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**THIS ACTION IS FUNDED BY THE EUROPEAN UNION**

## **ANNEX 3**

of the Commission Decision on the financing of the Annual Action Programme 2019 in favour of the Republic of Zambia

### **Action Document for ‘Democracy Strengthening in Zambia: Electoral Support 2019 - 2022’**

<b>1. Title/basic act/ CRIS number</b>	‘Democracy Strengthening in Zambia: Electoral Support 2019 - 2022’ CRIS number: ZM/FED/039-981 financed under the 11 <sup>th</sup> European Development Fund (EDF)	
<b>2. Zone benefiting from the action/ location</b>	Eastern and Southern Africa and Indian Ocean, Zambia The action shall be carried out at the following location: Zambia	
<b>3. Programming document</b>	National Indicative Programme (NIP) 2014–2020 for Zambia	
<b>4. Sustainable Development Goals (SDGs)</b>	Main SDG: SDG 16: Peace, Justice and Strong Institutions Other significant SDGs: SDG 5: Gender Equality, SDG 10: Reducing Inequalities	
<b>5. Sector of intervention/ thematic area</b>	Elections Governance	DEV. Assistance: YES <sup>1</sup>
<b>6. Amounts concerned</b>	Total estimated cost: EUR 13 446 141.70 <sup>2</sup> Total amount of EDF contribution: EUR 7 000 000 This action is co-financed in joint co-financing by other development partners.	
<b>7. Aid modality and implementation modalities</b>	Project Modality <b>Direct management</b> through: - Grants <b>Indirect management</b> with the United Nations Development Programme (UNDP) <b>Indirect management</b> with a Member State Organisation or a third donor country	

<sup>1</sup> Official Development Assistance is administered with the promotion of the economic development and welfare of developing countries as its main objective.

<sup>2</sup> InforEuro rate EUR/USD of May 2019 (1.115) used for the total of the UNDP amount (USD 13 877 448).

<b>8 a) DAC code(s)</b>	Main sector: 15151 – Elections Sub sectors: 15130 – Legal and judicial development; 15150 – Democratic participation and civil society; 15152 – Legislatures and political parties; 15153 – Media and free flow of information			
<b>b) Main Delivery Channel</b>	12000 Recipient government			
<b>9. Markers (from CRIS DAC form)</b>	<b>General policy objective</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	x
	Aid to environment	x	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and Women's and Girl's Empowerment	<input type="checkbox"/>	x	<input type="checkbox"/>
	Trade Development	x	<input type="checkbox"/>	<input type="checkbox"/>
	Reproductive, Maternal, New born and child health	x	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction	x	<input type="checkbox"/>	<input type="checkbox"/>
	Inclusion of persons with disabilities	<input type="checkbox"/>	x	<input type="checkbox"/>
	Nutrition	x	<input type="checkbox"/>	<input type="checkbox"/>
	<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Biological diversity	x	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification	x	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation	x	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation	x	<input type="checkbox"/>	<input type="checkbox"/>
<b>10. Global Public Goods and Challenges (GPGC) thematic flagships</b>	N/A			

## SUMMARY

Zambia has historically been a peaceful and stable country and has been an important and constructive partner for the EU at bilateral, regional and multilateral level. The 2016 elections took place shortly after the enactment of a new Constitution, meaning that key electoral legislation entered into force two months before Election Day. This background resulted in the reliance on unfamiliar and untested legislation to guide the electoral process.

At the invitation of the authorities, the EU Election Observation Mission (EU EOM) assessed the electoral process in 2016, and concluded that the elections were highly competitive and prepared in a largely professional manner. At the same time, the EU EOM highlighted several areas where steps could be taken to enhance the transparency and inclusivity of future elections for consideration of national stakeholders and institutions (thirty-three recommendations).

Actions are needed to secure the appropriate legal and policy framework; to enhance the capacity of institutions responsible for Zambia's electoral process; and to reach out to groups living in marginalised or vulnerable situations. Across the country, there remains a general

need to develop local capacities to promote a peaceful political environment and increase the levels of civic literacy and transparency of the electoral process.

With these considerations in mind, the programme seeks to assist national efforts in maximising the legitimacy of Zambia's electoral outcomes, by promoting and assisting in the development of legal and procedural certainty, institutional capacity and strengthening democratic social values.

The programme follows a holistic, multi-stakeholder approach focused on supporting the entire electoral cycle. It will build the capacity of key election stakeholders and support legal reform. Moreover, it will include conflict prevention and mitigation initiatives, and support inclusive participation, especially of groups living in vulnerable situations. The action will also support civil society throughout the whole electoral cycle.

The overall objective is strengthened democracy, peace and stability in Zambia, while the specific objective is to support national efforts to ensure the transparency, legitimacy and credibility of the 2021 elections. The four outputs are as follows: 1) improved democratic processes throughout the electoral cycle; 2) strengthened conflict prevention and mitigation mechanisms; 3) strengthened capacities built for inclusive participation and civic engagement, including participation of women, youth and people living with disabilities; 4) improved capacity of civil society to maintain participatory and accountable approaches to electoral processes.

