

Zambia Electoral Analysis Project (ZEAP) Briefing paper series

Briefing Paper 3: The Impact of COVID-19 on Zambia's 2021 Election

Findings

- COVID-19 health guidelines have been used selectively to prevent opposition meetings and expressions of dissent.
- Traditional methods of campaigning - rallies and roadshows - have been banned based on their potential for spreading the virus, but the restrictions are seen to selectively disadvantage the opposition.
- The Electoral Commission of Zambia has shown a lack of capacity to strictly enforce the standard operating procedures against COVID-19 in a fair manner.

Policy Implications

- The absence of public rallies and roadshows, as well as restrictions on parties' capacity to canvass for votes may dampen voter enthusiasm to participate in the election, thereby reducing voter turnout.
- The restrictions in the number of local observers to be accredited by the Electoral Commission of Zambia ahead of this year's elections due to COVID-19, alongside the reduced number of foreign observers, may undermine the credibility of the polls.
- Restrictions on campaigning - which are seen as being selectively applied against the opposition - will undermine trust in the Electoral Commission and police and increase the likelihood of a disputed election result.
- Poor publicity and education by the Electoral Commission of Zambia about the COVID-19 standard operating procedures, such as the need for sanitisers and masks, may harm health around polling day while mass political protests after the election - if it is flawed - could act as super-spreader events.

1. Introduction

On 12 August 2021, Zambia is scheduled to hold its seventh general election since the reintroduction of multi-party politics in 1991. Sixteen candidates are vying for the presidency including incumbent Edgar Lungu, making this election the most heavily contested at presidential level in the country's history.

On paper, the leading contenders are Lungu of the governing Patriotic Front (PF) and his main challenger, Hakainde Hichilema, of the main opposition United Party for National Development (UPND), who shared 98% of the presidential vote in 2016. Two other opposition candidates, Harry Kalaba of the Democratic Party and Fred M'membe of the Socialist Party, are also widely expected to attract a token of support that could be enough to prevent Hichilema or Lungu from securing the required 50% plus one vote threshold for the winning candidate. Alongside the presidential election, polls will be held on the same day to fill the 156 seats in parliament, 116 mayoral seats and 1, 858 local government seats.

As in many African countries, Zambia has not been spared by the COVID-19 pandemic. The country is currently in a third wave driven by the Delta variant, which has increased daily cases and deaths. The number of COVID-19 cases has increased exponentially since the first two cases were detected in March 2020. For example, the number of COVID-19 cases increased from just two known cases in March 2020 to 75,202 cases by February 2021, and this doubled to over 188,000 cases by mid-July 2021.

The cumulative number of deaths due to the pandemic now stands at over 4,000, while daily deaths due to COVID-19 averaged 55 in the first two weeks of July 2021. The rising numbers of deaths as a result of the virus in the last few months has been a matter of great concern to the authorities. It has been reported that health facilities are overwhelmed with almost all major hospitals running out of beds, and mortuaries full to capacity, while even graveyards are reeling from the pressure of an increase in burials which are now between 30 and 40 per day, compared to less than 20 prior to the pandemic.

For example, deaths due to COVID-19 increased from three in March 2020 to over 4,000 as of 9 July 2021. The pandemic has claimed the lives of a number of prominent leaders in the Zambian community, including politicians

and members of the clergy. Among those who have succumbed to COVID-19 in the last few months are two parliamentarians and several leading clergymen. In the context of elections, at least three parliamentary candidates have succumbed to COVID-19. These include the aspiring candidate for the Mandevu constituency, Melody Musutu, from Zambia's United for Sustainable Development (ZUSD), and the UPND aspiring candidate for Kasenengwa, Titus Miti. After cancelling initial nominations for the constituencies due to the deaths of the two candidates, the Electoral Commission of Zambia (ECZ) has since received nominations for the affected constituencies.

2. Measures taken by the government to contain COVID-19 since March 2020

There is no doubt that the ongoing COVID-19 pandemic and its impact on the population pose severe challenges for the Zambian economy, and it has affected the livelihoods of a significant proportion of Zambian society. In trying to contain transmission, the government instituted several measures, which included partial lockdowns, quarantines, stay-at-home orders, and the closure of some non-essential businesses, including bars, nightclubs and casinos. Other measures involved restriction of air travel (there was a period when only two airports were open), especially international travel, mandatory mask wearing, restrictions on numbers at public gatherings (such as funerals, weddings, rallies), as well as handwashing and social distancing.

The observance of these measures has been mixed, as the overwhelming majority of people - especially low-income groups who live in crowded unplanned settlements - have continued going about their business without social distancing or observance of the mask mandate. Government leaders have themselves sent mixed messages, arguing that they cannot enforce a mandatory lockdown, as has been the case in other countries. Their argument

is that many Zambians would be negatively affected, particularly those who depend for their livelihoods on the informal sector.

