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OBSERVING THE 2001 ZAMBIA ELECTIONS

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OBSERVING THE  
2001 ZAMBIA ELECTIONS

FINAL REPORT

THE CARTER CENTER

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OBSERVING THE 2001 ZAMBIA ELECTIONS





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# CARTER CENTER ELECTION OBSERVATION DELEGATION AND STAFF

ZAMBIA TRIPARTITE ELECTIONS, DEC. 27, 2001

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VICTOR NYAMBE

*The Carter Center delegation included members from 12 different countries.*





## TERMS AND ABBREVIATIONS

AVAP	Anti-voter Apathy
AZ	Agenda for Zambia
CCJP	Catholic Commission for Justice and Peace
CMC	Conflict Management Committee
DA	District Administrator
ECZ	Electoral Commission of Zambia
EU	European Union
FDD	Forum for Democratic Development
FODEP	Foundation for Democratic Process
HP	Heritage Party
LAZ	Law Association of Zambia
LTO	Long-term Observer
MMD	Movement for Multiparty Democracy
MP	Member of Parliament
NDI	National Democratic Institute for International Affairs
NEC	National Executive Committee (MMD)
NGOCC	Nongovernmental Organizations Coordinating Committee
NLD	National Leadership for Development
NRC	National Registration Card
NVEC	National Voter Education Committee
PF	Patriotic Front
SADC-PF	Southern Africa Development Community – Parliamentary Forum
SDP	Social Democratic Party
STO	Short-term Observer
UNIP	United National Independence Party
UPND	United Party for National Development
USAID	United States Agency of International Development
VRC	Voter Registration Card
ZADECO	Zambia Democratic Congress
ZIS	Zambia Information Service
ZNBC	Zambia National Broadcasting Corporation
ZNWLG	Zambia National Women’s Lobby Group
ZRP	Zambia Republican Party



## FOREWORD

More than a decade ago, I led an observer team that monitored the October 1991 transitional elections in Zambia. That event marked an important milestone for democracy in Africa, as opposition leader Frederick Chiluba defeated long-time President Kenneth Kaunda, and both accepted the final results. The international observation delegation, organized jointly by The Carter Center and the National Democratic Institute, praised the electoral process and congratulated Zambians for managing a democratic and peaceful transfer of power. Like many others, I hoped that Zambia's successful election would serve as a model for other democratic transitions in Africa.

Unfortunately, optimism about the prospects for genuine democratization faded quickly. Under President Chiluba's ruling Movement for Multiparty Democracy (MMD), Zambia in the 1990s came under sharp criticism for its failure to honor democratic processes and institutions. Opposition parties and civic groups were harassed, and serious problems of corruption and economic mismanagement surfaced at the highest levels of government. Although President Chiluba was re-elected for a second term in October 1996, the legitimacy of the election was undermined by constitutional amendments designed to prevent former President Kaunda, the main opposition candidate, from contesting. The Carter Center and other international observers criticized these and other anti-democratic maneuvers and refused to observe the 1996 elections.

Because of Zambia's democratic backsliding during the 1990s, the 2001 elections assumed great importance as another potential turning point. In the run-up to the elections, Zambian politics was dominated by the "third term debate" surrounding President Chiluba's efforts to secure constitutional

amendments to allow a third term. The debate revitalized Zambian civil society groups, which mobilized to oppose a third term. It also caused splits inside the ruling MMD and defections by high-profile MMD leaders who decided to leave the party to pursue their own presidential ambitions. In the face of this opposition, President Chiluba declined to run and instead promoted Levy Mwanawasa as the MMD candidate.

As detailed in this report, The Carter Center conducted an extensive six-month observation program to assess the 2001 electoral process. In the end, the Center concluded that the Government of Zambia and the Electoral Commission of Zambia (ECZ) failed both to administer a fair and transparent election and to address electoral irregularities that may have affected the outcome of what proved to be a very close race. According to provisional final results, the MMD's Levy Mwanawasa defeated Anderson Mazoka of the opposition United Party for National Development by less than two percentage points (28.7 percent for Mwanawasa vs. 26.8 percent for Mazoka). Unfortunately, Carter Center observers reported serious problems in critical aspects of the electoral process, in particular regarding a lack of transparency in the tabulation of votes and the verification of final results. Consequently, the legitimacy of the electoral process was clouded.

In spite of these problems, the 2001 elections produced several positive outcomes. Most importantly, Zambia's political system moved from single-party domination to strong multiparty representation in the Parliament, with no single party controlling a majority. The new Parliament should be fertile ground for attempts to strengthen Zambia's democratic institutions and practices. In



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addition, the electoral process was peaceful, and voter turnout was unusually strong, reflecting Zambians' desire for change.

Although the electoral foundation of President Mwanawasa's government was flawed, the new administration has taken clear steps to address corruption and is moving forward with plans to prosecute former President Chiluba. In addition, President Mwanawasa has stated publicly that he will respect the final decisions of the Supreme Court, which is reviewing electoral petitions that challenge Mwanawasa's election.

These are welcome developments. However, to ensure progress over the long term, the new government must confront a series of important challenges. First, the government and the ECZ should release comprehensive final election results so that they can be verified by all sides, and the courts should complete their review of all outstanding electoral petitions. Second, the government should make electoral reform a top priority and work with civil society, political parties and other stakeholders to implement necessary changes. And finally, the new administration should work with Zambians to strengthen democratic institutions, improve governance, and reinforce the rule of law. The Carter Center is willing to work with Zambians and others in the international community to support efforts in these areas.

Rosalynn and I would like to thank the co-leaders of the Carter Center's Zambia election observer mission, former Nigeria Head of State General Abdulsalami Abubakar, former Benin President Nicephore Soglo, and former Tanzania Prime Minister Judge Joseph Warioba. Individually and collectively, these leaders worked diligently to guide our delegation and ensure its professionalism. We also would like to thank David Carroll and Dawn Del Rio for directing the project and all the Carter Center staff and observers for their valuable contributions.

Finally, we want to acknowledge the generous financial support for this project provided by the governments of Denmark, Norway, and the Netherlands, and the United States through the U.S. Agency for International Development. Our work would not have been possible without their support.



## EXECUTIVE SUMMARY

Following Zambia's independence from Britain in October 1964, Kenneth Kaunda of the United National Independence Party became the country's first president. In 1972 a new constitution banned opposition parties and transformed Zambia into a one-party state. In the early 1990s, the ban was lifted following an intense campaign for change and political liberalization, paving the way for multiparty elections in October 1991.

Former U.S. President Jimmy Carter led an international observer mission organized jointly by The Carter Center and the National Democratic Institute for International Affairs to monitor the historic 1991 elections. Despite significant problems, the elections were widely considered free and fair. Movement for Multiparty Democracy (MMD) leader Frederick Chiluba defeated incumbent President Kenneth Kaunda, and both leaders accepted the results.

Zambia's second multiparty elections were held in November 1996. The Carter Center decided not to observe because of concerns about the fairness of the electoral environment. President Chiluba was re-elected, but his government came under increasing criticism for its failure to strengthen democracy and for charges of corruption.

The 2001 pre-election period was dominated by the "third term debate" surrounding attempts by President Chiluba to amend the constitution to allow a third term. A popular movement opposing a third term, which was spearheaded by a collection of civic groups known as the Oasis Forum, gained widespread support. Chiluba and the MMD eventually backed Levy Mwanawasa as the MMD candidate.

In June 2001, a Carter Center delegation visited Zambia to assess the electoral environment

and prospects for Carter Center involvement. After a second assessment mission in September 2001, the Center was invited by the government of Zambia to observe the 2001 elections. In October, the Center's Dawn Del Rio opened a field office in Lusaka and recruited five long-term observers from Southern Africa with extensive contacts and contextual knowledge.

The long-term observers visited all nine Zambian provinces to assess the electoral process and met with a wide range of stakeholders. Among the most important concerns identified by the long-term observers were the misuse of state resources; a lack of ECZ independence and transparency; insufficient enforcement of the electoral Code of Conduct; unbalanced media reporting and access; low levels of voter registration; barriers to registration for youth; and the need for greater voter education. Other concerns included costly accreditation fees for observers, high fees for copies of the voters list, and a controversial candidate nomination process. After sharing its findings with the ECZ, the Center released a public statement on Dec. 13, 2001, which summarized the Center's assessment and included short- and long-term recommendations.

The Center's interest in problems related to electoral disputes led to a separate but related initiative whereby the Center assisted the ECZ in training members of Conflict Management Committees that were established to manage electoral disputes. Ultimately, the Center concluded that while imparting management skills to Zambian stakeholders was worthwhile, the Conflict Management Committees were not very effective.