## **1 CONTEXT ANALYSIS**

### **1.1 Context Description**

On 11 August 2016 Zambia conducted general elections for the positions of Republican President, members of parliament, executive mayors, council chairpersons and councillors. For the presidential contest, the two lead candidates were Edgar Chagwa Lungu (incumbent President) for the ruling Patriotic Front (PF) and Hakainde Hichilema for the United Party for National Development (UPND). According to the EU Election Observation Mission (EU EOM) report, the elections were highly competitive and prepared in a largely professional manner, while at the same time the report highlighted several areas where steps could be taken to enhance inclusivity and credibility in future. The run up to the elections saw challenges, including unbalanced media coverage, inconsistent application of the Public Order Act from the police and use of public resources for campaign activities. Election Day itself was positively assessed by all observers.

The 2016 elections were held under a new legal framework, following the enactment of a new constitution on 5 January 2016. Extensive amendments were made to the constitution, also affecting changes to the legal framework for the 2016 general elections and referendum, shortly before the elections. Key electoral legislation only entered into force in June 2016, two months before Election Day.

The new electoral regime required each presidential candidate to amass at least 50%+1 votes, without which a re-run was to follow within a period not exceeding 30 days. On 15 August 2016 the ECZ declared Edgar Lungu the winner with 50.3% followed by Hakainde Hichilema with 47.6%. President Lungu was sworn in for a new term on 13 September 2016. Following

the announcement of the results, Hakainde Hichilema rejected the outcome and filed a challenge to the presidential election results on 19 August 2016. The UPND requested the Constitutional Court to declare that the presidential election was invalid for reason of non-compliance with the legal framework for elections, but its petition was dismissed by the Constitutional Court on procedural grounds without being heard. Overall, both the Presidential election itself and the dispute settlement processes which followed it, proved highly divisive for the country.

Improving the security environment is also the subject of public discussion as concerns police application of relevant provisions of the Public Order Act. A further subject of debate is freedom of expression, including the degree to which both state and private media are able to deliver equitable treatment of different political viewpoints and to report in an informed manner on the key issues of concern to citizens.

Afrobarometer surveys show that while Zambians remain firmly committed to democratic ideals, they worry that their democracy has begun to erode and recognise that political space is eroding with regard to their basic rights. The post-electoral situation led to an initiative spearheaded by the Commonwealth Secretary-General in 2017 to promote an inclusive, nationally-owned dialogue process that would pave the way for governance reforms to prepare for the next elections in 2021. While a lot of good effort was dedicated first by the Commonwealth's Special Envoy and then, in 2018, by the Church Mother Bodies to prepare an inclusive national dialogue process, neither attempt proved successful.

A more recent initiative has been the National Dialogue Forum (NDF) in April/May 2019. The NDF was established by the National Dialogue Act, approved by Parliament and assented by the President, and focussed on constitutional reform, election reform and the Public Order Act.

Changes to the institutional and legal framework for elections will require broad support if they are to maintain confidence and stand the test of time. Looking forward to the elections of 2021, it will therefore be very important to ensure that legal and institutional reforms are initiated well in advance of the election period itself and that stakeholders are familiar with all aspects of the electoral process.

Women are under-represented in political parties and as candidates. With regard to the risk of violence, the role of women needs to be particularly considered. Women can be fundamental actors of change in prevention of violence and there is an opportunity to take advantage of their active role in Zambia's electoral processes, since they have been participating not only as voters but as part of the electoral administration, as election officials, party polling agents, and observers.

## **1.2 Policy Framework (Global, EU)**

The project is aligned with important EU policy frameworks including the National Indicative Programme (NIP) for Zambia (2014-2020), the EU Human Rights and Democracy Country Strategy for Zambia (2016-2020), the Civil Society Organisations (CSO) Roadmap, the EU Global Strategy on Foreign and Security Policy, and the New European Consensus on Development<sup>3</sup>. Moreover, the recommendations put forward by the 2016 EU EOM provide clear direction for the reform process leading up to the 2021 elections.

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<sup>3</sup> OJ C 210 of 30.6.2017.

The project also contributes to the implementation of the EU Gender Action Plan II,<sup>4</sup> particularly objective 17: Equal rights and ability for women to participate in policy and governance processes at all levels.

It further contributes to the 2030 Agenda and the SDG implementation, predominantly SDGs 16 and 5.

### **1.3 Public Policy Analysis of the partner country/region**

Zambia has ratified the principal international instruments relating to human rights and the conduct of elections. Zambia is also party to regional commitments, including the 2007 African Charter on Democracy, Elections and Governance, and the 2015 Southern Africa Development Community (SADC) Principles and Guidelines Governing Democratic Elections.

In order to implement Zambia's Vision 2030, the 7<sup>th</sup> National Development Plan 2017 - 2021 (7NDP) is the strategic framework for Zambian development. As part of the 7NDP, among the myriad of development objectives, the government pledges to 'promote transparency, accountability, citizen participation as well as strengthen governance institutions'. This is in recognition that the practice of good governance and promotion of a stable political framework are the foundation of sustainable development.

The new legal framework which was put in place before the 2016 general elections was considered to provide a good basis for the conduct of genuine elections, including by the EU EOM. However, the rushed drafting process resulted in a number of unclear provisions, gaps, and contradictions between the new legislation and the Constitution and meant that the legal framework was unfamiliar to many electoral stakeholders.

