



**LEVY MWANAWASA REGIONAL CENTRE FOR DEMOCRACY
AND GOOD GOVERNANCE**

ZAMBIA GENERAL ELECTIONS 2021

PRE-ELECTIONS SITUATIONAL ANALYSIS

August 2021

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Executive Summary

In conducting this analysis on the pre-election situation leading up to the general elections to be held in Zambia on August 12, 2021, the Levy Mwanawasa Center for Democracy and Good Governance has focused on two particular considerations emanating from the ICGLR guiding principles. The first is the promotion of and contribution to the integrity, transparency, legitimacy and credibility of the electoral process in Zambia; the second is the preservation of societal consensus for stability and peace as part of healthy competitive elections.

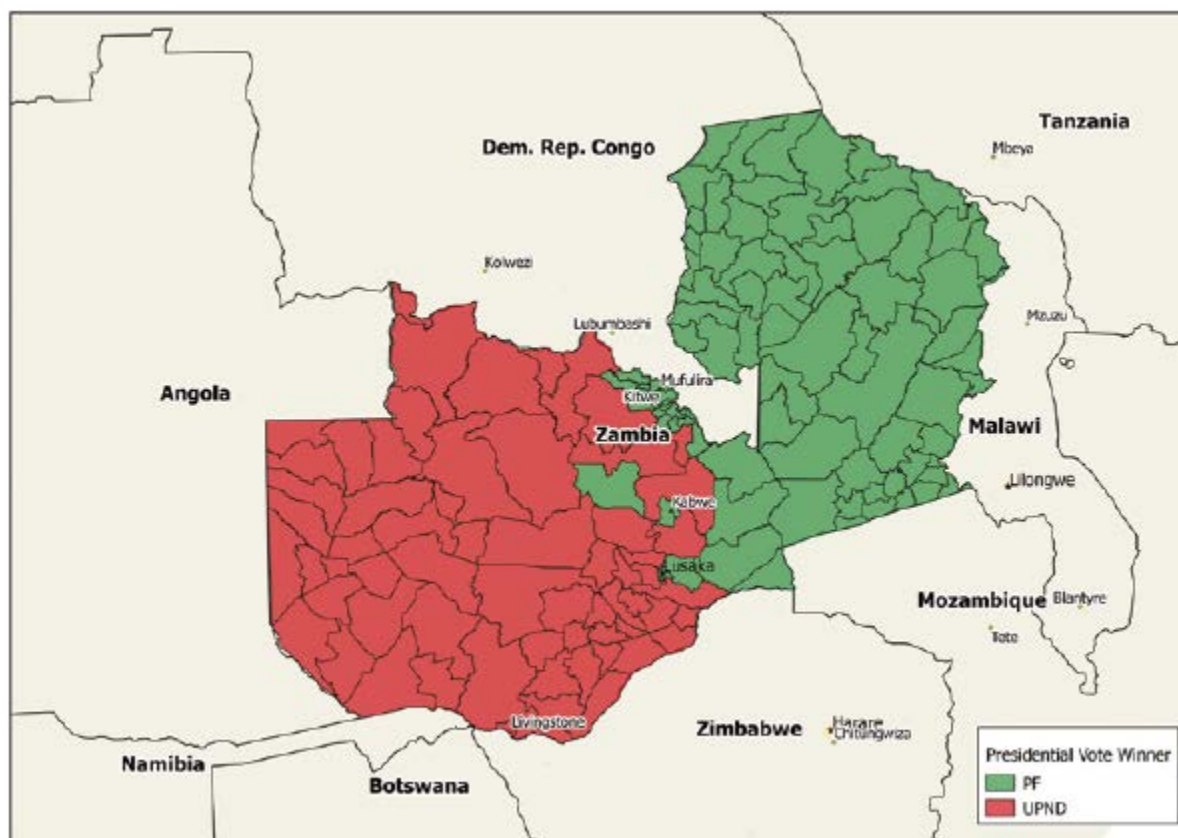
An encouraging finding of the report is that despite pre-election political tensions, Zambian society remains deeply peaceful with a relatively fluid political landscape. Two important threads run through the country's political history from independence to the present. The first is that political parties have historically tried to ensure that their parties transcend ethnic groups or at least form broad coalitions. The second factor is the critical role of urban areas, particularly the Copperbelt Province; it is almost impossible to win an election without the support of the Copperbelt and Lusaka Provinces. To a large extent, both of these factors can be explained by the high level of urbanization in Zambia, which has made the two urban centers into melting pots in ethnic terms. As a result, there is relative fluidity in Zambia's political landscape - subject to construction, deconstruction and reconstruction of alliances-, despite situations of over incumbency influence and powers, incumbents have lost elections to less well-established political forces, making election results in Zambia relatively open.

In terms of political parties' participation, sixteen (16) political parties are contesting yet the presidential race is largely between the Patriotic Front (PF) and the United Party for National Development (UPND). In respect to parliamentary elections, six (6) political parties are participating but only the PF, the UPND, the Socialist Party and the Democratic Party have field significant numbers of candidates.

Among the campaign issues of focus by the opposition political parties has been the socio-economic challenges that the country has been facing since 2016 such as the rise in inflation and the poor performance of the Zambian Kwacha against major foreign currencies leading to an increase in the cost of living. While the ruling party campaigns bordered on infrastructure development, initiatives such as the Civil Servants Debt Swap, Social Cash Transfer and Farmer Input Support Programme.

From the material presented in this report, a number of conclusions can be drawn. The first is that these elections are likely to be as contentious as it was the case in the previous elections in 2016. However, unlike in the previous elections, the kind of coalition-building that has taken place as the country was moving towards the elections has the potential to mitigate the extent of political polarization along ethnic lines to the extent that it was during and after the 2016 elections. With the realignments that have taken place, the PF is likely to increase its electoral support in the Western and North-western Provinces. On the other hand, the aggressive stance that the UPND has taken over the question of coalition building is also likely to improve its support in the northern region significantly.

2016 Presidential by-election results by constituency



Source: Nicole Beardsworth, 2020.

The management of the 2021 elections by the Electoral Commission of Zambia and other supporting bodies such as the police have been contentious as has been in the previous elections. The Commission's management of the voters' registration exercise has shown that the areas where they registered fewer voters were opposition strongholds and where they registered more voters than those that voted in the 2016 elections are ruling party's stronghold. Other than the issue of registration of voters, there seems to be no other strong basis for dissatisfaction with the work of the Commission given the difficult conditions which sometimes it finds itself in such as the legal exemptions given to the Republican President on the restrictions placed on others which has clearly disadvantaged the other participants but for which the Commission cannot do much about. Even under these conditions, the Commission has been able to engage all political participants during the campaign period either to try to resolve some problems or just to update them on some process; they have been able to take action even against the ruling party by banning them together with the UPND for political violence.

The attitude of the opposition political parties towards the role of the police has been more unfavorable than it has been towards the Electoral Commission. The Police have been working under even more difficult conditions than can be said of the Electoral Commission. They have been greatly distrusted by the opposition who have accused them of working under the instruction of the PF by taking a hard line against

the UPND and a soft one on PF. Evidence of this was the reaction of the PF leadership when the Inspector General of Police blamed the PF cadres for the Mandevu violence.

The public media houses have generally maintained their strong pro ruling party stances against the provisions of the Electoral Code of Conduct. The way the senior members of staff for these public electronic and print media houses are appointed makes it difficult to do otherwise.

The use of state resources has not generated as much protest as it did in previous elections and this could be because the abuse seems to have been greatly reduced during this time and two factors could account for this. The first is that while during the 2016 elections ministers refused to vacate their positions on the dissolution of the National Assembly and continued to have access to state resources which they used for campaign purposes this is not the case this time. The Ministers vacated their offices on the dissolution of the National Assembly and therefore had no access to state resources. However, the President and the Vice President have used state resources in terms of transport and logistical support when they visit various parts of the country “inspecting” development projects and other similar activities. The restrictions on campaigns have also significantly reduced the need to travel throughout the country as happens when they have rallies and other similar activities

The COVID- 19 has had some impact on the 2021 elections. As a result of the pandemic, the Electoral Commission has been forced to put some restrictions on the mode of campaigning. It has banned public rallies and put some restrictions on roadshows and door to door campaigns to the dissatisfaction of the political parties, particularly the opposition political parties. The opposition political parties feel that they are being disadvantaged by the ban. The enforcement of the COVID-19 health guidelines by the police is what has the potential to disadvantage the opposition political parties.

Another important factor that has impacted electoral politics has been political violence. Violence at election times has been endemic in Zambian politics and has been reported in every election since the reintroduction of multiparty elections. What, however, seems to be different this year is that while in the previous elections the members of the opposition were generally on the receiving end as in the 2016 situation, this time around it has not been the case, the UPND cadres have been involved in violence, so much that the two parties were forced to have peace agreements to stop the political violence.

The balance in the perpetuation of political violence forced the two major political parties to sign peace accords. The significance of these peace Accords is that this could signify the beginning of the reduction of political violence. The fact that senior leaders of major political parties sign such accords show that there is some admission that the cadres are involved in political violence which is a useful starting point in addressing the problem as it has been rife in Zambia’s multi-party politics since the time of independence.

Introduction

This situational analysis of the 2021 general elections shall look at several issues. It shall look at the dynamics that seem to inform the coming tripartite elections, i.e., the election of the President, Members of Parliament, and Mayors for City and Municipal Councils, Chairpersons of District Councils and Councilors. It shall focus on the socio-economic and political environment under which these elections will be taking place; the management of the elections by the Electoral Commission of Zambia and other structures; the internal dynamics of the participating political parties focusing on issues of internal democracy and gender representation and participation; the campaign environment focusing on issues of ensuring the existence of an even playing field, political violence and COVID-19; and campaign issues.

1. Zambia's Political Background

A relatively fluid political landscape. In discussing Zambia's political background, two strands run through the history of the country from the time Zambia became independent to date, which has greatly informed the country's political process. The first is that all political parties beginning from Dr. Kenneth Kaunda's UNIP up to Mr. Sata's PF have tried to have their parties cut across ethnic groups or at least form some kind of coalition. The second factor is the critical role of the urban areas, particularly the Copperbelt Province, for it is almost impossible to win any election without the support of the Copperbelt and Lusaka Provinces. To a large extent, both factors can be explained in large part to the high level of urbanism in Zambia, which has made the two urban centres some kind of 'melting' pots in ethnic terms. As a result, there is relative fluidity in Zambia's political landscape; despite situations of over incumbency influence and powers, incumbents have lost elections to less well-established political forces, making election results in Zambia relatively open.

In 1991, Zambia reverted to multiparty politics after 18 years of One-Party rule under the late Dr. Kenneth Kaunda's United National Independence Party (UNIP). The party had been in power for nine years prior to the introduction of the One-party system in 1973. From 1964 to 1973, the main opposition was Mr. Harry Nkumbula's African National Congress (ANC). From 1973 to 1991, UNIP was the only party after ANC was proscribed in the work of the establishment of the One-party System, which ended in 1991.

Since then, there have been five general elections: 1991, 1996, 2001, 2006, 2011 and 2016 general elections and two presidential elections following the death of incumbency presidents: President Levy Mwanawasa in 2008, and President Michael Sata in 2015. There have been five presidents; President Fredrick Chiluba was elected in 1991, President Levy Mwanawasa was elected in 2001, President Rupiah Banda was elected in 2008, President Michael Sata was elected in 2011 and President Edgar Lungu was elected in the by-election of 2015 and reelected in 2016.

Table 1: Presidential elections winners (1991-2016)

| Years | Candidates | Party | Percentage of votes |
|-------|-------------------|--|---------------------|
| 2016 | Lungu | Patriotic Front (PF) | 50.35% |
| 2011 | Michael Sata | PF | 42.85% |
| 2008 | Rupiah Banda | Movement for Multi-Party Democracy (MMD) | 40.63% |
| 2006 | Levy Mwanawasa | MMD | 42.98% |
| 2001 | Levy Mwanawasa | MMD | 29.15% |
| 1996 | Frederick Chiluba | MMD | 72.59% |
| 1991 | Frederick Chiluba | MMD | 75.77% |

Source: Electoral Commission of Zambia

The 1991 elections which elected Mr. Fredrick Titus Jacob Chiluba were fought between UNIP and the newly formed Movement for the Multiparty Democracy (MMD) which had been initially formed as a movement to campaign for the reintroduction of multi-party politics before it transformed itself into a political party after the clause prohibiting the formation of political parties other than UNIP was removed in October 1991. The MMD had countrywide support. Its support came from civil society organisations such as the Law Association of Zambia and the Press Association of Zambia, the urban and rural areas and almost from all ethnic groups. Thus, the MMD got about 75% of the vote, winning in all provinces except in Eastern Province where UNIP won all the seats. The MMD won the elections and its leader Mr. Fredrick Titus Jacob Chiluba the then Chairman of the Zambia Congress of Trade Unions defeated Kenneth Kaunda and replaced him as President of Zambia.

Despite the fact that the MMD drew support from all parts of the country, there were dissatisfactions within the MMD, mostly arising from the feelings of the leaders from Southern, Western and North-western provinces that they were being discriminated against in terms of political appointments. This resulted in several parties being formed after the 1991 and 1996 elections.¹ Among these were the National Party and the Zambia Democratic Congress (ZDC) both of which were formed by Ministers in the MMD government. It was, however, only in 1998 when a much more formidable opposition party by the name of United Party for National Development (UPND) was formed by a former Managing Director of Anglo-American Corporation, Mr. Anderson Mazoka who hailed from Southern Province. In order to attract wider support, the party's two vice presidents were from the Western and Northern Provinces respectively, the National Chairperson was from Eastern Province and the Secretary-General was from North-western Province.

