state media was fully used for state propaganda during the 2011 election. The program which was being aired on ZNBC called Stand Up for Zambia by Chanda Chimba III, was instituted by the state to discredit and de-campaign the then main opposition party, the Patriotic Front. In short, we are not really independent as we receive a lot of pressure from the Executive and other organs of government if we do not bow to their demands” (Views of Masuzyo Ndlovu interviewed from ZNBC Offices on 8th April 2015). This implies that the ECZ fails to condemn acts of media organizations and personnel aimed at victimization, punishment or intimidation of media practitioners implementing any of the provisions of this code.

According to Muyoyeta (2006), one notable improvement by the media during election time is more coverage of opposition parties on ZNBC television and radio news compared to previous elections, but the majority of coverage still focuses on the president and the ruling party. However, the ban on live shows on television imposed by the minister of information and broadcasting services in 2005 remains in effect and this detracts from the richness of the debates as programmes may be subjected to prior censorship (Muyoyeta, 2006). Kasoma (2012) also argued that the Opposition political parties in Zambia in the 2011 elections complained about the unfairness of coverage as well as limited access to the media to the ECZ and also to courts of the law, but then there was no response as these institutions were controlled by the state. In the same vein, the Commonwealth Observer Group (2011) reported that ZNBC did not serve the interest of the electorate in 2011 elections in its duty as a public broadcaster. The bias of ZNBC towards the ruling party was a concern raised by almost all electoral stakeholders met by the

Commonwealth Observer Group. ZNBC failed to provide fair and equitable coverage in key programmes, including news bulletins. Its television and three radio stations were dominated by the MMD at the expense of other political parties.

The information from the key informants and from secondary sources implies that the partisanship of the media negatively affects the ECZ as the commission fails to effectively enforce Article 13 (1) of the Electoral Code of Conduct which provides for the provision of fair and balanced reporting of campaigns, meetings, rallies and press conferences of all registered political parties and candidates during the campaign period. This encroaches on the right of the electorate to accurate and fair competition as already stated. Furthermore, failure to condemn acts of media organizations and personnel aimed at victimization, punishment or intimidation of media practitioners implementing any of the provisions of this code renders the Commission to be ineffective.

As already stated, with respect to the Electoral Code of Conduct, the Electoral Commission of Zambia, is mandated as follows: (d) censure all acts done by leaders of political parties, candidates, supporters, Government and its organs, which are aimed at jeopardizing elections or done in contravention of this code; (f) ensure that any campaign rally or meeting which is legally organized by any political party is not disrupted or wantonly prohibited (Electoral Code of Conduct, 2006).

However, Bright Banda interviewed from Caritas Zambia on 26th April stated that “one would find that bribery and vote-buying is a predominant characteristic of all political parties in Zambia during elections” (Views of Bright Banda interviewed from Caritas Zambia on 26th April 2015). According to the SACCORD Annual Report of 2011, the 2008 and 2011 elections showed how the Zambian government could control the “Independent Electoral Commission of Zambia” by easily breaking the election rules by not following them with impunity. For instance, the then ruling MMD were actually distributing gifts to electorates when it was clear that it was against the law. Further, the then ruling party started campaigning far before the campaign period or election date was even announced. The ECZ was well aware of such malpractice but could not control the “big guy” in the electoral game (SACCORD Annual Report of 2011, 2012).

The information from the key informant and secondary sources implies that government interference in the operations of the Commission renders it to be unprofessional hence ineffective as it is seen to be an extended arm of the party in power whenever it bows to pressure from the executive and other organs of government. Furthermore, this failure by the ECZ to implement its mandate to censure all acts done by leaders of political parties, candidates, supporters, Government and its organs, which are aimed at jeopardizing elections or done in contravention of this code contributes to other electoral stakeholders to consider the Commission to be ineffective in its enforcement of the electoral code of conduct.

As already stated, with respect to the Electoral Code of Conduct, the Electoral Commission of Zambia, is mandated as follows: (f) ensure that any campaign rally or meeting which is legally organized by any political party is not disrupted or wantonly prohibited; (j) ensure that equal opportunity is given to all stake holders, particularly political parties to participate in and conduct their political activities in accordance with the law (Electoral Code of Conduct, 2006).