The main legislation, which the authorities intend to adopt and/or revise ahead of the next elections are the Constitution, the Public Order Act, the Access to Information Bill, as well as the Electoral Process Act. The Election Commission of Zambia (ECZ) Act was reviewed by Parliament and assented by the President in April 2019. The Political Parties Bill was withdrawn during the NDF.

Finally, some inconsistencies between the Constitution and legislation can only be addressed through, either amendment of the Constitution, or changes to the laws concerned. These include improved gender equity in the National Assembly and local councils that still need to be prescribed in legislation. Another example is the Penal Code, which retains clauses on defamation of the President with disproportionate sanctions inconsistent with international standards that protect freedom of expression.

### **1.4 Stakeholder analysis**

Given the nature of the programme, a multi-stakeholder approach is required. Key stakeholders to be engaged include the following: Public institutions (in particular the Ministry of Justice and Zambia Law Development Commission (ZLDC)) have key roles in ensuring successful legal reform processes, as they are responsible for constitutional alignment and drafting/reviewing legislation. The Ministry of Justice's mandate is to monitor and implement governance matters in Zambia, but they have limited financial resources. ZLDC is a statutory body in charge of making recommendations to the government to draft the laws of Zambia, however the organisation lacks capacity in staffing and organisation structure.

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<sup>4</sup> SWD(2015)182 final of 21.9.2015.

Parliament is responsible for law-making, protecting the Constitution and promoting democratic governance. It is the final stage in the legislative formulation process and must have a meaningful input in the Constitutional reforms (to be approved by a two-thirds majority) and the revision of the laws (to be approved by simple majority). Following the 2016 Parliamentary elections and the six by-elections that have taken place since then, the ruling party holds the simple majority but not the two-thirds majority.

The principal duty bearer for electoral processes and the implementation of the electoral legal framework is the ECZ. It is an autonomous body mandated to conduct the registration of voters, elections and referenda. ECZ faces capacity challenges, such as lack of adequate financial and human resources.

The role of the Judiciary is to interpret and apply the laws of Zambia to ensure impartial justice and to provide a mechanism for dispute resolution. Therefore, the Judiciary is a key institution in the field of the electoral complaint mechanisms, which enable voters, candidates and political parties to formally voice their concerns.

Sitting within the Ministry of Home Affairs, the Zambia Police Service's core mandate is to protect the rights of stakeholders in the electoral process. Also under this Ministry is the Department for National Registration, Passports and Citizenship (DNRPC), who are responsible for the issuance of the national identity card (NIC) that serves as a baseline document for eligible citizens to register to vote and to verify updates.

The Ministry of Information, the Independent Broadcasting Authority (IBA) and the Zambia National Broadcasting Cooperation (ZNBC) have a key role to play in the media regulation and provision of impartial or diverse information. There are several laws under consideration and new directives by IBA that could affect the capacity of the campaign to offer a levelled playing field for all candidates.

Political parties are instrumental in creating demand for and consensus on political and electoral reforms. Political parties are not regulated in Zambia, which the draft Political Parties Bill was meant to address. Despite the existence of the Zambia Centre for Interparty Dialogue (ZCID), there is no effective inter-party communication system and campaign financing, as well as accounting mechanisms, still need to be operationalised. The relationship between political parties, in particular between the ruling party and the main opposition party, is tense, which has resulted in cases of political violence in a number of occasions.

Civil society organisations play a critical role in educating and mobilising citizens' participation as well as monitoring and observing the reform processes and the elections. They organise voter education across the country to encourage participation, inculcate proper voting behaviour and procedures, support conflict management and promote participation of women, youth and people living with disabilities.

The Churches play a key role in promoting peace and stability ahead of the 2021 elections. They are considered by most Zambians the most respected and independent institutions. The Church, through the Christian Churches Monitoring Group (CCMG) and its secretariat (Caritas) has also played a crucial role in conducting domestic observation and parallel voter tabulation of the last elections, and are likely to play a similar role in the upcoming ones.

Youth, women and marginalised groups also have a critical stake in the reform agenda. There are a number of women's organisations working to promote gender equality, and a number of youth initiatives promoting strengthened youth participation in the political sphere. However, there is a need for concerted efforts for effective advocacy, awareness and sensitisation of stakeholders. For example, 66% of Zambians are under the age of 25, yet the political role of youth remains under-explored. The same happens with women: due to barriers such as the

marginalisation in political parties influenced by cultural perceptions, violence and verbal abuse against female candidates, women remain under-represented in the political arena. Additionally, people with disabilities deserve specific attention, including special voting arrangements.

Media play a crucial role in the context of free and fair elections by facilitating a participatory process where voters engage in public debate and have adequate information about parties, policies, candidates and the election process itself, in order to make informed choices. An environment that allows for balanced and fair election coverage will be critical for the peaceful conduct of the next elections.

### **1.5 Problem analysis/priority areas for support**

The EU EOM report provided 33 recommendations to improve the electoral process. The main weaknesses that were identified focused on certain areas of electoral management, the adjudication of disputes by the courts and aspects of voter education. The EU EOM also identified limitations on the freedoms of assembly and expression during the campaign, bias of the state media and reported incidents of political violence. Several of these recommendations were accepted by Zambia during its 3<sup>rd</sup> Universal Periodic Review process in March 2018.