President Edgar Lungu, at his second public address to the nation on 24 April 2020, said: "we have to make a choice between life or livelihood or both". In his view, Zambia has no capacity to enforce a complete lockdown as was the case in South Africa and Zimbabwe, as it would hurt a significant proportion of the population. However, even with that declaration by the head of state, the restrictions announced in March 2020 had a serious impact on a number of businesses, especially the tourism industry, where a United Nations Development Programme (UNDP) rapid assessment study estimated that the partial lockdown resulted in the loss of at least 60% of existing jobs. A conservative estimate has put total job losses at around 48,330 in the retail and tourism sectors alone. Recently, President Lungu told market traders that government would not close markets, despite the crowding that characterises public markets in Lusaka and other urban centres in Zambia. Markets account for the vast majority of food purchases, with Soweto Market in the capital city, Lusaka, playing host to over 7,200 marketeers (according to the United States Agency for International Development (USAID)), and serving tens of thousands of people daily.

In response to the spike in the number of COVID-19 cases in the country and its potential to adversely affect the conduct of the elections, the Electoral Commission of Zambia adopted Standard Operating Procedures Against COVID-19 in February 2021, which are essentially general protective measures aimed at protecting voters, election officials and other stakeholders in the electoral process. They included: the provision of face masks and mandatory wearing of the same for all electoral officials; enforcement of the rules of physical distancing at all electoral activities; electoral publicity and education materials to contain COVID-19; awareness messages on the “Five Golden Rules”; the need for political parties to use mobile public address systems or a loudspeaker; flyers; masking; and to ensure strict adherence to COVID-19 guidelines during campaign activities. The measures also require the Zambia Police to ensure crowd management, control, and fair enforcement of the adherence to COVID-19 guidelines. The observance of these measures has been mixed, as many of these health guidelines have been used selectively to prevent opposition meetings and expressions of dissent (see below). Another important reason why these measures have proved ineffective, in addition to the government’s unwillingness to enforce them to ensure the safety of voters, is that political parties, especially the larger parties, prefer direct contact with voters through large rallies. In the recent by-elections - at parliamentary, council chairperson and ward levels - political parties went about their campaigns in the usual traditional way - holding rallies and public meetings, both outdoor and indoor. There are several explanations for this.

A vast number of people in both urban and rural areas do not wear masks, not because they do not want to, but because they simply cannot afford them. Secondly, the enforcement of mask wearing has become problematic as it requires a massive deployment of security personnel

and provision of masks in the first place. Thirdly, the cavalier attitude towards mask wearing is informed by a perception that COVID-19 is not that serious and may simply affect the well-to-do or those who travel abroad. It does not help that several political leaders, including President Lungu, have continued to hold mass gatherings at a time when the government is restricting physical meetings and advertising social distancing as effective responses to containing the spread of COVID-19. In effect, such actions undermine the government’s health guidelines or policies by communicating conflicting messages to the public. The problem is that in the absence of enforceable guidelines and effective responses to the COVID-19 pandemic, the number of cases may rise, including on election day when queues are expected to form.

3. Politicisation of COVID-19

At the political level, the authorities have used the Public Order Act and the two statutory instruments that were put in place to deal with COVID-19 to restrict the holding of public rallies. For example, for much of 2020 and early 2021, planned opposition rallies and meetings were not sanctioned by police, who cited COVID-19 social distancing guidelines.¹ However, President Edgar Lungu and other government leaders held public meetings, including crowded campaign meetings last year, which did not follow WHO guidelines, with many people not wearing masks.² Election campaigns for the Chilubi by-elections last year also saw a selective application of the Public Order Act and COVID-19 guidelines in order to disadvantage the opposition.³

More recently, on 21 April 2021, at the launch of his party’s election manifesto, President Edgar Lungu ordered the Zambia Police and the Ministry of Health to strictly enforce COVID-19 guidelines and to disallow public rallies. He made the pronouncement at Mulungushi Conference Centre in Lusaka, attended by thousands of his

supporters, most of whom neither wore masks nor observed social distancing. A few days later, the ECZ banned political parties from holding public rallies and road shows.

The decision by the ECZ to ban public rallies and roadshows was premised on the fact that these were super-spreader events which could result in the transmission of coronavirus. However, public meetings organised by the President and Vice President have continued to attract large crowds, where most of those attending are not wearing masks or observing social distancing.⁴ The conflation between party and state is evident in that the PF's presidential running mate, Nkandu Luo, has been availed with access to public facilities by flying with the Vice President Inonge Wina to meet chiefs in Western, Eastern and Northern Provinces - ostensibly on government business. Meanwhile, there have been allegations - dismissed by the authorities - that the main opposition UPND has been denied the relevant permits to fly their helicopters, meaning that they can only travel by road - severely curtailing their ability to traverse the country.⁵

The major political parties have complained against the measures taken by ECZ that seem to predominantly disadvantage the opposition. The ruling party, President and Vice President have continued campaigning under the guise of inspecting developmental projects, inspecting COVID-19 compliance and undertaking COVID-19 sensitisation. They have been visiting traditional rulers canvassing for their electoral support and there is evidence that these events attract huge numbers of supporters, when that should not be the case if the ban by the ECZ was enforced equally by the police. More recently, in mid-July 2021, President Lungu attempted to circumvent the restrictions on public meetings by embarking on what he called face mask distribution to the poor throughout the country, an exercise that both attracted huge numbers of people and served as a campaign strategy. When the police

and the electoral body failed to sanction or stop him, the opposition followed Lungu's example and started a nationwide face mask distribution campaign that also attracted even larger crowds. On 26 July 2021 the police swiftly responded by banning the face mask distribution exercise on ground that it violated the COVID-19 regulations.

