



Project Background

Zambia has witnessed a rise in the number of contested elections arising from disputed election results in the last decade. Elections results have been hotly contested leading, in some cases, to violent demonstrations that resulted in loss of life. In addition, the country has also seen an increase in presidential election outcomes being determined by the courts of law, as was the case in 1996, 2001, and 2016. Following the 2016 parliamentary election, for example, 86 petitions were filed of which 23 were withdrawn or discontinued, four were dismissed at a preliminary stage, 53 were heard and the elections upheld, and six were heard and the elections nullified.

The pattern emerging from these petitions is that they are always, with exception of a few, dismissed for lack of evidence and/or on procedural grounds. Petitions are often half backed, not supported by evidence of malfeasance and in some cases not properly brought/filed before the courts. This points to the inability of political parties and their legal teams to put in place robust oversight mechanisms of the electoral process that assists in the collection of evidence to prove electoral malfeasance. More disturbing, it points to the inability of political parties to provide competent court challenges when provided with the opportunity to do so. This raises questions on the capacity of political parties to establish and manage the operational structures required to allow for the timely codification, transmission, treatment, and analysis of all information collected by their agents in the field to support election petitions. It also points to poorly structured design of the training of legal officers in political parties on how to file evidence-based petitions. Furthermore, political parties lack capacity to launch effective petitions and technical support to do so.

It is almost inevitable during electoral competition that disputes will arise, and so effective electoral dispute resolution mechanisms are vital because such disputes, have the potential to undermine the integrity of the electoral process and lead to either overt or covert social conflict. Zambia has robust systems of election dispute resolution (EDR). However, access to these mechanisms has been fraught with challenges.

About Support to the Electoral Dispute Resolution Oversight and Capacity Building Zambia (SEDROBZ)

It is with the foregoing in mind that the Southern African Institute for Policy Research (SAIPAR) with support from the Open Society Initiative for Southern Africa (OSISA) is launching the Support to the Electoral Dispute Resolution Oversight and Capacity Building Zambia (SEDROBZ) project. The overall goal of the project is to contribute towards increased awareness and knowledge on accessing Election Dispute Resolution in Zambia and thus contribute towards a peaceful, inclusive, transparent, and credible electoral process in 2021 elections in Zambia. The project has two broad objectives of:

Our Objectives

1. To foster multi-stakeholder partnerships to strengthen election dispute resolution mechanisms and advocate for their reforms.

Activities:

- **Assessment of the EDR mechanisms in Zambia**
The aim of the assessment is to assess effectiveness of EDR system in the country. The assessment will seek identify restrictions on legal standing and shortcomings related to dismissal of cases on formal and informal grounds.
- **Tracking of EDR Cases in the 2021 election cycle**
The aim of the exercise is to provide an in-depth analysis of the shortcomings in the existing legal framework as well as the current practice in adjudication of electoral matters both within the Election Administration and the Zambian judiciary.

2. To strengthen the capacity of political parties on accessing electoral dispute mechanisms in Zambia.

Activities

- **Capacity building of political parties on effective EDR access.**
This activity will seek to provide political parties with tools and knowledge to access election dispute resolution mechanisms.
- **Provision of a one stop advisory framework for political parties on how to access EDR.**
The one stop advisory services shop will be set up within the DEMOG framework. Services include determining whether complaints can be filed or not, the courts/mechanisms to approach and the format of filing the petitions. Services will not include litigating on behalf of the political party.

Who are our main stakeholders?

Political Parties, voters, candidates, and civil society organizations (CSOs) are always the most important participants in the electoral process. Regarding the resolution of electoral disputes, a critical issue for these groups is that of locus standi, or who can bring an action to court. Every voter, candidate, political party, and other interested parties such as CSOs has the right to seek redress when they feel that their electoral rights have been violated. The project will interact with the Electoral Commission of Zambia, the Judiciary and Alternative Dispute Resolution (ADR) Mechanisms set up to resolve disputes at national and local level such as Conflict Management Committees and Political Parties Liaison Committees. The key stakeholders, Voters, Candidates, Political Parties and CSOs, in most cases, it would be necessary for them to have recourse to an EDR mechanisms at least at one point during the elections in the event of a dispute. The general obligations related to the right to an effective remedy, and the right to a fair and public hearing (among others) provide a strong basis from which to work with these stakeholders for the realisation of electoral justice.

For more information on the project visit our website: <https://www.sedrobz.org/>

Follow us on Facebook: <https://m.facebook.com/sedrobz>

You can email queries to infor@sedrobz.org

With support from the Open Society Initiative for Southern Africa (OSISA)