However, Cornelius Mweetwa interviewed from UPND Secretariat on 17th April 2015 stated that “the ruling party can use any resources ranging from public vehicles, money and power to curtail other parties’ ability to campaign properly. Reports stemming from ZNBC suggest intimidations of ZNBC staff from senior government officials to the extent of telling them that they would lose their employment if they continued to air programmes of the opposition. In addition the ruling party could easily buy anyone to fake defections and pay up the chiefs or headmen in order to belong to their side, but at the same time demonizing opposition parties and preventing them from accessing funds for campaigns and access to the public media” (Views of Cornelius Mweetwa interviewed from UPND Secretariat on 17th April 2015). Similarly, Muyoyeta, (2006) argued that during election campaign, the campaign ground has not been even or level as the ruling party has all the resources at its disposal to propel a smooth and prosperous campaign which gives the ruling party a strong upper hand on the ground.

Priscilla Isaac interviewed from ECZ Offices on 25th April 2015 stated that “even if there are some pockets of violence every time we have elections, I do not think it is a serious problem because we make sure that we enforce the electoral regulations with law enforcement agencies impartially. The point is that the problem is not with the Commission but the other electoral stakeholders and in particular the political parties. Zambian political parties are characterized by

lack of intra-party democracy, hooliganism, lack of focus on real issues and great inter-party intolerance as well as intra-party violence and sometimes the media also publishes misleading headlines causing panic and speculations among the public before we compile all the results” (Views of Priscilla Isaac interviewed from ECZ Offices on 25th April 2015). Chipenzi et al., (2011) also argued that thus far, there has been no reported major electoral conflict in this country during election campaign period though there are some pockets of violence as experienced during the 2008 and the 2011 elections.

The information from the key informants and from secondary sources implies that the ECZ fails to implement its mandate to ensure that equal opportunity is given to all stake holders, particularly political parties to participate in and conduct their political activities in accordance with the law. It was stated that the commission failed to provide equal opportunities during the 2008 and 2011 election campaign periods and this contributed to uneven campaign ground which made stakeholders to consider the Commission to be ineffective in the enforcement of the electoral code of conduct.

CONCLUSION

The Electoral Code of Conduct outlines a set of principles that all electoral stakeholders must adhere to. The code guarantees rights and freedoms of both the electorate and the contestants. It forbids bribery, corruption, intimidation and violence. Additionally, it details a list of electoral offences related largely to the election campaign, including the disruption of political rallies and the tearing of campaign posters. The code also forbids election related abuses of government facilities and resources for campaign purposes. In the past, the main weakness of the code was the lack of a clear complaints mechanism. This issue has been addressed through provisions for lodging complaints as well as through the establishment of Conflict Management Committees (CMCs). The code grants the ECZ powers to refer and report violations of the code to law enforcement agencies such as the Anti-Corruption Commission and the police for investigation and prosecution.

The study found that the electorate and key informants were of the view that the ECZ is very ineffective in enforcement of the electoral code of conduct regulations. Both argued that each time Zambia goes to the polls, there is a lot of misuse of public resources in order to please the electorate by the ruling party. To be specific, it is believed that state resources were misused by

the then ruling party MMD in the 2011 election campaign, these included using government vehicles to transport party stalwarts to campaign rallies, resurfacing roads at last minute, distributing mealie meal, sugar and chitenge materials using public resources, reinstating of members of staff in public institutions who were either on suspension or dismissed, promising jobs and offering contracts without following laid down procedures, to mention but a few abuses of state resources. Previous Commonwealth reports from 2006 also noted the above concerns.

Regardless of the existence of the 2006 and the 2011 Electoral (Code of Conduct) Regulations, during elections the campaign period often is characterized by malpractices, which in many cases degenerates into violence though not at large scale.

Notwithstanding, before elections the ECZ meets with all political parties participating in the presidential elections at Mulungushi International Conference Centre to discuss on the need to maintain peace and general adherence to the electoral code of conduct in order to deliver a free and fair election. For instance, a key informant from the ECZ asserted that prior to the 2011 tripartite elections just like in all the previous ones, former chairperson, Justice Mambilima met leaders of political parties and reminded them that it was important for them to endeavour to be organized and orderly and assist the Commission conduct a peaceful and credible election. It is believed that she advised political parties participating in the election to guide and educate their cadres to abide by the electoral code of conduct while campaigning for their candidates.