¹ On some the differences arising from ethnic differences are: Mphaisha, Chisepo J. J. "Retreat from Democracy in Post One-party State in Zambia" *Journal of Commonwealth and Comparative Politics*, 34,2, (1996) Bertha Osei-Hwedie, "The Role of Ethnicity in Multi-party Politics in Malawi and Zambia" *Journal of Contemporary Africa Studies* 16, 2 (1998). P.237

The other major cause of divisions within MMD was the fight over Mr. Chiluba's third term attempt, which led to a number of senior party leaders leaving the party to form another political party called the Forum for Democracy and Development (FDD) under the leadership of Ms. Edith Nawakwi. Although the FDD was a factor, the 2001 elections, which was won by the MMD, the fight was largely between the MMD and the UPND.

Although the MMD won the 2001 elections, it won with a very narrow margin and the country was almost evenly split, with the Northern and Luapula provinces voting for Mr. Chiluba, and the Southern, Western and North-western provinces voting strongly for UPND. The urban areas were more or less evenly split with MMD winning the Copperbelt and UPND Lusaka Urban and the FDD with some reasonably strong showing in the Eastern Province. After its defeat and boycott of the 1996 elections, UNIP completely collapsed and was not a factor in the 2001 elections.

Although Mr. Mwanawasa was from the southern ethnic groups, he won with the support of the northern groups and his government had a very strong national outlook with both the northern and southern groups well represented in his cabinet. President Mwanawasa died in office in 2008 and was succeeded by Mr. Rupiah Banda as president of both the MMD and the country.

The selection of Mr. Mwanawasa to succeed President Chiluba led to the resignation of the party's National Secretary, Mr. Michael Sata to form the Patriotic Front (PF) in 2001. The Patriotic Front grew rapidly drawing mostly from elements of the MMD which were not happy with Mr. Mwanawasa, particularly his anti-corruption campaign which largely targeted Mr. Chiluba and several of his former colleagues. As is in the case of UNIP in the period between 1964 and 1973, Mr. Sata also attempted to expand his support base beyond his ethnic support by having a white person (Mr. Guy Scott) as his Vice President and his secretary-general was from the Southern Province among Tonga speaking ethnic group. He also sought the support of Western Province by promising the Western province voters that he would revisit the Barotse Agreement. It overtook the UPND as the main opposition party after the 2006 elections.

The PF won the 2011 elections under President Michael Sata. It has since won two elections, 2015 Presidential that followed Mr. Sata's death and the 2016 elections under President Lungu who succeeded Mr. Sata. The 2011 election was the three-horse election, with each of the three candidates drawing most support from their regions: Mr. Sata of PF from Northern and Luapula Provinces, President Banda of MMD from the Eastern Province and President Hakainde Hichilema of UPND from the Southern, Western and North-Western Provinces. The factor that seems to have played a critical role in Mr. Sata's favour was that while each of the three was able to garner support from their ethnic support base, Mr. Sata managed to go beyond his Bemba speaking support base and appealed to the urban populations exploiting the economic hardships that the wage earners and those not in employment were facing, found his "more money in your pocket" slogan most appealing. Thus, Mr. Sata won overwhelmingly in the two predominantly urban provinces; the Copperbelt and Lusaka Provinces. Following its defeat, the MMD was

reduced to a minor party with most of its leaders and ordinary supporters joining either the PF or UPND, making the UPND the major opposition party after the 2011 elections.

2. 2021 Elections: Participating Political Parties

A total of 16 political parties fielded presidential candidates for the 12th August, 2021 Tripartite General Elections as table 2 shows. Despite this large number, the race is largely between the Patriotic Front and the United Party for National Development. The relatively serious contenders are the Democratic Party and the Socialist Party. Only one political party, the New Heritage Party, fielded a woman. Five political parties fielded women as their parties' vice-presidential running mates. The five that fielded women vice-presidential candidates are PF, UPND, Democratic Party, Zambia United for Sustainable Development and National Restoration Party.

Table 2: List of Presidential Candidates and their Parties

| Candidate | Running mate | Party |
|--------------------|-------------------|---|
| Andyford Banda | Gerald Mulao | People's Alliance For Change |
| Charles Chanda | Simon Mbulu | United Prosperous and Peaceful Zambia |
| Lazarus Chisela | Rosemary Chivumba | Zambians United For Sustainable Development |
| Hakainde Hichilema | Mutale Nalumango | United Party for National Development |
| Highvie Hamududu | Kasote Singogo | Party of National Unity and Progress |
| Harry Kalaba | Judith Kabemba | Democratic Party |
| Chishala Kateka | Samuel Kasanka | New Heritage Party |
| Edgar Lungu | Nkandu Luo | Patriotic Front |
| Trevor Mwamba | John Harawa | United National Independence Party |
| Fred M'membe | Cosmas Musumali | Socialist Party |
| Nevers Mumba | Reuben Sambo | Movement for Multi-Party Democracy |
| Kasonde Mwenda | Changala Siame | Economic Freedom Fighters |
| Stephen Nyirenda | Lucy Changwe | National Restoration Party |
| Richard Silumbe | Kaela Kamwenshe | Leadership Movement |
| Sean Tembo | Henry Muleya | Patriots for Economic Progress |
| Enock Tonga | Bright Chomba | 3rd Liberation Movement |

Source: <https://www.elections.org.zm/downloads/>

In respect to parliamentary elections, six political parties are participating. **Of all the political parties that are participating only four of them: the PF, the UPND, the Socialist Party and the Democratic Party could be said to be serious contenders in these parliamentary elections.** The PF is contesting in all the 156 seats, and the UPND is fielding 155 candidates. The Socialist Party and Democratic Party are fielding 143 and 110 candidates respectively. The other parties that are contesting in the parliamentary elections are fielding quite insignificant numbers. The United National Independence Party and People's Alliance for Change are fielding 19 and 14 candidates respectively; National Democratic Congress, Party of National Unity and Progress, Movement for Multi-Party Democracy, National Restoration Party and Movement for Democratic Change (MDC) are fielding nine, seven, five, four and three candidates respectively. New

Heritage Party, 3rd Liberation Movement, and Forum for Democracy and Development are fielding nine candidates. Seven Political parties are fielding one candidate each; these are Zambia United for Sustainable Development, Leadership Movement, United Prosperous and Peaceful Zambia and Patriots for Economic Progress. The Economic Freedom Fighters and the 3rd Liberation Movement are the only political parties that have presidential candidates but are not contesting a single Parliamentary seat.

With the exception of the two major political parties, the PF and the UPND, the level of participation in the election of mayors of cities and municipal councils and Chairpersons of District Councils is much lower than it is in the parliamentary elections, even for the Socialist Party and Democratic Party, which are fielding a significant number of parliamentary candidates. As in the case of parliamentary candidates, the PF is fielding candidates in all the 116 local authorities and the UPND are fielding 115 candidates. The Socialist Party is fielding 75 candidates, which is 64.7% of all such positions while the Democratic Party is only fielding 20 candidates. The People’s Alliance for Change is fielding six candidates and National Restoration Party is fielding four candidates; the United National Independence Party, United Prosperous and Peaceful Zambia and National Democratic Congress are fielding three candidates each and the Movement for Multi-Party Democracy, MDC, CDP and RAP are fielding one candidate each. Seven of the parties that are participating in the presidential elections are not fielding a single candidate for Mayor or District Chairperson. These are Zambia United for Sustainable Development, New Heritage Party, Party of National Unity and Progress, Economic Freedom Fighters, Leadership Movement, Patriots for Economic Progress and 3rd Liberation Movement.

There are 20 political parties that are fielding candidates in the 1,858 wards in the country. The Patriotic Front is fielding 1,851 candidates throughout the country, while the UPND is fielding 1,800 candidates. The Socialist Party and the Democratic Party are fielding 879 and 281 candidates respectively. National Democratic Congress, People’s Alliance for Change, UNIP, New Heritage Party, Party of National Unity and Progress are fielding candidates in 48, 42, 41, 39 and 34 wards respectively. The other participating political party whose numbers were insignificant is indicated in the table with the rest.

Table 3: Numbers of Candidates for MP, Mayor/District Chairpersons and Councillors of participating Political Parties

| Political party | # MP Candidates out 156 | # Mayor/District Chair Candidates of 116 | # Councillors out of 1,858 |
|---------------------------------------|-------------------------|--|----------------------------|
| Patriotic Front | 156 | 116 | 1,841 |
| United party for National Development | 155 | 115 | 1,800 |
| Socialist party | 143 | 75 | 879 |
| Democratic Party | 110 | 20 | 281 |
| United National Independence Party | 19 | 6 | 41 |
| People’s Alliance for Change | 14 | 3 | 42 |
| National Democratic Congress | 9 | 3 | 48 |
| Party of National Unity and Progress | 7 | | 34 |

| | | | |
|---|---|---|----|
| Movement for Multi-Party Democracy | 5 | 1 | - |
| National Restoration Party | 4 | 4 | 23 |
| MDC | 3 | 1 | 3 |
| New Heritage Party | - | - | 39 |
| Zambians United for Sustainable Development | 1 | 3 | - |
| Leadership Movement | 1 | - | 10 |
| United Prosperous and Peaceful Zambia | 1 | - | 17 |
| Patriots for Economic Progress | 1 | - | 1 |
| Economic Freedom Fighters | - | - | 1 |
| CDP | - | 1 | 3 |
| RAP | - | 1 | - |
| GPZ | - | - | 11 |
| FDD | - | - | 9 |
| NCP | - | - | 3 |
| NJP | - | - | 1 |
| Greens | - | - | 1 |
| 3 rd Liberation Movement | - | - | 1 |

Source: <https://www.elections.org.zm/downloads/>

3. Recent Political Dynamics

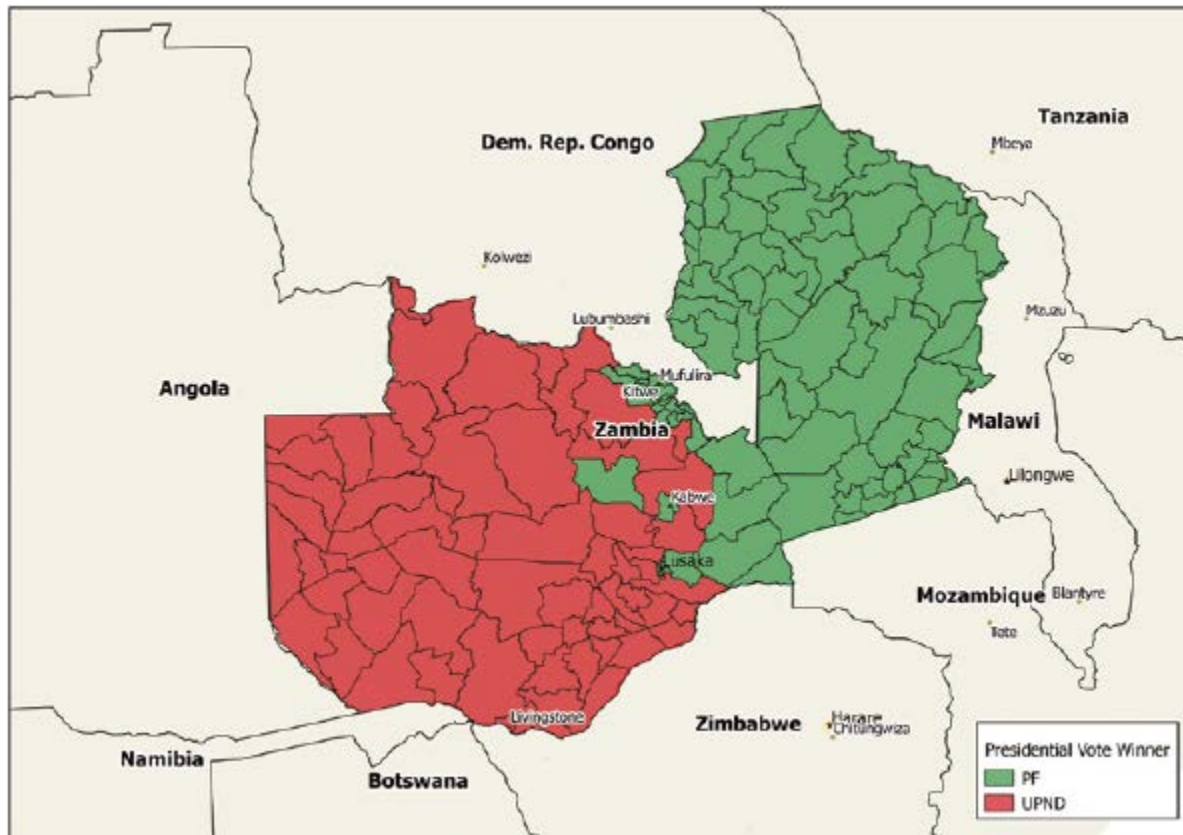
Construction, deconstruction and reconstruction of alliances. There are a number of political factors that have provided the political environment under which the elections are taking place. Among the political factors is the extent of political polarisation emanating from the disputes over 2016 elections by the two main political parties, the Patriotic Front and the United Party for National Development; the construction, deconstruction and reconstruction of alliances in the period towards the 2021 elections; the differences over contentious issues notably Bill 10 whose aim was to address the gaps in the amended Constitution of 2016; and the disputes over Presidential Terms of Office.

3.1. The Post- 2016 Election Political Polarisation

One important aspect of the nature of politics in Zambia as the country was moving towards the 2021 elections was the level of ethnic polarisation, which manifested itself during the 2015 and 2016 elections. The Northern, Luapula, Eastern, Muchinga and the northern part of Central Provinces voted for the Patriotic Front while the Southern, Western, North-western and the southern part of Central provinces voted for the UPND. **Ethnic polarisation was pointed out by most of the Election Observer Groups.** In its report, the Commonwealth Observer Group expressed concern with “the escalating pattern of ethnic-centred politics in these elections” noting that “although politicians have repeatedly sought to appeal to particular ethnic or regional groupings the level and degree to which this has been exploited were more pronounced in these elections”.² Similar sentiments were expressed by the other observer groups.