During the June 2019 Electoral Follow-up Mission, all stakeholders confirmed the continuous relevance of the recommendations, while recognising differences of opinion on how they should be implemented.

Zambia's economic situation adds a further dimension of risk. Intensifying liquidity and budget risks derive from rising debt service obligations and falling FOREX reserves. The Zambian Kwacha has depreciated and caused local prices to rise, stifling the private sector.

Due to the social and cultural context in Zambia, in particular women, youth and people living with disabilities, have a limited level of access to resources and services required to ensure active socio, economic and civic participation. This is also reflected in the elections process, and the increase of violence, intimidation and reduction of civil freedom only exacerbates this. With specific regard to women, the number of elected female members of parliament (MPs) increased from 17 in 2011 to 26 in 2016 out of 156 seats available (fewer than 20% of total seats available). Furthermore, women elected at the local council level also increased from 85 in 2011 to 125 in 2016. Despite these improvements, women leadership in Zambia is still dismally low. Although women constituted the larger proportion of voters that turned out, the levels of violence prior to the elections and abrupt introduction of legal provisions insisting all candidates have a grade 12 certificate, affected women's participation - particularly as contestants.

In order to limit the impact of negative trends addressed above, the action has identified the following priority areas of support:

- Supporting the development and implementation of durable legal and institutional reforms, including electoral reforms, subject to the outcome of consultation activities and of the legislative process;
- Contributing to conflict mitigation and prevention;
- Encouraging the representation/participation of women, youth and marginalised groups;
- Supporting both the ECZ, civil society and the media in fulfilling their roles in the political and electoral processes;
- Ensuring the role of domestic observers and supporting Parallel Voter Tabulation (PVT).

## 2 RISKS AND ASSUMPTIONS

<b>Risks</b>	<b>Risk level (H/M/L)</b>	<b>Mitigating measures</b>
Electoral reforms cover areas of numerous recommendations of the 2016 EOM but there is a high risk that these reforms would not be accompanied by broader governance and institutional reforms.	H	Depending on the outcome, the National Dialogue Forum led by the government and the current reform process in Parliament may mitigate this risk. It is thus important to support the reform process at technical level. At the same time, flexibility needs to be maintained within the project design to respond to a changing environment.
Possible abuse of state resources for elections campaigning.	H	Political engagement and enhanced focus on transparency and procurement processes.
Changes in ECZ leadership, policy and organisational structure will affect its capacity to administer elections	H	Policy dialogue, political engagement and re-assessment of the electoral support.
Misapplication of the Public Order Act.	H	The Act is currently being revised. Moreover, this action includes support to conflict prevention and will, among others, include activities to train in particular the Police to correctly apply the provisions of the Act.
Opposition parties and independent candidates, CSO and media participation in the electoral process may be restricted.	M	Regular dialogue with the government, political parties as well as support to civil society to mitigate this risk.
Resistances to strategies that foster women representation/participation, lack of knowledge on gender approach, lack of disaggregated data.	M	Regular sensitisation on these issues.
Elections may not take place at the date stipulated in the Constitution (11 August 2021).	L	Adapt the programme for greater impact and cater for the amended election date.
<b>Assumptions</b>		
The proposed programme assumes that Zambia's socio-economic situation will remain relatively stable during implementation.		

Also, it is assumed that the government will be committed to create an environment conducive to well organised elections, that CSOs' election monitoring will continue and that GRZ will provide the ECZ with sufficient financial resources in order to allow for financing of elections and public education measures.

### **3 LESSONS LEARNT AND COMPLEMENTARITY**

#### **3.1 Lessons learnt**

EU experience is based on the provision of election support in Zambia since 2006, and particularly on a programme, which ended in December 2018, that supported the 2016 elections as well as post-election activities. The previous programme was implemented through agreements with the British Council and the United Nations Development Programme (UNDP). A key lesson learned from past election programming, and clearly in line with the EOM recommendations, is the need for comprehensive support of the whole electoral cycle, not only during the voting period. This would include broader legal, policy and institutional reforms, and not limit activities only to direct electoral support to ensure transparent and peaceful elections.

The conclusions and recommendations of the EU EOM to Zambia for the general elections in 2016 are complemented by a UNDP/EU joint formulation mission for the electoral assistance project. The mission was carried out in the framework of the joint EU-UNDP ‘Sustaining peace through elections’ initiative<sup>5</sup>. In addition, the findings of the final evaluation carried out by UNDP as well as the EU Results Orientated Mission (ROM) of 2018 on the elections programmes have been taken in to account. This included recommendations to support the electoral process between elections as well as particular support to Election Commission of Zambia (ECZ) and CSOs throughout the electoral cycle.

Moreover, publications from Zambian civil society have been used to inform the design of the action. This includes publications produced in the post-election period by organisations including the Christian Churches Monitoring Group (CCMG), Southern African Centre for Constructive Resolution of Disputes (SACCORD), and Zambia National Women's Lobby's (ZNWL) Gender Analysis Report. The preliminary conclusions of the June 2019 Electoral Follow-up Mission on the 2016 EU EOM recommendations led by former Chief Observer Cecile Kyenge, are also taken into consideration.