CHAPTER SIX

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

INTRODUCTION

This chapter is a summary of the conclusions of all the chapters outlined in this dissertation. It also includes recommendations.

SUMMARY OF CONCLUSIONS

In chapter two the study found that Article 76(1) of the Constitution of Zambia (1996) provides for the creation of an autonomous Electoral Commission in charge of among other functions to supervise the registration of voters, to conduct Presidential and Parliamentary elections and to manage the electoral code of conduct regulations. It was noted that there are various electoral stakeholders in addition to the electorate and the ECZ. Among other electoral stakeholders located in Lusaka district these include registered political parties, the media, the church and the civil society.

In chapter three the study found that both the key informants and the electorate were of the view that the registration of voters in Zambia is done ineffectively by the ECZ and that the process had been fraught with problems, these include: inadequate funding by the government to the Electoral Commission; long queues at registration centers; inadequate preparation; shortage of materials, to mention but a few problems.

The study found that 100 (52.6%) of 190 of the electorate from Kabwata Constituency were of the view that the ECZ manages the registration of voters exercise ineffectively. The reasons given for this choice were that the ECZ is ineffective in the way it conducts the registration of voters exercise as the process leaves out a large number of potential voters as a result of internal factors on the part of the Commission. Internal factors such as weaknesses in the registration process play a part such as shortage of materials and manpower relative to the number of people who intend to register as a voter and this contributes to most of them not to register as they are discouraged by long queues The electorate argued that this ineffectiveness of the registration process may also be partly due to non-system factors such as apathy and the failure by the National Registration office to register a large number of people with NRCs. It was argued that

the requirements and procedures which always requires the production of a National Registration Card for them to register as a voter discourages those whose NRCs have been misplaced this is because there is need for a police report and for the most, people have to wait in long queues to have their NRCs. Hence, this discourages eligible voters from registering thereby reducing the number of eligible voters which by implication made the ECZ to be ineffective in the management of the registration of voters. 48 (25.3%) of 190 of the electorate were of the view that the ECZ is effective. 22 (11.6) of 190 of the electorate were of the view that the ECZ is very ineffective. 20 (10.5%) of 190 of the electorate were of the view that the ECZ is very effective in management of the registration of voters exercise. This information implied that the majority of the electorate was of the view that the ECZ is ineffective with regards to fairly performing its function of registration of voters exercise from 1996 to 2011. These results were in line with the views of the key informants.

It was found that one way in which one would assess the level of effectiveness of the voters registration exercise by an electoral commission is by comparing the number of eligible voters and the number of registered voters every after the registration period. That is, the closer the number of registered voters is to the number of eligible voters, the more effective the electoral commission. Conversely, the smaller the number of registered voters is to the number of eligible voters, the less effective the electoral commission. Thus the study compared the number of registered voters by the ECZ and the estimated number of eligible voters from 1996 to 2011 electoral cycles.

The study found that in the 1996, 2001, 2006 and 2011 election cycles, the number of registered voters was low as compared to estimated number of eligible voters. This implied that the number of registered voters is always low as compared to estimated number of eligible voters every after the registration exercise is done by the ECZ in a given electoral cycle and this affects the ECZ such that the institution is said to be ineffective in performing its function of registration of voters by electoral stakeholders as discussed in this section.

However, the study found that the ECZ works hard to ensure that there is a continuous voter register update and registration of voters but this process is very expensive and funds from government are never enough. Notwithstanding, the ECZ with support from donors is doing everything possible to ensure that there is continuous voter registration, continuous update of the

voters register, adequate materials and manpower, and adequate preparations by conducting workshops for officials.

Among other recent developments by the Commission includes the computerization of voter register has proved to be a reliable and effective mechanism for updating and cross-checking the register at the national level. In addition, the single most important cost-cutting measure is continuous registration. Although ECZ has not been able to conduct continuous voter registration exercise completely and successfully instituted due to huge costs, though it is moving in that direction.