² . The Commonwealth. *Report of the Commonwealth Observer Group: Zambia General Elections and Referendum 11 August 2016.*

Map 1: 2016 Presidential by-election results by constituency



Source: Nicole Beardsworth, "From a 'Regional Party' to the Gates of State House."³

The extent of this polarization was revealed by the Report of the Commission of Inquiry on the Voting Patterns and Electoral Violence in Zambia appointed by President Lungu to investigate political violence and regional voting in the 2016 elections which was chaired by Justice Munalula Lisimba. In its report **the Lisimba Commission stated "the tendency by politicians to use tribal and regional affiliation to the campaign had been increasing steadily from 2006 to 2016" and that "the electorate has been gradually indoctrinated to engage in tribal voting, which they expressed through voting for political parties that were headed by their people."** This conclusion was based on the sentiments that they received from the petitioners throughout the provinces. The Commission noted that although people from each of these regions blamed other people from other regions and not themselves for practicing tribalism, nevertheless, petitioners from all provinces 'alluded' to the fact that regional and tribal inclinations were the main reason behind the way the people in the country were voting. These sentiments came from both the PF and UPND strongholds. For example, one possible UPND petitioner from Chinsali in Muchinga Province a

³ Nicole Beardsworth, "From a 'Regional Party' to the Gates of State House: The resurgence of the UPND," in T. Banda, O. Kaaba, M. Hinfelaar and M. Ndulo (eds.), *Democracy and electoral politics in Zambia*, (Leiden: Brill), 2000, p. 61.

PF stronghold said that “when the then PF Deputy Spokesperson Fr. Frank Bwalya and PF Deputy Secretary-General, Mrs. Mumbi Phiri, visited the district on their campaign trail, all that the two were talking about was that people should not vote for a Tonga because, if they do, he will demarcate the country and bring cows in town”⁴, Similarly the Commission reported that many petitioners from Namwala District in Southern Province, a UPND stronghold, submitted that local people used hate speech against the people “bearing names from the north-eastern region”. Also, some petitioners from another Southern Province District, Mazabuka submitted that some political parties, traditional leaders and church groups tolerated hate speech of people “across tribes”⁵

The PF government has been accused of marginalizing the ethnic groups from Southern, Western and North-western provinces by opposition political parties and political commentators. The critics of the government in this respect have pointed at the composition of the Cabinet Ministers, Permanent Secretaries and other senior government appointments as well as such officials who have been retired in the national interest. In respect to cabinet appointments, the argument President Lungu and his colleagues in the Patriotic Front have used is that the Patriotic Front does not have any Members of Parliament from these provinces, particularly Southern Province and for other public office appointments. The argument by President Lungu’s supporters is that he only looks at merit when making appointments as stated at one time by his then-presidential spokesperson when in February, 2020 he said “President Lungu does not look at tribe to appoint or dismiss a member of his administration. He looks at the merits behind the appointment. He looks at the justification for dismissing an officer”.⁶

The tension was further fueled by the refusal by the President of UNPD Mr. Hichilema to accept the election results and hence the acceptability of the legitimacy of Mr. Lungu as President of Zambia, the lack of which seems to have permeated to the UPND supporters particularly in the UPND strongholds. The incarceration of the opposition leader Mr. Hichilema in 2018 also created tension between the two political parties; this was strongest in the areas that were UPND strongholds. On the other hand, strong sentiments have been made by some PF leaders that Mr. Hichilema and Tonga speaking people have fueled ethnic conflicts in the country.

3.2 The Construction, Deconstruction and Reconstruction of Political Alignments

Political Party leadership in Zambia has been open to members of other political parties joining either opposition parties or the ruling party by way of either defection or resignation from their parties as a way of political mobilization. In the period after the 2016 elections, there has been the construction of alignments, largely because of some internal problems within the two major political parties, with leaders

⁴Republic of Zambia: *Report of The Commission of Inquiry into Voting Patterns and Electoral Violence*. January, 2019. P. 39

⁵ . Republic of Zambia: *Report of The Commission of Inquiry into Voting Patterns...108*

⁶ <https://www.lusakatimes.com/2020/02/13/state-house-reacts-to-tribalism-allegation-against-president-lungu/>

leaving or joining either the Patriotic Front or the UPND and in some cases form new political parties. In some cases, leaders of existing political parties sought to align themselves with the two political parties, as the country was moving towards the elections.

The ruling party (PF) has had internal dissensions, which led to the party losing some senior leaders. After the 2016 elections, the party lost its Chairperson of Youth Affairs and Minister of Information Mr Chishimba Kambwili who left the PF and formed his party, the National Democratic Congress. He accused the PF leadership, including the President of corruption. The National Democratic Congress subsequently established some unstable working relationships with the UPND whereby in some by-elections they supported each other and in some, they competed against each other. The most successful outcome of this working arrangement was the defeat of the Patriotic Party candidate in the by-election in Roan Constituency on the Copperbelt, which was called after Mr. Kambwili lost the seat following his resignation from the Patriotic Front as per constitutional requirement. The second major defection was that of the Minister of Foreign Affairs, Mr. Harry Kalaba who also formed his party, the Democratic Party. Mr. Kalaba also accused the ruling party of corruption and occasionally giving some hints of “tribalism” in the PF leadership. Unlike Mr. Kambwili, he did not seek any alliances with the UPND or any other political party. With the resignation of these leaders, several middle-level political leaders left the Patriotic Front in support of them. These two leaders were also able to attract within their ranks new faces, and in some cases from the UPND as well particularly among people who were not adopted as a candidate either in the 2016 general elections or in subsequent by-elections.

The UPND also suffered internal dissensions that led to a number of senior members of the Party leadership leaving the party. The first major blow that the party suffered was the subsequent resignation of Dr Canisius Banda as one of the party’s Vice President in September 2016 for “being never appreciated by Mr. Hakainde Hichilema” despite giving “his best” to the UPND.⁷ Dr Banda had been sidelined as a vice-presidential running mate for Mr. Hakainde Hichilema in the 2016 presidential elections in preference for Mr. Geoffrey Mwamba who had just been appointed to fill one of the slots of the party’s two vice presidents. However, despite having been chosen as the party’s running mate, Mr. Mwamba left the party in 2019. He returned to the Patriotic Front the party he had belonged to before he joined the UPND. Announcing his decision to leave the UPND on 23 April, 2019, a few days after his suspension “for gross misconduct”, Mr. Mwamba cited “not being allowed” to be involved in making decisions within the party as the reason for his departure and rejoining the PF.⁸ Following the party’s defeat, several other leaders, particularly those who had hitherto been in Patriotic Front left the party. Prominent among the leaders that left the party was Mr. Mulenga Sata who had unsuccessfully contested the Kabwata seat in Lusaka urban in the 2016 elections on behalf of the UPND. Another group of leaders that left the party were those

⁷ <https://zambiareports.com/2016/09/28/nothing-lasts-forever-go-says-dr-canisius-banda-quits-upnd/>

⁸ <https://www.lusakatimes.com/2019/04/23/gbm-rejoins-pf-vows-to-dismantle-upnd/>

who were not adopted as candidates in the 2016 elections, some of who contested the elections as independents such as Boyd Hamusonde who successfully contested the Nangoma Seat in Central Province and Highvie Hamududu, former MP for Bweengwa Constituency in Southern Province who formed his own political party, the Party of National Unity and Progress. The controversy over Bill 10 cost the UPND two of its Members of Parliament from Western and North-western provinces respectively who supported Bill ten against the position taken by the party leadership.

In attempts to challenge the ruling party, the UPND attempted to form some political alliances with other opposition political parties but without much success. In 2018 a UPND led alliance of 12 political parties was formed. These political parties were: Mr. Chishimba Kambwili's National Democratic Congress, Dr Ludwig Sondashi's Forum for Democratic Alternatives, Mr. Jerry Sikazwe's People's Redemption Party, Mr. Elias Chipimo's National Restoration Party, Mr. Mike Mulongoti's People's Party, Mr. Charles Milupi's Alliance for Democracy and Development, Mr. Hakainde Hichilema's United Party for National Development, Mr. Andyford Banda's People's Alliance for Change, Mr. Mubita Wakumelo's Revolutionary Communist Party, Mr. James Lukuku's Republican Progressive Party, Mr. Fresher Siwale's New Labour Party, and Mr. Sean Tembo's Patriots for Economic Progress. Some of these political parties, for one reason or another, left the alliance. For example, among the political parties that left the UPND led alliance were Mr. Andyford Banda's People's Alliance for Change which left in February, 2019, Mr. Sean Tembo's Patriots for Economic Progress that left in July 2019. The National Restoration Party (NAREP) left in April 2020 claiming that they had been expelled from the Alliance for refusing to back Mr. Hichilema's presidential candidacy.

As the country moved closer to the 2021 elections there were some more realignments. Mr. Kambwili's NDC split into two groups. One group led by Mr. Kambwili left the UPND alliance and allied themselves with PF, with Mr. Kambwili subsequently rejoining the Patriot Front leaving one of his supporters as leader of the party, and the other faction led by the Vice President, the Secretary-General and the only NDC MP aligning itself with the UPND. Several other political parties and prominent individuals joined the UPND in what they called UPND Alliance. In May four political parties joined the Alliance. These are the MDC, led by Mr. Felix Mutati, former Cabinet Minister in both the MMD Government under President Mwanawasa and the PF Government under President Lungu; the Zambia Shall Prosper Movement led by Mr. Kelvin Fube, a former PF Member of Parliament; Zambians for Empowerment and Development led by Mr. Ernest Mwansa a former junior Minister in the Mwanawasa Government and Movement for Change and Equality led by Mr. Kaluba Simuyemba.⁹Subsequently, other political parties and individuals joined the Alliance among these was the President of the National Democratic Party (NDP) of the late Tentani Mwanzah who died a few weeks after joining the alliance and Eric Chanda the former leader of the Fourth Revolutionary Party.

⁹ <https://www.lusakatimes.com/2021/05/09/kbf-mutati-join-upnd-alliance-to-unseat-pf/>

The most significant resignation just before the dissolution of the National Assembly which signifies the beginning of the campaign period was that of the party's former Chairperson of Information and party spokesperson who resigned immediately after the party convention in which he scored the fourth-highest vote out of 70 members of the National Management Committee that were elected. He felt sidelined after he was allocated the position of Chairperson for Commerce and Industry. Around the same time, there were resignations from the UPND by former Members of Parliament who were not renominated to contest their parliamentary seats on behalf of the party and other prominent party leaders who were not adopted as candidates. Among these were former Mbabala Member of Parliament, Mr. Ephraim Belemu and the former Member of Parliament for Namwala, Ms Moono Lubezyi.

Another notable development just before the elections was the decision by some opposition party leaders to declare their support for the Patriotic Front and committed themselves to campaign for the re-election of President Lungu. Among such leaders was Wynter Kabimba, the leader of the Rainbow Party and his party did not contest the presidency nor did it contest any parliamentary seat. The other one was the leader of the Forum for Democracy and Development, Ms Edith Nawakwi, who, like the leader of Rainbow Party decided not to participate as a presidential candidate but opted to support President Lungu. Some of the party leaders participating in the elections such as the leader of the Socialist Party indicated a preference for the PF candidate over the UPND candidate if he had to make a choice and called for a closer working relationship with the PF to ensure that UPND does not win. Similarly, sometime in February, 2021, the leader of Patriots for Economic Progress had indicated that he would prefer to work with President Lungu rather than Mr. Hichilema.

The significance of these realignments is that they have elements that could mitigate the ethnic polarization that emerged during the 2016 elections. From the material presented in this section, it is clear that the two major political parties, the PF and the UPND have been trying since then to broaden their support beyond the regions that have traditionally voted for them. The attempt to create the UPND led alliance of 2018 of 12 political parties can be said to have been an effort towards that end given the fact that quite a number of members of the alliance were leaders from the northern region, including Mr. Chishimba Kambwili who had been a cabinet minister before he left the PF and with his party having an MP on the Copper belt following a by-election which was called after he left the PF. Even more significant is the current UPND alliance with prominent leaders from the northern region such as former government Ministers Mr. Felix Matati and Mr. Ernest Mwansa and former MP for Kabwe, Mr. Kelvin Fube. Similarly, the choice of Mutale Nalumango as a running who hails from the Northern region could have been deliberately done to enhance the party's acceptability into the northern region.

These political moves are intended at some coalition-building between the ethnic groups from the southern region with those from the northern region to enhance the chances of the party winning the 2021 elections. On the other hand, even though the PF as a ruling party is in a stronger position than the UPND it has also tried to strengthen its support in the southern region, particularly in Western and North-

Western Provinces. The “recruitment” of political figures from the UPND such as that of the former UPND MP, Professor Lungwangwa who had been a Minister of Education in the MMD before he moved to UPND from Western Province and the former UPND party spokesperson Charles Kakoma and former UPND MP Mr. Teddy Kasonso who crossed to the PF is clearly intended at strengthening the party’s position in these provinces. Mr. Kakoma’s adoption as PF parliamentary candidate just about a week or after defecting overlooking long time party members who had been eyeing the seat to which he was nominated as a candidate is a clear attestation of the party’s desire to get support from the North-Western Province.

3.3 Differences over Bill 10

Among the contentious issues, which also had a significant impact on the political environment, was the attempted enactment of Bill 10 by the Government. The justification for enacting the Bill barely three (3) years after the signing of the 2016 Constitution was to address the alleged Lacunas contained therein. For what was termed as National involvement and participation, the raw draft bill was subjected to a discussion at a Government constituted National Dialogue Forum with representation from a wide section of stakeholders. In 2019, the Government started the process of drafting Bill 10. However, some significant stakeholders who from the outset were opposed to the Bill were not represented. Notable among these are the main opposition party, the UPND and the Zambia Conference of Catholic Bishops.

The objects of the Bill were:

1. Revise the Preamble in order to reaffirm the Christian character of Zambia;
2. Revise the principles and values of the Constitution;
3. Revise the electoral system for elections to the National Assembly;
4. Revise the period for dissolution of the National Assembly;
5. Revise the period of hearing and determination of a presidential election petition;
6. Revise the manner of electing a mayor and council chairperson;
7. Establish the office of deputy minister;
8. Revise the composition of the Cabinet;
9. Revise the provisions relating to the establishment of commissions;
10. Revise the provisions relating to the payment of pension benefits and retention on the payroll;
11. Provide for the membership of Members of Parliament in councils;
12. Establish the Drug Enforcement Commission as the Anti-Drugs, Economic and Financial Crimes Agency and redefine its function as a national security service;
13. Revise the functions of the Public Protector;
14. Revise the functions of the Bank of Zambia; and
15. Revise the functions of the Auditor-General.