The Center's main observer delegation arrived in Zambia on December 22 to monitor the voting, counting, and tabulation processes. The 33-person delegation was co-led by former Nigeria Head of



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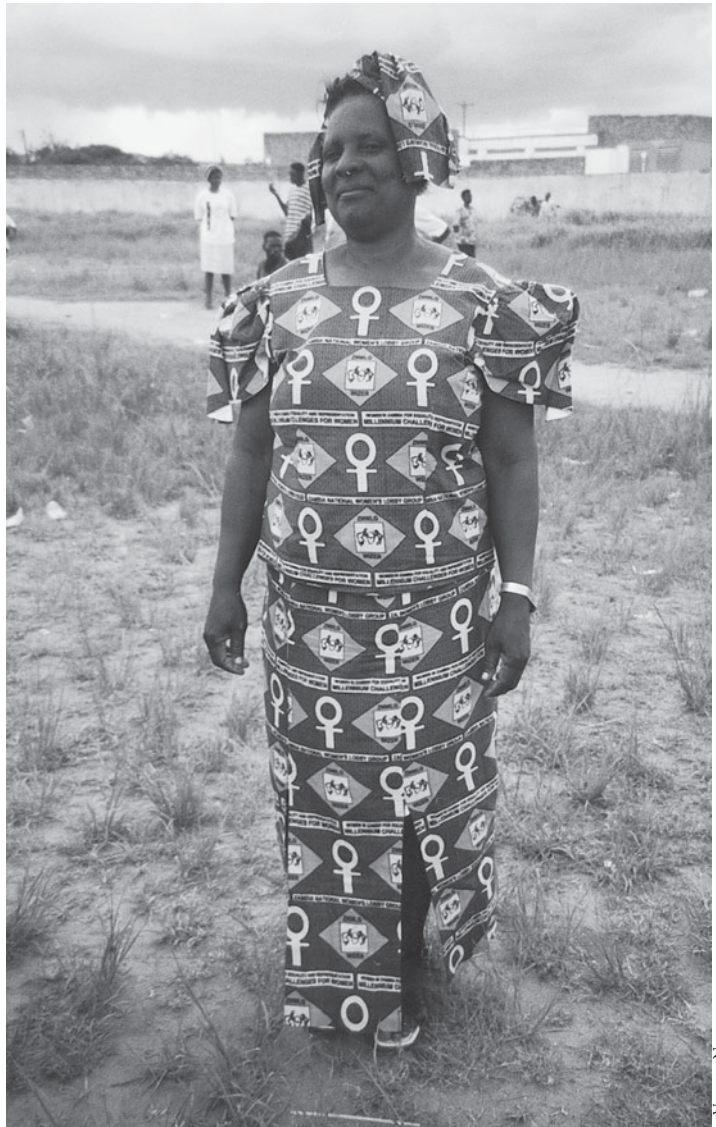
State General Abdulsalami Abubakar, former Benin President Nicephore Soglo, and former Tanzania Prime Minister Judge Joseph Warioba. The observers received briefings on Dec. 23-24 and were deployed to all nine provinces on Christmas Day.

While most of the observers were deployed, the delegation co-leaders held meetings in Lusaka with presidential candidates, ECZ election officials, and leaders of other international and domestic observer missions. In these meetings, the Center became concerned that thousands of observers from the Foundation for Democratic Process had not received accreditation cards from the ECZ. After the Center raised this issue with ECZ Chairman Bobby Bwalya, the ECZ took steps to ensure that the Foundation for Democratic Process and other observers would be allowed into polling stations.

Early on election day, Dec. 27, observers reported several problems, including delayed poll openings, exceptionally long queues, and slow processing of voters. Zambian and international observers feared that many persons would not have a chance to vote. The ECZ recognized the problem and decided to extend voting to allow all persons in line by 1700 to vote. Unfortunately, the ECZ was not able to communicate this effectively to local electoral officials, which led to arbitrary decisions about closing times around the country.

Field reports from Carter Center observers indicated that there were a large number of administrative problems and irregularities during the voting process, but that for the most part the problems were minor. Long queues and slow processing caused tremendous frustration among voters and disenfranchised potential voters who were too exhausted to wait.

While the majority of Carter Center observers reported that there were no problems or only minor problems during the counting and tabulation



VICTOR NYAMBE

*Zambian women play an important role in the country's political life.*

processes, some reported serious irregularities, including cases of unauthorized persons present during the count, insufficient access for observers to verify results, an intimidating presence of officials from the Office of the President, and general chaos at some locations. Center observers were also concerned about the slow pace of the ECZ's reporting of results, as well as an extra internal ECZ verification exercise that stakeholders could not monitor.

These concerns were summarized in the





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Center's preliminary statement issued at a press conference on Dec. 30. The statement also called for the ECZ to ensure maximum transparency and to allow for timely access to official results so that stakeholders could cross-check and verify results in the days remaining before the declaration of the final presidential results.

Early results showed a close race between the MMD's Levy Mwanawasa and Anderson Mazoka of the UPND. Most of the opposition parties charged that the election had been marred by large-scale fraud. Anderson Mazoka, who claimed victory based on early reports, told observers that the election was being stolen. He also said that if he were not declared the winner there might be chaos in the streets.

According to the ECZ's provisional figures, the MMD's Levy Mwanawasa defeated Anderson Mazoka of the UPND by 28.7 percent to 26.7 percent. The FDD's Christian Tembo was third with 13 percent, and Tilyenji Kaunda of UNIP was fourth with just under 10 percent. Godfrey Miyanda of the HP received almost 8 percent. These same five parties received roughly similar percentages of the vote in the parliamentary elections. Among them, they won 147 of the 150 parliamentary seats.

Several opposition presidential candidates filed a petition with the High Court to delay the inauguration until elections results could be reviewed and verified. On Jan. 2, the High Court ruled against the petition and Levy Mwanawasa was inaugurated. Given the very small margin of victory – especially in the presidential race where only 33,997 votes separated the two top candidates – Zambian stakeholders and independent observers, including The Carter Center, expressed serious concerns about problems in the electoral process.

Throughout January, a small Carter Center long-term observer team continued to observe post-election processes, including verification processes in Lusaka and the constituencies and the filing of

electoral petitions. The Center's long-term observers noted a number of discrepancies between results from polling station records and ECZ-tabulated results but concluded that most of the discrepancies reviewed were negligible and did not appear to have favored any candidate or party.

In January, the Center organized a postelection assessment mission and released a second interim statement highlighting the Center's continuing concerns about unexplained anomalies, discrepancies, and inaccuracies in the presidential and parliamentary election results. The Center's field office monitored the postelection environment and electoral processes through February and early March, focusing in particular on the ECZ's verification exercises and the Court's handling of election petitions. Center Carter long-term observers reported that the verification process was uncoordinated and random and, therefore, almost impossible to monitor.

On March 7, 2002, the Center issued its final statement of the Zambia 2001 elections, which concluded that the ECZ and government failed to administer a fair and transparent election and address electoral irregularities that clearly could have affected the outcome of a close race; that the Dec. 27 presidential, parliamentary and local government election results were not credible and could not be verified as accurately reflecting the will of Zambian voters; and that consequently the legitimacy of the entire electoral process was questionable. As of August 2002, eight months after the inauguration of President Mwanawasa, the ECZ still had not published the final election results.

Between April and August 2002, The Carter Center continued to monitor and assess the post-election environment. During this period President Mwanawasa affirmed his commitment to the rule of law, zero tolerance for corruption, and constitutional reform. The president also pledged to respect the Supreme Court's decision on the opposition





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*Carter Center election delegation leader former Nigeria Head of State Gen. Abdulsalami Abubakar greets former Zambia President Kenneth Kaunda.*

election petitions, even if it ruled in favor of the petitioners challenging his presidency. In addition, the government moved aggressively against a number of former officials of the Chiluba administration. In July, Parliament voted to remove former President Chiluba's immunity against prosecution. Chiluba has challenged the legality of the parliamentary vote and is seeking judicial review.

Zambia is at a critical point in its democratic development. It is clear that the Zambian people voted for change in the December 2001 elections. Unfortunately, however, the Zambian political landscape is characterized by excessive partisan bickering. To move forward, the Center encourages the government and opposition parties to engage in meaningful dialogue and to embrace broad civic participation in order to provide a foundation for improved governance.

In a spirit of mutual respect, and recognizing that it is Zambians who must decide what is best for their

country, the Center offers a number of recommendations for improving future elections. The Center's recommendations include, among others:

- Government, civil society, and political parties should engage in an electoral reform process based on a nationwide consultative process, including a review of constitutional provisions impacting the electoral process and all relevant legislation.
- Constitutional amendments should be considered to set a specific date or window for elections.
- It should be required that presidential candidates secure more than a simple majority.

The Center provides a number of specific recommendations for changes in electoral legislation concerning the following issues: the status of Zambian nonpartisan observers; legal guidelines for media time and campaign advertisements; voter registration and



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voter identification cards; distribution of the voters list; voter education; ECZ public information about electoral administration; access to ECZ information and copies of polling station results for observers and party agents; posting of election results at polling stations and tabulation centers; publication of ECZ provisional results by polling station and constituency in the media; guidelines for the verification process; and the petitions process.

In addition, the Center suggests recommendations regarding the following: ECZ budgetary independence, selection and tenure of ECZ commissioners, political party funding, party development and internal democratization, political party capacity-building, independence of government-sponsored media, and enforcement of the Code of Code and mechanisms to manage electoral disputes.



## ACKNOWLEDGMENTS

The Carter Center wishes to acknowledge the generous support for the Zambia election observation project provided by the governments of Denmark, Norway, and the Netherlands, and by the U.S. Agency for International Development (USAID). The Carter Center worked closely with each of the donor agencies throughout the election project and is grateful for their support, cooperation, and commitment to strengthening democracy in Zambia. In particular, we wish to extend thanks to Sanna Olsen, minister counselor of the Royal Danish Embassy; Steinar Skjaeveland, counselor for political and economic affairs of the Royal Norwegian Embassy; Robert-Jan Siegert, second secretary of the Royal Dutch Embassy; and Frank Hawes, democracy and governance adviser at the U.S. Agency for International Development.

