

INDEPENDENCE AND “FREE AND FAIR” ELECTIONS

Peter Henriot

Do I exaggerate to say that there is a growing concern across the country about the possibility that the presidential by-elections scheduled for 30 October might not be “free and fair”? Yes, that’s indeed a dangerous question to raise, now less than ten days away from Election Day. But it’s a question that should be honestly faced, especially as we celebrate 44 years of Independence this Friday, 24 October. For Independence gave Zambians that most precious power -- the right to vote – a power that needs nurturing and protecting.

In the Pastoral Letter read last Sunday in churches all over Zambia, our Protestant, Catholic and Evangelical church leaders reminded us that this really is an “historical moment,” providing us with an opportunity for Zambia “to show an example of political maturity, an example so very much needed in our strife-ridden continent of Africa.”

But can we honestly say that insults, threats, distribution of gifts, illegal use of resources, fears of rigging, media bias and failure to prosecute offenders are signs of “political maturity”? Should we not be seriously concerned that Zambia might be in danger of slipping into the chaos of Kenya or Zimbabwe rather than offering an example of good democratic process and honest electoral outcome?

I raise these questions because in the past few days I’ve been listening to Zambians of many different partisan persuasions from different parts of the country who are indeed deeply worried. And the failure of our major presidential contenders – or their praise-singing supporters -- to directly and forcefully address these worries is all the more worrisome! As Independence Day approaches this coming Friday, I believe that Zambians should demand that the candidates take some strong and necessary steps to assure that elections will indeed be free and fair.

POSSIBLE RIGGING?

For instance, let’s acknowledge that the printing, shipping and distributing of ballot papers has been very messy and deeply disturbing. Is it true that things are now “OK”? But there are plenty of suspicions around and unless clear steps are immediately put in place to deal with these suspicions, we will face some disturbing post-election court cases.

In addressing the potential for rigging, I don’t think that the concern expressed by the Inspector General of the Police was correctly placed. Zambians aren’t likely to accuse police personnel themselves of hands-on rigging – e.g., personally stuffing ballot boxes. But they are wondering whether the police will immediately and impartially act to prevent such rigging when they see it or any other violation of the electoral code such as illegal use of government vehicles. If high government officials or Ruling Party leaders are involved in some irregularities, will ordinary police feel free enough – and brave enough – to move in with arrests?

MISUSE OF VEHICLES?

Take the instance of misuse of government vehicles to move people around for party purposes. Can the highest government officials publicly declare that there truly has been no misuse at all in the past few weeks? Eye-witness reports and clear photographs raise very serious questions and lead to questioning such declarations.

The electoral code is very clear. That's why it's difficult to understand or to accept how government officials can be transported to strictly political rallies, let alone cadres and partisan supporters. Surely the Acting President must move around to official state business by using government vehicles and the law provides for that. But no reading of the Electoral Act would define addressing political rallies or visiting traditional rulers to solicit political support as official state business that should be paid for from taxes of citizens.

Moreover, is it true, or simply partisan journalistic fabrication, that school children have been forced to leave school to attend political rallies, or teachers obliged to abandon classes to go to listen to partisan instructions? If evidence backing up those abuses exists, it should be immediately submitted to the Electoral Commission for proper legal action to be taken.

THREATS AND MEDIA

How "free and fair" can elections be expected to be if some candidates pre-judge the outcome by saying that they are so sure of winning that they would not accept losing? This is a potential call for post-election violence and has rightly been criticised. Threats from any source in this campaign should be stringently avoided and wholeheartedly condemned. That includes threats against the media.

Speaking of the media, it is honest to say that there has been some partial improvement of coverage of opposition candidates in the state-owned and government-controlled media, electronic and print. But only "partial" improvement. Yes, some interviews of opposition candidates and some front page stories – that's good!

But an independent viewer of national television still must wonder whether the opposition does in fact hold rallies, visit sites or sponsor press conferences. It certainly isn't balanced reporting to simply say, after 15 minutes of Ruling Party news, that there are three other candidates running for the highest office. And why don't opposition candidates earn more prominent headlines in government newspapers?

The independent press – especially the most prominent one which you are now holding in your hand and reading – has shown very strong bias against the Ruling Party candidate, both in reporting and in editorials. But at least it gives wide coverage to the Ruling Party rallies, statements and gatherings – even when its reporters are threatened, chased or physically abused!

PRO-ACTIVE ELECTORAL COMMISSION

So where does the general public in Zambia turn to look for assurance that we will indeed have "free and fair" elections, giving the people a candidate that they truly want? SADC can send observers, embassies and high commissions can sponsor oversight, and civil society can turn out thousands of monitors. But in the final analysis, all eyes are turned on the Electoral Commission of Zambia (ECZ).

Whether just or not, the ECZ has been coming under plenty of criticism in the past several weeks. Some steps at promoting good elections are being taken, at least through a large advertising campaign to get out voters on 30 October. But there seems to be a general feeling that the ECZ is not taking a strong pro-active lead in challenging the gifts given, the use of vehicles, the threatening language, the media bias, etc. Some rather weak explanations have been offered for its lack of forceful actions.

Surely the new Zambian Constitution must strengthen the independent status and the legal powers of the ECZ if citizens are to trust its character and record. But right now we need quicker and tougher action if, in the words of the churches' Pastoral Statement, "elections that really reflect the desires of the majority of the people are to be assured."

I think that in addressing the issue of whether the 30 October presidential by-elections will be "free and fair" it is good to remember something the Zambian Catholic bishops wrote prior to the 2006 elections: "In nation building, there are no winners or losers. We either win together or lose together."

Surely that is a lesson worth reflecting on for Independence Day and worth acting on for Election Day. God Bless Zambia!

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