The Government argued that the aim of Bill 10 was to address the gaps in the amended constitution of 2016. Therefore, even in the face of the Corona Virus Pandemic the ruling party and its allies went throughout the country campaigning for the Bill. In rural areas, the campaign was driven through Community Leaders such as Traditional Leaders. For example, during one of the visits, the Team Leader for one Campaign group thanked the Traditional Leaders for being patriotic in Civic Education by allowing the Team to conduct door to door awareness campaigns in their respective chiefdoms.

Leading the overall campaign for the Bill was the Minister of Justice, Mr. Given Lubinda, who vowed that the Government would be campaigning for the Bill. He urged Members of Parliament from his party to go to the people and convince them that the Bill is a good piece of legislation.

The introduction in 2019 of Bill 10 however, generated a lot of debate which polarised the country into two distinct groups, one supporting and the other opposing the Bill. One of the principal opponents of the Bill was Professor Muna Ndulo who argued that the proposed amendments were too broad and overreaching such that “Zambians might as well look for a new Constitution instead of these broad sweeping amendments with no direction”. Prof Ndulo argued that the Bill was a ploy by the Ruling Party to seek legitimacy for the adoption of radical constitutional. He further argued that the process that led to Bill 10 was deeply flawed and unrepresentative having been boycotted by several opposition parties including the main opposition party, United Party for National Development. It was not just Professor Ndulo who criticized Bill 10, other legal persons raised legal problems with the bill. John Sangwa of Sangwa and Simeza Associates said the changes proposed were fundamental and had far-reaching implications which therefore could not be subjected to an Act of Parliament.

Some Civil Societies Organizations were opposed to Bill 10. For instance, the Zambia Conference of Catholic Bishops Secretary-General, Father Cleophas Lungu told the Vatican News’ English Africa Service that “the Patriotic Front is single-handedly rewriting whole sections and making profound changes to the Constitution. There is widespread suspicion that the amendments to the Constitution especially the election system seek to perpetuate the ruling party’s stay in power.”¹⁰ The Zambia Conference of Catholic Bishops called for the withdraw of the Bill several times before the ruling party failed to garner a required two-thirds majority in parliament.

Then on 3rd June, 2020 there was a report that six Civil Society Organizations called on the Members of Parliament to “choose service” to “the people” by rejecting Bill 10. The six Civil Society Organizations were Chapter One Foundation, ActionAid Zambia, Alliance for Community Action, Caritas Zambia, The Civil Society Constitution Agenda, Centre for Trade Policy and Development, and Zambia Council for Social Development. The Civil Society Organizations argued that the Zambian Constitution was amended extensively in 2016 and that those amendments reflected the will of the Zambian people through a consultative process and there ‘was never a call nor a justification for the fundamental amendment to the Constitution that Bill 10 represents”. The organizations specifically argued that Bill 10 proposes the removal of the constitutional provisions on the National assembly’s oversight over the contraction of debt and according to them that would mean that the “Zambian people will not be able to hold those in government to account for billions of Kwacha in debt that we and future Zambians will be paying for.”¹¹

¹⁰ . <https://www.vaticannews.va/en/africa/news/2020-06/zambian-bishops-renew-calls-for-the-withdrawal-of-divisive-bill.html>

¹¹ <https://www.themastonline.com/2020/06/03/csos-urge-mps-to-reject-bill-10/>

There were, however, some Civil Society Organizations that backed the enactment of Bill 10. Among such organizations were Southern Centre for Constructive Resolutions of Disputes, Media Institute of Southern Africa – Zambia, Zambian Institute of Governance and Civil Liberties, Advocacy Platform, National Youth Anti-Corruption Movement, Young African Leaders Initiative, Common Grounds Network and Constitutional Reform and Education Coalition, who on 16th March, 2020 called on the Members of Parliament to pass Bill Number 10 with amendments when it would be presented for a second reading by the Minister of Justice. Their central argument for supporting the passage of the Bill was that the 2016 Constitution had inconsistencies, which they argued, had made interpretation of the Constitution difficult such as the interpretation of the 14 days for hearing a presidential petition.¹²

The government, however, continued to justify the introduction of the Bill through various fora. When he presented the gazetted version of Bill 10, the justice minister urged the public to read the Bill to “give themselves comfort and assurance”. He reaffirmed the Government’s commitment to ensuring trust and consensus building in the Legislative process stating that the Bill has been the “most inclusive and comprehensive constitutional refinement process in the country’s political history and that calls by some sections of society to have the Bill withdrawn were unwarranted”.

However, the Bill failed to pass because it did not garner the needed two-thirds majority. It needed the support of 111 MPs for it to pass. The PF did not have these numbers. With the exception of the two UPND Members who voted for the Bill, the UPND members together with independent Members of Parliament and the lone NDC Member of Parliament defeated the motion to pass the Bill.

The aftermath of the Bill 10 issue was the loss of two UPND Members of Parliament to the ruling party. This was because in order for the Bill to pass some opposition Members of Parliament needed to support and vote for the Bill. With the ruling party determined to pass the Bill and the UPND’s unrelenting opposition of the Bill, speculation arose that some members of the opposition were lured to support the Bill. In the end, the two UPND members who supported the Bill ultimately resigned from the Party.

3.4. Contentions over the Presidential Terms of Office

The other contentious issue was around the term of office for the President. The argument emanated from President Lungu being first elected in 2015, and then being elected a second time on 12th August, 2016.

The position of those who supported President Lungu’s eligibility to contest the 2021 elections was that the term which President Lungu served when he was first sworn into office from January 25, 2015, to September 13, 2016, was inherited and not a complete term as defined by Article 106(6) of the Constitution which provides that when a person takes over the unexpired term of a president who did not complete his term of office, that person should be able to serve a substantial part of the unexpired term

¹² <https://www.lusakatimes.com/2020/03/16/csos-back-the-passing-of-bill-10-in-parliament/>

for such a term to be considered a full term. Therefore, they argued, President Lungu's term of Office from 25th January 2015 to 13th September was not substantial and could not be considered a full term. This entails that President Lungu had not served two terms and is therefore eligible to contest the 2021 elections.

Those who argued that the President does not qualify were several lawyers, Civil Society Organisations and Opposition Political Parties. They based their arguments on the provisions of Article 106(3) of the Constitution, which states that a person who has twice been elected as President is not eligible to stand for election. They contended that President Lungu was elected and sworn into office twice on 25th January, 2015 and 13th September, 2016. They argued that nominating President Lungu for election on August 12th 2021 was allowing him to contest for the third term of office. They explained that the argument by President Lungu's allies that a period less than three years does not constitute a term was irrelevant in this case because President Lungu was not a vice president when a vacancy occurred following the death of President Sata. They further argued that President Lungu did not assume office as the Vice President would under the provisions of Article 106 (6) but he was elected by the people twice first in 2015 and second in 2016 and, therefore, the case was about the number of times he was elected and sworn into Office despite the period served.

The eligibility debate culminated in petitioning President Lungu for abrogating the law by filing in his nomination papers as the PF presidential candidate in the August 12 general elections after being sworn into office as President twice. The petitioning Parties were John Sangwa through Legal Resources Foundation limited, historian and political commentator Sishuwa Sishuwa and Linda Kasonde through Chapter One Foundation limited. The matter was resolved by the Constitutional Court in which eight of the nine judges ruled that President Lungu qualifies to contest with one dissenting judge. The eight Judges ruled that Article 106(3) when read with Article 106(6) of the constitution does not bar President Lungu from contesting the forthcoming presidential election scheduled for August 12, 2021. The dissenting Judge on the other hand ruled that "President Lungu's term of office that ran from January 25, 2015, to September 13, 2016, constitutes a full term of office as provided for in the repealed Article 35 of the constitution as amended in 1996 because the provision was saved by Section 7 of Act no.1 of 2016." She said that the said term of office was excluded from the ambit of Article 106 because when President Lungu assumed office on September 13, 2016, he began to serve his second term. "President Lungu has therefore been twice elected and has twice held office.

4. Socio-economic Challenges

In looking at the socio-economic dynamics the focus is on the socio-economic challenges that the country has been facing since 2016 such as the rise in inflation and the poor performance of the Zambian Kwacha against major currencies principally the US Dollar, the British Pound and the EURO leading to an increase in the cost of living.

The economy has been going through its worst phase during most of this period. The World Bank Review of the Zambian economy made this bleak assessment of the country's economy in its 2020 Report:

After 15 years of significant socio-economic progress and achieving middle-income status in 2011, Zambia's economic performance has stalled in recent years. Between 2000 and 2014, the annual real gross domestic product (GDP) growth rate averaged 6.8%. The GDP growth rate slowed to 3.1% per annum between 2015 and 2019 ... The Kwacha has depreciated by 30% since the beginning of the year, increasing external debt servicing costs and domestic inflationary pressures.¹³

The country has experienced a significant increase in inflation during the past four years as table 4 shows.

Table 4: Rises in inflation levels from 2017 to 2021

| Year | Rate of Inflation | % Increase |
|-----------|-------------------|------------|
| 2017 | 6.58% | - |
| 2018 | 6.99% | 0.41% |
| 2019 | 9.8% | 2.81% |
| 2020 | 16.35% | 6.55% |
| June 2021 | 24.6% | 8.25% |

Source: [https://www. Statista.com](https://www.Statista.com)

The reasons for this high level of inflation could be attributed to a number of factors. One factor that has been regularly cited has been the loss of the exchange value of the kwacha against major currencies like the US Dollar and the British Pound. In 2015, the exchange of the Zambian kwacha to the US Dollar was K11 to One Dollar¹⁴, and currently, it is hovering around K22 per Dollar. In turn, the weakening of the kwacha against these major currencies has been attributed to the heavy debt that the country has incurred particularly after the PF came into office in 2011. The external debt in 2011 was US\$4.96 billion, it stood at the US \$11.77 billion in 2015¹⁵ and by 2021 external debt stood at US\$14.53 billion.¹⁶ The national debt in relation to the GDP as of 2021 is at 118.73%.¹⁷ In November 2020 News outlets reported that Zambia had become the first African country to default on its debt against the backdrop of the COVID -19 pandemic.¹⁸

The cost of living as measured by the Jesuits Centre for Theological Reflections Basic Needs and Nutrition Basket for the month of January 2021 has increased to K8,394 for a family of five compared to K5,395 in

¹³ . The World Bank. At <https://www.worldbank.org/en/country/zambia/overview>

¹⁴.<https://www.exchange-rates.org/Rate/ZMW/USD/12-31-2015>

¹⁵.<https://www.macrotrends.net/countries/ZMB/zambia/external-debt-stock>

¹⁶<https://www.ceicdata.com/en/indicator/zambia/external-debt>

¹⁷.<https://www.statista.com/statistics/457716/national-debt-of-zambia-in-relation-to-gross-domestic-product-gdp/>

¹⁸ .<https://gobalriskinsights.com/>

January, 2019, a 55.57% rise. In 2020 the unemployment rate stood at 11.41%¹⁹; it had been at 7.85% in 2012. In 2015, at the end of Sata's presidency, the rate of unemployment stood at 10.11%.²⁰ Meanwhile, unemployment continued to rise. In 2019 the unemployment rate stood at 12.43%²¹. The rate of unemployment was 7.85% in 2012 and by 2020 it was at 11.41%.²²

In trying to mitigate some of the economic challenges facing the population the government has been taking some measures. In relation to civil servants, there have been gradual salary increases, the most recent significant increases were announced in December 2020 by the Permanent Secretary for Public Service Management Division in which all civil servants were given 8% salaries with health workers given an additional 2%. There have also been gradual increases in the non-taxable threshold of employee's salaries; the latest is that all employees earning below K4, 000 are exempt. The Government has also over the years extended benefits such as the health insurance policy and the funeral policy.²³ For example, the government introduced National Health Insurance Scheme.

In addition to the above mitigation measures, the government has embarked on an ambitious infrastructure development programme. There are five new public Universities under the PF Government that are either upgrades of former colleges or new universities; these are Chalimbana University, Kwame Nkrumah University, Levy Mwanawasa Medical University, Mukuba University and Robert Kapasa Makasa University.²⁴ The Government has also built a number of Hospitals, Health Centers and Posts. The Report of the Committee on Health, Community Development and Social Services for the Third Session of the Twelfth National Assembly 2019 indicates that the total number of Government Health facilities increased from 1,956 reported in 2012 to 2,341 in 2019.²⁵ In respect to road infrastructure, the Road Development Agency reported that over 4,000 kilometres of roads have been built out of the projected 8,000 kilometres from the link Zambia 8,000 and pave Zambia 2000 programme launched in 2012.²⁶

5. Election Management: The Role of the Electoral Commission of Zambia

The responsibility of managing elections in Zambia lies with the Electoral Commission of Zambia (ECZ). The Commission is established in accordance with Article 229 of the Constitution of Zambia. The functions of the Commission as provided by the Constitution are to "implement the electoral process; conduct elections and referenda; register voters; settle minor electoral disputes, as prescribed; regulate the conduct of voters and candidates; accredit observers and election agents, as prescribed; and delimit

¹⁹ .<https://www.macrotrends.net/countries/ZMB/zambia/unemployment-rate#>:

²⁰ . <https://www.statista.com/statistics/809085/unemployment-rate-in-zambia/#>

²¹ .<https://www.macrotrends.net/countries/ZMB/zambia/unemployment-rate#>:

²² . <https://www.statista.com/statistics/809085/unemployment-rate-in-zambia/#>

²³ <https://zambiareports.com/2020/12/01/eight-percent-salary-increment-applies-civil-servants-chimbwali>

²⁴ Info@hea.org.zm

²⁵ . https://www.parliament.gov.zm/sites/default/files/documents/committee_reports/COMMITTEE.

