

THE NATURE AND EXTENT OF CORRUPT PRACTICES IN PARLIAMENTARY ELECTIONS IN ZAMBIA

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ABSTRACT

Free and fair elections are the fundamentals of a democratic state as they serve as a yardstick by which the free will of the people is expressed. However, it has been observed that as long as elections have been held, they have been prone to being corrupted. Zambia's Electoral Process Act, Number 35 of 2016 just like its forerunner the Electoral Act No. 12 of 2006, has been enacted to combat corrupt practices in parliamentary elections. The interpretation and enforcement of the Act is through court process as the fate of the candidate who engages in corrupt practices during elections is determined by the court. The Judge as noted by the realist theory of law, uses his experience, precedents and skills to make such a determination. The study revealed that the causes of corrupt practices in Zambia are *inter alia*, patronage and a lack of campaign finance laws. The 'freeness and fairness' of elections demand that parties compete on a level playing field, thus if one party has access to more finances than the other, chances are that it would compete more favourably. Due to the secretive nature in which corrupt practices occur, research reveals that the easiest way to measure them is through reports such as those issued by the Electoral Commission of Zambia and various consortium of civil societies and court Judgments. This study was qualitative in nature and implored the doctrinal approach in order to investigate the nature and extent of corrupt practices and recommends that patronage should be criminalised and campaign finance laws, enacted.

Key words

Free and fair elections, corrupt practices, bribery, election petitions, political parties, patronage.

1.0 Introduction and Background

The concept of elections is closely linked to Democracy as the two phenomenon intersect in three principles; the principles of fairness in choice, participation and representativeness. These entail that the citizenry freely choose, participate and are represented in their chosen form of governance, without any irrational barriers perpetrated by other citizens or the State. Therefore, an essential element of democracy is elections. It is the periodic and regular holding of elections that is the condition precedent for sustained democracy.¹ Therefore, government's authority to rule directly comes from the people's consent through their vote and it is through elections that a government's popularity or lack thereof is assessed.² In the discourse on elections, it is emphasized that free and fair elections and not just mere elections should be the norm as they are a necessary phenomenon in a democratic state.³ A 'free' election is said to be one whose attendant electoral process, expressed in the fulfilment of civil and political rights namely, freedom of expression, assembly, association and movement by the populace in a peaceful environment that is free of intimidation, coercion and violence. And a 'fair' election refers to an electoral process whose electoral conditions are equal for all parties concerned.⁴ Further, 'free and fair' simply mean that no one person in the electoral process, is oppressed by another by subjecting his/her personal, social and political right, freedom of thought and choice, to a legal restraint.⁵ That in expressing his right to cast a vote, one is not under any undue influence of party authority or whatever else and that he/she is not under the strain of corrupt practices.⁶ However, it has been observed that since the primeval times of Athens and Sparta, two and a half thousand years ago, there have been attempts to corrupt elections. That issues of vote - buying and deception in elections were characteristic then as well as in early modern elections across the world.⁷ These problems have preoccupied electoral processes in basically all modern-day states and there is proof to suggest that electoral corruption may be growing as a problem.⁸ As the study unfolds, it will show that Zambia's electoral system has also been swamped with incidences of electoral corruption.

¹ CSEC Report on Zambia's 2011 Tripartite Elections, CSEC Secretariat C/O Caritas Zambia, Kambendekela House Lusaka p12

² Anold Moyo .Free and Fair Elections: The essentials of the democratic process.(JCTR Policy Brief 2011) p5

³ Anold Moyo p5

⁴ Anold Moyo,p5

⁵ Akhil Kumar. International Journal of Multidisciplinary Approach and Studies No. 01(2014): 217-232. Accessed on April 27 2016 url:www.academia.edu/9168178/Election_Laws_and_Corrupt_Practice_in_India

⁶ Akhil Kumar, 217-232

⁷ Staveley, E. S. Greek and Roman Voting and Elections.(London: Thames and Hudson) 1972 p87

⁸ Akhil Kumar, Election Laws and Corrupt Practice in India, International Journal of Multidisciplinary Approach and Studies.No. 01(2014) : 217-232. Accessed April 27 2016

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1.2 Methodology

This study was qualitative in nature as it involved a descriptive analysis of data. It also adopted the doctrinal methodology.⁹ This methodology relies heavily on ‘black-letter’ law to approach, explain and understand the law. Its ultimate objective is to standardize, correct and simplify the law on any particular theme by using a distinctive method of analysis to authoritative texts that consist of primary and secondary sources.¹⁰ Therefore the primary sources of the law that were called to aid were court Judgments and statutes. The secondary sources included journals and other texts.