The European Union Delegation to Zambia has had close political dialogue with all stakeholders that informed the formulation of this programme.

#### **3.2 Complementarity, synergy and donor coordination**

Donor coordination takes place in the monthly Cooperating Partners Group (at Head of Cooperation level) and in the Cooperating Partners Working Group on Governance and Democracy. The latter also has a sub-group dealing with elections that is re-established during the election period.

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<sup>5</sup> Initiative resulting from the EU-UNDP Global Conference which took place in Brussels from 8–10 October 2018.

Donor coordination is also expected to take place through the governance mechanisms of the new UNDP Election Basket Fund (see section 5.7). This existed during the previous EU support to the 2016 electoral cycle. Other donors contributing to this programme were the UK Department for International Development (DFID), Ireland, United States Agency for International Development (USAID) and UNDP.

Political dialogue is a recurrent subject of EU Heads of Mission meetings with international partners, including US, Canada and Japan.

#### **4 DESCRIPTION OF THE ACTION**

##### **4.1 Overall objective, specific objective(s), expected outputs and indicative activities**

The **overall objective** is to contribute to strengthened democracy, peace and stability in Zambia.

The **specific objective** is to support national efforts to ensure improved transparency, legitimacy and credibility of the 2021 elections.

##### ***Output 1: Improved democratic processes throughout the electoral cycle***

Activities include:

- 1.1 Support to the Electoral Commission of Zambia (ECZ)
  - 1.1.1 Set up an integrated election management system (EMS), which will strengthen evidence-based decision-making and operational planning to assist in managing the electoral process;
  - 1.1.2 Develop and implement a robust external communication strategy to ensure that stakeholders are well informed about the electoral process. Women and other marginalised groups will be specifically targeted by this strategy, following good practice in other countries;
  - 1.1.3 Strengthen the capacity to implement effective voter education strategies in coordination with civil society organisations (CSOs), in particular targeting women, youth (especially first-time voters) and persons with disabilities and enhance coordination;
  - 1.1.4 Support the development and implementation of a robust and effective voter registration system that is transparent, accurate, inclusive and cost-effective for the 2021 elections and beyond.
- 1.2 Parliamentary capacity-building through democracy strengthening approach
  - 1.2.1 Provide capacity development for Parliamentary staff and committees in support of legislative functions and oversight activities in the context of electoral reforms with a focus on gender-sensitive legal drafting;
  - 1.2.2 Improve the inclusiveness of National Assembly by building the capacity of under-represented groups, including female candidates for parliamentary elections;
  - 1.2.3 Support the National Assembly external relations and communications strategy to make its work accessible to the public and facilitate dialogue with CSOs and the media.
- 1.3 Support to the legal reform process

- 1.3.1 Support legal and regulatory assessments, taking into account observer recommendations and, in particular, those of the EU EOM to increase legal certainty;
- 1.3.2 Support stakeholder participation/consultations in the reform process;
- 1.3.3 Support the Ministry of Justice and other stakeholders, including the Zambia Law Development Committee with the legal drafting process, taking into consideration lessons learned and recommendations;
- 1.3.4 Provide technical assistance in the engendering of relevant legislation.

***Output 2: Strengthened conflict prevention and mitigation mechanisms***

- 2.1 Strengthen institutional capacity of the Zambia Police Service to ensure peaceful conduct of elections in coordination with ECZ
  - 2.1.1 Provide training to the police on human rights and electoral security, complemented by a structured dialogue with members of the senior command structure;
  - 2.1.2 Assist with the development and establishment of a transparent campaign venue management system;
  - 2.1.3 Support the piloting of community policing initiatives in selected locations of Zambia (hotspots with a higher incidence of violence);
  - 2.1.4 Organise joint trainings of police and media on public order management and freedom of expression, based both on Public Order Act and Electoral laws.
- 2.2 Support to political violence early warning system
  - 2.2.1 Assist in establishing a country-wide Early Warning System to monitor and map violence incidents, including early signs of violence;
  - 2.2.2 Support Conflict Management Committees of the ECZ which have been used as alternate dispute resolution mechanisms at national and district levels and other dialogue mechanism;
  - 2.2.3 Strengthen the Judiciary to manage and resolve electoral complaints and petitions in a timely manner;
  - 2.2.4 Build the capacity of media and regulatory bodies to promote impartial and accurate reporting on political and electoral processes.

***Output 3: Strengthened capacities built for inclusive participation and civic engagement, including participation of women, youth and people living with disabilities***

- 3.1 Support inclusive participation
  - 3.1.1 Strengthen women's and youth organisations to participate in political and electoral processes through training and capacity building, as well as targeted communication campaigns;
  - 3.1.2 Support ECZ and civil society in its efforts to promote the participation of people with disabilities in the electoral process.
- 3.2 Support civic engagement and voter education
  - 3.2.1 Support to enhancing sustainable and coordinated frameworks for civil society engaged in domestic election observation;

- 3.2.2 Strengthen the capacity of civil society, faith-based organisations and traditional communities to conduct civic and voter education, advocate for institutional, legal and electoral reforms and sensitise communities on those.

