



## Ensuring Electoral Integrity: A Comprehensive Study of the Legal Framework and Independence of Zambia's Electoral Management Body

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### ABSTRACT

*This study investigates the importance of Electoral Management Body (EMB) independence in ensuring the integrity of democratic elections. The study adopted the case study research design and a mixed methods approach. Drawing on the ontological and epistemological perspectives, the study applied the positivist and interpretive paradigms. The positivist paradigm allowed for the collection of data through observation, which entailed the use of quantitative methods, whereas the interpretive paradigm focused on the comprehension of concepts to understand the key issues on EMB independence and the operating environment by utilizing qualitative methods. The study employed both qualitative and quantitative methodologies, including a comprehensive review of existing literature, legal documents, and electoral laws, as well as stakeholder interviews, to gather diverse perspectives on the EMB's operations and independence. The analysis employed both thematic and statistical techniques to synthesize findings and draw meaningful conclusions. The study design examines Zambia's legal framework governing EMB functions, focusing on security of tenure, transparent appointment processes, budgetary autonomy, and institutional design and assesses particular areas within the legal framework that either support or undermine the autonomy of the EMB in Zambia. Although there are formal provisions to safeguard the autonomy of the EMB, the study reveals ongoing challenges, including executive interference in various aspects such as budgetary processes and appointments, which compromise the EMB's credibility. The research also highlights a generational divide in stakeholder perceptions, with younger individuals showing more scepticism about the EMB's impartiality. The results highlight the need for legal reforms to clarify the EMB's autonomy, enhance transparency in appointments, reinforce protections against arbitrary removal, and improve financial independence. The study concludes that based on a mixed research analysis of the EMB independence in Zambia, there are significant challenges in maintaining the EMB's independence and findings suggests that despite existing legal provisions, practical autonomy remains compromised. The study recommends strengthening the EMB's independence and effectiveness by enhancing its legal framework, decentralizing its structure, and improving transparency and accountability. Key recommendations include clarifying the EMB's autonomous status in the Constitution, codifying guidelines for the Attorney General's ability to overturn decisions, and creating a mechanism for judicial review. It also calls for fixed, non-renewable or staggered terms for commissioners, diminishing presidential power over appointments, and budgetary independence. These reforms are intended to improve the EMB's impartiality, operational efficiency, and public confidence within the Zambian electoral process.*

**Keywords:** Appointment Process, Budget Autonomy, EMB Independence, Institutional Design, Legal Framework, Security of Tenure

### I. INTRODUCTION

The improvement of democratic governance emphasises the need for transparency, accountability, and inclusivity in how elections are conducted. The creation of independent Electoral Management Bodies represents a significant milestone in ensuring the credibility and legitimacy of electoral outcomes. Despite progress, electoral management continues to face significant challenges such as political interference, inadequate funding, and general lack of public trust among others. Ensuring the independence and professionalism of Electoral Management Bodies (EMBs) remains a key priority for safeguarding the integrity of electoral processes worldwide (Cheeseman & Elklit, 2020).

Governance systems have evolved significantly over time, influenced by changing political, social, economic, and cultural dynamics. As society evolves, so have the governance systems and some of the major stages in the evolution



of governance systems include tribal and clan-Based governance, monarchies and empires, enlightenment and constitutionalism, and modern nation-states and democracy among others. According to Linz and Stepan (1996), the 19th and 20th centuries saw the proliferation of modern nation-states and the spread of democratic principles. Constitutional democracies, where power is vested in elected representatives and constrained by legal frameworks, became the prevailing form of governance in many parts of the world including Zambia.

Democratic principles took root in Zambia after independence was gained in 1964. Kenneth Kaunda of the United National Independence Party (UNIP) was the first president of the newly independent country. In 1972, Zambia became a one-party state under UNIP rule until multiparty elections were re-introduced in 1991 (Sardanis, 2019). Since then, Zambia has held seven multi-party general elections, occurring at regular five-year intervals. Additionally, there were two presidential by-elections held in 2008 and 2015 due to the unfortunate passing of Presidents Levy Mwanawasa and Michael Sata, respectively.

Diamond (2022) argues that democracy empowers people, and promotes a system of governance in which the power to make decisions and influence policy is vested in the hands of the people. It is a fundamental and widely valued political concept, often considered the best way to ensure individual freedoms, protect human rights, and promote the rule of law. Democracy has several key features, including free and fair elections, respect for the rule of law, protection of individual rights, and active civic participation.

Norris (2012), Indicates that some of the critical aspect for making democracy to work includes an independent Electoral Management Body which is crucial for the integrity of democratic elections. EMBs are responsible for organizing and overseeing elections, and they play a vital role in ensuring that the electoral process is free and fair. The conduct of elections and the independence of EMBs is guided by legal frameworks. According to Tyler (2003), Legal frameworks ensure that the government is subject to the law and that individuals are treated fairly and equally. This helps prevent abuses of power and corruption. On the other hand, Cheeseman & Elklit (2020) contend that one must do more than just consider the legal frameworks when trying to understand, measure, and enhance electoral independence, given that electoral independence is experienced as multidimensional and its importance is significant and far reaching in terms of its impact on democracies.

Cheeseman & Elklit (2020) further argue that on EMB's role in organising, overseeing, and administering elections requires qualities such as impartiality, autonomy, and transparency. Achieving these qualities often requires a strong legal framework (Tyler, 2003). In Zambia, like in many democracies, protecting the independence of the EMB is of utmost importance through the use of legal processes. This paper analyzes the extent to which Zambia's legal framework provides for the independence of Zambia's EMB.

The research identifies five key areas that promote EMB independence: the existence of a legal framework; appointment process; financial autonomy; operational independence; and security of tenure. The factors are assessed to see how the legal framework supports EMB autonomy in Zambia. The study provides an overview of the electoral legal framework and its influence on the EMB's independence, including the institutional design and board composition. By exploring these key factors, the research assesses how Zambia's legal provisions impact the autonomy of its EMB, offering insights into the strengths and challenges of the current system.

### 1.1 Statement of the Problem

Zambia's EMB plays a critical role in safeguarding electoral integrity, which is the pillar of the country's democratic processes. Despite possessing a theoretically strong legal framework for electoral governance, practical challenges stemming from executive interference threaten the EMB's ability to operate independently and execute its functions impartially. Opaque appointment processes, lack of budgetary autonomy, and insufficient security of tenure for EMB board members are among the key issues that compromise the EMB's ability to function impartially. This creates a gap between the EMB's intended role as an independent administrator of electoral processes and its actual performance, which is often influenced by external pressures.

Notwithstanding the existence of a legal framework in Zambia designed to support electoral governance, there is limited research examining how specific provisions within this framework either reinforce or weaken the EMB's independence. The study aimed to identify and evaluate specific areas within the legal framework that either support or undermine the independence of the EMB, including aspects such as transparent board appointment processes, security of tenure, budgetary autonomy, and institutional design. By examining these dimensions, the research aimed to highlight deficiencies in the existing legal provisions and propose reforms necessary to strengthen the EMB against external pressures, ensuring that its operational decisions align with democratic principles and contribute to the preservation of electoral integrity in Zambia.