In chapter four it was found that the electorate and other key informants argued that the ECZ is ineffective in management of elections in Zambia. It was found that there are a lot of factors that affected the effectiveness of the ECZ in management of elections in Zambia from 1996 to 2011. Problems that ECZ face in the conduct of elections are related to inadequate funding, inadequate logistical planning and arrangements. This is aggravated by poor infrastructure such as road network and communication as well as non-system factors such as voter apathy and bad weather. It was argued that the compilation of the results for the 2001 elections revealed anomalies which were not satisfactorily explained or investigated by the ECZ. The European Union Election Observer Mission and Coalition 2001 argued that the discrepancy between votes cast for presidential candidates and those for parliamentary candidates raise questions about the integrity of the count by the ECZ officials.

The study found that 120 (63.2%) of 190 Kabwata Constituency electorate were of the view that the ECZ is ineffective in its function of management of elections. The reasons given for this choice were that the ECZ is ineffective in the way it manages elections despite the legal guarantee of the independence of the Commission, in reality it enjoys little autonomy as it does not enjoy financial autonomy. It is not funded directly by Parliament. The executive has sought to undermine the Commission through inadequate and late release of funds to the Commission. Its commissioners tend to be partisan. 50 (26.3%) of 190 of the electorate were of the view that the ECZ is very ineffective. 11 (10%) of 190 of the electorate were of the view that the ECZ is effective. 9 (5%) of 190 of the electorate were of the view that the ECZ is very effective in managing elections. This information implies that the majority of the electorate was of the view that the ECZ is ineffective with regards to fairly performing its function of management of

elections from the 1996 tripartite elections to the 2011 tripartite elections due to the already stated factors. These results were in line with the views of the key informants.

The information from a key informant from the opposition and from secondary sources meant that late release of results by the ECZ is a symptom of ineffectiveness in management of elections. However a key informant from the ECZ stated that the late release of results in some case is as result of external factors such as bad weather and roads when elections are taking place during the rainy season. Another external factor included Voter apathy. Voter apathy is lack of caring amongst eligible voters. That is, it is often used to explain a poor turnout for elections/voting. It is associated with people that have no motivation to vote because they feel that it will have no effect on their lives. Voter apathy is an undesirable situation which may lead to irresponsible leaders assuming office due to low voter turnout. This may lead to implementation of inappropriate policies which may in turn affect citizens with various socio-economic needs, especially the youths who are majority in Zambia and take a larger segment of the registered voters' population.

It was found that the number of registered voters have been far much higher than the voter turnout in all the elections managed by the ECZ from 1996 to 2011 elections. The core problem was persistence in the low voter turnout rates in elections. For instance, a number of parties boycotted the 1996 elections due to disagreements of electoral rules and processes. Voter apathy in the subsequent elections has persisted, with voter turnout recorded at 58 per cent of registered voters in 1996 though this represents about 15 points higher than the voter turnout in 1991.

A key informant from the ECZ appealed to the Zambian government to timely put in place reforms for electoral laws when need arises. For countries like Zambia which is undergoing constitutional change, ECZ wished to commend and appeal to the government to hasten the processes so that the nation can put in place suitable electoral laws that would consequently lead to improved electoral systems, to ensure that there is wider acceptance of the results of the elections results every time there are elections in this country.

In chapter five, it was found that the Electoral Code of Conduct outlines a set of principles that all electoral stakeholders must adhere to. The code guarantees rights and freedoms of both the electorate and the contestants. It forbids bribery, corruption, intimidation and violence.

Additionally, it details a list of electoral offences related largely to the election campaign, including the disruption of political rallies and the tearing of campaign posters. The code also forbids election related abuses of government facilities and resources for campaign purposes.

The study found that the electorate and other key informants were of the view that the ECZ is very ineffective in enforcement of the electoral code of conduct regulations. It was noted that each time Zambia goes to the polls, there is a lot of misuse of public media, misuse of public vehicles and resources in order to please the electorate by the ruling party with impunity.

The study was found that 133 (70%) of 190 Kabwata Constituency electorate were of the view that the ECZ enforces the Electoral Code of Conduct very ineffectively. The reasons for this choice were that these obligations are merely declaratory in character and non-enforceable. It was argued that the Electoral Code of Conduct has been honoured more in breach than observance for a number of reasons. The Electoral Commission, for example, has no capacity to enforce the Code of Conduct. The respondents were of the view that there is too much abuse of resources by the party in power during campaigns, partisanship of the media, government interference, and uneven campaign ground which in most case favour the party in power as among the factors that affect the Commission. Furthermore, 29 (15%) of 190 of the electorate were of the view that it is enforced ineffectively. 19 (10%) of 190 of the electorate were of the view that it is effectively enforced. 9 (5%) of 190 of the electorate were of the view that the ECZ and law enforcement agencies, enforces the electoral code of conduct very effectively. This information implies that the majority of the electorate were of the view that the ECZ is very ineffective with regards to enforcement of the electoral (code of conduct) regulations from the inception of this code in 2006. These results were in line with the views of the key informants.