***Output 4: Improved capacity of civil society to maintain participatory and accountable approaches to electoral processes***

- 4.1 Support civil society to carry out domestic election observation for all phases of the election process, including voter registration, candidate nomination, electoral campaign period and results processes;
- 4.2 Support civil society to carry out Parallel Voter Tabulation (PVT) to confirm official election results and increase public confidence in the election process.

The list of outputs and activities is indicative and not exhaustive. It may be adapted during the implementation of the programme. In particular, recommendations of the 2016 EU EOM and the results of the Electoral Follow-up Mission of 2019 have brought additional areas of key improvement that could be envisaged in the run-up to the 2021 elections to improve the capacity of ECZ and other stakeholders to conduct credible, inclusive and peaceful elections. From the 22 recommendations addressed primarily to ECZ, several address additional areas, such as some measures to improve the atmosphere of the campaign, the communication and capacities of electoral staff in the districts, boundary delimitation and coordination with the police in implementing the Electoral Process Act during the campaign.

## **4.2 Intervention Logic**

This action aims to contribute to the strengthening of democracy, peace and stability in Zambia using a holistic, multi-stakeholder approach focused on supporting the entire electoral cycle. The action aims to build trust of the election system by the Zambian electorate and between state and non-state actors to improve the transparency, legitimacy and credibility of the next elections in August 2021. To ensure this, the action will aim to support national efforts to build the capacity of key election stakeholders and support legal reform. It will include conflict prevention and mitigation initiatives, and inclusive participation of, especially, women, youth and persons living with disabilities. The action will also work on maintaining participatory and accountable approaches to electoral processes, including through the support of domestic observation and parallel voter tabulation activities.

During the pre-election period, the action will implement activities in a sequential manner to ensure capacity is in place for the voting period. This will entail engaging with state and non-state actors at strategic moments to ensure they are well prepared for the 2021 elections. The pre-election period will also focus on legal and constitutional reforms via capacity development of key institutions, including the ECZ. Other areas of support are designed to enhance electoral dispute resolution mechanisms, particularly strengthening early warning capacity and dispute resolution responses. This includes working with the police, traditional communities, political actors, and civil society to ensure peaceful elections and orderly transitions of power. The establishment of a foundation for greater participation of women, youth and persons with disabilities in the electoral arena will also be essential during pre-elections, as well as civic engagement and voter education. These initiatives will then follow through to the election period when state and non-state actors will continue to be supported to manage their respective roles. Domestic observation and PVT will be priority activities included, as well as support to IT systems to manage the elections. The action will also use lessons learned from the post-election period of the 2016 elections to inform various reforms

required whilst also laying the groundwork to support any strategic actions that will be needed after voting activities have concluded in 2021, particularly around legal reform.

### **4.3 Mainstreaming**

The programme will take a Rights Based Approach under the guise of Vision 2030 to ‘leave no one behind’, ensuring the inclusion of the most vulnerable in society that often includes youth, persons with disabilities and women. It will also support the implementation of the EU Human Rights and Democracy Country Strategy for Zambia 2016-2020, which includes relevant objectives relating to the promotion of transparent government, freedom of assembly, freedom of expression, freedom of association, women's empowerment and the rights of persons with disabilities.

On women and gender, the programme intends to mainstream this in each result area and gender will be incorporated more extensively than in the previous elections programme. This is based on recommendations on female participation that were included in the EU EOM in 2016, and are aligned with the GAP II thematic priority D on voice and participation. The action is working to ensure that certain activities include people in vulnerable situations, and in the result area, working with election stakeholders and legal reform, many activities focus on this. There is also a specific result area on inclusive participation and civic engagement that targets women. The gender focused activities are based on a gender analysis that was carried out as part of the formulation mission for this action. Leading women’s rights organisations were consulted in the analysis and their input, as well as lessons learned from past programming, have been incorporated as extensively as possible throughout the action. The gender analysis included an assessment of any potential unintended consequences that may perpetuate gender inequalities. Actions to counter this have been included in the action, such as ensuring the engendering of appropriate legislation.

No adverse impact on the environment is envisaged.

### **4.4 Contribution to Sustainable Development Goals (SDGs)**

The intervention is relevant for the United Nations Agenda 2030 for Sustainable Development. It contributes primarily to the progressive achievement of SDG 16 on Peace, Justice and Strong Institutions, while also contributing to SDGs 5 on Gender Equality and 10 on Reducing Inequalities.

## **5 IMPLEMENTATION**

### **5.1 Financing agreement**

In order to implement this action, it is not foreseen to conclude a financing agreement with the partner country.

### **5.2 Indicative implementation period**

The indicative operational implementation period of this action, during which the activities described in section 4 will be carried out and the corresponding contracts and agreements implemented, is 48 months from the date of the adoption by the Commission of this Financing Decision.

Extensions of the implementation period may be agreed by the Commission’s responsible authorising officer by amending this Decision and the relevant contracts and agreements.

### **5.3 Implementation of the budget support component**

N/A.

### **5.4 Implementation modalities**

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures<sup>6</sup>.