## 1.2 Research Objective

The study specific objectives included:

- i. To Identify and analyze the foundational principles underlying the independence of EMBs across various jurisdictions;
- ii. To analyze the existing legal framework governing Zambia's EMB, including electoral laws, regulations, and constitutional provisions and whether they align to international norms and practice;
- iii. To assess the operationalization of EMB independence within Zambia's electoral laws, regulations, and institutional practices;
- iv. To analyze the institutional design of the Electoral Management Body, including its mandate, powers, and organizational structure;
- v. To assess the level of autonomy the EMB possesses over its mandate and operations, and how this safeguards the autonomy and impartiality of the EMB against political pressures and partisan interests.

## II. LITERATURE REVIEW

### 2.1 Theoretical Review

#### 2.1.1 Independent EMBs Enhance Electoral Integrity

The independence of electoral management bodies is a defining characteristic in democratic governance. The mechanisms for EMB autonomy have been the focus of widespread scrutiny, with researchers and practitioners alike interested in the circumstances that best ensure electoral integrity and public trust in elections. Cheeseman and Elklit (2020) suggest three key factors that support EMB independence: Institutional and Leadership Autonomy, Functional and Decision-Making Autonomy, and Financial and Budgetary Autonomy. These aspects highlight the importance of EMBs functioning autonomously without external influence to guarantee impartiality and effective administration of electoral processes. By outlining these factors, Cheeseman and Elklit (2020) provide a general framework for assessing the autonomy of EMBs across different contexts. The authors however, highlight that EMB independence is not only influenced by the formal (*de jure*) which is characterised by legal frameworks but also by the informal (*de facto*) which is the practice and tends to be influenced by other factors such as the relationship with the executive. Building upon their framework, scholars have explored various dimensions of EMB independence. For example, Van Ham & Garnett (2019) emphasize the importance of institutional design in ensuring EMB autonomy, highlighting the role of legal frameworks and appointment mechanisms. Similarly, Hyde (2011) underscores the significance of functional autonomy, arguing that EMBs must have the authority to conduct electoral processes free from external interference to uphold electoral integrity.

Gazibo (2006) emphasizes specific challenges in promoting EMB independence, particularly focusing on the importance of strong legal protections, transparent appointment processes, and adequate resources. Legal frameworks serve as the pillar for safeguarding EMB autonomy, outlining its roles and responsibilities while shielding it from political interference. Transparent appointment processes enhance public trust and confidence in the electoral process, while adequate resources are crucial for EMBs to execute their functions effectively and independently.

Further to this, the International Institute for Democracy, and Electoral Assistance, (2002) guidelines for reviewing the legal framework of elections contributes a distinct perspective, arguing that establishing EMBs as independent entities is not sufficient without a supportive legal and institutional framework and transparency. The guidelines underscore the complexity and context dependency of EMB independence, advocating for tailored approaches that address specific challenges within each country. Legal protections, transparent appointment processes, and financial independence are identified as crucial components of this framework, strengthening the broader discourse on EMB autonomy.

### 2.2 Empirical Review

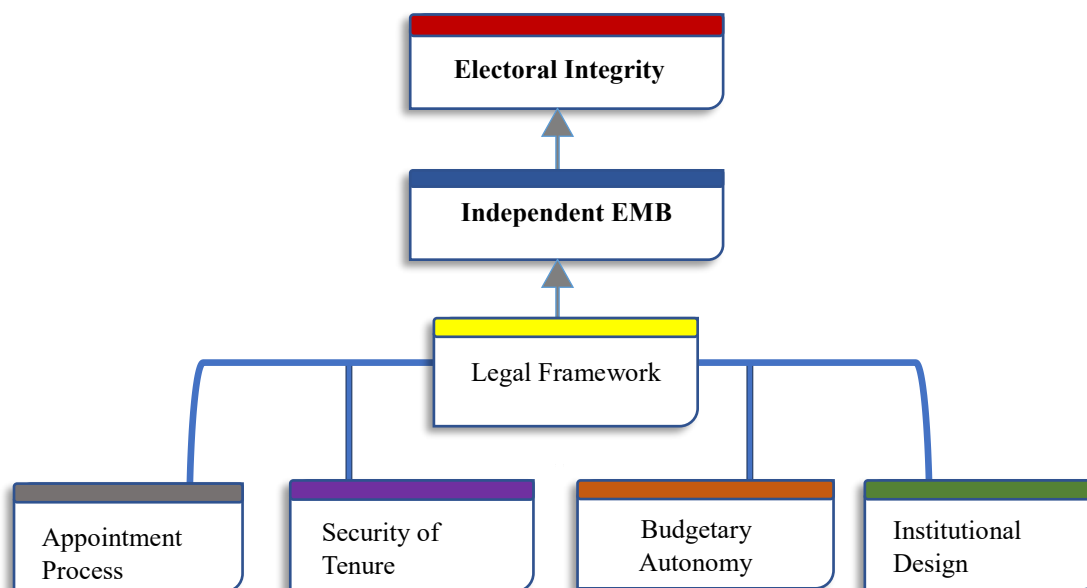
According to the revised 2023 Principles for Election Management, Monitoring, and Observation (PEMMO), promoting the independence of EMBs requires a comprehensive approach that includes legal safeguards, transparent processes, adequate resources, and consideration of the broader context (ECF-SADC, 2023). Strengthening these key areas will empower policymakers and stakeholders to enhance the autonomy of EMBs, thereby ensuring the integrity of electoral processes and supporting democratic governance (Norris et al., 2014; Schedler, 2013). Further research is necessary to explore the complexities of EMB independence and its implications for electoral democracy, with Zambia serving as a valuable case study to advance academic understanding. Scholarly literature identifies critical criteria for assessing the legal framework surrounding EMB independence. Cheeseman & Elklit (2020) argue that these should include the procedures for appointing commissioners, ensuring their security of tenure, evaluating budgetary autonomy, and examining the institutional and operational independence of EMBs.

It is also important to recognize that the integrity of elections is also heavily impacted by external factors such as the political environment (Clark, 2018). Therefore, any assessment of EMB independence must regularly apply these wider considerations as well. The literature review indicates that the integrity of elections and the independence of EMBs are essential to the preservation of democracy. It underscores the pivotal role that both formal regulations and practical implementation play in promoting the independence of EMBs. EMBs can then, through signing up to strong institutional frameworks and clear operational ways of work, provide credibility to their processes, promote fair and transparent electoral processes, and foster trust in democratic systems.

The theoretical foundation of the study emphasises the relationship between EMB independence, legal frameworks, and electoral integrity by stressing the importance of strong and independent EMBs for electoral integrity. Figure 1 below presents the study's conceptual framework, illustrating the relationship between electoral integrity as the dependent variable and the independent variables related to the study.

### 2.3 Study Conceptual Framework

The study conceptual framework highlights the relationship between Electoral Integrity as the dependent variable and the associated independent variables. It shows the link between electoral integrity, the independence of EMBs, and the legal frameworks that govern them. The framework emphasizes the critical role of independent EMBs in ensuring electoral integrity. Legal frameworks supporting EMB independence should prioritize elements such as transparent appointment processes, security of tenure, budgetary autonomy, and institutional designs that support operational and functional autonomy. Furthermore, these frameworks should be structured to promote transparency, accountability, and impartiality within EMBs. By doing so, they enhance the EMBs' ability to manage electoral processes effectively, free from political interference, thereby safeguarding the integrity of elections.