The Carter Center also wishes to express its appreciation to the government of Zambia and the Electoral Commission of Zambia (ECZ) for inviting the Center to observe and evaluate the electoral process in their country. The Center is especially grateful for the collaborative efforts of Zambian and international groups, especially the Zambian monitoring efforts by the Foundation for Democratic Process and Coalition 2001 and the international observer missions from the European Union (EU) and the SADC-Parliamentary Forum (SADC-PF). During the period surrounding the elections, the Center's delegation leaders and senior staff consulted regularly with leaders from the other international missions to ensure that our efforts were mutually reinforcing. The Center is particularly indebted to Hon. Michael Meadowcroft of the EU, Hon. Speaker Ntlhoi Motsamai of Lesotho, and Hon. Elia Kaiyamo of Namibia of the SADC-PF mission for their commitment to collaboration and professional observation efforts.

Special thanks is owed to the Carter Center's election observer delegates who donated their time, energy, and insights to support our mission and gave up their Christmas and New Year's holidays to join the delegation. We are especially grateful for the efforts of the co-leaders of the delegation, former Nigeria Head of State Gen. Abdulsalami Abubakar, former Benin President Nicéphore Soglo, and former Tanzania Prime Minister Judge Joseph Warioba, each of whom worked long hours representing the Carter Center delegation. The Carter Center staff extends special thanks to each of the co-leaders for their professional engagement and personal commitment. The Center is also grateful for the contributions of Dr. Scott Taylor, senior political adviser for the project, and Amy Hamelin, who served as the Center's project manager for the election observation mission.

Most of the credit for the overall success of the election project goes to Dawn Del Rio, director of the Center's field office in Lusaka, and her team of long-term observers: John Chipeta, Malawi; Georgina Chikoko, Malawi; Moses Pitso, South Africa; Patrick Berg, Germany; and Nhamo Sithole, Zimbabwe. John Chipeta played an especially important role in the postelection phase of the project, working closely with Dawn Del Rio for seven months after the elections.

The Center's conflict management training program benefited from the efforts of a number of individuals. Tony Karbo, a conflict resolution specialist, worked closely with Dawn Del Rio and Carter Center Conflict Resolution staff in Atlanta, including Matthew Hodes and Jeffrey Mapendere, to manage the conflict management program. The Center is especially grateful for the efforts of the team of technical advisers on conflict management: Tomsie Phillips, South Africa; Simeon Mawanza, Zimbabwe; Georgina Chikoko, Malawi; Neshnie



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*Carter Center staff and LTOs with former Benin President Nicephore Soglo.*

Pillay, South Africa; Charles Manyong, Zimbabwe; and Bubelwa Kaiza, Tanzania. Thanks are also due to Brenda Muntemba and Alex Ng'oma, who contributed to the program.

Thanks are due also to numerous Carter Center staff in Lusaka and Atlanta, including Chibila Beyani, Flossie Muunga, and Cheba Chakulya, administrative assistants in Lusaka; Tynasha Green, office manager and financial officer during the election mission and administrative assistant in Atlanta; Lisa Wiley, director of logistics during the election mission; Kay Torrance, media relations director on the election mission; Chris Brown, director of finance and Olivia Owens, financial analyst; Thomas Eberhart, financial officer during the election mission; Nell Bolton, Brett Lacy, and Joshua Walker, project assistants for the election mission and in Atlanta; Matthew Hodes, Ashley Barr, and Amy Hamelin, liaisons with delegation leaders during the election mission; and David Pottie,

special elections technician on the election mission.

David Carroll was director of the election observation project and was closely supported by Charles Costello, director of the Democracy Program, and Ambassador Gordon Streeb, associate executive director of the Carter Center's Peace programs. Several other Carter Center senior staff played important roles, especially Sara Tindall Ghazal of the Development department.

This report was drafted by John Chipeta, Dawn Del Rio, and David Carroll. Final editing was managed by David Carroll, with assistance from Maury Mendenhall and Barnali Dasverma. Nell Bolton produced most of the appendices and provided important assistance in pulling together supporting information for the report. Sarah Fedota of the Center's Public Information office and Casie Hughes managed final proofing, layout, and production.





## BACKGROUND

### THE 1991 ELECTIONS

Zambia's democratic transition has been a slow and uneven process. The nation gained independence from British colonial rule on Oct. 24, 1964, when Northern Rhodesia became the Republic of Zambia. The country's 1964 constitution provided for a multiparty political system. Kenneth Kaunda, leader of the United National Independence Party (UNIP) since 1960 and prime minister since January 1964, became Zambia's first president. The country moved away from multipartyism in 1972, however, after a new constitution was established which prohibited the existence of political parties besides Kaunda's ruling UNIP. Zambia remained a one-party state governed by President Kaunda for almost 20 years.

In the late 1980s and early 1990s, an intense campaign for change by a coalition of intellectuals, businessmen, and trade unionists under the Movement for Multiparty Democracy (MMD) led to a constitutional amendment in December 1990 that allowed for multipartism. This change paved the way for Zambia's first multiparty elections, which were held on Oct. 31, 1991.

Responding to invitations from President Kaunda and other Zambian political leaders, The Carter Center and the National Democratic Institute for International Affairs (NDI) formed the Zambia Voting Observation Team (Z-Vote) in the summer of 1991 to undertake a comprehensive election-monitoring effort. Z-Vote sought to promote the integrity of the electoral process, build public confidence, and support domestic election observation efforts. Beginning in August of 1991, the project sponsored three pre-election assessment missions, worked with Zambian monitoring bodies, and maintained an ongoing presence in Lusaka throughout the election period. For the October 1991 election, Z-Vote organized a 40-member

international observer team led by former U.S. President Jimmy Carter and NDI's President Brian Atwood.

The MMD, which was transformed into a political party following Zambia's reversion to a multiparty democracy, won the October 1991 elections. MMD leader Frederick Chiluba assumed the presidency on Nov. 2, 1991. Despite significant shortcomings with the electoral system and administration, the elections were widely considered to have been free and fair. Many analysts hailed Zambia as a model for the successful transformation of autocratic African regimes into democracies.

### THE 1996 ELECTIONS

Zambia's second multiparty elections were held on schedule five years later on Nov. 18, 1996. Although The Carter Center tracked the elections and considered becoming involved, it decided not to observe the electoral process because of serious concerns about the fairness of the electoral environment, in particular the controversial constitutional amendments passed by the MMD government immediately preceding the elections. The amendments effectively disqualified the leading UNIP opposition candidate, former President Kaunda, and precluded full competition. As a result, UNIP boycotted the 1996 elections. Other contentious issues during the 1996 elections included questions about the integrity of the voters list, problems with the voter identification cards, and harassment and politically motivated arrests of UNIP members following several bomb explosions allegedly perpetrated by an underground dissident group.<sup>1</sup>

Incumbent President Chiluba won a second term in office with 73 percent of the vote, defeating his closest rival, Dean Mung'omba of the Zambia Democratic Congress (ZADECO), who gained 13 percent of the votes. National voter turnout of



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VICTOR NYAMBE

*Women supporters of UPND candidate Anderson Mazoka gather at an election campaign event.*

registered voters was 59 percent. Although partly successful, the UNIP boycott meant that the party lost all of its representation in parliament. Most observers felt that the unfair constitutional amendments that eliminated important opposition candidates, together with the failure of the electorate to effectively oppose the amendments, were evidence that a system for democratic contestation of elections had not taken root in Zambia.

The MMD's second term in office was marked by weak governing institutions, charges of corruption, and political discontent. After a failed military coup in 1997, the MMD government arrested army officers and harassed opposition political leaders, including former President Kaunda and Dean Mung'omba.

1 The group called itself the "Black Mamba." The ruling MMD alleged that the "Black Mamba" bombings were attempts by UNIP to create fear and instability, while UNIP accused MMD of being responsible for the bombings and using them as a pretext to harass and dismember UNIP. The bombings remain unresolved. Eight UNIP members arrested for the bombings were later acquitted.





## POLITICAL CONTEXT FOR THE 2001 ELECTIONS

### THIRD TERM DEBATE

The pre-electoral period for the 2001 elections was dominated by the so-called “third term debate,” which emerged in response to attempts by President Chiluba and the ruling MMD regime to amend the constitution to allow Chiluba to run for a third term (thus repealing one of the provisions that was used to block former President Kaunda from running in the 1996 elections).

The popular movement to oppose Chiluba’s third term was spearheaded by the Oasis Forum, a collection of civic groups that was created in February 2001 by the umbrella bodies of Zambia’s mainstream Christian churches, the Law Association of Zambia (LAZ), and the Nongovernmental Organizations Coordinating Committee (NGOCC).<sup>1</sup> The anti-third term movement gained widespread public support and proved an effective counterweight to the MMD government.

In spite of growing popular opposition to a third term, as well as some opposition inside his own MMD, Chiluba persisted and was successful in steamrolling the April 2001 MMD party convention into changing the party constitution to allow for his candidacy. The decision caused serious splits in the ruling party and led to the expulsion of 22 senior Members of Parliament (MPs) who opposed Chiluba’s bid.

Recognizing the strength of those opposed to a third term, Chiluba called off his candidacy in a televised public address in early May and recommitted himself to leave the State House after completing his second term. On Aug. 23, 2001, the MMD’s National Executive Committee announced

that Levy Mwanawasa was its presidential candidate for the 2001 elections. Many observers saw Chiluba’s hand in the decision, charging that he handpicked Mwanawasa as his successor. Mwanawasa had earlier served as Chiluba’s first vice president in the early 1990s, before leaving the party citing disillusionment with government corruption. Some MMD members who had wanted the party candidacy also were disgruntled with Mwanawasa’s selection. One of them, Michael Sata, resigned and started his own party, the Patriotic Front (PF).