#### **5.4.1 Grants: (direct management)**

##### **(a) Purpose of the grant(s)**

The grant(s) will contribute to achieve part of output 4 (Section 4). These grants will support local ‘home grown’ domestic observation and Parallel Voter Tabulation (PVT), which has proven successful in past programming, and was a specific request by the Election Commission of Zambia (ECZ) for the 2021 electoral cycle.

##### **(b) Type of applicants targeted**

The eligibility of applicants, co-applicants and affiliated entities is restricted to organisations which fulfil the eligibility requirements under the European Development Fund. Potential eligible applicants must be a legal person, non-profit making and be directly responsible for the preparation and management of the action. Applicants must be a Civil Society Organisation (CSO) or Non-Governmental Organisation (NGO) and have past experience in domestic election observation and/or PVT in Zambia.

##### **(c) Justification of a direct grant**

Under the responsibility of the Commission’s authorising officer responsible, the grant may be awarded without a call for proposals to a CSO or NGO selected using the selected criteria: the organisation will have specific technical competence, specialisation, etc. in undertaking domestic election observation and/or have the technical capacity to undertake PVT.

Under the responsibility of the Commission’s authorising officer responsible, the recourse to an award of a grant without a call for proposals is justified in line with Article 195 (f) because the action has specific characteristics requiring a specific type of beneficiary for its technical competence, specialisation, etc. as there are only few recognised organisations in Zambia who are able to undertake domestic observation and/or have the technical capacity to undertake PVT.

#### **5.4.2 Indirect management with an international organisation**

A part of this action may be implemented in indirect management with the United Nations Development Programme (UNDP). This implementation entails activities to serve outputs 1 to 3 (Section 4). The envisaged entity has been selected using the following criteria: UNDP is an internationally accepted actor in the area of election support. They have been implementing capacity building measures for government institutions under previous and ongoing programmes. Contributing to the multi-partner fund would ensure a harmonised approach of the contributing donors. The UNDP project document is currently being finalised with inputs from the EU following a joint EU-UNDP formulation mission which took place in November 2018. To complement its contribution to UNDP, the EU will maintain a regular

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<sup>6</sup> [www.sanctionsmap.eu](http://www.sanctionsmap.eu) Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

dialogue with the UN Department of Political Affairs to ensure a coordinated approach to addressing political risks.

Exception to the non-retroactivity of costs:

The Commission authorises that the costs incurred may be recognised as eligible as of 1 September 2019, because this is the likely starting date of the new UNDP multi-partner agreement.

#### **5.4.3 *Indirect management with a Member State Organisation or third donor country***

A part of this action may be implemented in indirect management with a Member State Organisation or a third donor country which will be selected by the Commission's services using the following criteria: are already funding organisations with the technical capacity to implement PVT activities. The implementation by this entity entails activities related to output 4.

### **5.5 Scope of geographical eligibility for procurement and grants**

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of products and services in the markets of the countries concerned, or in other duly substantiated cases where the eligibility rules would make the realisation of this action impossible or exceedingly difficult.

## 5.6 Indicative budget

	<b>EU contribution (in EUR)</b>	<b>Indicative third party contribution, in currency identified</b>
5.4.1 Grants (direct management) Output 4.1	500 000	
5.4.2 Indirect management with an international organisation (UNDP) Outputs 1 – 3	6 000 000	6 446 141.70 <sup>7</sup> EUR
5.4.3 Indirect management with a Member State Organisation or a third donor country Output 4.2	500 000	
5.9 Evaluation, 5.10 Audit	The amount will be covered by another decision	N/A
5.11 Communication and visibility	Included under above mentioned implementation modalities	N/A
<b>Totals</b>	<b>7 000 000</b>	<b>6 446 141.70</b>

## 5.7 Organisational set-up and responsibilities

Given the multi-sectoral character of this programme, many stakeholders from different ministries and government agencies from different administrative levels and various implementing partners and programme beneficiaries, will be involved in programme oversight and actual implementation. Multi-sectoral coordination at the various levels is essential for successful programme implementation and for strengthening accountability mechanisms.

Outputs 1–3 will be directly implemented by UNDP Zambia, in consultation with the projects' beneficiaries and other project partners. UNDP will establish a Project Management Unit which will handle the day-to-day management of activities. A project steering committee will be responsible for the overall strategic guidance of the project. The steering committee will be assisted by a technical committee, which supports the action at a technical level. The steering committee will consist of representatives of all donors participating in the basket fund, all the beneficiaries (ECZ, parliament, relevant ministries, etc.) and UNDP. Civil society may be invited to participate as well. The steering committee will provide strategic guidance to the project and review/approve the Annual Work Plans (including funding allocations) of the project.

Output 4 will have its own governance mechanisms which will be outlined in the grant contract(s).

<sup>7</sup> Total UNDP amount of USD 13 877 448 divided by InforEuro rate of May 2019 (1.115).

The EU Delegation will ensure complementarity and synergies between the three implementation modalities.

## **5.8 Performance and Results monitoring and reporting**

Monitoring of performance and risks of programme interventions is intended to be jointly conducted with the partners taking into account the governance structures mentioned under section 5.7. For Outputs 1 to 3, monitoring arrangements will also be guided by the relevant UNDP policies. All monitoring systems will include a gender-performance component.

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (outputs and direct outcomes) as measured by corresponding indicators, using as reference the Logframe matrix.