The information from the key informants and from secondary sources implied that the ECZ fails to implement its mandate to ensure that equal opportunity is given to all stake holders, particularly political parties to participate in and conduct their political activities in accordance with the law. It was stated that the commission failed to provide equal opportunities during the 2008 and 2011 election campaign periods and this contributed to uneven campaign ground which made stakeholders to consider the Commission to be ineffective in the enforcement of the electoral code of conduct.

The study found that the ECZ has made a lot of efforts such as the computerization of the registration and the electoral process and civic education sensitization programs in trying to see to it that it effectively performs its core functions. It was found that the UNDP sponsored electoral projects and other donor support towards the electoral process is important because it allows the ECZ, Civil Society Organisations and other stakeholders to put in measures that allow free and fair participation of electorate in the electoral process thereby contributing to ECZ's efforts to effectively perform its core functions.

RECOMMENDATIONS

The ECZ should:

- Put measures in place to ensure that continuous voter registration is conducted throughout the country in order to make the process more accessible and inclusive;
- Develop clear and more visible sign posting to enable easier identification of polling stations;
- Whenever operational constraints necessitate continuation of polling beyond the legally prescribed day of voting, measures should be taken to ensure that the communication of results to the public is delayed until the polling process is completed. In the event of a delay, the Commission should accordingly communicate to the public to avoid unnecessary panic.
- Enforce the electoral code of conduct regulations impartially.

BIBLIOGRAPHY

- AVAP. (2011). *Survey and the Current Levels of Voter Apathy in Zambia*. Lusaka: Dialogue Africa.
- Baylies, C. and Szeftel, M. (1996). *The 1996 Zambian Elections: Still Awaiting Democratic Consolidation*. *Review of African Political Economy*, 71(1), pp. 1,122-126.
- Bwalya, B. M. (2001). *The Electoral Laws and the Role of the National Electoral Commission in the Electoral Process*. Paper Presented to the Second Orientation Workshop for Members of Parliament organized by the SADC Parliamentary Forum held at Pamodzi Hotel. 4-7 June, p. 7. Lusaka.
- Central Statistical Office, (2001). *Census of population and Housing 2000*. Lusaka: Central Statistical Office.
- Central Statistical Office, (2012). *Census of Population and Housing 2010*. Lusaka: Central Statistical Office
- Chipenzi, M., Kaela L., Madimutsa C., Momba J., Mubanga H., Muleya N., and Musamba C., (2011), *The state of democracy in Zambia*. FODEP AND UNZA-PAS: Lusaka. (Unpublished).
- Coalition 2001, (2002). *December 27, 2001 Tripartite Elections Preliminary Report*, February 2002, Lusaka: Coalition 2001.
- Civil Society Election Monitoring Report of 2011 Tripartite Elections (2012) (Unpublished).
- Coalition 2001, (2002). *December 27, 2001 Tripartite Elections Preliminary Report*, February 2002, Lusaka: Coalition 2001.
- Constitution of Zambia of 1996.
- Commonwealth Observer Group, (2011). *Zambia General Elections. 20 September, 2011*. Commonwealth Secretariat.
- Commonwealth Post-Election Report of 2011 Tripartite Elections in Zambia. (Unpublished)
- District Situation Analysis (DSA) Document (2010), Lusaka: Office of the District Commissioner.
- EISA (1996), *Principles for Election Management, Monitoring and Observation in the SADC Region*. Electoral Handbook No. 6, Electoral Institute of Southern Africa (EISA) Publication: Windhoek.

EISA (2003), *Principles for Election Management, Monitoring and Observation in the SADC Region*. Electoral Handbook No. 13, Electoral Institute of Southern Africa (EISA) Publication: Windhoek.

Electoral Institute of Southern Africa (EISA) Research Report (2006). *Elections in Southern Africa*. EISA: Cape Town.

