FOUNDATION FOR DEMOCRATIC PROCESS
(FODEP)

Post-Election Statement

The Foundation for Democratic Process (FODEP) wishes to congratulate the Zambian people for turning up in large numbers to vote in this year's general election. The national turnout of 56.4 percent and up to 78 percent in some constituencies shows that citizens took their civic duty seriously. Taking place under a new Constitution and new electoral laws, the election posed daunting challenges to the Electoral Commission of Zambia (ECZ) and in some cases to voters as well.

We wish to congratulate all candidates and political parties for participating in the elections and specifically those who were elected to various positions as councillors, mayors or council chairpersons and members of parliament. We also wish to congratulate and thank co-operating partners, monitors and all stakeholders for their contributions to the elections.

Specifically, FODEP wishes to congratulate His Excellency President Edgar Chagwa Lungu for emerging winner in the highly contested election and his running mate Ms Inonge Wina.

We also congratulate the UPND and their candidate Mr Hakainde Hichilema for providing a strong challenge to the PF during the elections.

FODEP joins the nation in wishing the elected officials success in their new responsibilities and hope that they will not betray the trust bestowed on them by the electorate. Elective office calls for accountability and all those elected should know that they will be made to account at the next elections.

FODEP deployed 5,090 monitors on the day of elections, covering 60 percent of all polling stations. We were in all 10 provinces, 74 districts and 96 constituencies. Our broad coverage across space and throughout the election process enabled us to get a comprehensive picture of the electoral environment and the conduct of the poll.

The Election Day was generally peaceful in most parts of the country, with voters turning up early, sometimes as early as 02:00 hours in the morning. On the whole, voters were peaceful, orderly and patiently waited in queues for their turn to cast the votes. There was evident enthusiasm from first time voters, as majority of the voters in queues were young.

The election was held against the backdrop of inter-party violence, intimidation of opposition leaders, lack of professionalism by the police in dealing with public protests and widespread acts of bribery.

Election Day was not without incident. For instance, there were reports of violence on Election Day in Itzhi Tezhi, involving political party supporters. FODEP condemns all acts of electoral violence as they work against participation of citizens in the electoral process. Violence in any form goes against our values and should be condemned by all peace-loving Zambians. We are glad that the Police effectively dealt with such situations.

FODEP notes that while the Election Day was by and large peaceful and voting went on smoothly, there were reported cases of incompetence and inefficiency in many cases by
electoral officials, which resulted in the disenfranchisement of voters in a number of polling stations across the country.

We are also concerned at the inefficiency that characterised the result management process, where the vital GEN12 Form caused tension. In some polling stations, the GEN 12 form was not available for endorsement by stakeholders, while in some cases, it was not signed by monitors.

While we appreciate the scale of the work that had to be done on Voting Day, FODEP is of the view that the ECZ had adequate time to prepare to ensure that voting and counting were handled competently to minimise complaints and ensure credible results. We are aware that recounts were demanded in some polling stations and at totalling centres, suggesting errors by polling staff.

In addition to the broad observations made above, FODEP wishes to note specific incidences including the following;

(a) **Late opening of polling stations**
Despite long and adequate preparations and training of polling staff by ECZ, several polling stations opened late, ranging from 30 minutes to 9 hours in some polling stations. Some polling stations opened after 10:00 hours and others after 12:00 hours. The main reason for late opening was attributed to either late arrival of poll officials or of election materials. One centre where voting started late is at Kama primary school polling station where voting started at 12:00 hours. Lulambro polling station in Kaoma district opened at 11:00 hours due to late arrival of polling officials and materials arising from the breaking down of the vehicle they were using.

(b) **Late voting**
In two polling stations, one in Sioma and the other in Katombola constituency of Western and Southern provinces respectively, voters were made to vote late due to late delivery of election materials, including ballot papers. At Kalongola ward in Sioma District voting started at 06:15 but the process went on until 11:45 hours the next day. This was because of inertia and delays by polling staff. In Katombola Constituency, voting started at 15:00 hours. While ECZ extended voting in those two areas, turnout and the security of the vote may have been seriously compromised by voting at night.

(c) **Interruption of voting**
There were strange incidents involving electoral officials interrupting voting by either closing for lunch or stopping voting because ink pads had run out and were consulting as to what they should do next. Our monitors noted that at Ngwelele Polling in Mandevu Constituency the ECZ delivered poor quality ink stamps that broke down immediately voting started. In Mongu Central at Namauma polling station in Yeta Ward, Western Province, our monitors noted that voters forced themselves into the polling station because of the large number of people who had gathered to cast their votes. The impatience arose because of the slow pace at which the voting process was progressing. The police failed to maintain order for a long period before calm was restored. This may have resulted in vote stuffing in the midst of confusion. In Senga Hill constituency, Northern Province suspected UPND cadres stoned PF candidate Kapembwa Simbamo’s vehicle smashing the wind screen.
(d) **Turning away voters and disenfranchisement**
There were several incidents where female voters were wrongly turned away because they had nail polish. One such incident was reported at Silverest Polling Station, in Chongwe constituency. Some voters found that their names were not in the register or were transferred to another polling station far away, while others were unable to vote because they had been moved from the area to give room to development. For example, most people registered at Kashilu polling station could not vote because they were moved to a far-away place close to the Democratic Republic of Congo border. They were unable to travel back to Kashilu because of distance and high transport costs. In Kabwata Constituency, Lusaka, the polling station at Chilenje Middle Basic School, in Chilenje South was transferred without proper communication to voters. This left scores of voters waiting at the original location before they knew it was transferred, discouraging many from exercising their right to vote.