**Figure 1**  
*Study Conceptual Framework*  
Source: Author (2024)

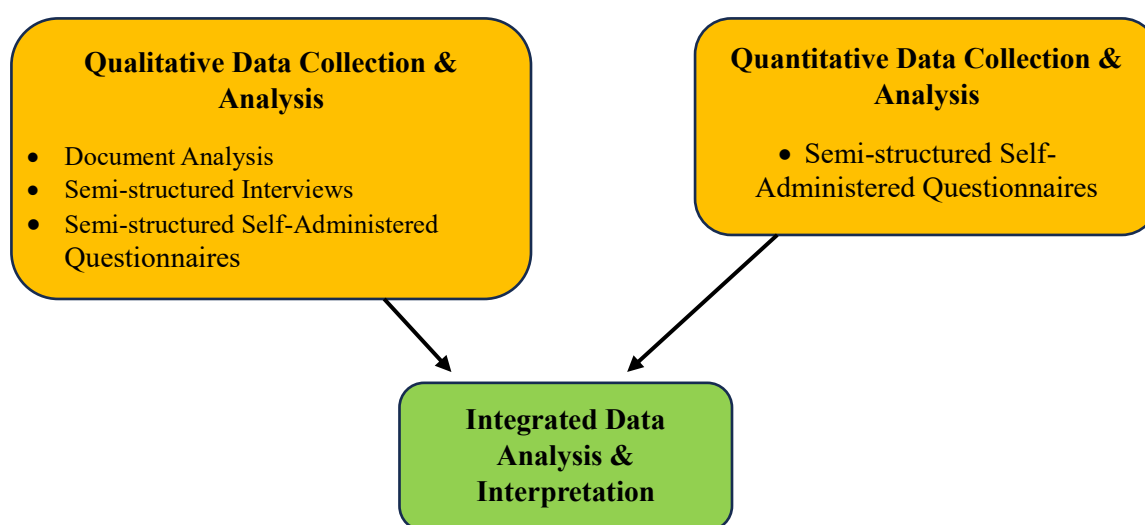
### III. METHODOLOGY

The research design for this study employed a mixed methods approach integrating both the positivist and interpretive paradigms. The positivist paradigm facilitated data collection through observation, employing quantitative methods, while the interpretive paradigm emphasized understanding key concepts and issues related to EMB independence and its operational environment through qualitative methods. This mixed methods approach combining qualitative and quantitative methodologies, including a comprehensive review of existing literature, legal documents, electoral laws, and stakeholder interviews, to gather diverse perspectives on the EMB's operations and independence. The analysis employed both thematic and statistical techniques to synthesize findings and draw meaningful conclusions. This approach allows for a comprehensive investigation into the legal framework surrounding Zambia's EMB and its independence. Easterby-Smith et al. (2012) suggest that a research design acts as a comprehensive structure directing researchers in tackling the formulated research inquiries. The case study research design examines Zambia's legal

framework governing EMB functions, focusing on security of tenure, transparent appointment processes, budgetary autonomy, and institutional design and assesses particular areas within the legal framework that either support or undermine the autonomy of the EMB in Zambia.

The study examined the concept of EMB independence through a case study examining electoral laws and practices in Zambia. For this reason, a mixed methods research design was employed to provide flexibility, depth, and breadth in addressing research inquiries. This type of approach enabled the study to achieve a better understanding of the subject matter and to draw stronger conclusions than could be made based on any one methodological approach. Johnson et al. (2007) argue that mixed methods research involves integrating elements of both qualitative and quantitative research methods. This entails employing diverse approaches to examining information, collecting data, and analyzing it. The objective is to attain a more comprehensive understanding of a topic by leveraging a variety of research tools.

In this context, the study conducted an extensive examination of existing literature concerning the independence of EMBs, electoral integrity, and related subjects to understand the theoretical framework and fundamental concepts. Additionally, a thorough document analysis served as the primary data source for the study. This entailed scrutinizing relevant legal documents, electoral laws, regulations, and reports to assess the formal structure and legal framework governing the independence and operations of the EMB. Judicial cases and rulings, along with reports from international organizations, NGOs, and electoral observation missions concerning Zambia's electoral processes and the performance of the EMB, were also considered. Further, academic articles, research papers, and scholarly publications related to electoral governance, integrity, and the legal frameworks of EMBs were also examined.



**Figure 2**

*Data Collection Approach (Adapted from Creswell, 2013)*

## IV. FINDINGS & DISCUSSION

This synthesizes the study's findings by integrating the key variables under investigation, namely the legal framework, Security of tenure, budgetary autonomy, appointment process, institutional design, and executive pressure. The results provide a detailed analysis of the legal framework in Zambia, as evaluated through these identified variables. The subsequent discussion contextualizes these findings within the broader academic discourse on how legal frameworks contribute to the independence of Electoral Management Bodies. Furthermore, the discussion critically engages with stakeholder perceptions of EMB independence and the electoral law in Zambia, offering insights into the relationship between the identified variables and the overall autonomy of the EMB.

### 4.1 Legal Framework

The study findings reveal a complex relationship between Zambia's legal framework for the EMB and stakeholder perceptions of its independence. The legal framework, anchored by the Constitution of Zambia (Amendment Act No. 2 of 2016), the Electoral Process Act No. 35 of 2016, and other legislative instruments, is designed to ensure the EMB's autonomy, transparency, and integrity. This framework includes provisions for the EMB's establishment, comprehensive electoral laws, and detailed functions aimed at upholding democratic processes. However, a notable weakness in law is the non-explicit indication of its autonomy which is rather addressed collectively under Part 18, Services, Commissions, and Other Independent Offices, specifically Article 216 of the Constitution. This could



negatively influence the importance of having an independent electoral body especially if other commissions are not perceived with the same level of importance and standing as they could be used as a reference point for undermining legal provisions and operations of the EMB.

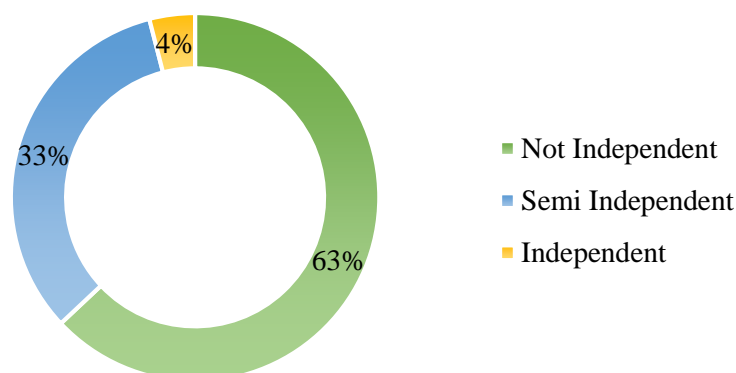
However, it is evident that Zambia, has the relevant overall legal framework that aligns to the definition of an independent EMB model. The perceived strengths of the legal framework lie in its comprehensive nature, the establishment of clear electoral laws, and the establishment and defined functions of the EMB, which collectively aim to ensure transparent and fair elections.

This is in line with international guidelines and norms as prescribed in many international instruments such as the Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections, the African Charter on Democracy, Elections, and Governance, and the International Covenant on Civil and Political Rights (ICCPR) among others recommend for of a clear legal framework for the establishment of an electoral body and the conduct of elections.