On 12 July 2021, the ECZ announced plans to reduce the number of local observers or monitors to be accredited ahead of this year's elections to five per constituency and one per polling district, due to COVID-19. Civil society and political parties have raised objections to these restrictions and called on the commission to allow parties and civic bodies to deploy at least two observers in each polling station.⁶ If implemented, the measure announced by the ECZ is likely to leave several polling stations without monitors and consequently undermine the credibility and transparency of the election results. It does not help that most foreign election observation mission groups - for example, SADC, Commonwealth, Carter Centre - who could have complemented the local monitors, are only deploying small delegations that will cover only a small percentage of the 156 constituencies and the over 12, 000 polling stations.

4. Impact of COVID-19 on elections

The decision by ECZ to ban public rallies and roadshows will have an adverse impact on the election campaigns by different parties. Public rallies are the traditional method by which political parties reach the electorate, with Afrobarometer survey findings suggesting that more than 60% of Zambians attended a rally in the 2016 elections. Their suspension will have a serious impact on political parties' ability to canvass for votes.

This is especially the case given dramatically unequal access to information. Most voters lack

internet access - according to the World Bank, only 14% of Zambians, mainly in urban areas, have internet access - and many parties are unable to place advertisements on radio and television due to the exorbitant costs and the state broadcaster ZNBC's bias in favour of the ruling party.

The suggestion by ECZ that political parties should utilise door-to-door or internet canvassing is not informed by experience. Zambian political parties have little experience with door-to-door or internet canvassing. In fact, even the door-to-door campaigns appear to have been banned, as they were also resulting in violence between the parties. The violence between UPND and PF in Lusaka arose from door-to-door campaigns.

While acknowledging the severity of the COVID-19 pandemic, the ECZ should have devised measures that are seen to be proportional, fair, and equitable, and ensured they are equally enforced and observed by

all parties. This has not been the case, which deepens distrust in the ECZ and other state institutions such as the police and increases the likelihood of a disputed election result.

There is no doubt that the COVID-19 pandemic has been politicised, to an extent that the ruling party has deployed funds from the Disaster Management and Mitigation Unit (DMMU) to print masks branded in party colours for free distribution to its supporters, including to marketeers. The funds from the DMMU and Citizens Economic Empowerment Commission (CEEC) were also availed to PF youths under the banner of "youth empowerment", to enable party cadres set up small businesses for printing masks which were then sold to the government or DMMU for free distribution. It is understood that when the opposition UPND proposed to print branded masks the government opposed the idea.

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5. Conclusion

As the COVID-19 pandemic has continued to ravage the country and as cases and deaths escalate, there are growing concerns that it may affect the safe holding of this year's elections. There are fears that the elections may be postponed due to COVID-19.

It is recognised that elections are important events that thrive on participation, transparency and public confidence to ensure their credibility. Thus the response to COVID-19 ahead of the elections poses significant challenges to government in relation to the degree of rights that can be enjoyed by citizens, including the right to freely campaign and for the electorate to receive campaign messages.

Indeed, the government and ECZ are faced with a balancing act, either to protect the population from infection or to adhere to constitutionally-mandated election guidelines. Unlike advanced democracies' alternatives to in-person voting such as those that provide for early voting and postal voting, many African countries - including Zambia - lack such provisions. In the absence of alternatives, this leaves the integrity of elections during COVID-19 pandemic particularly at risk.

References

¹For instance, in July 2020, police on the Copperbelt, using the pretext of COVID-19 and violations of the Public Order Act, arrested seven leaders of the opposition UPND who had convened a meeting at a private home to conduct lower-level internal party elections. For details, see Natasha Sakala, “We were arrested for holding elections in the bush - Beyani”, *News Diggers*, 29 July 2020.

² For instance, several media reports have shown PF campaign leaders such as Chishimba Kambwili, Inonge Wina and Nkandu Luo conducting public meetings while the opposition parties are prohibited from doing so on grounds of COVID-19 restrictions. This lack of a level playing field prompted the United States Ambassador to Zambia to question the unfair application of the COVID regulations. For details, see <https://diggers.news/local/2021/07/14/us-embassy-questions-restrictions-on-opposition-parties-while-govt-officials-campaign/>

³ Interview, Neo Simutanyi, 18 July 2021, Lusaka.

⁴ Julian Malunga, “Scores defy Covid-19 rules to witness Lungu’s launch of Kafue overpass”, *News Diggers*, 4 August 2020.

⁵ For details, see <https://www.phoenixfm.co.zm/news/civil-aviation-authority-dismisses-allegations-it-denied-5-upnd-campaign-choppers-air-flight-rights/>

⁶ Masuzyo Chakwe, ‘Organisations wishing to monitor elections should no be unnecessarily restricted, CCMG tells ECZ’, *The Mast*, 23 July 2021.

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