(e) **Inter-party violence**
At the close of polling, there were incidents of violence involving rival political parties. For example, UPND and PF supporters clashed at Solwezi Lodge in Solwezi where vehicles were damaged. PF cadres clashed with police at Shimabala Basic School in Chipangali Eastern Province.

(f) **The vote count**
Our monitors noted some incidences during the ballot counting process, which instigated delays in transmission, collation and release of final results. For instance, the PF local government candidate was declared winner instead of UPND at Lubendwe ward where a named ECZ data entry officer recorded the results erroneously. The Mayoral results for the entire Kanyama constituency went missing and were not collated for that reason.

(g) **Late release of results**
The ECZ committed itself to release the results for the presidential election in 48 hours, this was only done four days after voting. The delay in releasing results caused anxiety and suspicion from stakeholders. In future, ECZ must set realistic deadlines for itself unlike the previous experience. The Presiding Officer at Zambezi-C ward in Chawama constituency fell ill before he could submit all the reports for parliamentary and local government elections. This forced the polling staff to delay in announcement of results. The presiding officer at Wusakile main totalling centre in Kitwe went home with the G12 form that was not signed off by stakeholders, causing commotion at the collation centre and forcing delays in announcement of results.

(h) **Voting tallying of the presidential election**
FODEP notes with concern that there were serious errors in the vote tallying for the presidential election. Our monitors reported that cadres of a named political party stormed St Patrick’s Basic School polling station in Kabwata constituency, chased party agents and got away with ballot boxes. In Kanyama constituency in Lusaka, we received reports that 14,000 votes meant for the UPND presidential candidate were stuffed into the bin and had to be retrieved and added to the Kanyama total after intervention from the UPND Lusaka mayoral candidate. Further, FODEP has observed a serious discrepancy in the totalling of the presidential votes by the ECZ. In Lundazi Central constituency results announced by ECZ
show that PF candidate Edgar Lungu obtained 29,979 and UPND candidate Hakainde Hichilema got 4,975 bring the total to 34,954. However, the number of votes cast was 29,741. These kind of errors in computation of results appear to have been widespread.

Conclusion

The 2016 presidential election was marred by irregularities. While we understand that the ECZ worked under adverse conditions and did everything to deliver a credible election, there is still a lot of work to be done to address anomalies and inefficiencies that characterised this election.

But following the declaration of the winner of the presidential election on Monday 15 August, 2016, being the PF candidate, Edgar Chagwa Lungu, FODEP calls on the PF and its leaders to celebrate peacefully and avoid provoking supporters of other parties. The result was close and the winners should respect the losers, who are also quite substantial. Half of the electorate did not vote for the winning candidate. It is therefore important that the winners recognise the right of those who voted for other candidates. Freedom entails respecting the rights of others.

FODEP is saddened by acts of violence by supporters of both the winning and losing parties in Lusaka, Solwezi, Monze, Mongu and other towns which resulted in loss of life and property. We strongly appeal to all Zambians to embrace each other following the elections. Electoral competition should not be turned into war, it is a competition to serve the people. We hope Police and other security agencies will preserve safety of individuals and property during this transition leading to the inauguration of the President-elect.

However, FODEP is mindful that should there be an election petition, transition arrangements as spelt out in the Constitution will be invoked. We hope all those charged with the task of enforcing the law will play their part to ensure that the country is not thrown into a constitutional crisis.

Considering the scale of irregularities and lack of transparency in the transmission, counting, and announcement of results, FODEP is of the view that the just-ended election failed to adhere to the republican Constitution, Electoral Process Act, regional and international standards for a free, fair and credible election.

We appeal to the losers of this election, especially the UPND to exercise maximum restraint. Where they may not be satisfied with the result, we wish to encourage them to follow legal procedures. The Constitution of Zambia, Act number 2 and the Electoral Process Act provides legal avenues that can be used in case of disputes over election results.

The main winners of these elections are the Zambian people whose views and assessment of the contestants was expressed through their vote.

Both winners and losers in this election should look at the results and recognise that the results themselves are an expression of the people’s will.

I thank you.

Shepherd Chilombe
FODEP PRESIDENT