The study also employed the purposive sampling method to collect the qualitative data through informal interviews. This method was used for the simple reason that due to the nature of the study, this type of sampling was the most realistic way of collecting data as only professionals with the knowledge or experiences relevant to the study were approached for information. Additionally, it was advantageous to use this technique as it involved smaller costs, time, resources and the researcher was able to control the nature of the interview.¹¹

1.3 Results

The study found that corrupt practices in parliamentary elections have increased over the years as revealed by the measurement techniques implored in the study. It also revealed that the Electoral Process Act No. 35 of 2016 just like its predecessor, the Electoral Act No. 12 of 2006 provides for the manner in which to deal with candidates who are alleged to have committed corrupt practices in parliamentary elections, through an election petition. This approach is reactive as it only addresses allegations of corrupt practices *ex post facto* when an election petition is brought before court, instead of putting in place preventative measures such as making provision for campaign finance laws. Such laws are meant to create a level playing field for candidates, thereby promoting fair elections because once candidates are left to their own devices and allowed to use finances indiscriminately, it distorts the level playing field, which is an essential

⁹ McConville and Wing Hong Chui (eds). Research Methods for Law.(Edinburgh : Edinburgh University Press 2007) p17

¹⁰ Mike McConville.p4

¹¹ Francis, J.J., Johnson, M., Robertson,C.,Glidewell, L.,Enthwistle, V., Eccles,M.P.and Grimshaw,J.M.What is an adequate sample size? Operationalizing data saturation for theory based interview studies. *Psychology and Health*, .(2010) 25,1229-1245.

element in free and fair elections. Further, the study also brought to the fore some of the social causes of corrupt practices, that is, patronage. It revealed that patronage is not adequately addressed by Zambia's electoral laws, therefore the scourge has and continues to grow as it has become the norm that the electorate expect candidates to provide pecuniary rewards during elections. The study therefore recommended that campaign finance laws be operationalized as the Constitution of Zambia (Amendment) Act No. 2 of 2016 now makes provision for the Electoral Commission of Zambia (ECZ) to make regulations dealing with campaign finance. Additionally, patronage should be adequately provided for in the EPA.

1.4 Discussion.

Electoral corruption typically occurs when 'political leaders or elected officials, entrusted with public authority to represent the interests of the public, involve themselves in manipulative acts and granting favours. This also entails corruption within the political and electoral processes.'¹²

The defining element of electoral corruption is the misuse of electoral establishments for individual or political gain. It manifests itself in three categories, according to object: 'firstly, the manipulation of rules (the legal framework), the manipulation of voters and the manipulation of voting (electoral administration).'¹³ The manipulation of rules involves the bending of electoral laws to the advantage of one party or candidate in an election. Studies have shown that electoral rules are manipulated to a certain extent in nearly all states, democratic or otherwise, however electoral rule manipulation can be categorised as a type of electoral corruption when it acutely misrepresents the level playing field required in elections, this can be seen, when the set of laws governing candidacy prevent certain political candidates from taking part in elections, or when a large proportion of the adult population is barred from the franchise.¹⁴

Manipulation of voters is twofold, that is, distorting voters' 'preferences and swaying preference expression'. 'Voters preferences' are misrepresented in ways that involve illegal forms of campaigning such as campaign strategies that are deceptive, activities that are in violation of campaign finance laws usually through over-spending, making use of state resources in order to

¹² APNAC, Handbook on Anti – Corruption for Parliamentarians – Zambia. (Lusaka-New Horizon Printing Press 2012) p9

¹³ Sarah Birch, Electoral corruption. Institute for Democracy & Conflict Resolution – Briefing paper (London:Essex University) 2011 p2. Available at www.essex.ac.uk/government accessed on 20th December 2016