²⁶ . <http://www.ubuntuzambia.com/2021/05/27/road-development-a-massive-boost-to-the-economy>

electoral boundaries." The Chairperson of the Commission is the Returning Officer for the Presidential Election. The current Chairperson of the Electoral Commission is Judge Esau Chulu and the Chief Electoral Officer is Mr. Kryticous Nshindano.

5.1. ECZ and the registration of voters

In respect to these responsibilities, the Commission undertook the registration of voters which started on 18th October, 2020 and had targeted to register around nine million voters. The Commission decided to discard the old voters register and embarked on a new voter's register, which required all eligible voters to register, including those who were in the old register, a decision that was not well received by the opposition. Justifying this decision, the Commission's Chief Elections Officer made the following statement:

The new voters' register is a result of recommendations made by political parties, international observers, as well as the auditors of the register in 2016. All reports are available and were shared with political parties at the time. It must be noted that political parties expressed concerns with the 2016 voter roll, alleging that deceased persons and foreigners were appearing on the register. In that regard, political parties and international observers, as well as auditors, recommended that new voter registration be undertaken noting that the lifespan of a voters' roll should be not more than 10 years. Further to this, the parameters on the ground have changed due to the delimitation of polling stations, polling districts, wards and constituencies rendering the current electoral boundaries under the current register null and void and hence, all the details of registered voters have to be aligned to the new electoral boundaries, failure to which, one will be disenfranchised on polling day as the details on the voter's card will not tally and their registered polling station might not even exist.²⁷

The decision to have the new register however received very strong resistance from opposition political parties, particularly the UPND, some Civil Society Organizations, and some prominent individuals. The opposition thought this would disadvantage them and accused the Commission of colluding with the ruling party to "rig" the elections. The UPND Deputy Secretary-General Gertrude Imenda took the matter to Court in which she sought a judicial review. She sued the Electoral Commission of Zambia and the Attorney General as first and second respondents in the matter respectively. She submitted that the decision to "discard the existing voters register to commence... a new voter registration exercise in the short time remaining before the said elections is also illegal,". The court case did not succeed.

It was not just the leaders of the UPND that raised concerns about the decision of the Electoral Commission. In an article he had written in November 2020 for the Mast newspaper, Panji Kaunda, the son of former President Kaunda and a critic of President Lungu and PF questioned the intention of the Electoral Commission of Zambia's decision to do away with the "current Voter's Register" and conducting voter registration within one month".²⁸

²⁷ <https://diggers.news/local/2020/09/30/political-parties-recommended-new-voters-register-ecz/>

²⁸ <https://zambianeye.com/pf-to-rig-elections-through-voter-suppression-panji-kaunda/>

The second borne of contention was the decision to limit to 30 the number of days for people to register as voters. Explaining the decision to limit the number of days for this exercise to 30 days, the Commission said this was due “to the time limit and tight schedule running up to the 2021 general election”.²⁹ The UPND Party sought a court review of the matter of the time limit. The UPND party contended that the “effects of COVID-19 pandemic, coupled with the dire need to have more citizens to register as voters in the wake of the August 12, 2021, general election and, therefore, acted unreasonably, irrationally or with a hidden ulterior motive at the behest of “an invisible hand” in announcing a ‘30 days’ cut-off time for the voter registration scheduled to commence on October 18, 2020.”³⁰ The party, therefore, sought a review of the matter. This was not, however, successful as well.

As the registering of voters got under way, there were accusations and counter-accusations against the Zambia Electoral Commission’s management of the exercise itself. The UPND Vice President accused the Electoral Commission of deliberately disadvantaging the provinces where her party was strong alleging that there were reports of “broken down machines... left people on the line” and people in these provinces were never given “NRCs” as they had been giving NRCs in their perceived strongholds”³¹. On the other hand, two pro Patriotic Front Civil Society Organisations, the Young African Leaders Initiative and Advocacy for National Development and Democracy accused Mr. Mwanangomba and Ms. Mwiinga of being responsible for “allocating the highest number of registration kits (308) to Southern Province while allocating smaller numbers to provinces like Copperbelt (227 kits) and Luapula (217 kits) which has the highest number of registered voters.

As it turned out, the number of votes that were registered in the opposition stronghold provinces of Southern, Western and North-western were much less than those in the ruling party stronghold provinces of Eastern, Luapula, Muchinga and Northern; and in most cases less than the registered voters for the 2016 elections despite the fact that the number of registered voters has increased from 6,698,372 to 7,002,393.

²⁹ . <https://www.lusakatimes.com/2020/09/22/all-eligible-zambians-must-register-to-vote-in-2021-elections-including-those-currently-registered-ecz/>

³⁰ . <https://www.themastonline.com/2020/08/29/upnd-sues-ecz-over-voter-registration/>

³¹ . <https://diggers.news/local/2021/03/02/ecz-deliberately-disadvantaged-some-provinces-during-voter-registration-nalumango/>

Table 5: Provincial breakdown of Registered Voters in 2016 and 2021

| Province | 2016 | 2021 | Increase | Decrease |
|---------------|------------------|------------------|----------------|----------|
| Central | 642,231 | 666,640 | 3.82% | - |
| Copperbelt | 1,023,548 | 1,023,223 | - | 1.11% |
| Eastern | 775,889 | 896,213 | 15.51% | - |
| Luapula | 510,467 | 562,230 | 10.14% | - |
| Lusaka | 1,119,318 | 1,023,992 | - | 8.52% |
| Muchinga | 349,231 | 401,542 | 14.98% | - |
| Northern | 557,225 | 600,859 | 7.83% | - |
| North-western | 400,575 | 384,452 | - | 4.02% |
| Southern | 810,077 | 778,099 | - | 3.95% |
| Western | 498,915 | 447,143 | - | 10.38% |
| Total | 6,698,372 | 7,002,393 | 304,021 | - |

Source: <https://www.elections.org.zm/downloads/>

The Electoral Commission has been accused of not conducting elections impartially by different actors. The Lisimba Commission of Inquiry on Voting Patterns and Political Violence observed that although the Electoral Commission has made positive “strides” over the years it still lacks public confidence to deliver “credible and acceptable elections”. The Commission submitted that this was due to the allegations of “misconduct by the Electoral Commission”. The way it managed the voter registration did not help much to enhance the public confidence in the Electoral Commission.

5.2. Conducting the Nomination of the Parliamentary and Local Authorities Candidates

The nomination of candidates did not generate any serious contentious issues. Two issues however attracted some discussions. This was over the provisions of the Constitution regarding the grade 12 certificate requirements for people to qualify to contest at all levels of these elections; and the nomination fees for parliamentary and local government candidates.

Although all candidates managed to satisfy the grade twelve requirements, except for one parliamentary candidate, some debate ensued over what was required. The debate was largely over whether the grade twelve was the minimum in which case they may not have been any need for the production of a grade 12 certificate if one had higher qualifications such as a university degree. The fees that the Electoral Commission charged the candidates was also an issue of debate as many political parties and other stakeholders complained that the nomination fees that the Commission came up with when they first announced them were too high.

After series of discussions and consultations, the final nomination fee for male and female presidential, parliamentary and mayoral candidates were reduced.³²

Table 6: Nomination Fees for the 2021 Election Candidates

| Type of election | Gender/disability | Final fee |
|------------------------------------|------------------------|-----------|
| Presidential | Male | K95,000 |
| | Female | K75,000 |
| | Youth | K60,000 |
| | Person with Disability | K60,000 |
| Parliamentary | Male | K15,000 |
| | Female | K13,500 |
| | Youth | K10,000 |
| | Person with Disability | K10,000 |
| Mayoral | Male | K15,000 |
| | Female | K13,500 |
| | Youth | K10,000 |
| | Person with Disability | K10,000 |
| District Chairperson | Male | K3,500 |
| | Female | K3,000 |
| | Youth | K2,500 |
| | Person with Disability | K2,500 |
| Councillor(City/ Municipal) | Male | K1,500 |
| | Female | K1,000 |
| | Youth | K1,000 |
| | Person with Disability | K1,000 |
| Councillor (Town/ District) | Male | K600 |
| | Female | K500 |
| | Youth | K500 |
| | Person with Disability | K500 |

Source: <https://www.elections.org.zm/tag/2021-nomination-fees/>

Although some of the candidates were still complaining that the fees were too high, there were **no aspiring candidates at any level who withdrew on account of failure to raise nomination fees.**

5.3. Regulating the Campaign Activities

While the Commission's undertaking of the nomination of the candidates did not generate any controversy, this was the case in relation to the management of the campaign activities. There were some disputes over its application of campaign arrangements. **The opposition felt that some of the measures put in place were done at the instigation of the ruling party.**

³² <https://www.elections.org.zm/tag/2021-nomination-fees/>

On 3rd June, 2021 the Commission announced the suspension of campaign rallies due to increased cases of COVID 19 and indicated it could be lifted after reviewing the situation. The Chief Electoral Officer dismissed insinuations that the measures by ECZ were meant to favour some political parties.³³ Then on 15th June, 2021, the Commission banned all road shows and announced that only three persons will be allowed to undertake door to door campaigns and that only one vehicle mounted with Public Address System will be allowed to do road campaigns and not a convoy.

However, the UPND was not happy with the decision of the Electoral Commission as they felt that it disadvantaged them. They argued that President, Edgar Lungu, vice President Inonge Wina together with President Lungu's running mate Professor Nkandu Luo have been holding rallies and other public meetings under the guise of inspecting development projects in various parts of the country. On that account, the UPND decided to sue the Commission arguing that the decision to ban rallies infringed on their party's "right to go round the country, assemble and engage the electorate during the campaign period. The party's Secretary-General stated that "the Standard Operating Procedures that the ECZ had devised had no backing from the electoral Act." The Party argued that schools, churches and bars "were still very much open with the members of the public enjoying their fundamental freedoms of association and assembly while observing the COVID-19 guidelines".³⁴ The case was, however, dismissed on account of the fact that it was the rallies and not the campaigns that were suspended "and political parties were advised to use appropriate campaign strategies".

Despite the restrictions that the Commission has put in place on the mode of campaigning by the political parties, the political parties particularly the ruling PF party and the UPND have not fully complied with these restrictions. The political parties have largely ignored the door-to-door restriction of campaigners to only three persons, instead, there are large groups of campaigners going door to door. The UPND leadership and candidates have seized every possible loophole and opportunity to meet large crowds. The party president, Mr. Hakainde Hichilema, for example, has tried to circumvent the prohibition of public rallies by claiming that he is distributing face masks to the people under which guise the UPND President has been able to address gathering in Chongwe, Solwezi, Lusaka's Linda residential area and in Eastern Province which prompted the Inspector General of Police on 27th July, 2021 to direct police officers across the country not allow politicians to distribute masks which they are using to gather large crowds... under the guise of distributing face masks"³⁵ On the other hand the Ruling Party's vice-presidential candidate has been meeting crowds in particular in Luapula, Muchinga and Northern provinces under the pretext of inspecting "incomplete" projects. The leadership of the UPND have argued that President Lungu has been campaigning using his incumbency as the sitting president of the country

³³ <https://www.lusakatimes.com/2021/06/03/electoral-commission-of-zambia-bans-campaign-rallies-with-immediate-effect/>

³⁴ . <https://www.themastonline.com/2021/06/09/upnd-sues-ecz-for-banning-campaign-rallies/>

³⁵ . <https://www.zambianobserver.com/police-ban-political-leaders-face-masks-distribution/>

to which the police in the statement given by the police spokesperson stated that the president is immune and therefore can continue to undertake any national activities, which other party leaders do not have.³⁶

The Commission also took action against political parties and individuals that engaged in cases of violence and hate speech, in violation of the electoral regulations. On 15th June 2021, the Commission announced the ban of the UPND and PF from campaigning in Lusaka, Mpulungu, Nakonde and Namwala over cases of violence. Citing Article 229, Sub-article 2 (e) of the Republican Constitution and Subparagraphs 4 (1) (c) (d) (i) and 11 (d) of the Electoral Code of Conduct the Chief Electoral Officer said the suspension was immediate and would be reviewed in 14 days. This meant that the two political parties were not allowed to campaign in these areas. In this regard, the two parties were banned “to conduct any form of campaigns” and advised all media houses not to cover any political party activities for the two parties in the four districts. He also directed the police not to allow any political activity by the two political parties.³⁷

The Electoral Commission lifted the suspension of campaigns for PF and UPND in Mpulungu, Nakonde and Namwala districts on 29th June, 2021, but the suspension was only partially lifted in Lusaka District where physical campaigns remained suspended.³⁸ On 20th July, the ECZ announced the full lifting of the suspension of the two parties’ physical campaigns in Lusaka District. The announcement by the Chief Electoral Officer was made during a joint press briefing with the Zambia Police, PF and UPND leaders. He said he hoped that the “cordial relationship that has been existing in leaders of the political parties will trickle down to the supporters and ensure that we conduct a free, fair and credible election come 12th August”. The Secretary Generals of the two political parties pledged to adhere to the electoral code of conduct and to avoid political violence while the Inspector General of Police asked all political parties to “stick to their commitment to peace as well as campaign schedules as submitted to relevant authorities”.³⁹

On 30th June, 2021, the Commission announced the banning of Mr. Chishimba Kambwili, the former NDC leader who rejoined the PF, for “hate speech and holding of campaign rallies despite the guidance provided” which was in breach of the Electoral Code of Conduct. In taking this decision the Chief Electoral Officer said that “use of language which incites hatred or violence in any form against any person shall not be tolerated by the Commission as it contravenes the provisions of the Electoral Code of

³⁶ <https://www.znbc.co.zm/news/president-lungu-has-immunity-police/>

³⁷ . <https://www.elections.org.zm/2021/06/15/speech-by-the-chief-electoral-officer-mr-kryticous-patrick-nshindano-during-a-media-briefing-held-on-tuesday-15th-june-2021-held-at-elections-house/>

³⁸ <https://diggers.news/local/2021/06/29/ecz-lifts-ban-on-pf-upnd-campaigns-maintains-roadshow-suspension/>

³⁹ <https://www.lusakatimes.com/2021/07/20/ecz-lifts-campaign-ban-for-the-pf-and-upnd-in-lusaka>

Conduct”.⁴⁰ However, the suspension was lifted on 8th July on account of Mr. Kambwili having “shown remorse through the apology he rendered”.⁴¹

6. Election Management: The Police and Other Participating Bodies

The Electoral Commission is assisted in its works by other bodies. In this case, the decisions of the Electoral Commission are enforced by the Police while the Courts have been involved in settling some disputes related to the management of the elections. In this section focus shall be on the police and the courts although other bodies play relatively minor roles such as the Zambia Air Force that regulate the use of Zambia Air Space. These bodies in particular the police have come under criticism from the opposition political parties.