However, it is also evident that the existence of law doesn't not necessary fully guarantee the autonomy of the EMB which also confirms the argument by Cheeseman and Elklit (2020), where they argue for the distinction between formal (de jure) and informal (de facto) autonomy and also aligns with recent scholarship emphasizing the complex relationship between legal mandates and actual operational practices within EMBs (Birch et al., 2020). For example, the Constitution of Zambia under article 229 requires the ECZ to have decentralized structures at provincial and district levels, but this has not been realized, leading to reliance on local government administration without a clear legal framework. This lack of formal decentralization undermines the EMB's independence and ability to manage elections effectively, resulting in potential biases in election administration.

Further, conflict of laws and its application is demonstrated in the enforcement of the electoral code of conduct and public order act. The electoral code of conduct, as stipulated under the Electoral Process Act No. 35 of 2016, regulates key aspects of campaigning but the exemptions in the electoral code of conduct for the President and Vice-President undermine the independence of the EMB and weaken the legal framework designed for fair elections. These exemptions as per section 15 (1) (k) of the electoral process act No. 35 of 2016 allow incumbents to use state resources for campaigning, blur the lines between official duties and political activities, and bypass public gathering notifications, giving them an undue advantage over other candidates. This compromises the EMB's ability to enforce neutrality and maintain a level playing field, highlighting the need for legal reforms to ensure fair and impartial elections.

This is observed in the stakeholder perceptions where despite the existing legal framework, stakeholders however exhibit mixed perceptions about the effectiveness of these legal safeguards. Although the majority (63%) of respondents agree that the legal framework is strong, reflecting a moderate level of confidence in the existing electoral legal framework, a significant minority express neutrality or have concerns about the legal protections being in place. The limitations are evident in how these laws are applied in practice. Among other things, respondents highlight issues such as political influence in the operations of the EMB including appointment of commissioners, the EMB's financial dependence on the government, and gaps in the enforcement of electoral laws. These concerns suggest that while the legal framework is theoretically sound, its implementation is hindered by political interference and inadequate financial independence, which compromise the EMB's effectiveness and perceived impartiality. This is evident by the stakeholder perceptions of the independence of the EMB. As per figure 3 below, 63% of the study respondents indicated the EMB was not independent, whilst only 4% indicated that it was independent. Some respondents perceived the EMB to be moderately independent at 33%, with room for improvement in transparency and accountability.



**Figure 3**

*Perception of Level of EMB Independence*



To strengthen the EMB's independence, respondents suggested reform such as the removal of exemptions for incumbents on campaign regulations and improved appointment processes to facilitate non-partisan selection as well as significant financial independence and mechanisms for the EMB to guard against political interference. Addressing these weaknesses would enhance the EMB's credibility and align its operations more closely with democratic principles, thereby improving stakeholder confidence in Zambia's electoral processes.

It is essential to tackle stakeholder concerns, as the study highlights a trend of perceived low to moderate independence of the EMB across various sectors in Zambia. Political parties, civil society, and legal professionals report the lowest levels of EMB autonomy. Younger age groups between the age 18-35 years and 36-49 years are particularly critical, with a significant portion rating the EMB's independence as very low or low. In contrast, older age groups between 50-60 years and 60+ years tend to perceive moderate levels of independence, with the 60+ group showing the highest ratings of moderate to high independence. This generational divide and sector-specific dissatisfaction highlight important weaknesses in the legal framework and the need for reforms to strengthen the EMB's autonomy, restore confidence, and ensure fair electoral practices.

#### 4.2 Transparent Board Appointment Processes

The sub-variables analysed under this variable included the qualifications and appointment procedures, nomination, public vetting and political influence. including stakeholder perceptions of the level of independence of the various variables. The results reveal that the legal framework governing the qualifications for appointment to the EMB in Zambia includes the Constitution of Zambia (Amendment) Act No. 2 of 2016 and the Electoral Commission of Zambia Act No. 35 of 2016, as amended by Act No. 5 of 2019. These laws stipulate that a person must be a Zambian citizen, permanently resident in Zambia, free of recent criminal convictions, and in good standing regarding tax payments and mental and physical health. Additionally, the Electoral Commission of Zambia Act specifies that candidates must possess a school certificate, a degree, and relevant experience in areas such as election administration, finance, governance, public administration, or law. This comprehensive set of qualifications aims to ensure that members of the EMB have the requisite knowledge to uphold the body's independence and credibility. However, the qualification does not include a criterion for examining an individual's integrity and impartiality to ensure that all those appointed are non-partisan and impartial. This has led to known political party members being appointed to the Commission hence undermining public confidence in the institution and its independence.

Further to this, the appointment process for EMB members is designed to balance presidential authority with parliamentary oversight. According to the Electoral Commission of Zambia Act No. 35 of 2016 and the Constitution of Zambia (Amendment) Act No. 2 of 2016, the President appoints full-time members of the commission, subject to ratification by the National Assembly. The ratification process, detailed in Article 95 of the Constitution, provides the National Assembly with multiple opportunities to accept or reject presidential appointees. This process is intended to ensure that appointments are subject to thorough scrutiny and that the EMB's independence is maintained. However, the constitutional provision allowing the President's third appointment to automatically take effect if the National Assembly fails to ratify it has been criticized as potentially undermining the intended checks and balances. This clause could enable the President to bypass parliamentary scrutiny, which is seen as the only vetting mechanism, raising concerns about the politicisation of appointments.

The appointment process is further undermined by the Oath of Office sworn by the commissioners. Section 12 of the Electoral Commission of Zambia Act 2016 mandates that commissioners and staff members of the ECZ must take an oath of office in accordance with the Official Oaths Act No.4 of 1990 upon appointment. This prescribed oath obligates the commissioners and staff to pledge allegiance to the President, who is widely perceived to have partisan interests in the results of electoral processes. This requirement has raised concerns about the potential compromise of the ECZ's independence, as the act of swearing allegiance to a politically invested President may influence the impartiality and objectivity expected of the Commission's officials. Such a scenario underscores the critical need for institutional frameworks that enhance the autonomy and impartiality of electoral bodies to maintain public trust in the electoral process and ensure fair and transparent elections.

Stakeholder perceptions of the EMB board appointment process were predominantly negative, with 98% of respondents viewing the process as opaque. This high percentage indicates significant concerns regarding transparency, accountability, and inclusivity. Respondents identified several issues affecting the transparency of the appointment process. There is a perceived absence of openness and inclusivity in the selection of board members, leading to concerns about nepotism and political influence. Respondents raised concern about the concentration of appointment powers in the hands of the President which is seen as a significant hindrance to transparency and accountability.

The President essentially selects individuals based on personal preference without conducting due diligence, public vetting, or employing a scrutiny mechanism prior to the nomination process. Due to the inadequacies in the parliamentary ratification process, members of the ruling political party have been appointed to the electoral



management board, thereby compromising its independence and impartiality. For example, study respondents pointed out that the commission board chairperson appointed in 2023 is an active member of the ruling United Party for National Development (UPND), and another appointee from 2022 had previously sought nomination in the UPND primaries for a parliamentary seat.

The absence of clear and transparent procedures for appointing board members has encouraged perceptions of political manipulation. Respondents voiced concerns that political considerations frequently overshadow merit-based criteria in appointments, and the perceived insufficiency of parliamentary scrutiny worsens the lack of transparency in the appointment process. According to the guidelines provided by International IDEA (2002), the legal framework should guarantee that the process of selecting and appointing members of the EMB is impartial. This is essential to prevent any undue influence or bias in the composition of the electoral management body.