¹⁴ Sarah Birch p3

support the campaign of a preferred candidate or party, or severe partiality in media coverage of the election campaigns. These practices are intended to vary the voters' 'true preferences'. The other main form of voter manipulation is that which involves the variation of how preferences are expressed at the polling station, this takes place through vote-buying or intimidation of the electorate with the aim of increasing the vote tally of a specific political force.¹⁵

Finally, the manipulation of voting occurs in different forms of electoral maladministration, ranging from the typical acts of fraud such as personation, ballot-box stuffing, misreporting to other more clever acts that tilt the conduct of an election in favour or against a particular candidate.¹⁶ The above three categories in which electoral corruption exists give an informative view of the many ways in which elections may be corrupted.

The Electoral Process Act¹⁷ (hereinafter referred to as the EPA) just like its forerunner, the Electoral Act¹⁸, is aimed at fighting corrupt practices in parliamentary elections. The EPA defines "corrupt practice" as "any conduct which is declared to be a corrupt practice in accordance with section 81". By the use of the word 'declared', the Act envisages a situation where the court interprets a given set of facts as falling within the ambit of section 81 and declares it as amounting to a corrupt practice. Indeed Black's Law Dictionary,¹⁹ defines a declaration to also mean a judicial declaration. A look at section 81 of the EPA, reveals that a corrupt practice is now limited to bribery and therefore making a corrupt practice synonymous to bribery. Previously, the recently repealed Electoral Act No. 12 of 2006 in sections 79 to 82, defined corrupt practices to mean any incidents of bribery, impersonation, treating and undue influence. Therefore, in many election petitions decided pursuant to the repealed Electoral Act, the High Court, for all intents and purposes, when rendering a judgment made specific findings of, for example 'a corrupt practice of treating or corrupt practice of undue influence'²⁰

The definition of a corrupt practice in section 81 being akin to bribery leaves one to wonder as to what really is bribery. Zambia's National Anti Corruption Policy of 2009 defines bribery as "the act of offering someone money or other valuables, in order to persuade him/her to do or not to do something".

¹⁵ Sarah Birch p3

¹⁶ Sarah Birch, Electoral corruption. Institute for Democracy & Conflict Resolution – Briefing paper (London:Essex University) 2011 p2. Available at www.essex.ac.uk/government accessed on 20th December 2016

¹⁷ Act. No. 35 of 2016

¹⁸ Act No. 12 of 2006

¹⁹ Bryan A. Garner 8th edition(Minnesota: West Publishing Company, 2004)P436

²⁰ See the cases of *Levison Achitenji Mumba v Peter William Mazyambe Daka SCZ/8/2002* and *Victor Chibvumbu Kachaka v Simasiku Namakando* and ECZ Appeal no. 163/2002 both decided under 1991 Electoral Act

It is a well known fact that expending large sums of money during elections ultimately influences the final result, and thus, for one to succeed in an election, a candidate and/ or his/her supporters usually promise various types of gifts or pledges of any gratification to the electorate. The electorate may be compensated in appreciation for voting for a particular candidate or for refraining from voting for a particular person.²¹ Large sums of money may be spent for purposes of entertaining voters, free transportation or other benefits may be given directly or indirectly in cash or kind to powerful persons or to the ordinary voters. Whichever gratification made with the intention that it corrupts the transparency of elections, comes within the ambit of the corrupt practice of bribery.²²

Bribery is the most serious of all election offences and a person is found guilty of bribery if, directly or indirectly, he gives any money or procures any office to or for any voter in order to induce any voter to vote or refrain from voting completely or corruptly does any of these things, after election day on account of how a person voted.²³ Additionally, Cullinan J citing the **Sligo Borough Case**²⁴ in **Paul John Firmino Lusaka vs John Cheelo**²⁵ said that ‘to constitute the offence of bribery, it does not matter how long before the election a bribe is given, provided the bribe is operative at the time of the election.’