6.1. The Police

The role of the police in the elections has been to ensure that the regulations regarding the management of these elections are enforced in particular with reference to the implementation of the Public Order Act that regulates the conduct of campaign meetings and the enforcement of regulations regarding the COVID- 19 Pandemic health guidelines.

In the 2016 elections, opposition political parties, the election observer groups and the Lisimba Commission of Inquiry on Voting Patterns and Political Violence were critical of the role of the Zambian Police. **On the part of the observer groups, while recognizing the difficulties under which the police were operating, they were critical of the police for lack of impartiality in the enforcement of the Public Order Act.** On the other hand, the Lisimba Commission stated that the police could have managed the situations they were facing better by “upholding professionalism”.⁴²

At a launch of the 2016 Elections at Lillayi Police College on 30th November, 2020, the Inspector General of Police Mr. Kakoma Kanganja admitted that the police had faced some challenges during the 2016 elections such as a shortage of personnel and transport. In respect to 2021, he stated that the police has made adequate preparations to police the 2021 elections and committed the Zambia Police to ensure the provision of a conducive environment which will ensure that all political parties conduct scheduled activities in a “peaceful environment” and urged all political party leaders to take a lead in “preaching peace” to their supporters. He, therefore, advised all political parties to submit their campaign schedules

⁴⁰ <https://www.elections.org.zm/2021/06/30/statement-by-the-electoral-commission-of-zambia-chief-electoral-officer-mr-kryticous-p-nshindano-on-the-indefinite-suspension-of-mr-chishimba-kambwili-from-all-manner-political-campaigns/>

⁴¹ . <https://www.zambianobserver.com/ecz-lifts-kambwilis-suspension/>

⁴². Government Of the Republic of Zambia. *Report Of the Commission of Inquiry into Voting Patterns and Electoral Violence* P. 153

to regulating officers in order to avoid clashes between political parties and to avoid “complaints on unfair treatment “treatment in the application of the public order Act.”⁴³

As in the case of the attitude of the opposition political parties towards the police in 2016, the leaders of most opposition political parties do not expect them to be neutral in dealing with the political parties in the 2021 elections. From as early as 2020 when the preparations for the elections began, the leader of the Democratic Party, Mr. Harry Kalaba has made adverse comments on the police and their alleged lack of impartiality. For example, in October 2020, he alleged that the PF have recruited their party cadres from Luapula, Northern and Muchinga Provinces, stating that “these are cadres who will be wearing uniforms and having guns and they will have that privilege of pretending to be law-enforcers”. Mr. Kalaba in an interview with the Mast Newspaper on 5th June, 2021 in Livingstone, accused the police inspector General of being politically biased towards the PF. “We can’t have such a politically biased man like Kanganja to be the Inspector General of Police... Let him resign and join the PF.”⁴⁴

On their part, the UPND has accused the Zambia Police of bias towards the ruling party in their implementation of the Public Order Act in the face of the COVID 19 pandemic. However, they have been accused of taking stronger action against the opposition parties and not the ruling party, the case of Mr. Kambwili being cited several times. There have also been complaints that the President is campaigning under cover of inspecting projects. The case that drew observers’ attention was the President’s tour of Mtendere in Lusaka Central Constituency “sensitizing” people on Covid-19. The police explanation for not doing anything about the complaints regarding President Lungu’s campaigns under the pretext of undertaking national duties, as stated earlier is that the president is immune and therefore, “warned,” political parties not to question activities being undertaken by President Edgar Lungu.”⁴⁵ This seems to have put the police in an awkward position, following the president’s tour of Mtendere in particular, for it has made it difficult for the police to take a strong stance against both the UPND presidential and vice-presidential candidates. Following President Lungu’s Mtendere tour, the UPND presidential candidate visited Chongwe Constituency to “distribute masks” for which it was widely reported that the police wanted to question him but nothing came of the media reports. He has continued to “distribute” masks even after the police have warned against such action including the statement by the Inspector General of Police “banning” distribution of masks.

In respect to issues of violence, the police’s impartiality has also been questioned. The UPND leaders have on several occasions alleged that violence occurs only when the PF cadres attack them. There were several cases such as the case in Solwezi were following the clash between PF and UPND cadres, the UPND cadres were arrested, according to the North-Western Province Commissioner of Police, “as a result of

⁴³ <http://diggers.news/local/2020/12/01>

⁴⁴ . <https://www.themastonline.com/2021/06/05/kanganja-is-biased-he-seems-to-be-salivating-for-kambas-position-in-pf-kalaba/>

⁴⁵ <https://www.znbc.co.zm/news/president-lungu-has-immunity-police/>

UPND cadres being found in the wrong ward thereby, disturbing the peace”⁴⁶. Another example is, when, on 25th June, 2021, the police arrested eight UPND cadres for an alleged attempt to destroy the residence and a lodge belonging to Patriotic Front parliamentary candidate Mr. Richard Musukwa in Chililabombwe.⁴⁷ The police also blamed and arrested seven UPND cadres in Nakonde for “discreditable conduct at a Police station and assault.”⁴⁸ This followed a report made by a PF cadre who reported being assaulted. There are several such cases and not much on the PF being arrested as a result of clashes between the two groups.

If, however, it seems that in most clashes the police blame the UPND cadres for which they have been arrested, the police have taken some positions against the ruling PF party. The Police singled out the PF for blame on the Mandevu violence although no one was arrested for the violence. The police have also arrested PF cadres who have been in political violence that has not necessarily been a result of clashes with the UPND cadres. For example, the police arrested Mr. Charles Kakula an alleged Patriotic Front cadre in connection with the “hounding” out from office a civil servant on political grounds.⁴⁹ The police also arrested PF cadres who were involved in the violence that took place in which one of the PF cadres Mr. Innocent Kalimanshi was assaulted.⁵⁰

6.2. Other Participating Bodies: The Courts and Zambia Air Force

Although a number of cases that the opposition parties brought before the courts were not successful, the opposition seems not to have been as vocal in the criticism of the Courts in matters directly related to the management of the election as it has been with the Electoral Commission and the Police.

In the previous sections, a number of cases brought before the courts have been discussed. These were President Lungu’s eligibility to contest the 2021 elections, the public rallies and the new voter’s register. Besides these cases, other cases came before the Constitutional Court. Among these was the case by Sishuwa Sishuwa against the presidential vice candidates in which they wanted the courts to declare the nomination of the 17 vice presidential candidates null and void for allegedly not complying with the provisions of Article 100 (1) (i) regarding the payment of nomination fees and Article 100 (1) (j) in relation to 100 supporters from each of the 10 provinces. The case did not succeed.

However, one case, which perhaps is the most important one among all the cases brought before the courts in terms of levelling the playfield, is the one regarding the media coverage of opposition political

⁴⁶ . <https://www.lusakatimes.com/2021/07/18/police-arrest-upnd-cadres-in-solwezi/>

⁴⁷ . <https://dailynationzambia.com/2021/06/25/violent-upnd-cadres-arrested/>

⁴⁸ <https://www.mwebantu.com/police-arrest-seven-upnd-cadres-for-discreditable-conduct-at-a-police-station-and-assault-in-nakonde/>

⁴⁹ <https://www.zambianobserver.com/police-arrest-pf-cadres-that-threatened-civil-servant/>

⁵⁰ <https://www.mwebantu.com/police-arrest-five-pf-cadres-for-the-offences-of-malicious-damage-to-property-and-assault/>

parties. **The UPND complained that the public media did not adhere to the regulations of the electoral code of conduct in respect to their treatment of the opposition. The courts ruled in UPND's favour.** Following the court ruling, the Electoral Commission prescribed that all political parties and candidates will be entitled to thirty seconds of airtime on ZNBC for campaign, advertisement per day up to 11th August, 2021

The Zambia Air force has also been criticized for allegedly denying the opposition parties permits to use the Zambia air space for campaign travels. For example, on 27th June 2021, the Zambia Air Force communicated to the UPND informing them that the permit granted to them to travel to Luapula province was cancelled because Vice President Inonge Wina would be "in the same area".⁵¹ Another case is where the UPND leader claimed that he was delayed flying to Solwezi because the authorities wanted to stop him from flying. However, the authorities have denied that the UPND have been denied Air Flight Rights for its campaign Choppers.⁵² The explanation on his delayed flight to Solwezi was that the traffic controllers "wanted to be sure it was safe to take off".⁵³

7. Internal Dynamics of the Participating Political Parties

This section focuses on the internal democracy of the political parties focusing on the method of electing the executive committees of the two major political parties, the PF and the UPND. It also looks at the role of women political leadership and decision making and in this respect the number of women in the executive committees of the two political parties and the number of women that represented the various political parties as candidates in the 2021 elections.

7.1. Intra-Party Democracy

Just before the 2021 elections two major political parties, the PF and the UPND held internal elections to elect their executive Committees. The UPND was the first to hold the elections, which they did in February, 2021. As a result of the restrictions linked to the Covid 19 pandemic, they did not hold a general conference in one central place which normally is in Lusaka instead they held a virtual conference in which party members were voting in their respective provinces. A total of 70 members were elected with the highest member getting a total of 2,051 votes and the lowest got 931 votes. The constitution required that the party president would assign specific positions to the members of the National Management Committee (NMC) including the positions of the vice president, secretary-general and chairpersons of party Committees. **The mode used in the elections ensured that the National Management Committee was ethnically balanced due to the need to show that the party had a national outlook.** Although the

⁵¹https://mobile.facebook.com/hakainde.hichilema/photos/a.137132403035590/1122997001115787/?type=3&locale2=es_LA&_rdr

⁵² <https://www.lusakatimes.com/2021/07/15/civil-aviation-authority-refutes-blocking-upnd-airspace-clearance/>

⁵³ <https://zambiareports.com/2021/07/25/no-one-stopped-hh-moving-country/>

system did not have an in-built mechanism to get the kind of gender balance, the party managed to have at least 30% of women Members of the National Management Committee elected. The constitution required that the party president would assign specific positions to the members of the NMC, and several women were appointed to key positions including the party vice president

The PF held theirs in April, 2021, the mechanism used was to have a slate proposed by the President and approved by the party delegates, a method of electing the party's executive which is in accordance with the provisions of the party constitution. According to the party constitution, the election of Members of the Central Committee shall be held at the General Conference of the Party. Those seeking election as members of the Central Committee are required to indicate to the President of the party not less than one day before the day of the Conference, who in turn "shall submit his list of candidates together with the names of other candidates for the office of the Member of Central Committee to the National Council for consideration and approval" The National Council shall then approve the names of the candidates taking into account "the Merit of the candidates and the need to have all parts of the country represented in the Central Committee as far as possible." The Constitution also states that anyone whose candidature has not been approved by the National Council "shall not be eligible...for election as a Member of the Central Committee."⁵⁴ **This method of electing the Central Committee also ensured that the Central Committee had a national outlook.**

Internal democracy was also reflected in the methods used to select parliamentary and Local Government Elections. The principle of primary elections was used to select candidates in the UPND. Party members who indicated interest to contest elections submitted their applications, the party members at ward and branch levels voted, as did the leaders at Constituency, District and Provincial levels after which names of three individuals with the highest number of votes were submitted to the National Management Committee. The process saw a number of sitting Members of Parliament not being adopted.

The Patriotic Front did not employ the system of primary elections, instead, they employed the Interview process in which aspiring candidates were interviewed by lower-level party officials and final decision by the Central Committee. In explaining the candidate selection, the party's Secretary-General said that the party would only pick candidates that will win and "maximize votes for President Lungu"⁵⁵ and those current Members of Parliament who have "performed" will be retained.

⁵⁴ https://www.politicalpartydb.org/wp-content/uploads/Statutes/Zambia/PF_Constitution-From-PF-Website-April-10-2011-1.pdf

⁵⁵ <https://www.lusakatimes.com/2021/03/19/pf-to-the-announce-the-list-of-successful-candidates-to-contest-on-pf-ticket-on-17th-may/>

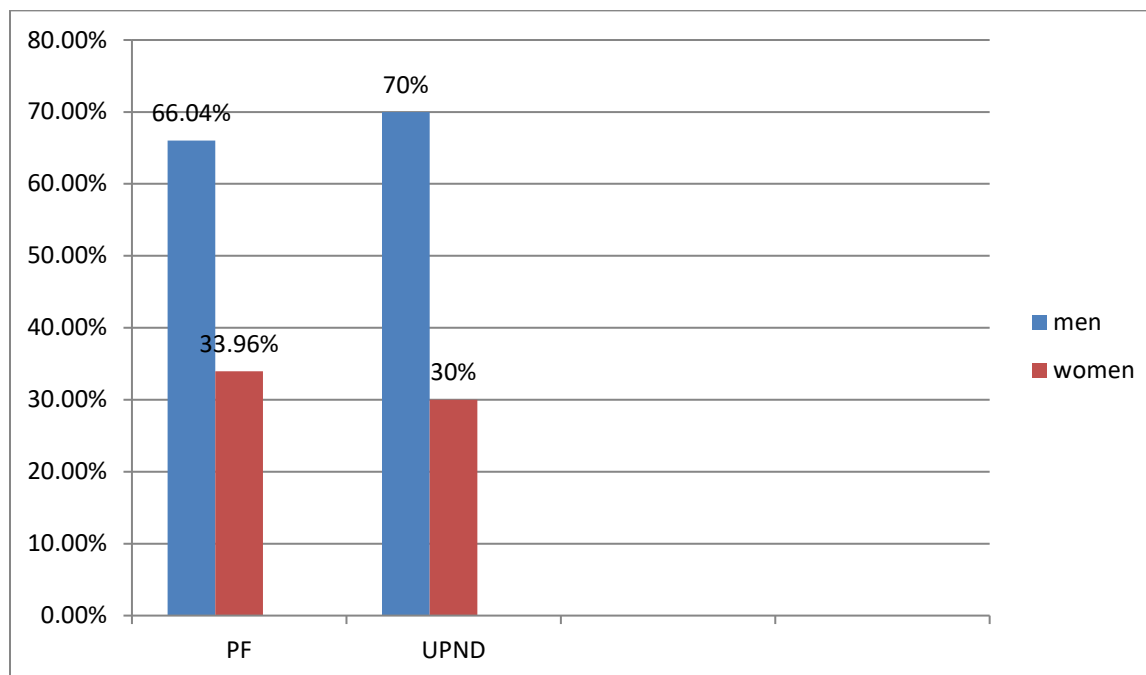
7.2. Gender Representation and Participation in intra- party politics

In terms of women’s role in political parties, the report focuses on women positions in party leadership and their roles in decision making.