Taking into account the independence of the EMB, on a scale of 1 to 5 with 1 denoting a very low degree of independence and 5 very high level, stakeholders poorly rated the institution. The nomination process, with a mean score of 2.0, is perceived as having low independence, indicating widespread dissatisfaction among stakeholders. The appointment criteria and qualifications received a mean score of 2.524, suggesting moderate independence, though there is significant variability in stakeholder perceptions. The public vetting process was rated with a mean score of 1.548, indicating low independence and highlighting consistent perceptions among stakeholders about the need for a more transparent vetting process. Finally, the mean score of 2.667 on the presence of political interference shows continued concerns about whether political actors are able to interfere with board appointments even though stakeholder perceptions showed considerable variation.

While Zambia's legal framework for appointing EMB members incorporates essential qualifications and a structured appointment process, significant concerns remain regarding the transparency and independence of these procedures. Addressing these concerns would require the adoption of best practices and reforms aimed at enhancing public participation, reducing presidential authority, and ensuring strong parliamentary oversight. Ugues (2014) emphasises that appointing non-partisan individuals to the boards of EMBs is critical for promoting impartial decision making and increasing public trust in the electoral process. Therefore, it is also essential to expand the qualifications to include assessments of an individual's standing in society, incorporating ethical and integrity checks to ensure non-partisanship and impartiality. Implementing these measures are vital for strengthening the credibility and effectiveness of the EMB.

### 4.3 Security of Tenure

The study results on the tenure of office for members of the Electoral Commission of Zambia is defined under the Electoral Commission of Zambia Amendment Act No. 2 of 2019, which stipulates a seven-year term with the possibility of one reappointment. This structure aims to balance continuity with the introduction of new perspectives. Conditions for vacancy include death, resignation, bankruptcy, conviction of an offense, or legal disqualification, with the President responsible for appointing replacements for unexpired terms and removing members for incompetence or gross misconduct (Electoral Commission of Zambia Amendment Act, 2019).

Fixed tenure is widely recognized as a critical factor in safeguarding the independence of EMBs, as it reduces the risk of political interference and allows members to focus on long-term strategies (International IDEA, 2002). The seven-year term in Zambia aligns with this principle, providing a stable environment for the EMB to operate effectively and impartially. Further to this, the 2019 amendment to the Electoral Commission of Zambia Act introduced a formalised process for removing Commissioners, involving a Tribunal appointed by the Chief Justice to assess allegations of incompetence or misconduct. This procedural fairness is crucial for maintaining the EMB's credibility. However, the President's power to suspend Commissioners before a *prima facie* case is established raises concerns about potential misuse for political gain.

Best practices suggest that removal procedures for EMB members should involve a neutral and independent body to prevent political manipulation. For example, the Venice Commission as per the Code of Good Practice in Electoral Matters recommends that the bodies appointing members of electoral commissions must not be free to dismiss them at will and that dismissal procedures should be conducted by an impartial judicial body, ensuring that EMB members are only removed for legitimate reasons and not due to political pressure (Venice Commission, 2002).

Stakeholder perceptions based on three variables: length of tenure, renewability of terms, and conditions for dismissal on a scale of 1 to 5 where 1 indicates very low independence and 5 very high independence also revealed varied views on the EMB's independence in terms of security of tenure. For the length of tenure, the mean rating was 3.625, indicating moderate to high independence. A longer fixed term is perceived to enhance stability and reduce vulnerability to political influence, aligning with best practices that advocate for substantial tenure to ensure independence (Gazibo, 2006). Therefore, based on the ratings, study respondents generally believe that the Zambia length of tenure for the members of the commission is appropriate and does not compromise their independence.



Regarding the renewability of terms, the mean rating was 2.732, suggesting low to moderate independence. Renewability of terms can be problematic if it allows for political manipulation. Best practices recommend non-renewable terms or staggered appointments to prevent the concentration of power and ensure continuity without compromising independence (International IDEA, 2002). Based on the respondents, EMB commissioners are seen to be compromised and aligned to the ruling party in their execution of duties in a bid to have their contracts renewed for a second term as the prerogative to renew a contract is placed in the president who is the appointing authority. This aligns with concerns that renewable terms may incentivise political alignment among EMB members seeking reappointment.

In terms of conditions for dismissal, the mean rating was 3.171, indicating moderate independence. Clear and stringent conditions for dismissal are essential to protect EMB members from arbitrary removal. The involvement of an independent judicial body in dismissal processes is a best practice to enhance credibility and trust (United Nations, 2011). Despite the legal protection against arbitrary dismissal most respondents indicated moderate independence, primarily due to presidential powers allowing for suspension before establishing a clear case of misconduct. An illustrative example given is the Case 2022/CCZ/0019 in the constitution court of Zambia between Emily Joy Sikazwe and Attorney General in which the petitioner sort relief against the president of the Republic of Zambia for pre-maturely suspending and terminating her employment as the Vice Chairperson of the Electoral Commission of Zambia.

Overall, the study findings on security of tenure for the EMB in Zambia highlights both strengths and weaknesses in current security of tenure provisions. While the seven-year fixed term provides stability, concerns about political influence in removal procedures and the renewability of terms remains a significant weakness. Best practices from international guidelines suggest that fixed, non-renewable terms, independent judicial oversight in removal processes, and inclusive appointment procedures are essential for enhancing the independence and effectiveness of EMBs. Addressing these issues can improve stakeholder confidence and ensure that the EMB operates impartially and effectively in safeguarding electoral integrity.

#### 4.4 Budgetary Autonomy

The study results on budgetary autonomy of the EMB in Zambia reveals significant concerns regarding the financial independence and operational efficacy of the EMB. The legal framework governing the EMB's financial autonomy in Zambia is critical in determining the level of control the body has over its budget allocations and expenditures. According to the study, the existing legal provisions provide for significant executive oversight, primarily through the Ministry of Finance and the President. This control mechanism often limits the EMB's ability to independently manage its finances, potentially compromising its impartiality and effectiveness.

The legal framework governing the budgetary control of the EMB is primarily established through the Electoral Commission of Zambia Act No. 35 of 2016 and its Amendment Act No. 5 of 2019. These statutes outline the responsibilities of the Minister of Finance in presenting budgetary statements to the National Assembly and require the EMB to submit annual reports detailing its financial activities, including audited financial statements. Van Ham and Garnett (2019) argue that true budgetary independence is characterized by the ability to allocate and control the budget autonomously.

The financial independence of the Electoral Commission of Zambia is further supported by its direct engagement with the Ministry of Finance, as outlined in Articles 238 and 239 of the Constitution, which designate the ECZ as a self-accounting institution. This constitutional provision is intended to minimize potential political interference in the ECZ's financial affairs, thereby promoting its autonomy. However, this intention is not adequately reflected in subordinate legislation. Consequently, there are no explicit mechanisms for the ECZ to operate effectively as a self-accounting entity. Due to this legislative gap, the Commission is subject to the general provisions of the Public Finance Management Act No. 1 of 2018, which governs the management of public funds across all public institutions. This dependence on general legislation may hinder the ECZ's ability to exercise full budgetary control and maintain its financial independence.