### FRACTURED OPPOSITION

Although popular support for the MMD has dwindled since the early 1990s, the ruling party has been able to maintain its political and electoral dominance in part because of a fragmented opposition. Political party structures are generally weak, and leading political figures have a history of switching parties and/or forming new ones. As a

result, political parties are often created as platforms for individual leaders and not on the basis of political ideologies or philosophies. With the decline of the MMD’s popularity in the 1990s, opposition

parties and independents have been able to increase their representation in parliament through defections and by-elections.

Of the 28 political parties registered in Zambia going into the 2001 elections, the strongest opposition parties were: Anderson Mazoka’s United Party for National Development (UPND); the UNIP, led by former President Kaunda’s son Tilyenji Kaunda; and two new parties formed by former members of

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*The popular movement to oppose Chiluba’s third term was spearheaded by the Oasis Forum, a collection of civic groups.*

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the MMD, the Forum for Democratic Development (FDD) and the Heritage Party (HP). The FDD, led by Christian Tembo, was built around the nucleus of the 22 expelled MMD members. The HP is led by former general and one-time vice president Godfrey Miyanda.

<sup>1</sup>The women's lobby was also an important player in the Oasis Forum.



*MMD supporters display a poster of Levy Mwanawasa at an MMD rally.*



## CARTER CENTER PRE-ELECTION ACTIVITIES

### JUNE 2001 ASSESSMENT MISSION

As early as 2000, several Zambian citizens and NGOs had contacted The Carter Center to encourage it to engage in the 2001 electoral process. In light of these contacts, the Center's role in the historic 1991 elections, and its longstanding interest in Zambia's democratization, the Center had identified Zambia's 2001 tripartite elections (for president, parliament, and local government) as a priority for possible election observation.

In June 2001 a Carter Center delegation consisting of Democracy Program Director Charles Costello, Conflict Resolution Senior Program Associate Jeffery Mapendere, and Senior Political Adviser Scott Taylor, visited Zambia to

assess the electoral environment and the potential for Carter Center involvement. The delegates met with representatives of political parties, civil society leaders, electoral authorities, key members of the international community, and others. Most expressed strong interest in the Center's involvement in monitoring the elections. In response to queries about international observers, members of the Electoral Commission of Zambia (ECZ) told the delegation that "all are welcome," but indicated that invitations should be requested from the government.

The delegation was concerned about several key electoral issues. One major issue was the relative independence of the ECZ, which many civil society groups and opposition parties regarded as a tool of the ruling MMD. Of equal concern was the quality of the voters list, which many civic groups

and opposition parties criticized as flawed. Linked to the voters list was the fact that many Zambian citizens lacked the national identity cards required to register to vote. Other electoral issues included the continued existence of the Public Order Act – which makes it illegal to have impromptu public assemblies and demonstrations – police partiality and brutality, inequitable access to the public media for candidates, vote buying and corruption, the use of state resources by the ruling party, racism and tribalism within political parties, and political violence.

Notwithstanding these concerns, the delegation was impressed with the vibrancy, outspokenness, and candor of civil society groups and the unprecedented levels of public

discourse over such issues as official corruption, the third term, and multiparty politics.

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*Many civil society groups and opposition parties regarded the ECZ as a tool of the ruling MMD.*

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### ESTABLISHING A FIELD PRESENCE IN ZAMBIA: SEPTEMBER – OCTOBER 2001

In September 2001, The Carter Center sent Dawn Del Rio, an independent consultant, to Zambia on a short assessment mission. The purposes of the visit were to meet with key stakeholders to evaluate the current electoral environment and a possible role for international observers and to meet with members of the donor community to explore prospects for financial support for a Carter Center project in Zambia. ECZ officials indicated their interest in having the Center involved. In addition,





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several international donors, including the governments of Denmark, Norway, and the Netherlands, responded favorably to Carter Center proposals for financial support for work on the elections. In addition, the United States Agency for International Development (USAID) indicated it would

in Lusaka with a field office director, Ms. Del Rio, and five long-term observers (LTOs) hailing from Malawi, South Africa, Germany, and Zimbabwe. The main goal of the Center's election observation mission was to support efforts to strengthen Zambia's democratic process and institutions and to

reinforce free and fair elections. As invited guests serving as election observers in Zambia, the Carter Center mission fully respected Zambia's national sovereignty, including all aspects of the electoral process.

After the LTOs arrived in Lusaka, a four-person Carter Center team led by the Democracy Program Associate Director Dr. David Carroll visited the field office to provide orientation and training. The team included Dr. Scott Taylor, the Center's senior political adviser on Zambia; Dr. Makumi Mwagiru, a Kenyan expert in conflict resolution; and Jeffrey Mapendere from the Center's Conflict Resolution Program. During the visit the LTOs received intensive

training in the methodology and techniques of election observation and conflict management.

### LTO OBSERVATIONS AND THE CARTER CENTER DEC. 13 PRE-ELECTION REPORT

Between mid-October and mid-December, the LTOs visited all nine provinces and 47 of the 72 district centers. They met with a wide range of



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*Carter Center long-term observer Georgina Chikoko describes the electoral process.*

provide support for the Center to do follow-up work in the immediate postelection period.

While in Lusaka, Ms. Del Rio also delivered a Carter Center letter to the Foreign Affairs Ministry requesting an invitation to organize an international observer mission. Shortly thereafter, the government of Zambia issued an invitation for the Center to observe the 2001 elections (see Appendix 1).

In October 2001, the Center opened an office



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stakeholders, including representatives of political parties, government officials, media, election officials, police, faith-based organizations, and civil society groups at both the provincial and district levels to assess electoral preparations. The LTOs reported a number of problems that could impact negatively on the conduct of the elections. Among the most important issues were misuse of state resources, a lack of enforcement mechanisms for the electoral Code of Conduct, unbalanced media reporting and access, and the need for greater voter education.

The LTOs also noted a lack of transparency and openness on the part of the ECZ and inadequate logistical arrangements during the voter registration process and in preparation for the polls.

The Center conveyed these observations and findings directly to the ECZ in an effort to provide advice in a constructive and timely manner. The Center also shared its findings with other relevant stakeholders. The Center hoped that by reporting its concerns in advance of election day, the government of Zambia, the ECZ, political parties and others would be able to address them and work cooperatively and transparently to make a positive impact on the electoral process.

In order to establish an important pre-election baseline, the Center also released a public report summarizing its assessment of the pre-election period on Dec. 13, 2001 (see Appendix 2). It noted that stakeholders considered that many decisions taken by the government and election authorities had handicapped the opposition, created barriers to civil society participation, and disenfranchised voters.

Nonetheless, the Center's report commended

the ECZ for several important steps it had recently taken, including establishing Conflict Management Committees composed of key stakeholders in the election, guiding passage of an electoral amendment to provide for continuous registration, promoting greater media coverage of political candidates, and steps to improve voter education regarding documents needed to vote on Dec. 27.

The Carter Center report offered several important recommendations to improve the electoral process, including some steps that could be under-

taken immediately regarding: voter education, media access, accreditation fees for observers, and fair and effective enforcement of the Public Order Act and the Code of Conduct. Other recommendations focused on later changes for future elections, including action to ensure the neutrality of the ECZ and other government and public officials, to improve the registration process, and to provide more information about the voter list to stakeholders. The major issues and recommendations raised in the report are discussed in more detail below.

**ECZ independence and transparency.** Although both the Zambian Constitution and the Electoral Act of 1991 provide for an autonomous Electoral Commission, the Center's LTOs found that most Zambian stakeholders perceived the ECZ as lacking independence. In part, this perception was due to the ECZ's lack of funding and the government's delay in disbursing election funds, which undermined the ECZ's ability to properly administer the electoral process. Such tactics created an uneven playing field for the candidates and their parties and fueled opposition mistrust of the ECZ.

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*The Carter Center's report expressed serious concern about voter apathy, the low level of voter registration, perceptions of misuse of state resources, and unequal access to broadcast media in the electoral process.*

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## OBSERVING THE 2001 ZAMBIA ELECTIONS

Stakeholders perceived actions by the government and the ECZ, and their failure to be more transparent, as deliberate attempts to weaken the opposition, exclude civil society, and disenfranchise voters. Examples included the prolonged uncertainty about the election date, the failure to publish an election calendar, the introduction of new administrative rules for domestic observers, and exorbitant increases in fees for the voters list, all of which undermined the democratic spirit of the elections and the promotion of a level playing field.

The Center's LTOs also noted that the procedures for the selection, appointment, and removal of ECZ commissioners served to undermine the ECZ's independence. The Electoral Act gives power to the president to appoint members without obliging him to consult or seek nominations from political parties and other stakeholders. Consequently, the president is in position to influence the ECZ's administration of election activities.

The ECZ's lack of independence was made worse by its lack of transparency in managing the electoral process. ECZ members claimed that their ability to be transparent was constrained by provisions of the Electoral Act which restricted their activities and obligations. Unfortunately, however, Zambian stakeholders and the Center's LTOs concluded that instead of using the administrative discretion available to it to address critical shortfalls in the electoral process, the ECZ insisted its legal mandate was limited and avoided taking action in many critical areas. The Center's report noted that the ECZ did initiate some positive steps, such as creating Conflict Management Committees and supporting improved media coverage and voter education, and that these actions illustrated that the ECZ did in fact have the discretion to be proactive.