As indicated the UPND had their party convention in February, 2021 in which they elected 70 members of the National Management Committee. **Out of 70 NMC that were elected 19 were women, which was 27.14% of all elected members of the NMC.** After the appointment of another 30 members to the Committee by the President of the party as per provisions of their party constitution, the number rose to 30 which was 30% of the total number of the final list of the NMC members. A woman who was at the time National Chairperson of the party got the highest number of votes. She was subsequently appointed the Vice president of the Party and is the presidential running mate of the UPND Alliance ticket. Several other women who were elected or appointed to the Committee by the Party President were appointed Committee Chairpersons. Included among these were those appointed to the positions of the chairperson for Mobilisation and Chairperson for International Relations.

In the case of the Patriotic Front, 18 out of the 53 members elected to the Central Committee are women which represented 33.96% of the membership of the Committee. Several women hold key positions in the party. Among the key positions held by women are that of Vice President of the Party and that of the Deputy Secretary of the Party.

Chart 1: Ratio of female and Male Members of the Executive Committees of PF and UPND

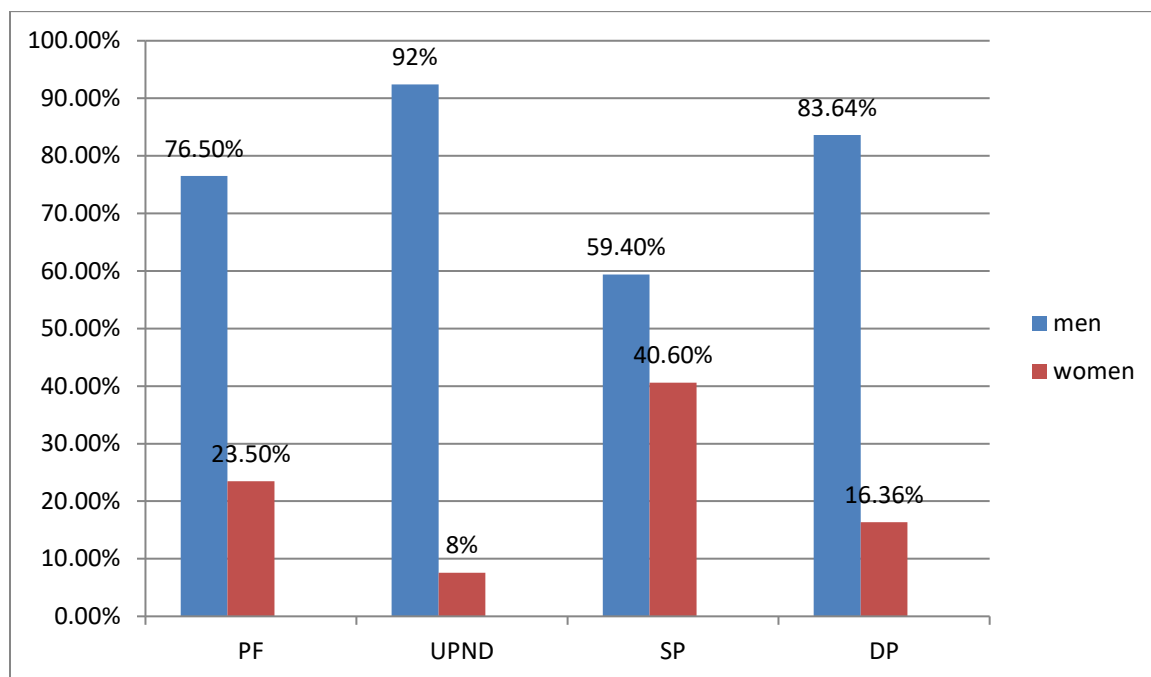


Source: <https://www.elections.org.zm/downloads/>

The second form of political participation is the number of women who have been selected to contest on behalf of their parties as Members of Parliament, Mayors and District chairpersons as well as Councilors in cities, Municipal and District councils. For this purpose, we look at the number of women contesting as candidates in four political parties that are fielding the largest number of candidates, these being the Socialist Party and the Democratic Party in addition to the PF and the UPND.

In relation to the parliamentary candidates, the PF has contested all the 156 seats as indicated, and of these 25 or 16% are women. The UPND fielded 155 candidates of whom 12 or 7.6% are women. The Socialist Party fielded 143 parliamentary candidates and had the highest number of women candidates, for out of these number 58 candidates are women representing 40.56% of all the candidates. The Democratic Party fielded 110 candidates of which 18 are women representing 16.36% of the adopted members of Parliament.⁵⁶

Chart 2: Ratio of female and Male Parliamentary Candidates for PF, UPND, SP and DP.



Source:

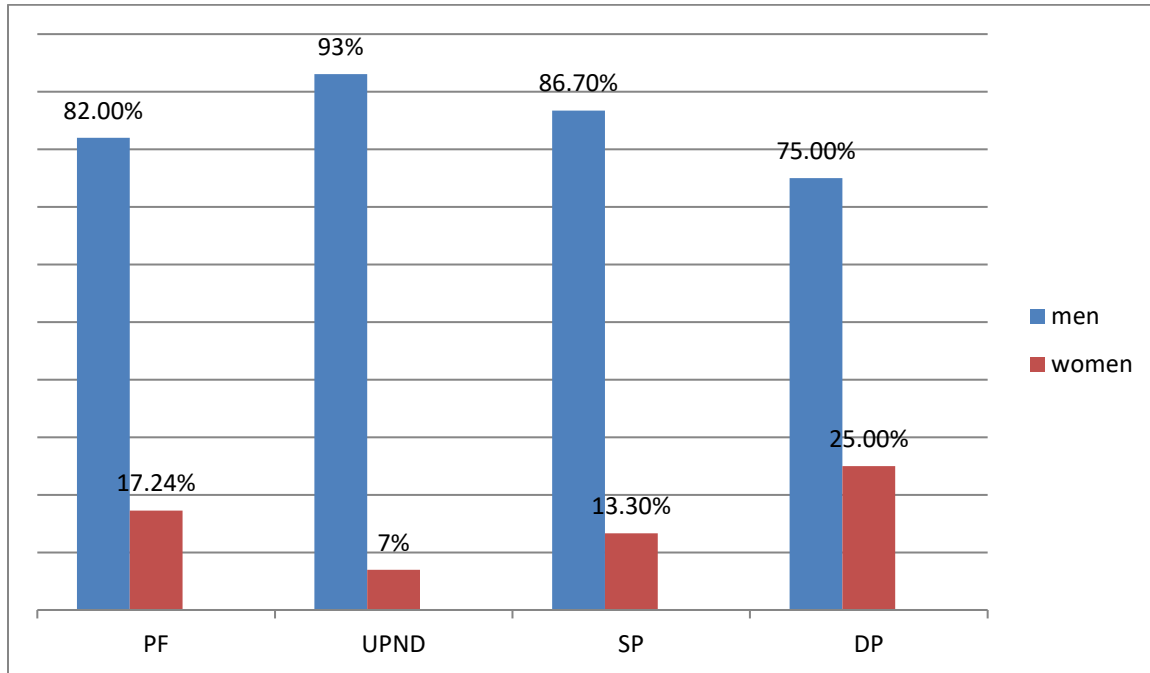
<https://www.elections.org.zm/downloads/>

The pattern in respect to the nomination of candidates for the position of Mayor and District Chairperson was almost the same with the Socialist Party recording the highest number of women contesting for these

⁵⁶ . It was not possible to secure exact data from either the political parties or the Electoral Commission of Zambia on the gender distribution of the candidates for Members of parliament, mayors, district chairpersons and local government councils. The information on the gender distribution of the candidates for these offices is based on the names of the candidates. Although this may not exact percentage distribution it does give a very good of the gender distribution of these candidates. A number of candidates whose names could be placed have been removed. Thus even though the percent distribution may vary from these figures the general picture on the distribution would not change.

positions. The PF fielded 20 women out of 116 candidates fielded representing 17.24 % of the women candidate, UPND 8 out of 155 representing 6.96 of the candidates, the Socialist Party fielded 10 out of 75 representing 13.33% of the candidates, and the Democratic Party fielded 5 women out of the 20 candidates representing 25% of the candidates that they have fielded.

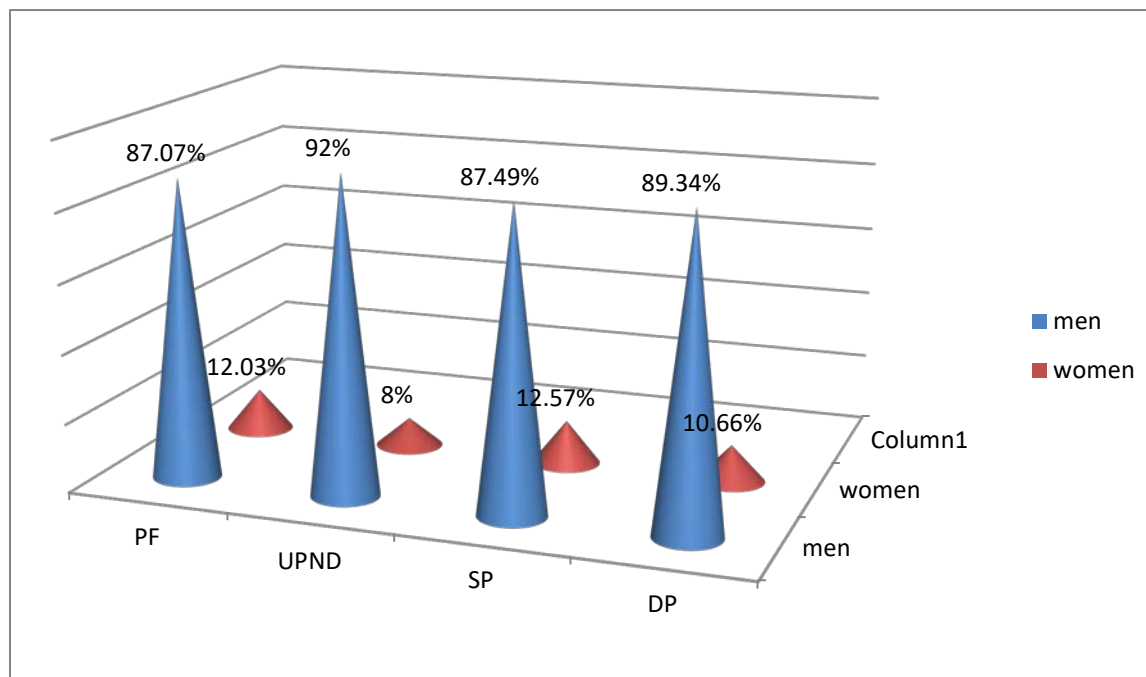
Chart 3: Ratio of female and Male Mayor/District Chairperson Candidates for PF, UPND, SP, DP



Source: <https://www.elections.org.zm/downloads/>

The list of candidates in all the 1,858 wards across the country saw an even smaller number of women participating as candidates than was even the case in the percentage of women contesting parliamentary elections as chart 4 indicates.

Chart 4: Ratio of Female and Male Candidates for Councilors Positions for PF, UPND, SP, DP



Source: <https://www.elections.org.zm/downloads/>

8 Campaign environment

8.1. Legal Framework

Several pieces of legislation govern the management of the elections. The principal pieces of legislation are the relevant clauses of the Constitution 2016 (Amendment), the Electoral Act, the Electoral Code of Conduct and the Public Order Act.

The Electoral Code of Conduct regulates the behaviour and duties of political parties and candidates; it outlines the duties of the Commission; provides for the responsibilities of the Zambia Police to enforce law and order at campaign meetings and processions in order to maintain peace and order and to ensure that police officers do not abuse their authority. The Electoral Code of Conduct provides that all print and electronic media provide fair and balanced reporting of the campaigns, policies, meetings, rallies and press conferences of all registered political parties and candidates during the period of campaigning and

that all public television and radio broadcasters shall allocate public air time equally to all political parties for their political broadcasts among other provisions.⁵⁷

The Public Order Act regulates the holding of public meetings and/or processions among other public political gatherings, and the enforcing bodies are the Law Enforcement Agencies. Before its amendment, one of the contentious articles of the Act were the provisions of sub-section 4 of Article 5(1) which stated that “Any person who wishes to convene an assembly, public meeting or to form a procession in any public place shall first make an application in that behalf to the regulating officer of the area concerned”.⁵⁸ The notice period provided was 14 days. The Act exempted the president, the Vice-President, all Ministers, Attorney-General, Speaker and Deputy Speaker of the House. After the supreme court declared the provisions of sub-section 4 of Article 5(1) invalid in 1996, the Act was amended, after that, all that was required was for the conveners to give the police seven days’ notice before holding their public meets.