An incident of indirect bribery connotes a situation whereby a person presents a person with a gift (or secures any office to induce the receiver to seek to secure the vote of a third party. Even in an instance where the gift or procurement is not made for that purpose of possibly inducing a vote, the conduct usually amounts to the corrupt practice of bribery if the result of the action is such that a vote is secured. Therefore, to ensure that just about every kind of inducement is covered, the definition of “gives any money” includes any kind of financial transaction namely loans, promises to procure money and all other forms of valuable consideration; and references to “procuring any office” covers any office, place or employment.²⁶ The only act associated with the corrupt practice of bribery which is somehow omitted from this wide ranging offence is a request for bribes. It is not an offence to ask for a bribe although to give or receive one is.²⁷ This study holds the view that requesting for a bribe should also be penalised by our laws as that is what stimulates the system of patronage.

²¹ Akhil Kumar, Election Laws and Corrupt Practice in India, International Journal of Multidisciplinary Approach and Studies.No. 01(2014) : 217-232. Accessed April 27 2016

²² Akhil Kumar

²³ H.F Rawlings Law and the Electoral Process. (London: Sweet & Maxwell ,1988) p149

²⁴ (1869) 10 M. and H. 300

²⁵ 1979) Z.R. 99 (H.C.)

²⁶ As seen in section 81 of the EPA

²⁷ H.F Rawlings. Law and the Electoral Process.. (London: Sweet & Maxwell ,1988) p149

I. Causes of Corrupt Practices

Political parties are vital players in democracies and perform admirable political and social roles. They provide a connection between the government and the citizens. They assemble voters based on their goals and interests. They choose and mentor candidates to run public office, they also manage election campaigns, formulate political agendas and policies. As for opposition political parties, they act as watchdogs on the government of the day.²⁸ However, to emerge victorious by winning a majority of parliamentary seats and subsequently control or run government, parties compete with each other for votes.

It is generally agreed that political campaigns are expensive. Parties and candidates require finances to print campaign posters, brochures and leaflets or to pay for advertisements to sell their development agenda to the electorate. They have to pay campaign staff and buy or hire equipment to organise and run campaigns. In this struggle to canvass for votes, political parties and individual candidates are often tempted to outspend each other and under pressure, they are willing to accept pay offs or illegal donations offered by wealthy donors in exchange for promises of future favours, which are over and above the set statutory limit.²⁹ In Zambia however, no rule regulates campaign finance, despite the Constitution (Amendment) Act No.2 of 2016 providing for campaign finance, there are no regulations to operationalize it.³⁰ Thus there are no spending limits or requirements to report on campaign donations and expenditure, thus foreclosing the obligation for accountability and transparency in this regard.³¹ It is reported that in the run up to the 2011 general elections the ruling party MMD's campaign had the most significant financial resources in the history of Zambia's elections.³² Most stakeholders that were interviewed decried the imbalanced access to funding as a key concern and that it was clear to

²⁸ Verena Blechinger Corruption and Political Parties Management Systems International (600 Water Street, SW, Washington, DC November 2002) p9

²⁹ Verena Blechinger p9

³⁰ Marie Chene, Overview of Corruption in Zambia, U4 Helpdesk, Transparency International 2008 p3. Accessed on June 18 2016. url: www.transparency.org . Further the European Union Observation Mission to Zambia monitored the 2016 general elections and reported that there was no regulation of the sources of funding nor limits on campaign spending, as no relevant legislation had been adopted, therefore failing to comply with Constitutional requirements. The resources available to political parties and candidates varied considerably and there was no transparency or accountability in both the sources of funding and how funds were spent. It added that on 20th July, 2016, ECZ published a list of assets and liabilities of all Presidential and Vice – Presidential candidates in compliance with constitutional requirements. But while ECZ claimed to have disclosed the assets and liabilities of parliamentary candidates prior to election day by way of local public notice, there was no apparent evidence that this had occurred, even after election day, as the ECZ website failed to provide any details of such a disclosure.

³¹ Commonwealth Observer Group on the 2011 Elections Report

³² Commonwealth Observer Group on the 2011 Elections Report

see that this imbalance in resources, in favour of the ruling party, disadvantaged other parties and candidates. Further that some political parties admitted having received voluntary contributions and membership fees from supporters and ‘well-wishers’ for purposes of funding party activities and campaigns. On the other hand several other opposition political parties expressed their anxiety about inadequate funds for party activities and campaigns, and how this impacted on the democratic process.³³ In other jurisdictions however, there are rules on election campaign finance. In India for example, section 77 of the Representation of the Peoples Act, 1951 and its attendant rules, makes provision for a limit of 5,000,000 Rupees beyond which a candidate is forbidden to spend on campaigns and if he so spends, his election is likely to be nullified on grounds of corrupt practices.