**Polling date.** According to the Electoral Act, the ECZ is empowered to set the date of elections through a statutory instrument. In practice, however,

the head of state has set the date of elections. Given President Chiluba's position as president of MMD, the incumbent party enjoyed a clear advantage over other political parties. Throughout the year, there was uncertainty and speculation about the election date, which President Chiluba did not announce until late November.

Stakeholders told the Center's LTOs that they believed President Chiluba had intentionally delayed announcing the election date to disadvantage the opposition and other stakeholders by making it difficult to plan and allocate their limited resources effectively.

An additional concern reported to Carter Center LTOs was that the date selected for the elections, Dec. 27, fell in the middle of the rainy and holiday seasons. The weather conditions had the potential to have a negative impact on election operations due to the inaccessibility of some areas resulting from flooding and poor road conditions. The potential for rain also created difficult conditions for voters who faced long travel time to polling stations and/or queues outside polling stations. Students, families, military and others who were registered to vote but traveled home to visit family during the holiday season were also disenfranchised because provisions had not been made to allow people to vote early or outside of their districts. Additionally, most polling stations lacked provisions to accommodate the disabled or people with physical limitations who were not able to travel to the polling station.

**Voter education.** Although not mandated by the Electoral Act, the ECZ took the initiative to provide voter education with assistance from the Zambia Information Service (ZIS) and the National Voter Education Committee (NVEC), a group of NGOs providing civic education. While working with the NVEC was a good way to coordinate civic education efforts, some committee members told Carter Center LTOs that adequate resources were





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NELL BOLTON

*Voter education was largely left to civil society and political parties, such as this UNIP voter education session in Mkushi, Central province.*

not made available to support the needed coverage.

In addition to the ECZ's activities, many civil society organizations and international donors put tremendous resources into implementing voter education programs. Among the most important Zambian groups were the Foundation for Democratic Process (FODEP), Coalition 2001, the Nongovernmental Organization Coordination Committee (NGOCC), the Zambia National Women's Lobby Group (ZNWLG), as well as the Catholic Commission for Justice and Peace (CCJP).

The Carter Center's LTOs noted concerns about voter apathy and low levels of voter registration as reported by the media and Zambian stakeholders. The LTO's discussions with stakeholders in both urban and rural areas suggested that improved voter education might have motivated more eligible citizens to register to vote. Stakeholders said that voter education efforts were largely concentrated in

urban areas, leaving rural areas neglected. While Coalition 2001 and FODEP produced voter education materials in many languages, the ECZ's materials were only produced in English.

As the sole independent body responsible for conducting elections, the ECZ is looked to by Zambians to provide voter education and information. While the ECZ rightly expected the political parties to help educate voters, citizens often believe that parties are more likely to distort information in their own favor, and they expect the ECZ to provide accurate information. In its Dec. 13 report, the Center urged the ECZ to take proactive steps to improve voter education as a means to minimize disenfranchisement.

**Voter registration.** Under Zambian law, a person qualifies to register if he/she is a Zambian citizen, a minimum of 18 years of age, has a national

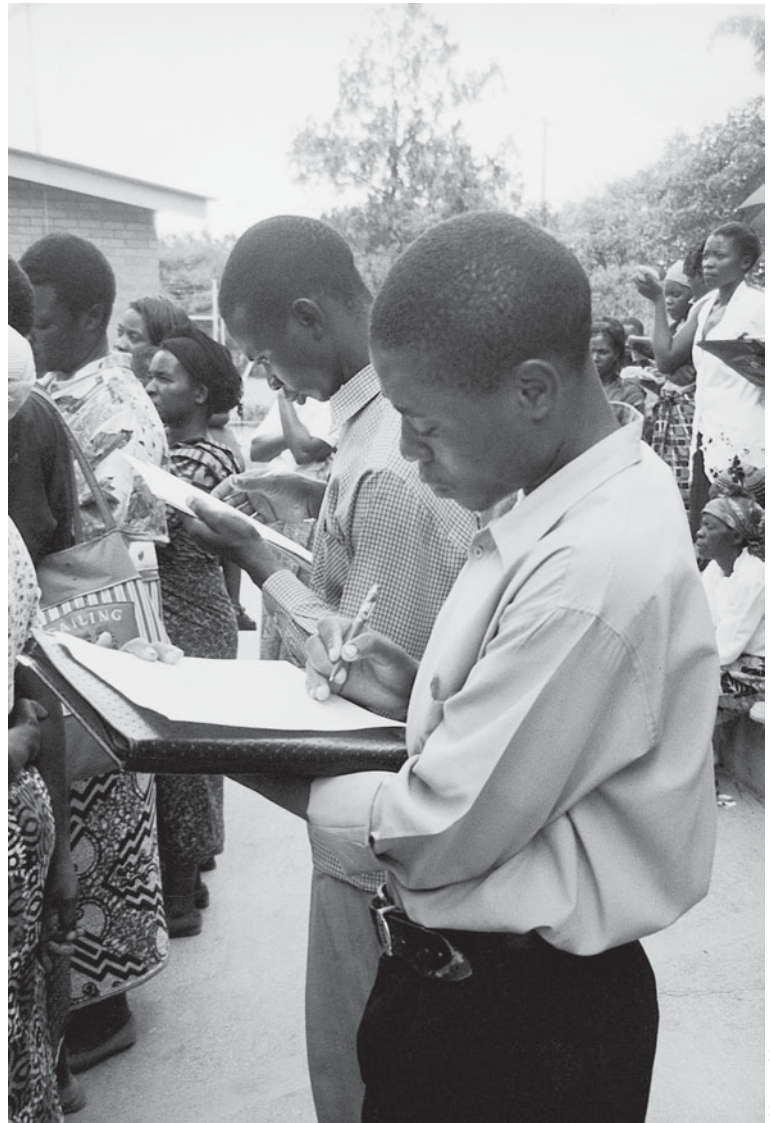


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registration card (NRC), and is of a sound mind and not in detention for a criminal offence. In preparation for the 2001 tripartite elections, the ECZ abandoned the controversial 1996 voters list, which some stakeholders believed had been manipulated to favor the ruling MMD, and decided to conduct a new registration exercise. Initially, registration was to last three weeks nationwide beginning on June 25, 2001. The registration period was extended twice due to low participation and finally concluded on July 26, 2001. At the completion of the exercise, 2.6 million citizens out of an eligible 4.6 million had registered to vote.

Although The Carter Center was not yet involved at the time of the registration, reports from Zambian and international monitoring organizations indicated serious concerns about the registration process and the integrity of the voters list. Observers reported that the exercise began late in many locations due to insufficient materials and was managed haphazardly, which may have contributed to voter apathy. In addition, many Zambian stakeholders reported a series of obstacles that seemed designed to impede registration and restrict efforts to verify the accuracy of the voters list.

The process itself was complicated and burdensome, requiring persons to travel to a registration and/or district center three times to complete registration and obtain cards. This was especially difficult for Zambians living in rural areas that did not have easy access to the registration centers. Moreover, no alternative means to register, such as mobile stations, were provided for the disabled, elderly, pregnant, and sick who may have had difficulty getting to a district or registration center. Finally, if a citizen's application to register was refused, the person had to complete an application to launch an



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*Zambian citizens became increasingly active as the elections drew closer.*

appeal and pay a fee at the magistrate's court when lodging the appeal. Such requirements impeded access to the right to vote.

Carter Center LTOs and Zambian stakeholders reported that the area of greatest concern in the exercise was the requirement for a citizen to acquire an NRC as the only legal form of identification acceptable to apply for a voter registration card



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(VRC). According to census statistics, only 3.06 million citizens over the age of 16 held an NRC. The fact that no provisions were put in place to address the issue of the NRC as a barrier to registration disenfranchised the majority of youths who had reached voting age, but did not qualify because they did not possess an NRC. Opposition parties viewed the requirement as a deliberate effort by authorities to disenfranchise young voters, who were generally perceived to be pro-opposition. It is important to note that in areas where mobile teams were dispatched to issue NRCs, voter registration increased up to 50 percent. Such successful approaches should have been duplicated and financially supported countrywide.

In addition, the role of the district administrators (DAs) in issuing NRCs at the district level was viewed with skepticism by the members of the opposition, who claimed that the DAs – who are MMD political appointees – behaved as party cadres rather than civil servants, deliberately favoring MMD supporters in the issuance of NRCs. Likewise, opposition parties criticized the ECZ's lack of transparency in managing the arrival of additional VRCs after the completion of the registration period, suspecting that the cards might be used to rig the elections. Eventually, the ECZ clarified that the extra VRCs were to be used for continuous voter registration.

The ECZ blamed low registration on political parties for not showing greater interest in mobilizing the electorate. The ECZ also stressed that it had not received adequate funding from the government to implement a sustained nationwide voter education campaign. On the other hand, the ECZ did play an active role in pressing for an amendment to the election law in 2001 to provide for continuous voter registration. Unfortunately, the government failed to provide the necessary funding, and the law failed to address the NRC application process and other critical issues.