Further, since the operations of the EMB are governed by the Public Finance Management Act, it restricts its capacity to make independent allocation and reallocation decisions without the express approval of the treasury. Gilardi and Maggetti (2011) emphasises the importance of granting EMBs the autonomy to determine their internal structures and exercise authority over key personnel decisions, such as hiring and termination. However, the EMB faces additional constraints in independently determining its optimal organizational structure and recruiting staff due to budgetary limitations. These constraints significantly hinder the EMB's ability to operate autonomously and effectively.

Financial accountability is a crucial factor in evaluating the budgetary autonomy of the EMB. The study reveals that, although the EMB is subject to financial audits and reporting requirements, the current framework, specifically Section 17 of the Electoral Commission of Zambia Act 2016, mandates the Commission to submit its annual activity



and financial reports to the President. This requirement potentially undermines the EMB's independence, as it places the accountability of the Commission under the executive branch, which may have partisan interests.

A more effective approach to ensuring financial accountability and enhancing the EMB's independence would involve submitting these reports to Parliament instead. By having the reports reviewed and debated by Parliament, a more transparent and impartial oversight process can be established. Furthermore, making these reports public would enable citizens to scrutinize the Commission's activities and financial management, thereby holding it accountable. This shift aligns with best practices in democratic governance, where independent bodies are held accountable by legislative branches rather than the executive, ensuring greater transparency and reducing the risk of political influence (International IDEA, 2002).

In Addition to this, stakeholder perceptions are pivotal in understanding the practical implications of the EMB's budgetary autonomy assessing future improvements. The study reveals that stakeholders generally perceive the EMB's financial independence as limited, as reflected in the mean scores for various sub variables of the budgetary process. These include budget approval mechanisms, the proportion of the budget sourced from the government, the ability to reallocate funds, and the ability to invest funds. The budget approval mechanisms received a mean score of 2.714, indicating relatively low independence. Respondents expressed dissatisfaction with the significant involvement of the executive branch in approving the EMB's budget including setting annual funding thresholds, which can lead to political influence and undermine the body's autonomy.

The proportion of the budget sourced from the government scored a mean of 2.976, indicating moderate independence. Respondents showed concerned about the EMB's reliance on government funding and moderate control of the funds, which can lead to potential biases. Enhancing public funding autonomy and diversifying funding sources by incorporating international grants, donations, and other independent revenue streams is recommended to enhance financial independence and reduce the risk of political influence. However, some respondents indicated that it was essential for EMBs to be fully financed by the treasury to protect national sovereignty and reduce external influence on its operations.

The ability to reallocate funds within the EMB received a mean score of 2.167, reflecting low independence. This limitation prevents the EMB's flexibility to respond effectively to changing needs and priorities. Best practices advocate for granting EMBs the authority to reallocate funds autonomously, which can improve operational efficiency and responsiveness. Van Ham & Garnett (2019), underscores the significance of organizations or entities possessing the authority and capability to determine the distribution and management of funds within their operational frameworks.

The ability to invest funds received the lowest mean score of 1.595, indicating very low independence. This score highlights the EMB's restricted capacity to generate additional income through investments, limiting financial growth and sustainability. Implementing policies that allow EMBs to invest surplus funds in low-risk, high-yield assets can provide additional financial stability and independence.

Overall, the study results underscore significant challenges to the budgetary autonomy and operational efficacy of the EMB in Zambia. The current legal framework, despite its provisions for financial management and reporting, imposes substantial executive oversight, undermining the EMB's independence. This is further made worse by legislative gaps that fail to fully support the self-accounting status of the ECZ, restricting its financial autonomy. Stakeholder perceptions, as revealed in the study, reflect a widespread concern over these limitations, particularly regarding budget approval mechanisms, reliance on government funding, and the inability to reallocate or invest funds independently. To enhance the financial independence and effectiveness of the EMB, it is important to adopt best practices that promote transparent and participatory budgetary processes, diversify funding sources, and grant greater autonomy in financial decision-making. Strengthening the legal framework to align with these best practices will not only enhance the credibility and impartiality of the EMB but also promote greater public trust in the electoral process.

#### 4.5 Institutional Design

Article 242 of the Constitution of Zambia (Amendment) Act No. 2 of 2016 stipulates that the functions, composition, appointment of members, tenure of office of members, processes and procedures, operations, administration, structures, finances, and financial management of a commission shall be prescribed. The study results demonstrate that the main legal framework governing the EMB institutional design in Zambia is as prescribed in the Electoral Commission of Zambia Act No. 25 of 2016 and its amendment, Act No. 5 of 2019. This framework outlines the composition, appointment procedures, tenure, responsibilities, and operational processes of the EMB, reflecting a structured approach to electoral management. The composition includes a Chairperson, Vice-Chairperson, and three full-time members appointed by the President and ratified by the National Assembly, with a Chief Electoral Officer managing daily operations. This is in addition to its constitutional establishment as per article 229 of the Constitution of Zambia (Amendment) Act No.2 of 2016.



This aligns with international principles such as African Charter on Democracy, Elections, and Governance and the SADC Principles for Election Management, Monitoring, and Observation (PEMМО) which calls for a legally established EMB. Further to this, the institutional design for the EMB in Zambia is set up towards the Independent Model of electoral body in line with the global trend. This model tends to be good for promoting public trust and preventing conflict as its perceived to be impartial. The independence of an EMB is seen to serve as a safeguard against manipulation, fraud, and bias, as it allows the electoral management body to make decisions based on the principles of transparency, fairness, and impartiality, rather than political agendas (Likoti, 2009).

However as highlighted under the legal framework section of the study, despite the law providing for the establishment of an independent electoral body with presence in provinces and districts as per article 229 of the Zambian Constitution. The EMB remains centralised with presence only at the national level, whilst utilising the local government structures for the conduct of elections and fulfilment of its mandate. This tends to undermine the EMB's operational and decision-making independence. Cheeseman and Elklit (2020) highlight the significance of the EMB having control over its organizational structure and decision-making processes. This includes being able to make independent decisions regarding staffing, recruitment, and administrative functions. The study revealed that local government staff who were recruited to undertake electoral functions were usually conflicted between the EMB and the local government service commission with incidences reported of interference of their operations through the office of the District Commissioner.

Zambia's EMB's decision-making structures are designed to ensure accountability and inclusiveness. Regular monthly meetings with a quorum requirement and the inclusion of non-voting expert participants illustrate a commitment to informed and democratic decision-making processes. Additionally, the legal provisions grant the EMB autonomy in its operations, which is essential for maintaining its independence and adaptability in ever changing electoral environments.

However, the EMB decision making process tends to fall short as it lacks an external accountability mechanism. According to the ECF SADC (2023) as per the Principles of Election Management, Monitoring and Observation (PEMМО) in the SADC region, the institutional design of an independent EMB should have parliamentary accountability. The Zambian EMB reports to the office of the vice president who then provide annual reports to parliament. This goes against these principles which encourage SADC member countries to have EMBs be accountable to Parliament through a specified parliamentary committee rather than a ministry or department of the executive.

Stakeholder perceptions are an important component in assessing the practical independence of the EMB beyond its legal stipulations. Cheeseman & Elklit (2020) argues that it's important to consider both the formal rules and the practical implementation of independence measures. The study revealed that a significant majority 63% of respondents perceive the EMB institutional design based on combined indicator variables (structure of EMB and decision making) as moderately independent, indicating a potential disconnect between the formal institutional structures and practical realities. This rating indicates that study respondents recognize some degree of autonomy in the EMB's operations but also acknowledge existing limitations or influences that may affect its impartiality. Further to this 27.5% of the respondents perceive the EMB institutional design as low to very low independence with only 9.5% indicating high to very high independence.