Another cause of corrupt practices in elections is patronage. In a society where patronage is considered an important factor in elections, voters may expect rewards from candidates and parties prior to elections and thereafter make their decision based on the amount and quality of the rewards so received. When such a practice has taken root, the voters may go to the extent of demanding for gifts in exchange for votes.³⁴ The Chairperson for the African Parliamentary Network Against Corruption (APNAC) - Zambia Chapter, opines that the cause of patronage in elections in Zambia is attributed to the failure by Parliamentarians to develop their constituencies as promised during campaigns leading to their election. He adds that voters no longer see the nexus between votes and development as it does not come to fruition whenever they vote for a candidate who promises development. They see no improvement in their lives. Therefore, they have come to believe that their vote is equal to immediate benefits. He also adds that the voters are disgruntled and disillusioned as politics have failed to deliver development and due to the need for immediate gains, people choose to sell their votes to any candidate offering the most lucrative rewards as they feel that politicians are only interested in self service politics.³⁵

Similarly, it is reported that during a focus group discussion, the residents of Mufumbwe District of the North Western Province of Zambia also complained about the lack of development despite their vote.³⁶ They stated that they did not believe their vote mattered when it came to policy implementation. One of the participants complained that they had been having problems with

³³ Commonwealth Observer Group on the 2011 Elections Report

³⁴ Verena Blechinger Corruption and Political Parties Management Systems International 600 Water Street, SW, Washington, DC November 2002 p9

³⁵ phone interview with Cornelius Mweetwa

³⁶ Bryan M. Sims, Amy Eaglestone and Abdon Yezi (Eds). A Revolution Revisited: the state of democracy in Zambia since 1991, Democracy Index for Zambia 2012. IDASA: Pretoria 2013 p40

joblessness in their communities, but that their vote had not made any difference in bringing employment to their people.³⁷

II. Measurement of Corrupt Practices in elections

Studies have shown that attempts to measure corrupt practices have failed owing to the fact that the people involved have a compelling reason to mask them in some way. Therefore, the direct measurement of corrupt practices is difficult and largely, relies on indirect measures of sorts.³⁸ Consequently, corrupt practices have been measured by means of evident gauges such as election observers' reports, legal charges, court rulings, or the findings of popular surveys and opinion polls.³⁹

In Zambia, there have been many reports by Transparency International Zambia (TIZ), the Electoral Commission of Zambia (ECZ) and a consortium of civil societies known as civil society election coalition (CSEC) and court Judgments that can be yardstick for corrupt practices in parliamentary elections. This study established that TIZ, upon carrying out a survey on Lusaka's residents' views of corruption in 2005, in the run up to the 2006 elections, reported that nearly 97% of all respondents witnessed aspiring candidates buying beer and food for purposes of enticing would be voters. And that close to 75% reported witnessing donations of money.⁴⁰ Further, that half of the respondents, reported having witnessed the buying of voters' registration cards on several occasions. In addition, upon monitoring the 2006 tripartite elections in some parts of the country, TIZ gave an account of the corrupt activities that took place prior to and during the election process.⁴¹ The report was corroborated by other monitors, both local and foreign such as the Forum for Democratic Progress (FODEP), the Southern African Centre for Constructive Resolution of Disputes (SACCORD), as well as foreign observers such as the (European Union) EU who reported significant activities of electoral malpractice during the 2006 elections.⁴²

³⁷ Democracy Index for Zambia P40

³⁸ Sarah Birch, Electoral corruption. Institute for Democracy & Conflict Resolution – Briefing paper (London:Essex University) 2011 p2. Available at www.essex.ac.uk/government accessed on 20th December 2016

³⁹ Sarah Birch p2

⁴⁰ Marie Chene, Overview of Corruption in Zambia, U4 Helpdesk, Transparency International 2008 p3. Accessed on June 18 2016. url: www.transparency.org .

⁴¹ Marie Chene p3

⁴² Marie Chene, Overview of Corruption in Zambia, U4 Helpdesk, Transparency International 2008 p3. Accessed on June 18 2016. url: www.transparency.org .