The Center's LTOs noted that the provisional

voters list was not on public display nor easily accessible from local government officials, which created a serious barrier for inspecting the roll. The Center's observers also questioned the ECZ's imposition of a new fee of Z\$55 million kwacha (approximately \$20,000 USD) to purchase the voters list, particularly when the roll had previously been provided free of charge. The Center agreed with opposition parties, Zambian civil society groups, and others independent observers that the fee was exorbitant and unjustified and made it unnecessarily difficult for political parties and other stakeholders to obtain copies and systematically inspect the voters list. Opposition parties suspected that the ECZ was deliberately trying to discourage public access to the voters list.

The ECZ said the fee was necessitated by the material costs of preparing and distributing the roll, but would not provide information to backup these claims. Unfortunately, the ECZ refused an offer from the European Union for technical assistance to help make the list available on CD-ROM, which would have made the cost of providing the information minimal.

Noting that it is a commonly accepted principle of electoral administration to ensure that the voters list is easily available for review, the Center's Dec. 13 report urged the ECZ to be more transparent regarding costs of providing copies of the voters list and recommended that the ECZ find more cost-effective and timely means of distributing the roll to stakeholders.

***Campaigning: use of state resources, the Code of Conduct, and the Public Order Act.*** The Center's LTOs reported that the precampaign and campaign periods were marred by abuse of state resources, bribery, unfair media practices, intimidation, and failure to enforce the Code of Conduct and the Public Order Act, which collectively created an environment that was not conducive to democratic elections.





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The Code of Conduct exists as a statutory instrument created in 1996 to protect fundamental rights and freedoms. Carter Center LTOs concluded that, if properly implemented and enforced, the Code could help to maintain elements of a level playing field, even if it could not ensure complete equity in the electoral process. However, the Code has several glaring weaknesses. For example, the Code states that no person shall use government transport or facility for campaign purposes or to carry voters to polling stations, but indicates that this provision shall not apply to the president and the vice president. These provisions contradict the basic purpose of the Code and contributed to the creation of an unlevel playing field during the campaign.

Numerous examples of breaches of the Code and misuse of state resources by government officials and the ruling party were reported to the Center's LTOs during the pre-election period. In addition to the use of state resources by President Chiluba and the vice president in support of MMD campaign activities, state resources financed events in support of Mwanawasa's campaign. Carter Center LTOs received numerous reports of DAs using government vehicles and government finances to fund special programs for the MMD. Opposition parties and their supporters were angered by these actions but felt that there were no mechanisms in place to enforce the Code. In response to an opposition suit against such practices by the DAs, the High Court issued a ruling that DAs could no longer participate in politics while in the civil service. This was seen as a positive development that helped to ensure a measure of neutrality on the part of government employees. However, there

were indications that the MMD government and its DAs ignored the ruling, further eroding hopes for the introduction of positive measures to level the playing field.

The Code also mandates that political contestants refrain from offering inducements or rewards to any person for membership in a political party, attending political events, voting, and nominating candidates. However, there were widespread reports of vote buying and financial inducements throughout the campaign period.

Another concern reported to the Center's LTOs by opposition parties and NGOs was that the Public Order Act was used to disrupt their ability to organize meetings and engage in public political debate. While the Act was amended in 1996 with respect to public meetings to delete the word

"permit" and replace it with the word "notify," the law still served in effect as a "permit process" due to the discretion given to the police to decide if they have adequate manpower to maintain law and order during a public meeting and whether or not to stop meetings from taking place. Opposition parties indicated that in practice the police determined who might conduct and organize public meetings at the district level. As with the Code of Conduct, the president and the vice president are exempt from informing the police of their intention to address political meetings, but this exception was often extended to other MMD candidates and cadres.

The opposition cited other examples of violations of the Act. For example, at one point all opposition public meetings in Eastern province were stopped because the president, who was at the time out of

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*The Center's long-term observers reported that the pre-campaign and campaign periods were marred by abuse of state resources, bribery, unfair media practices, intimidation, and failure to enforce the Code of Conduct and the Public Order Act.*

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Carter Center long-term observer John Chipeta (right) meets with other Carter Center delegates.

the country, was scheduled to travel to the province upon his return to Zambia. Furthermore, in Solwezi in Northwestern province, armed security officers threatened opposition presidential candidate General Godfrey Miyanda's public rally with dispersal. While the Public Order Act may be an appropriate instrument to maintain security, abuses by police officials in its implementation during the campaign period contradicted the constitutional freedoms of association, assembly and expression.

The Center's Dec. 13 report expressed concern about the unlevel playing field created by these problems. In addition, the report recommended the following: Government employees should honor the Code and remain neutral in their role as civil servants; the Code should be publicized more

widely with the public encouraged to act as a watchdog; and the Public Order Act should be applied in an evenhanded fashion.

**Media fairness and access.** The conduct of the media and its election coverage during the pre-election and campaign periods can make a significant contribution to a level playing field for political parties and candidates. Where media access is fair and equitable, the exchange of political viewpoints is facilitated. By contrast, the

misuse of the media during elections, particularly publicly owned media, might have a profound negative effect on the general public's ability to be exposed to a range of political debate.

The Center's LTOs noted that television and newspaper coverage during the precampaign and nomination period gave an unfair advantage to the ruling party because of the extensive coverage that was provided in the government-owned television and press. While the opposition television and radio programs were labeled "political adverts," the ruling party used the news coverage as an opportunity to campaign.

Of particular concern to the Center's LTOs were incidents of government censorship and intimidation of independent broadcasters. After several reports of violent incidents by MMD cadres



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at an independent radio station in Kitwe (Radio Icengelo), a Carter Center LTO visited the station to witness the damage caused by the cadres, who had broken into the station and disrupted the broadcast of an opposition presidential candidate. The closure of Radio Phoenix and the threatened closure of Radio Maria raised similar concerns about the government's heavy-handed tactics toward independent media.

Television stations were not spared by the government's censorship and intimidation. Trinity Broadcasting and ZNBC had signed contracts to broadcast presidential debates and failed to honor their contracts as a result of government pressure and intimidation. The Center was alarmed by former President Chiluba's decision to decline MMD's participation in any of the public debates sponsored by the various television stations throughout the campaign period. These and other media practices appeared to be in violation of the Code, which provides for fair and balanced media reporting of election campaigns.<sup>1</sup>

The Carter Center's Dec. 13 report concluded that the government and ECZ gave inadequate attention to the need for fair and equitable media access in the pre-election and campaign period and that the ECZ should have worked to ensure more equitable treatment for all political contestants through enforcement of the Code of Conduct. The report urged Zambian media to provide equitable access to all parties and urged all parties to participate in debates to help inform the electorate.

**Accreditation of observers.** Election observation by nonpartisan domestic and international organizations is a common practice in democracies worldwide and serves to enhance transparency and credibility in the electoral process. Neither the constitution of Zambia nor the Electoral Act provides for or prohibits nonpartisan Zambian or international election observers.

The ECZ's decision to allow nonpartisan citizens

and organizations to observe the elections was welcomed by the Center. However, the Center was concerned by ECZ measures that created barriers for local nonpartisan observers close to polling day. Late in the process, the ECZ introduced an accreditation fee and a new requirement for sworn affidavits for each individual observer, which placed an enormous logistical and financial burden upon the domestic monitoring organizations immediately preceding polling day. As a result, it was virtually impossible for some organizations to secure accreditation for all of their observers because the Commission was unable to effectively implement its own regulatory requirements and failed to issue accreditation cards to all of the observers in time for the election.

The Center's LTOs also questioned the ECZ's efforts to challenge the legal status of Coalition 2001, an umbrella group of NGOs working to monitor the elections. Coalition 2001 was publicly critical of the ECZ and government, and the ECZ's move to discredit the Coalition was viewed as a partisan response to those criticisms.

Echoing the views of FODEP and other independent observers, the Center's Dec. 13 report concluded that the ECZ's administrative measures created excessive barriers for domestic observers and urged the ECZ to revoke the new accreditation fees and requirements. The ECZ ignored these recommendations and insisted that the measures were justified. If the international donor community had not stepped in to provide financial support to the affected organizations, ECZ's new fees would have blocked many domestic organizations from observing the election.

Shortly before the election, when many of their observers had already been deployed but had not received their accreditation cards from the ECZ, representatives of FODEP raised these issues with the Center's observer delegation. The Carter Center delegation pressed the ECZ to work out a solution that would allow the observation activities



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by FODEP observers and others to go forward as planned with or without their accreditation cards (see section on Leadership Meetings, p. 35).

**Candidate nomination process.** In order to run for public office, nominated candidates must meet minimum legal qualifications. In Zambia, the Chief Justice serves as the returning officer and is responsible for reviewing presidential nominations. Nominations for parliamentary candidates are reviewed by officials at the district, town, or city council level within the Ministry of Local Government, who serve as returning officers for the ECZ.

The nomination process for the 2001 tripartite elections was scheduled to begin seven days after the president announced the election date. The ECZ publicized the nomination schedule and conducted informational meetings for political parties regarding the process. In advance of the nomination process, the ECZ announced it was going to double the cost of candidate nomination fees. Some opposition parties and members of the general public criticized the fee increase as an unfair barrier to political competition. Presidential nominations took place from Nov. 27-30, and the parliamentary nominations followed on Dec. 1. All 11 individuals who wanted to run for president successfully lodged their nomination papers and deposits.

The nominations of some presidential and parliamentary candidates were controversial. Some MMD members charged that the party's presidential candidate, Levy Mwanawasa, was handpicked by President Chiluba and that the selection process did not follow the party's internal policies. However, the party stated officially that the MMD National Executive Committee (NEC) adopted its candidate. In protest against the alleged selection methodology used by MMD, Michael Sata resigned from the party and formed his own Patriotic Front, only months before polling day.