Electoral Commission of Zambia, (2014). *Past Elections in Zambia 1991-2011*. ECZ: Lusaka

Electoral Commission of Zambia (ECZ), (2014). *Composition and Organisation of the ECZ*. ECZ: Lusaka

Electoral Act No. 24 of 2006 of the laws of Zambia

Electoral Commission Act 24 of 2006 of the Laws of Zambia

Electoral (Code of Conduct) Regulations, 2006. Statutory Instrument No. 90 of 2006. PP. 10-15.

European Union Observer Mission of 2001 Zambian Tripartite Elections Report (2001). (Unpublished)

European Union Observer Mission of 2011 Zambian Tripartite Elections Report (2012). (Unpublished)

Johari, J.C. (2012). *Contemporary Political Theory*. Sterling Publishers: New Delhi.

Kabemba C., (2006). *Elections and Democracy in Zambia*. *Journal of Contemporary African Studies*, 53(2), pp. 250-270.

Kaela L. in OSSREA, (2006). *Governance and Public Services Delivery in Zambia: Zambia Chapter*. PP. 45-55. UNZA Press: Lusaka.

Kasoma, F. (2012) *The Legal Constraints of Liberalising Radio*. (Unpublished).

Katulwende, M. (2013). *Will Zambia Hold Free Fair Elections in 2011?* Zedbooks: Oxford .

LCMS, (2010). *Living Conditions Monitoring Survey, 2006-2010*. Lusaka: Central Statistical Office.

Muchangan, K. (2012). *The Independence of the electoral Commission of Zambia and the appointment of the election date by the president*. UNZA press: Lusaka.

Muyoyeta L. (2006). *Zambian Elections 2006: The State of Democratisation and the Struggle for Constitutional and Legal Reforms*. *Journal of Politics*, 60(3), pp. 400-430.

Mwaba E. (2012). *The Electoral Commission of Zambia: the Challenge of Being Autonomous and Independent*. UNZA press: Lusaka.

Reynolds, A. and Reilly, B. (1997). *International Institute for democracy and Electoral Assistance (IDEA): Handbook of Electoral System Design*. Stockholm: International IDEA publications.

SACCORD Annual Report of 2011 (2012). (Unpublished).

Shawa, I. G. (2010). *Civic Education*. Zambia Educational Publishing House (ZEPH): Lusaka.

Support to the Zambian Electoral Cycle Report, 2009-2012. (2012). (Unpublished).

The Post Newspaper, 20/12/2001.

APPENDICES

APPENDIX A: QUESTIONNAIRE FOR THE ELECTORATE

Dear Respondent,

I am Rex Hibajene, a postgraduate student at the University of Zambia, in the department of Political and Administrative Studies. I am conducting a study as partial fulfillment of the requirements of the Degree of Master of Arts in Political Science.

You have been selected, and I would be very grateful if you answer the few questions in this questionnaire. This is a study on the *Factors Affecting the Effectiveness of the Electoral Commission of Zambia (ECZ)*.

Be assured that all the information that you will provide in this study will be handled confidentially. It will be exclusively for the purpose of this study. I urge you to be as honest as possible in answering the questions.

INSTRUCTIONS

- ✓ **Tick against the appropriate response or fill in the blank space provided.**

SECTION A: BACKGROUND INFORMATION.

1. How old were you on your last birthday?

1. Between 18 and 25
2. Between 26 and 33
3. Between 34 and 41
4. Above 41.

2. When did you register as a voter?

1. Before 1996 elections
2. Before 2001 elections
3. Before 2006 elections
4. Before 2008 elections
5. Before 2011 elections

3. When did you vote?

YEAR	YES	NO	N/A
1996			
2001			
2006			
2008			
2011			

SECTION B: MANAGEMENT OF REGISTRATION OF VOTERS EXERCISE

4. What factors have affected the effectiveness of the ECZ in management of the registration of voters exercise?

.....
.....

5. How have these factors affected the effectiveness of the ECZ in management of the registration of voters exercise?

.....
.....

6. How would you rate the effectiveness of the ECZ in management of the registration of voters exercise from 1996 to 2011?

- 1. Very ineffective
- 2. Ineffective
- 3. Effective
- 4. Very effective

7. What do you think should be done in order for the ECZ to effectively manage the registration of voters exercise?

.....
.....