Furthermore, the Civil Society Elections Coalition (CSEC) of 2011 which comprised of 8 civil society organisations whose objective, among others was to ‘encourage pro active citizen participation against electoral malpractices such as election related corruption, bribery and vote buying, compiled a report.⁴³ CSEC recorded widespread incidences of voters cards buying and use of public resources during campaigns, of the 7.5 campaign events monitored. Additionally, these events were comparatively higher in Copperbelt (2.1%), Luapula (2.0%) and Central (1.8%) provinces as shown in table 1.0 below:⁴⁴

Table 1.0 Incidents of Voter Card Buying at Campaign Events by Province

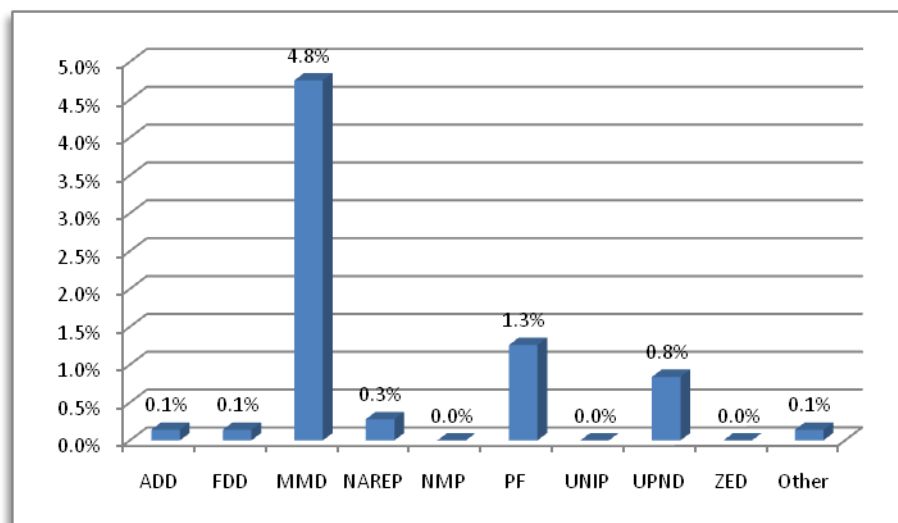
PROVINCE	WITNESSED		NOT WITNESSED		No of Events
Central	13	1.8%	22	3.1%	35
Copperbelt	15	2.1%	217	30.3%	232
Eastern	6	0.8%	82	11.5%	88
Luapula	14	2.0%	65	9.1%	79
Lusaka	4	0.6%	49	6.9%	53
Northern	0	0.0%	21	2.9%	21
North-Western	1	0.1%	86	12.0%	87
Southern	1	0.1%	69	9.7%	70
Western	0	0.0%	50	7.0%	50
Grand Total	54	7.6%	661	92.4%	715

⁴³ CSEC Report on Zambia’s 2011 Tripartite Elections, CSEC Secretariat C/O Caritas Zambia, Kambendekela House Lusaka

⁴⁴ CSEC p52

Further, in terms of political party involvement, these incidents indicated relatively higher reports of the ruling party at the time, MMD (4.8%) in comparison to other political parties, as shown in Table 2.0 below:⁴⁵

Table 2.0 Incidents of Voter Card Buying at Campaign Events by Party



The report also pointed out that the post election period was characterised by a significant number of election petitions. That 68 parliamentary election petitions were reported of which 51 were instituted by the Patriotic Front (PF) and 12 by the United Party for National Development (UPND). The election petitions were founded on allegations of corrupt practices, intimidation, vote buying and bribery.⁴⁶

⁴⁵ CSEC Report on Zambia's 2011 Tripartite Elections, CSEC Secretariat C/O Caritas Zambia, Kambendekela House, Lusaka House Lusaka. P53

⁴⁶ CSEC Report on Zambia's 2011 Tripartite Elections, CSEC Secretariat C/O Caritas Zambia, Kambendekela House Lusaka. P87

Further, ECZ has successively reported on corrupt practices in parliamentary elections. Following the 2001 general elections, it generated a report which revealed that 41 parliamentary election petitions were originally filed. The petitioners were mostly losing candidates from opposition political parties that challenged the winning candidates from the ruling party, MMD.⁴⁷ The report further stated that the petitions were premised on allegations that the elections were flawed as a result of corruption and bribery and in some cases, that ECZ did not conduct the elections according to the true intent of the regulating laws.