Additionally, there were many reports in the

press that the executive leadership of other political parties, namely UPND and FDD, had imposed parliamentary candidates upon constituencies without adequate consultation with local party representatives through a national convention.

<sup>1</sup> The matter was eventually taken to court and the Zambian High Court ordered Trinity Broadcasting to proceed with its contractual obligations to televise the presidential debates. ZNBC had a signed, paid contract to air a live debate including all presidential candidates the day before the vote, but cancelled the debate with two days notice. Instead, ZNBC aired an interview with outgoing President Chiluba.





## CARTER CENTER AND CONFLICT MANAGEMENT COMMITTEES

For the 2001 tripartite elections, the ECZ introduced new Conflict Management Committees (CMCs) as a mechanism for managing electoral disputes. The ECZ planned to establish CMCs at the national, provincial, and district levels in order to create structures that could manage and reduce electoral conflicts and facilitate peaceful elections. In the absence of properly equipped enforcement mechanisms and mandates within the electoral framework, the ECZ utilized its own administrative capacity to establish and manage the CMCs as an administrative tool for preventing and managing conflict.

The Carter Center expressed interest in assisting Zambians to address problems related to potential electoral disputes and conflict. In light of these mutual interests, and with financial support provided by the government of Norway, the ECZ and The Carter Center signed a memorandum of understanding to collaborate in the training of CMC members throughout the country in advance of the Dec. 27 elections. Carter Center field office director Dawn Del Rio and independent consultant Tony Karbo managed the Center's contribution to the ECZ's CMC program as a distinct Carter Center activity connected to its broader involvement in

observing the Zambian electoral process. Several of the Center's LTOs played key roles working with the ECZ and the CMCs.

The program faced many logistical and administrative challenges owing to the limited time available to secure funding and organize the necessary training programs in advance of the Dec. 27 election. Given the time constraints, it was acknowledged that the



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*Party representatives and electoral officials provided pre-election briefings to delegates.*

training and thus the CMC structures themselves would not be fully operational throughout the country. Nevertheless, the various partners and many Zambian stakeholders believed that providing conflict management skills to hundreds of Zambians in advance of Election Day was worthwhile. As the electoral schedule unfolded, these challenges were compounded by a growing skepticism of the political will and capacity of the ECZ to administer the CMC program effectively.





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After the elections, the Center conducted an assessment of the CMC program and the nature of the electoral disputes that were documented by the CMCs. The report found that the majority of the reported disputes were beyond the capacity of CMCs to resolve and that the nature of unresolved disputes related directly to problems in the electoral system and to issues of corruption, bribery, and election results. The report concluded that these problems could only be addressed through reforms of regulatory and legal systems and proper enforcement mechanisms.



## CARTER CENTER ELECTION OBSERVATION MISSION

### DELEGATION BRIEFINGS, DEPLOYMENT, AND OBSERVATION METHODOLOGY

After the release of the Center's Dec. 13 pre-election assessment report, the field office and LTOs concentrated on logistical preparations and briefings for the Center's main delegation of short-term observers (STOs), which arrived on Dec. 22 to observe the voting, counting, and tabulation processes.

The Center's 33-person observer delegation was co-led by former Nigeria Head of State General Abdulsalami Abubakar, former Benin President Nicéphore Soglo, and former Tanzania Prime Minister Judge Joseph Warioba. The combined LTO-STO delegation included observers from Nigeria, Benin, Tanzania, South Africa, Malawi, Mozambique, Zimbabwe, the United States, Canada, Germany, and the United Kingdom.

During two days of intensive meetings on Dec. 23-24, delegates were briefed by Carter Center staff and LTOs on the Zambian political context, the electoral process, and election observation techniques. In addition, delegates heard from a broad cross section of Zambian society, including 10 political parties, representatives of the ECZ, seven civil society organizations, and leaders of other international observer groups, including the European Union (EU) and the Southern Africa Development Community-Parliamentary Forum (SADC-PF). At the

close of briefings, delegates were divided into two-person teams for deployment to their observation areas and provided with supplies and supplemental briefings focused on their respective deployment zones (see Appendix 3).

Delegates were deployed to all nine provinces on Christmas Day, Dec. 25. On Dec. 26, the observer teams held meetings in their deployment zone with electoral authorities, political parties and candidates, and domestic observers. They also met with members of other international observer groups present in the area in order to ensure coordination of efforts.

The observation plan called for Carter Center delegates to observe the voting process in all nine provinces, visiting polling stations throughout the day on Dec. 27. At each polling station, observer teams completed a polling station observation form, or checklist, to record their overall assessment of



*Observers met with a range of domestic monitoring and civil society groups during deployment.*



OBSERVING THE 2001 ZAMBIA ELECTIONS



VICTOR NYAMBE

*Voters' thumbs were inked before the distribution of the first ballot paper.*

the voting process at the station as well as information about specific aspects of the voting process. Similarly, at the close of the poll, observer teams monitored the closing and counting process in at least one polling station and completed another checklist to record their observations and assessments.

After the counting process was completed, in most cases on Dec. 28, about half of the Center's observers traveled to constituency tabulation centers, where results for all the polling stations in the constituency were tabulated. At the tabulation centers, observers completed tabulation center checklists. The other half of the observers planned to return to Lusaka to begin debriefings.

Each of the observer teams contacted the Center's Lusaka office at least once per day while deployed to report on conditions in their area. These reports were compiled on an ongoing basis by the Lusaka office and relayed to the delegation leaders who stayed in Lusaka for additional meetings.

### LEADERSHIP MEETINGS

On Dec. 24-26, while most of the Center's observers were deployed, the delegation leaders met with presidential candidates, election officials of the ECZ, civil society groups, and leaders of the other international and domestic observer missions to discuss the election environment. In addition to delegation co-leaders Gen. Abubakar, former President Soglo, and former Prime Minister Warioba, the leadership group included Carter Center Project Director Dr. David Carroll, Field Office Director Dawn Del Rio, and Senior Political Adviser Dr. Scott Taylor.

One issue of immediate concern that emerged in the delegation leaders' meeting with the Foundation for Democratic Process (FODEP) was that thousands of domestic observers from FODEP and other groups still had not received accreditation cards from the ECZ even though they were already deployed. The problem resulted largely from the ECZ's last-minute imposition of additional requirements. FODEP planned to deploy observers to most





## OBSERVING THE 2001 ZAMBIA ELECTIONS



VICTOR NYAMBE

ECZ Chair Bobby Bwalya (L) greets delegation co-leaders General Abubakar (center) and President Soglo (R).

of the polling stations and to conduct an independent verification of the ECZ's official polling station results. If the accreditation problem was not resolved, it would greatly undermine the work of the domestic observer groups and their ability to observe and assess the electoral process.

The Carter Center delegation leaders raised the problem in their meeting with ECZ Chairman Bobby Bwalya on Dec. 26. Chairman Bwalya recognized the implications and assured the Center that all party polling agents and domestic observers would be able to monitor the voting, counting and tabulation processes across the country. To facilitate this, Chairman Bwalya said that the ECZ would immediately instruct electoral officials and presiding officers to permit all 6,500 FODEP observers into polling stations.<sup>1</sup> The Center delegation suggested that it would be helpful for the ECZ to publicize this decision in the media, especially radio, so that observers and election officials in the field would be informed. Unfortunately, Chairman Bwalya and the ECZ indicated that they did not intend to do so.

Partly as means to help disseminate information about these steps, the Center issued a press release welcoming the ECZ's decision to allow all observers and party agents into the polls (see Appendix 4).

The delegation leaders also held private meetings with several of the major presidential candidates, including Levy Mwanawasa of the MMD, Anderson Mazoka of the UPND, and Godfrey Miyanda of the HP. In addition, they also met leaders from the FDD, the UNIP, the SDP, as well as with former President Kenneth Kaunda.

## THE DEC. 27 ELECTORAL PROCESS

In the Dec. 27 tripartite elections, Zambians were going to the polls to select leaders and representatives at three different levels: national president, parliamentary, and local government. The complexities involved in conducting three elections simultaneously in 5,509 polling stations in a country with difficult terrain and poor infrastructure posed significant logistical and administrative challenges for the ECZ.

Voting was scheduled to take place from 0600 to 1700. Once inside the station, voters faced a cumbersome process that required them to complete a separate circuit for each of the three electoral races. Upon entering the polling station, after their IDs and names were checked against the voters list, voters were required to queue to obtain the first ballot (for the presidential race) and then to queue for the voting booth to cast their ballot. Once they completed the first ballot, voters had to repeat the whole process two more times for the second and third ballots (for the parliamentary and local





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CONTESTING PARTIES AND PRESIDENTIAL CANDIDATES	
POLITICAL PARTY	PRESIDENTIAL CANDIDATE
Agenda for Zambia (AZ)	MBIKUSITA-LEWANIKA, Inonge
Forum for Democracy and Development (FDD)	TEMBO, Christian S.
Heritage Party (HP)	MIYANDA, Godfrey K.
Movement for Multiparty Democracy (MMD)	MWANAWASA, Levy P.
Patriotic Front (PF)	SATA, Michael C.
Social Democratic Party (SDP)	KONIE, Gwendoline C.
United National Independence Party (UNIP)	KAUNDA, Tilyenji C.
United Party for National Development (UPND)	MAZOKA, Anderson K.
Zambia Republican Party (ZRP)	MWILA, Benjamin Y.
National Leadership for Development (NLD)	SHAPANDE, Robert K.

government elections). This complicated process extended the time it took to complete the voting process.<sup>2</sup>

At the close of balloting, votes were to be counted at each polling station. Polling station results would be transported to returning officers at the 150 constituency tabulation centers to be reviewed and combined to create a constituency result. As part of this process, returning officers would review any rejected ballots from polling stations to confirm or reject the decisions of the presiding officer.<sup>3</sup> The constituency results were then to be faxed or otherwise relayed to the ECZ in Lusaka, where national election results would be released.