The stakeholder perception results suggest a general consensus towards moderate independence as it relates to the EMB's institutional design among the various sectors and age groups. It was noted that the variations in perceptions of higher and lower independence were less common. Further, the ratings trend generally increased by age with the youngest age group perceiving the institutional design, especially the decisions making processes of the EMB more less independent in comparison to older age groups.

These ratings by study respondents further revealed significant concern around the institutional design of the EMB and its effectiveness. Stakeholders indicated that there were blurred roles in terms of the commission headed by the chairperson and the administrative functions headed by the Chief Electoral Officer (CEO) given that the members were full time and were seen to not only provide policy guidance but also influence operational decisions. This was further compromised by the fact that the CEO is not only appointed by the EMB board but also does not enjoy security of tenure despite being a statutory office. This gives the EMB board power to significantly influence not only the policy of the EMB but also its administrative operations. This undermines governance principles of separation between board and management. Respondents further indicated that commissioners tend to be externally influenced since they are politically appointed through the president as discussed in detail under the appointment process section.

While the legal framework provides a strong foundation for the EMB's operations, its essential to also address the centralised structure, accountability and concentrated power of the commissioners in addition to enhancing stakeholder confidence. These factors are crucial for improving the EMB's practical independence and effectiveness as it relates to the institutional design.



#### 4.6 Executive Pressure

The study results reveal that the legal framework in Zambia, as stipulated in the Constitution of Zambia (Amendment) No. 2 of 2016 and the Electoral Commission of Zambia Act No. 25 of 2016, is designed to ensure the independence of the Electoral Commission of Zambia. Article 216 prescribes that the Commission should not be subject to control by any person or authority, emphasizing non-partisanship and integrity in its functions. This framework aims to protect the EMB from unlawful influence and coercion, thereby maintaining the integrity of electoral processes. Clark (2018) argues that when EMBs operate without political interference, they can adhere strictly to electoral laws and principles, ensuring that decisions are made impartially. This independence is vital for conducting fair and transparent elections, which are fundamental to maintaining public confidence in the electoral process (Clark, 2018).

However, the study has revealed that despite the legal framework intended to shield the EMB in Zambia from external influence, stakeholders have reported significant instances of executive interference in its operations. According to the study, 72% of respondents noted executive interference, including decisions made to appease appointing authorities, alignment with party positions, biased conduct favouring the government, and pressure on local government officers to align with the ruling party. This interference undermines the EMB's autonomy and impartiality. One of the most cited observed instances of executive interference by stakeholders was the case of Joseph Malanji and Bowman Chiloshi Lusambo versus the Attorney General and Electoral Commission of Zambia (2022). Respondents indicated that the ECZ refused nominations from candidates whose parliamentary seats were nullified by the Constitutional Court for the Kabushi and Kwacha by-elections on August 25, 2022. This followed a decision by the constitutional court to uphold the High Court nullification of Bowman Lusambo's election for Kabushi due to electoral violence and Joe Malanji's election for Kwacha for lacking a Grade 12 certificate at the time of nomination, both challenged by the ruling United Party for National Development (UPND).

It is alleged that the executive influenced the ECZ to prevent the former members of parliament from recontesting, arguing they had caused the elections and were legally barred from participating. However, the Constitutional Court ruled on March 10, 2022, in case 2022/CCZ/0018, that the applicants were not disqualified and were eligible to recontest the by-elections. The court clarified that Article 72(4) specifies ineligible candidates, which did not include members whose seats were vacated by nullification. Despite this judgment, the ECZ did not conduct fresh nominations, barring Malanji and Lusambo from participating in the by-elections. Respondents indicated that this situation highlights the significant executive interference, which undermines the EMB's autonomy and impartiality.

It is further evident based on respondents' perceptions that there are significant concerns regarding the practical independence of the EMB. The study results of stakeholder perceptions across three variables i.e., presence of coercive tactics, frequency of interference, and incidence of executive interference indicate presence of executive interference in the EMB operations. The mean ratings for these variables indicate a moderate level of perceived interference and coercion by the executive. The mean rating for coercive tactics at 2.857, frequency of interference at 2.833, and incidence of executive interference also at 2.857. The relatively close standard deviations suggest a consistent perception among respondents regarding executive interference.

Stakeholder perceptions regarding coercive tactics show a varied distribution, with 60% perceiving moderate independence of the EMB despite coercive tactics. This suggests that while coercive tactics are recognized, many stakeholders believe the EMB retains some degree of autonomy. Perceptions of the frequency of interference also indicate a moderate level of independence for the EMB, with 59% of respondents viewing the EMB as moderately independent. However, substantial concerns remain, with 24% perceiving low independence due to frequent executive interference. Stakeholders' views on the incidence of executive interference reflect similar patterns, with moderate independence perceived by the majority. These perceptions highlight ongoing challenges in maintaining the EMB's autonomy against executive pressures.

### V. CONCLUSION & RECOMMENDATIONS

#### 5.1 Conclusion

The study has provided a comprehensive examination of the EMB in Zambia, focusing on its legal framework as it relates to procedures for board appointments, the security of tenure, budgetary independence, and institutional design including the extent of executive interference. It has further provided stakeholder perceptions, and the challenges the EMB faces in maintaining independence and effectiveness. The findings demonstrate the critical role that an independent and credible EMB plays in ensuring free and fair elections, which are foundational to the health of democracy in Zambia.

The analysis revealed that while the legal framework governing the EMB is designed to promote its independence, there are still significant gaps that require reform. The lack of explicit provisions that clearly define the EMB's autonomy, coupled with the substantial influence of the executive branch over its operations and budgetary



processes, poses serious challenges to the EMB's ability to function impartially. Stakeholder perceptions further complicate this landscape, with younger generations expressing greater skepticism about the EMB's credibility compared to older generation. This generational divide highlights the urgent need for reforms that address public concerns and restore confidence in the electoral process.

The study therefore highlights the need for a concerted effort to strengthen the EMB in Zambia, ensuring that it can fulfill its mandate effectively and impartially. By addressing the identified challenges and implementing the recommended reforms, Zambia can enhance the credibility of its electoral processes, thereby reinforcing public trust in the EMB and democracy. The findings of this study not only contribute to the academic discourse on electoral governance but also provide practical insights for policymakers and stakeholders committed to advancing democratic integrity in Zambia. As the country moves forward, it is imperative that the EMB is empowered to operate independently, free from political interference or any other external influence, to uphold the democratic values that are essential for a thriving society.

## 5.2 Recommendations

To protect the EMB's independence and effectiveness, the legal framework must be clarified and strengthened. This includes explicitly defining the EMB's autonomy in the Constitution and relevant statutes to distinguish it from other independent bodies. Decentralization gaps must be addressed by establishing a clear legal framework for ECZ structures at provincial and district levels, as mandated by Article 229 of the Constitution. Campaign regulations should also be reformed to ensure a level playing, including amending the Electoral Process Act to prevent incumbents from using state resources for campaigning or bypass public gathering notifications. Strengthening enforcement mechanisms and oversight is crucial to prevent political interference. Furthermore, engagement with political parties, civil society, and other stakeholders is essential to build consensus and ensure reforms meet broader expectations.