Following the 2006 general elections, another report was generated by ECZ. It stated that 40 losing parliamentary candidates petitioned the election results. That 9 of those petitions were premised on allegations of corruption while 7 alleged malpractices by electoral officers. The remaining 25 had a combination of corrupt and electoral malpractices allegations.⁴⁸ The report added that the petitions presented on allegations of corruption were owing to the fact that the petitioners thought that the results did not reflect the electorates' desires as the winning candidates and their political parties allegedly corrupted the voters with money and other materials, which included food stuffs and clothing.⁴⁹

Further, following the 2011 general elections, which were the fifth elections to be conducted under the multiparty democracy system, ECZ reported on the parliamentary election petitions, though belatedly in 2016. The report stated that there were 67 National Assembly election petitions filed in the High Court of Zambia which was contrasted with those filed in the 2006 and 2001 elections which were 41 and 43 respectively. The Eastern Province had the highest number of petitions reported, followed by the Western Province. Despite emerging victorious, the PF filed the highest number of election petitions totalling 54.⁵⁰ Of the 67 petitions filed, 53 cited corruption as a ground for seeking to nullify the elections, the other grounds were illegal practices, character assassination and malicious campaigns, intimidation and violence, threats and undue influence from traditional rulers and non compliance with electoral procedure as illustrated in the chart below.⁵¹

⁴⁷ ECZ report on 2001 Election Petitions. August 2003, p1

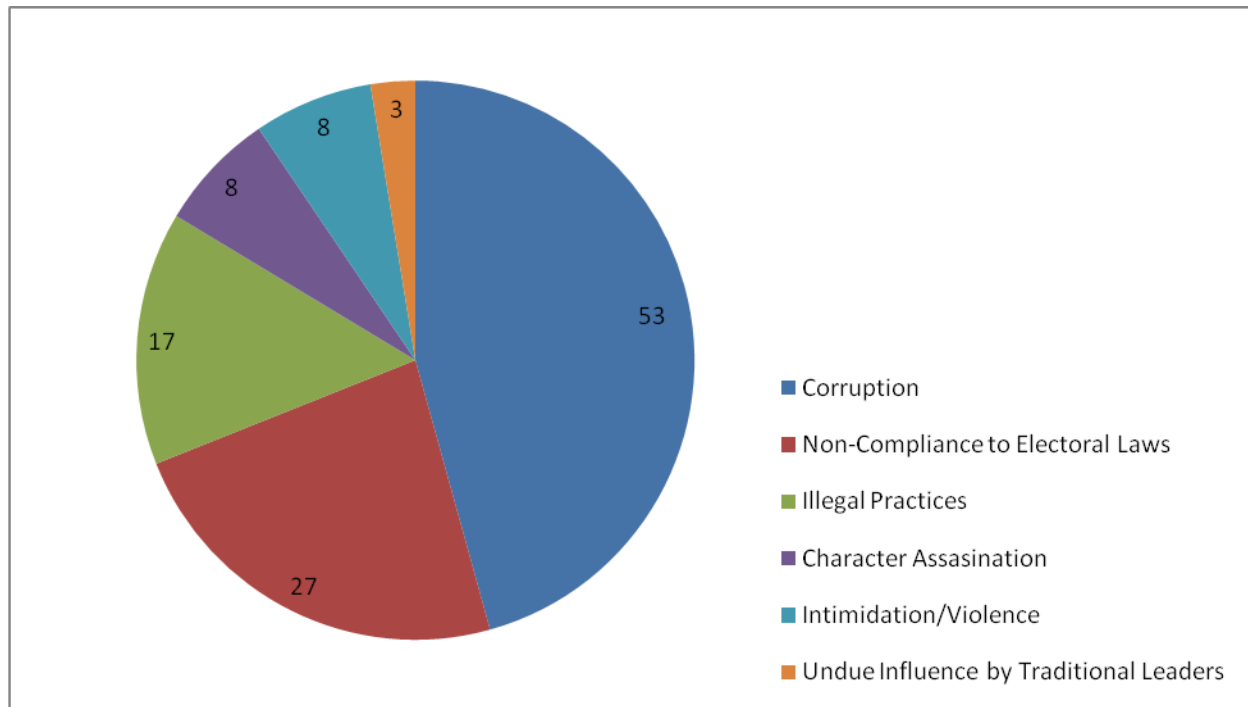
⁴⁸ 2006 Election Petition Report, July, 2009 p5-8