SECTION C: ENFORCEMENT OF THE ELECTORAL CODE OF CONDUCT

8. What factors have affected the effectiveness of the ECZ in enforcement of the electoral code of conduct?

.....
.....

9. How have these factors affected the effectiveness of the ECZ in enforcement of the electoral code of conduct?

.....
.....

10. How would you rate the effectiveness of the ECZ in enforcement of the electoral code of conduct from 2006 to 2011?

- 1. Very ineffective
- 2. Ineffective
- 3. Effective
- 4. Very effective

11. What do you think should be done in order for the ECZ to effectively enforce the electoral code of conduct?

.....
.....

SECTION D: MANAGEMENT OF ELECTIONS

12. What factors have affected the effectiveness of the ECZ in management of elections?

.....
.....

13. How have these factors affected the effectiveness of the ECZ in management of elections?

.....
.....

14. How would you rate the effectiveness of the ECZ in management of elections from 1996 to 2011?

- 1. Very ineffective
- 2. Ineffective
- 3. Effective
- 4. Very effective

15. What do you think should be done in order for the ECZ to effectively manage elections?

.....
.....

16. Give reasons for your answer in question 13.

APPENDIX B: INTERVIEW GUIDE FOR POLITICAL PARTIES, THE CHURCH; CIVIL SOCIETY AND MEDIA HOUSES OFFICIALS.

Dear Respondent,

Thank you for accepting to complete this interview. This is a study on the *Factors Affecting the Effectiveness of the Electoral Commission of Zambia (ECZ)*.

Your responses will be confidential and completely anonymous.

QUESTIONS

SECTION A: PERSONAL INFORMATION

- I. Name of the Organization.
- II. Position of the Official

SECTION B: MANAGEMENT OF REGISTRATION OF VOTERS EXERCISE

1. What factors have affected the effectiveness of the ECZ in management of the registration of voters exercise?
2. How have these factors affected the effectiveness of the ECZ in management of the registration of voters exercise?
3. How would you rate the effectiveness of the ECZ in managing the registration of voters exercise?
 1. Very ineffective
 2. Ineffective
 3. Effective
 4. Very effective
4. What do you think should be done in order for the ECZ to manage the registration of voters exercise effectively?

SECTION C: ENFORCEMENT OF THE ELECTORAL CODE OF CONDUCT

5. What factors have affected the effectiveness of the ECZ in enforcement of the electoral code of conduct?
6. How have these factors affected the effectiveness of the ECZ in enforcement of the electoral code of conduct?

7. How would you rate the effectiveness of the ECZ in enforcement of the electoral code of conduct?
 1. Very ineffective
 2. Ineffective
 3. Effective
 4. Very effective
8. What do you think should be done in order for the ECZ to effectively enforce the electoral code of conduct?

SECTION D: MANAGEMENT OF ELECTIONS

9. What factors have affected the effectiveness of the ECZ in management of elections?
10. How have these factors affected the effectiveness of the ECZ in management of elections?
11. How would you rate the effectiveness of the ECZ in managing elections?
 1. Very ineffective
 2. Ineffective
 3. Effective
 4. Very effective
12. What do you think should be done in order for the ECZ to effectively manage elections?
13. Give reasons for your answer in question 10.

APPENDIX C: INTERVIEW GUIDE FOR THE ELECTORAL COMMISSION OF ZAMBIA (ECZ)

Dear Respondent,

Thank you for accepting to complete this interview. This is a study on the *factors affecting the effectiveness of your institution in management some of your core functions.*

Your responses will be confidential and completely anonymous.

QUESTIONS

SECTION A: PERSONAL INFORMATION

- I. Position of the Official
- II. Highest level of Education attained

SECTION B: FACTORS AFFECTING EFFECTIVENESS OF THE ELECTORAL COMMISSION OF ZAMBIA

1. What factors have affected the effectiveness of your institution in management of the registration of voters exercise?
2. How have these factors affected the effectiveness of your institution in management of the registration of voters exercise?
3. What factors have affected the effectiveness of your institution in enforcement of the electoral code of conduct?
4. How have these factors affected the effectiveness of your institution in enforcement of the electoral code of conduct?
5. What factors have affected the effectiveness of your institution in management of elections?
6. How have these factors affected the effectiveness of your institution in management of elections?
7. What efforts has your institution put in place to ensure that it effectively performs each of these core functions?