SDGs indicators and, if applicable, any jointly agreed indicators as for instance per Joint Programming document should be taken into account.

Reports shall be laid out in such a way as to allow monitoring of the means envisaged and employed and of the budget details for the action. The final report, narrative and financial, will cover the entire period of the action implementation.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

## **5.9 Evaluation**

Having regard to the importance of the action, a final evaluation will be carried out for this action or its components contracted by the Commission.

It will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that the action follows a multi-sectoral approach and foresees different implementation modalities. A multidisciplinary team of evaluation experts should be set up to that effect, including experts on gender and rights-based approach.

The Commission shall inform the implementing partner at least 30 days in advance of the dates foreseen for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project.

The financing of the evaluation shall be covered by another measure constituting a financing decision.

## **5.10 Audit**

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audits or expenditure verification assignments for one or several contracts or agreements.

The financing of the audit shall be covered by another measure constituting a financing decision.

## **5.11 Communication and visibility**

Communication and visibility of the EU is a legal obligation for all external actions funded by the EU.

This action shall contain communication and visibility measures which shall be based on a specific Communication and Visibility Plan of the Action, to be elaborated at the start of implementation.

In terms of legal obligations on communication and visibility, the measures shall be implemented by the Commission, the partner country, contractors, grant beneficiaries and/or entrusted entities. Appropriate contractual obligations shall be included in, respectively, the financing agreement, procurement and grant contracts, and delegation agreements.

The Communication and Visibility Requirements for European Union External Action (or any succeeding document) shall be used to establish the Communication and Visibility Plan of the Action and the appropriate contractual obligations.

Communication and visibility actions will be covered by agreements/contracts concluded under outputs 1–4.

## **6 PRE-CONDITIONS**

N/A.

**APPENDIX - INDICATIVE LOGFRAME MATRIX (FOR PROJECT MODALITY) <sup>8</sup>**

	<b>Results chain: Main expected results (maximum 10)</b>	<b>Indicators (at least one indicator per expected result)</b>	<b>Sources of data</b>	<b>Assumptions</b>
<b>Impact (Overall Objective)</b>	Strengthened democracy, peace and stability in Zambia.	1. Voice and Accountability score (as measured by the World Bank Worldwide Governance indicators) (*1.26)	Seventh National Development Plan report	
<b>Outcome(s) (Specific Objective(s))</b>	Improved transparency, legitimacy and credibility of the 2021 elections.	1.1 Percentage of positive independent observation assessments of credible elections in accordance with national legal frameworks (UN prodoc) 1.2 Number of acts of violence recorded during the election period 1.3 Percentage of population that turn out to vote in the general election 1.4 Percentage of seats held by women, youth and persons with disabilities in national parliament and or sub-national elected office according to their respective share of the population (GAP 17.3)	EU EOM final report  Local and international election observation mission reports	The Zambian state will have sufficient resources to comprehensively fund the electoral process  No increase in instability and conflict before the 2021 elections

<sup>8</sup> Mark indicators aligned with the relevant programming document mark with '\*' and indicators aligned to the EU Results Framework with '\*\*'.

		1.5 Percentage of women, youth and persons with disability candidates in national elections with EU support (GAP 17.6)		
<b>Outputs</b>	<p><b>Output 1: Improved democratic processes throughout the electoral cycle</b></p> <p><b>Output 2: Strengthened conflict prevention and mitigation mechanisms strengthened</b></p>	<p>1.1.1 Electoral Commission of Zambia (ECZ) with capacity to conduct inclusive and credible elections (UN Prodoc)</p> <p>1.1.2 Number of parliamentary bodies with strengthened capacity to ensure good governance</p> <p>1.1.3 Number of government legislation, policies and strategies developed or revised with civil society organisation participation through EU support (** 2.25)</p> <p>1.1.4 Zambia supported by the EU to conduct elections and improve their electoral process (** 2.24)</p> <p>1.2.1 Number of state institutions and non-state actors supported on conflict prevention, protection of civilian population and human rights (** 2.29)</p> <p>1.2.2 Status of warning system to monitor and map violence incident system</p>	<p>EU EOM final report</p> <p>Local and international election observation mission reports</p> <p>ECZ statistical reports</p> <p>Project reports</p>	<p>The Zambian state will have sufficient resources to comprehensively fund the electoral process</p> <p>No increase in instability and conflict before the 2021 elections</p>

	<p><b>Output 3: Strengthened capacities built for inclusive participation and civic engagement, including participation of women, youth and people living with disabilities</b></p> <p><b>Output 4: Improved capacity of civil society to maintain participatory and accountable approaches to electoral processes</b></p>	<p>1.2.3 Number of individuals directly benefiting from EU supported interventions that specifically aim to support conflict prevention disaggregated by sex (** 2.28)</p> <p>1.3.1 Number of voters reached (disaggregated by sex, age, and disability) for civic and voter education messaging</p> <p>1.3.2 Number of people with access to platforms to interact with decision makers disaggregated by sex and age</p> <p>1.4.1 Number of trained general election observers deployed disaggregated by sex and age</p> <p>1.4.2 Number of trained PVT monitors deployed, disaggregated by sex and age</p> <p>1.4.3 Number of districts to have had a local observation mission</p>		
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