⁴⁹ 2006 Election Petition Report, July, 2009 p5-8

⁵⁰ ECZ Report on the 2011 Election Petitions, 2016 p7

⁵¹ ECZ Election Report on the 2011 Election Petitions, 2016 p11

Figure 3.0 showing grounds of election petitions following the 2011 elections



Upon the trial of the election petitions in the High Court and on appeal in the Supreme Court, a total of 19 parliamentary seats were nullified.⁵²

It can be noted from the above discussion, that corrupt practices, alleged or otherwise, have become widespread in parliamentary elections and therefore it is of paramount consideration that measures are either enhanced or put in place to fight the scourge. The study therefore recommends that preventative measures as opposed to reactive measures of addressing the scourge through election petitions, be put in place, such as campaign finance laws and criminalisation of patronage by cutting the demand side of the cycle.

1.5 Conclusion.

The study undertook a very detailed discussion of what corrupt practices in elections are and their causes. It also discussed the mode of measuring corrupt practices and found that the measures used to address corrupt practices is through an election petition, which is reactive only

⁵² ECZ Election Report on the 2011 Election Petitions, 2016 p11

and does not include preventative measures. It is hoped that campaign finance laws can be enacted and patronage adequately addressed, to promote free and fair elections.

1.6 Acknowledgment.

I am indebted to my supervisor, Doctor E.M Beele whose invaluable insight and contribution to my dissertation has borne this article.

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1.8 Tables and Figures

Table 1.0 Incidents of Voter Card Buying at Campaign Events by Province

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Copperbelt	15	2.1%	217	30.3%	232
Eastern	6	0.8%	82	11.5%	88
Luapula	14	2.0%	65	9.1%	79
Lusaka	4	0.6%	49	6.9%	53
Northern	0	0.0%	21	2.9%	21
North-Western	1	0.1%	86	12.0%	87
Southern	1	0.1%	69	9.7%	70
Western	0	0.0%	50	7.0%	50
Grand Total	54	7.6%	661	92.4%	715

Table 2.0 Incidents of Voter Card Buying at Campaign Events by Party

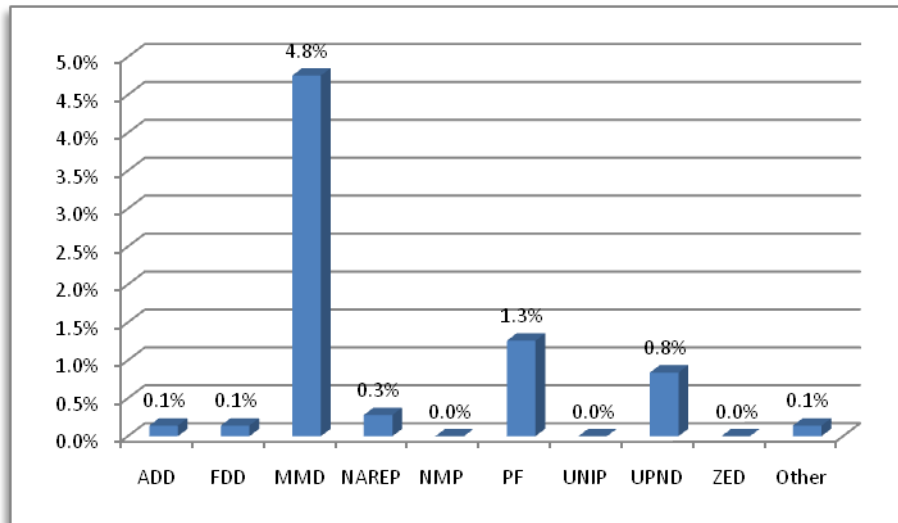


Figure 3.0 showing grounds of election petitions following the 2011 elections