However, even after the amendment of the Act, it remains a contentious piece of legislation, particularly as it is applied by the enforcement agencies such as the police. **In practice, the police can and have on several occasions prevented meetings by political parties citing the public order act.**

8.2. The Role of the Media

Historically the role of the public media has not provided an avenue for fair coverage of elections and this has been consistently the case irrespective of which political party has been in power. In the 2015 and 2016 elections when the PF was in power what happened from 1991 right up to 2011 happened as well. The content analysis undertaken by European Union Observer Group established that the public media displayed heavy bias towards the ruling party in its coverage of the elections with the Post Newspaper giving the most coverage to the opposition UPND.⁵⁹

The indications so far point to the fact that the public media will continue taking a strong bias against the opposition parties. It would have been useful to undertake content analysis of the public media to establish if there are any substantive changes in the attitude of the public media towards opposition political parties. However, the major opposition political party, the UPND has taken the issue with the attitude of the public media towards their political party’s campaigns. The party took the matter to court at which the court ruled in its favour. In making the ruling, judge Mary Mulanda of the Ndola High Court granted leave to the party in its request for a Judicial Review over the Electoral Commission’s failure to prescribe the amount of Airtime to participating political parties on public television and radio media platforms. The Judge said that the prescription of airtime to all participating political parties “is highly necessary to enable parties including independents to have equal campaign opportunities in the run-up

⁵⁷ Government of the Republic of Zambia, Electoral Code of Conduct 2006 Statutory Instrument No. 90 Of 2006

⁵⁸. Government of the Republic of Zambia, Public Order Act, Cap. 104 of the Laws of Zambia.

⁵⁹European Union Observer Group: 2016

to the August General Elections”.60As seen earlier the judge’s ruling compelled the Electoral Commission to direct the public media to allocate a minimum of 30 seconds for advertising their campaign material per day to all political parties.

Despite the court ruling, the UPND was not satisfied that the public media adhered to the need to give fair coverage of the opposition parties and as a result, the party wrote a letter to the Attorney General which they copied to the ZNBC Director General in which they complained that ZNBC has been violating Article 7 (1)(a) of the Electoral Code of Conduct by not covering their important events and the only coverage that their party receives is when it is in a bad light while it always covers President Lungu’s campaign activities and never reports anything negative about the PF.⁶¹

8.3. Financial and other Campaign Resources

Funding political campaigns is another critical factor in ensuring some level of even playing field in any election. As the Hawaii Campaign Spending Commission one time observed “In order for candidates to be able to make their views known to the public there will always be expenses...whether a candidate uses his or her funds... (or from) ...the general public or the Trust fund, money is a necessity.⁶²For the opposition political parties, this has been a major challenge from early as the 1991 elections. The Reports of International Observers and Local Monitoring Groups have an election after election bemoaned the abuse of state resources for the campaign by ruling parties. As earlier indicated the code of conduct prohibits the use of public funds except for the president and the vice president, however, the use of public funds by government ministers has been a very common phenomenon.

In the current elections, two factors have mitigated the abuse of state resources for campaign purposes. The first is the measure that has been put in place that limits campaign activities, and the second is the fact that unlike during the 2016 elections, Government Ministers have this time around vacated their offices upon dissolution of the National Assembly. However, despite this, leaders of opposition parties have noted that both the President and Vice president have used their offices to access state resources for campaign purposes. The President has visited all the provinces “inspecting” development projects and meeting traditional rulers and the Vice President together with the PF Vice-presidential running mate has been visiting all provinces meeting traditional rulers and other community leaders. However, the President and Vice president do not have to vacate their offices as do cabinet Ministers for they are entitled to the use of public resources as provided for in the Constitution. **The timing of implementation of some important programmes has raised the suspicion that the Patriotic Front government is using them for campaign purposes.**

⁶⁰. <https://www.lusakatimes.com/2021/06/11/upnd-suffers-setback-as-ndola-high-court-declares-ecz-ban-of-political-rallies-as-legal/>

⁶¹ <https://www.themastonline.com/2021/06/20/upnd-writes-ag-over-znbcs-continued-bias/>

⁶². <http://kumu.icsd.hawaii.gov/campaign/mission.htm>.

The first is the Civil Servants Debt Swap Initiative. At the peak of the campaign period, the Government effected the debt swap mechanism for Civil Servants which entailed that government takes over the debts civil servants owe their lenders. This has been defined as a practical measure to lift civil servants out of their indebtedness to financial lending institutions. On 21st July, 2021 Ministry of Finance Accountant General Kennedy Musonda, Permanent Secretary for Public Service Management Division (PSMD) Boniface Chimbwali and Permanent Secretary Information and Broadcasting Services Amos Malupenga, held a virtual meeting with commercial banks and other financial institutions to liaise on the implementation of the Civil Service Debt Swap Initiative. Key issues outlined at the meeting are the period it will take for the data reconciliation exercise to be completed and that K55.3 million funding was released on the day of the meeting to clear all the third-party obligations to commercial banks and that K200 million was released as third-party payments to micro-finance institutions for the months of March and April 2021.

The second one is the Social Cash Transfer, a Government scheme that is aimed at providing social support to the vulnerable in rural communities such as the elderly, the disabled, and orphans was poorly managed and almost dying down by the end of 2020. Monthly payments in areas where it was still active were behind by many months while in some parties of the country the scheme had practically stopped. The government has revived the scheme and three months arrears have been given to all those that were on the scheme previously.

The third one is the Farmer Input Support Programme (FISP). This programme has been receiving a lot of criticism from the farmers for most of the farming seasons prior to the 2020/21 farming season. Currently, the Government has already started putting in place mechanisms to start distributing inputs for the 2021/22 farming season, which has not been the case in previous seasons

These are in reality government programmes which the government has some responsibility to undertake, however, the manner they are being undertaken raises the question about their links with the current elections.

8.4. Political Violence

As in the case of the 2016 elections, there have been cases of violence in these elections that have been documented in several parts of the country, the most outstanding were those that took place in Lusaka's Mandevu Constituency, in Namwala District in Southern Province, Nakonde in Muchinga Province and Mpulungu in Northern Province. There were also cases of violence in which loss of life was recorded such as the death of a PF cadre Mr. James Banda, people being stabbed and having people's houses burnt by suspected political opponents. **In order to curb the political violence witnessed, Zambian President**

Edgar Lungu ordered the deployment of the military (the Zambia Army, Zambia air force and Zambia national service) to quell electoral violence ahead of the August 12 elections.⁶³

What seems to distinguish the pattern of violence in these elections, however, is that the opposition UPND has not been on the receiving end of political violence in the way it was in 2016. There have been reports of the members of the ruling party being on the receiving end of the violence. The violence that took place in Mandevu in Lusaka is a case in point, for although the report indicated that it was the PF that caused the violence they were on the receiving end of the violence. The fact that the level of political violence reached the level that it did in the two districts in Northern Province and Muchinga Province respectively which are considered as PF stronghold forcing the Commission to take the step that it did against these two districts is also suggestive of the strength of the UPND in these matters to be able to challenge the cadres of the ruling party.

In trying to end violence, the two parties signed three peace accords. The first was on 9th June 2021 when the two parties in Ndola District signed a peace accord to denounce political violence and pledged violent free campaigns for the remaining campaign days. Speaking at the event, PF Kabushi aspiring Member of Parliament Bowman Lusambo said despite competing, there is a need to campaign on party manifestos and not engage in political violence, stating that the two parties have a relationship beyond politics while the UNPD's Ndola Central aspiring candidate Frank Tayali advised all aspiring candidates in the district to desist from instructing their followers to engage in political violence.

The seriousness of the issue of political violence for the political parties was such that on 10th July the two parties signed a peace accord at the national level in which they committed themselves to end electoral violence. The accord which was signed by Mr. Davis Mwila, the Secretary-General of the PF and Mr. Batuke Imenda, the Secretary-General of the UPND was witnessed by the Chief Electoral Officer representing the Electoral Commission and the Inspector-General of Police. In expressing the commitment of his party to the accord, the PF Secretary-General stated that his party will not condone violence among its members and his UPND counterpart said that peaceful co-existence among Zambians regardless of political affiliation is cardinal to maintaining the country's peaceful climate. The 10th July meeting was followed by that of presidents of political parties and other stakeholders which was coordinated by the Zambia Centre for Interparty Dialogue. Those attending included the leader of the UPND while the leader of the ruling party was represented by the Party's Secretary-General. **At this meeting, the leaders pledged to maintain and promote peace during and after the elections.**

⁶³ <https://www.wionews.com/world/zambia-president-deploys-army-to-quell-violence-ahead-of-vote-402269>

9. The Campaign Issues

The campaign for the August 2021 elections like the 2015 and 2016 elections is a two-horse race by the ruling PF and the main opposition the UPND. This is despite the fact 16 candidates are vying for the Office of the President. The campaigns for the two parties have focused on issues of road infrastructure development, the collapsed economy, allegations of corrupt practices by the ruling party, allegations of privatization involvement by the UPND presidential candidate, allegations and counter-allegations of tribalism.

9.1. “The Collapsed Economy” Vs Road Infrastructure Development

The ruling party is campaigning on its record regarding the roads and other infrastructure that has been constructed while the opposition UPND is focusing its campaign on “the collapsed economy”. The ruling party is pointing to the road infrastructure particularly in the urban areas, and a number of universities that have been constructed as evidence of their commitment to development. As shown in the section dealing with economic challenges there are five new public Universities under the PF Government that are either upgrades of former colleges or totally new universities and the total number of Government Health facilities increased from 1,956 reported in 2012 to 2,341 in 2019.

The ruling party’s campaign theme in this respect was set in motion by President Lungu when he addressed the Lusaka Provincial Conference when he urged the party members to defend the party’s record in the kind of developments the party achieved:

We in the Patriotic Front must be proud of the great transformation to our great nation, including the building of roads, bridges, schools, universities, hospitals and houses. You must be proud of these achievements. The new airport, new roads, expanded roads, fly-over bridges, hospitals, international stadiums, shopping malls have all been built during our short stay in office. People who have not been here in a long time have confessed that the government has done great things since coming into office⁶⁴

On the other hand, the opposition has focused on the increased cost of living which they blame on PF mismanagement and corruption. For example, responding to a question on Zambia’s economy during an interview with Africa Arguments on 11th July, 2020, Mr. Hichilema indicated that the “confidence levels in the economy are very low due to a very difficult situation with a high cost of living and inflation of 22.7%, one of the worst-performing currencies on the African continent and that the situation is getting worse”. He also alleged that the PF government inherited a debt portfolio of under \$4 billion in 2011 and this has risen to \$14 billion of external debt and this in addition to the domestic debt.⁶⁵

⁶⁴ . <https://zambianeye.com/lungu-officiates-at-pf-lusaka-province-intra-party-elections/>.

⁶⁵ <https://www.lusakatimes.com/2021/07/12/327893/>

9.2. Corruption Allegations Vs Privatization Involvement Allegations

For most of 2020 to date, the role of Hakainde Hichilema, the UPND President in the privatization programme that took place under the Chiluba regime (1991-2001) has become a topical issue so much that he had to undertake the public defence of his role. The focus of the campaign has been that because of his role in the privatization programme he has no moral right to aspire to be the president of the country. The matter has been spearheaded by the leader of the Forum for Democracy and Development, Ms Edith Nawakwi. She contends that Hichilema failed to declare an interest as a consultant during the privatization of Zambia's assets. Hichilema's role in the privatization programme has been a central campaign issue against the UPND leader's aspiration for the State House. Accusations of him being a thief or corrupt became quite common. President Lungu also warned that he would appoint a Commission to investigate Hichilema's involvement in the privatization.

On the other hand, the UPND leadership together with other opposition parties, particularly the leader of the Democratic Party, Harry Kalaba have focused their personal campaigns on the alleged large-scale corruption of the leadership of the PF. They contend that corruption has had a negative impact on the people's standard of living as PF leaders have enriched themselves at the expense of "impoverished citizens". There have been constant accusations that the PF has used huge amounts of public resources to bribe councillors to defect to the ruling party in the party's strongholds, in particular, Western and North-western provinces and UPND Members of Parliament to vote for the controversial Bill 10⁶⁶. Particular cases of corruption referred to include the 48 houses without an owner issue and the expired medicines procured by the Ministry of Health. In January 2021 Mr. Kalaba made a statement concerning corruption in PF when he said that President Lungu has weakened the two bodies that are tasked to fight corruption; the Anti-corruption Commission and Drug Enforcement Commission.

9.3. Issues of Ethnicity in the Campaigns

The issue of ethnicity that had been dominant in the period immediately after the 2015 and 2016 elections has somewhat come up in the 2021 elections campaign period. **The message that the PF is trying to put across the electorate is that Mr. Hichilema and the UPND are promoting tribalism and questioned Mr. Hichilema's suitability to be the country's president as well as that of UPND as a governing party.** On the other hand, the UPND have looked at the PF as promoting the hegemony of one ethnic group which they argue has undermined national unity and that people should not vote for it.

The UPND has been accusing the PF of being responsible for the division in the country. **Although the UPND leadership has not been as open as their PF counterparts, they have issues with what they perceived as the political dominance of “tribe” and constantly appeal to the electorate to end this dominance.** Towards this position, the party’s vice president wrote on her Facebook page, “Zambia is bigger than any tribe and no single tribe is superior to others. Every part of Zambia has an inviolable right to produce a president, and that must be respected. Politics should never be about tribal hegemony but development and unity.”⁶⁷

The accusation of tribalism against the UPND and Mr. Hichilema has been a central theme of the campaign by several PF leaders although the most consistent one has been Mr. Chishimba Kambwili who has made the issue almost his single campaign issue from the time he rejoined the PF after leaving his party and the UPND led alliance. These sentiments by the PF leaders have been directed to the electorate in Northern, Luapula, Muchinga and Eastern provinces not to vote for Mr. Hichilema.

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https://mobile.facebook.com/nalumangomutale/photos/a.107270824090984/207031380781594/?type=3&source=57&_rdc=1&_rdr