The appointment process for EMB members must be made more transparent and inclusive to enhance public trust. Introducing public vetting and scrutiny mechanisms would broaden stakeholder engagement, reducing perceptions of nepotism and political influence. Presidential authority in appointments should also be limited by removing provisions allowing the President's third appointment to take effect without parliamentary ratification. A neutral body should oversee nominations to ensure non-partisan, qualified appointees with proven integrity and impartiality. Integrity and ethical checks should be mandatory criteria for EMB members. Additionally, the oath of office should emphasize allegiance to the Constitution and the principles of impartiality, rather than the President, reinforcing the EMB's autonomy and public trust in its ability to operate without political bias. The security of tenure for commissioners is another critical area that requires reform. To safeguard the EMB's independence, fixed, non-renewable terms for commissioners should be adopted to prevent political manipulation and ensure commissioners can focus on their duties without the pressure of seeking reappointment. Staggered appointments could also be considered to maintain continuity while avoiding the concentration of power. The dismissal process must also be strengthened by involving an independent judicial body as the President's current power to suspend commissioners without a prima facie case risks political misuse. Impartial judicial oversight mechanism would protect against arbitrary removal and reinforce the EMB's credibility.

To strengthen the EMB's financial autonomy, legislative reforms should support its self-accounting status, allowing independent budget management without excessive executive oversight. Amendments to relevant laws should allow the EMB allocate, reallocate, and invest funds, financial reports submitted to Parliament and made public for transparency and civil society scrutiny.

Finally, institutional design must be refined to improve the EMB's efficiency and effectiveness. The EMB's structure must be decentralized by establishing provincial and district offices, as prescribed by the Constitution, to improve electoral oversight and reduce reliance on local government. Staffing these offices with trained personnel would enable prompt resolutions of local issues and strengthen electoral integrity. Clear separation of roles between the EMB board (focused on policy and oversight) and the Chief Electoral Officer (handling administration and policy implementation) is essential to prevent conflicts and promote accountability. Lastly, the EMB's accountability should be shifted to Parliament, requiring direct reporting to a parliamentary committee rather than the executive branch. This would provide more transparent and impartial oversight, align with international best practices such as the SADC Principles for Election Management, Monitoring, and Observation (PEMMO), and enhance public confidence by making the EMB's reports publicly accessible and free from executive influence.

## Declaration of Interest

The work presented in this paper is devoid of any personal interests or relationships that might have influenced the author.



## REFERENCES

- Birch, S., Buriel, F., Cheeseman, N., Clark, A., Darnolf, S., Dodsworth, S., & Sawyer, K. (2020, August). *How to hold elections safely and democratically during the COVID-19 pandemic*. British Academy.
- Cheeseman, N., & Elklit, J. (2020). *Understanding and assessing electoral commission independence: A new framework*. Westminster Foundation for Democracy.
- Clark, J. G. (2018). The legal framework: The context for an electoral management body (EMB)'s role and powers. *International Journal of Research in Education, Science and Technology*, 3(2), California.
- Constitution of Zambia (Amendment) Act No. 2 (2016). National Assembly of Zambia. Retrieved from <https://www.parliament.gov.zm/node/4834>
- Constitutional Court of Zambia. (2022). *Malanji and Anor v Attorney General and Anor (CCZ 18 of 2022) [2022] ZMCC 18 (7 September 2022)*. Retrieved from <https://zambialii.org/akn/zm/judgment/zmcc/2022/18/eng@2022-09-07>
- Constitutional Court of Zambia. (2023). *Emily Joy Sikazwe vs. The Attorney General 2022-CCZ-0019*. Retrieved from <https://judiciaryzambia.com/2023/10/20/2022-ccz-0019-emily-joy-sikazwe-vs-the-attorney-general-april-2023-justice-sitali-mulonda-kawime-jjc/>
- Diamond, L. (2022). Democracy's arc: From resurgent to imperiled. *Journal of Democracy*, 33(1), 163-179.
- Easterby-Smith, M., Thorpe, R., & Jackson, P. R. (2012). *Management research*. Sage.
- ECF-SADC (2023). *Principles for election management, monitoring and observation (PEMMO)*. Gaborone: ECF-SADC.
- Electoral Commission of Zambia Act No. 25 (2016). National Assembly of Zambia. Retrieved from <https://www.parliament.gov.zm/node/5223>
- Electoral Process Act No. 35 (2016). National Assembly of Zambia. Retrieved from <https://www.parliament.gov.zm/node/5232>
- Gazibo, M. (2006). The forging of institutional autonomy: A comparative study of electoral management commissions in Africa. *Canadian Journal of Political Science/Revue canadienne de science politique*, 39(3), 611-633.
- Gilardi, F., & Maggetti, M. (2011). The independence of regulatory authorities. In *Handbook on the politics of regulation* (pp. 201-217). Edward Elgar Publishing.
- Hyde, S. D. (2011). *The pseudo-democrat's dilemma: Why election observation became an international norm*. Cornell University Press.
- International Covenant on Civil and Political Rights. (1966). United Nations. Retrieved from <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>
- International Institute for Democracy & Electoral Assistance. (2002). *International electoral standards: Guidelines for reviewing the legal framework of elections*. International IDEA.
- Johnson, R. B., Onwuegbuzie, A. J., & Turner, L. A. (2007). Toward a definition of mixed methods research. *Journal of Mixed Methods Research*, 1(2), 112-133.
- Likoti, F. J. (2009). Electoral management bodies as institutions of good governance: Focus on Lesotho Independent Electoral Commission. *National University of Lesotho*.
- Linz, J. J., & Stepan, A. (1996). *Problems of democratic transition and consolidation: Southern Europe, South America, and post-communist Europe*. JHU Press.
- Norris, P. (2012). *Making democratic governance work: How regimes shape prosperity, welfare, and peace*. Cambridge University Press.
- Norris, P., Frank, R. W., & i Coma, F. M. (2014). Measuring electoral integrity around the world: A new dataset. *PS: Political Science & Politics*, 47(4), 789-798.
- Official Oaths Act (1990). National Assembly of Zambia. Retrieved from <https://www.parliament.gov.zm/node/686>
- SADC. (2015). *Southern African Development Community (SADC) principles and guidelines governing democratic elections*. Gaborone: SADC.
- Sardanis, A. (2019). *Zambia: The first 50 years*. Bloomsbury Academic.
- Schedler, A. (2013). Emerging trends in the study of electoral authoritarianism. Retrieved from <https://repositorio-digital.cide.edu/handle/11651/1412>
- Tyler, T. R. (2003). Procedural justice, legitimacy, and the effective rule of law. *Crime and Justice*, 30, 283-357.
- Ugues, J. R. A. (2014). Electoral management bodies in Central America. In *Advancing electoral integrity* (pp. 118-134). Oxford University Press.
- Union, A. (2007). *African Charter on Democracy, Elections and Governance*. Addis Ababa: AU.



- United Nations. (2011). *ACEEEO Conference: What's in a name—does calling an EMB independent make it so?* Presented by Ali Diabacte, Deputy Director, EAD, DPA, United Nations. Budapest, Hungary, 15-18 June 2011.
- Van Ham, C., & Garnett, H. A. (2019). Building impartial electoral management? Institutional design, independence, and electoral integrity. *International Political Science Review*, 40(3), 313-334.
- Venice Commission. (2002). *Code of good practice in electoral matters*. Council of Europe, European Commission.