Several of the political parties deployed agents at large numbers of polling stations.<sup>4</sup> In addition, Zambian civil society groups, such as FODEP, Coalition 2001, NGOCC, AVAP, ZNWLG, and others, played a critical monitoring role, working collaboratively to ensure that almost every polling station had nonpartisan monitors present.

The main international observer groups, including

the EU, SADC-PF, and The Carter Center, planned coordinated but independent assessments of the electoral process. Although much smaller in size, the presence of international observer groups is important because of their international profile and reputation. To the extent that their assessments were consistent with Zambian observers, international observers hoped to support the work of Zambia stakeholders by amplifying and reinforcing their reports.

### CARTER CENTER OBSERVER REPORTS AND THE DEC. 30 PRELIMINARY STATEMENT

Soon after the start of voting on Dec. 27, two key points emerged from observers' early reporting from the field. The first was that there was an unexpectedly strong voter turnout, with long lines forming at polling stations around the country. The second was that a large number of polling stations were encountering difficulties due to late delivery of supplies and/or late opening. These problems,



## OBSERVING THE 2001 ZAMBIA ELECTIONS

combined with the cumbersome voting process, forced voters to wait for hours as polling officials struggled to administer the process.

The Carter Center delegation leaders along with the leaders of the SADC-PF and EU observer missions met with the ECZ on Dec. 27 to report what the various observers were witnessing in the field. The ECZ was aware of some of the problems and indicated that it had decided to extend the voting period until all voters in line at 1700 hours were able to vote, no matter how much time was needed. Unfortunately, however, the ECZ was not able to communicate this decision to all local electoral officials across the country. This led to arbitrary decision-making by presiding officers and different closing times across polling stations.

Carter Center and other observers reported additional problems as voting continued into the night and early morning hours of Dec. 28. Many stations were forced to conduct voting and counting processes with only candlelight while others endured power failures. In some polling stations, the voting process had to be stopped because of lack of light and other conditions, which disenfranchised those citizens who had not yet voted.

Early reports from observer groups and the media indicated that the race was tight, with the MMD's Levy Mwanawasa and Anderson Mazoka of the UPND running neck and neck with the FDD's Christian Tembo not too far behind. It was clear, however, that the extended voting and slow process of counting and tabulating results meant that provisional results would not be ready for several days.

On Dec. 28 and 29, while the observer teams were returning to Lusaka, the delegation leaders met with several presidential candidates or their party representatives to listen to their concerns and summarize what Carter Center observers were reporting from the field. The leaders also held a short courtesy meeting with President Chiluba.

Most of the opposition parties charged that the ECZ was controlled by the MMD and President Chiluba and complained that the election had been marred by large-scale fraud. Anderson Mazoka, who had already claimed victory based on early reports, told the Center's delegation leaders that the election was being stolen. He also said that if he was not declared the winner he could not guarantee that his supporters would accept the result and suggested there might be chaos in the streets.

The Carter Center team stressed that charges of fraud or irregularities needed to be supported by strong evidence and urged Mazoka and other opposition leaders to ensure that their party agents and representatives submitted complete reports of polling station results and participated fully in the election tabulation exercises in order to check the accuracy of the tabulation. Unfortunately, neither Mazoka nor any of the other opposition parties appeared interested or able to focus on such steps.

The Carter Center delegates held a series of debriefings on Dec. 28 and 29, as observers returned from their deployment zone. During the Center's debriefings, field reports and observation checklists from the various teams were compiled. The summary checklists indicated that there were a large number of administrative problems and irregularities at the 193 polling stations visited during the voting process, but that for the most part the problems were minor. Observer reports indicated that about 8 percent (14 of 193) of the polls monitored by Carter Center observers had serious problems that had the potential to impact the results of the polling station.

The checklists and observer reports from the counting and tabulation processes revealed additional irregularities, including some cases of unauthorized persons present during the count, insufficient access for observers to verify results, an intimidating presence of officials from the Office of the President, and disruption or chaos. While the majority of reports indicated that there were no



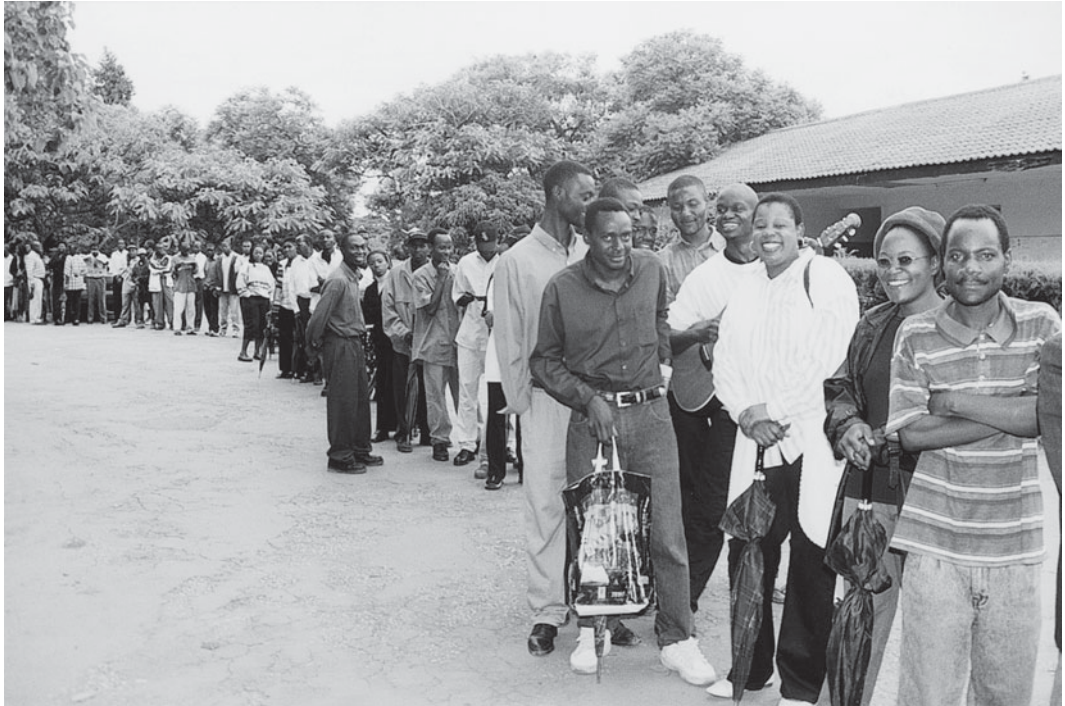
OBSERVING THE 2001 ZAMBIA ELECTIONS

problems or only minor problems during the counting and tabulation processes, the incidence of serious or potentially serious problems was very disturbing (see Appendices 5, 6, 7, and 8).

On the basis of these debriefings and field reports, a preliminary statement was prepared which was released to the public at a press conference with the delegation leaders on Dec. 30

(see Appendix 9). The Center's Dec. 30 Interim Statement noted several positive aspects about the process, including the peaceful conduct and the high turnout, but expressed serious concerns about reports of irregularities and a lack of transparency in the tabulation process. Given that the process of counting and tabulating votes was still ongoing, the statement emphasized that it was too early to evaluate the election as a whole. However, the statement stressed the need for maximum transparency during the tabulation and verification processes to ensure that all sides had complete access to ECZ election results.

The statement also noted several concerns about the voting process itself, including late poll openings, inadequate polling materials, excessively long queues, and chaotic and inconsistent poll closings created by the ad hoc decision to extend voting hours. The main points raised in the statement are discussed in more detail below.



Voters waited in long lines for the chance to cast ballots.

VICTOR NYAMBE

**Turnout and conduct.** The Center's statement commended Zambians for the high turnout and the peaceful conduct of the elections, noting that many voters stood in queues for hours in order to cast their ballot. Likewise, the Center praised the professionalism and dedication of polling officials, many of whom worked nonstop for more than 24 hours – and in some cases as many as 48 hours – with little support from the ECZ. The Center also noted the strong presence of party agents and nonpartisan observers, most of whom performed their tasks with careful attention.

**The voting process: logistical and administrative problems.** The statement noted that observers witnessed a large number of administrative and logistical problems that could have been avoided with better planning, transparency, and political will on the part of the ECZ. The ECZ's financial constraints also contributed to its failure to address some problems.





## OBSERVING THE 2001 ZAMBIA ELECTIONS

Carter Center observers reported that about one-quarter of the polling stations they visited opened late, due mostly to late delivery of supplies. The failure to deliver ballot boxes, proper and sufficient ballot papers, voting booths, and other election materials was widespread, in spite of favorable weather conditions. While every polling station was supposed to have three voting booths, most stations were given only two and some stations had only one. Often the booths did not have material covering the exterior to ensure secrecy in voting.<sup>5</sup> According to media reports, some of the more remote polling stations did not receive materials until the next day. Observers also noted that most polling stations did not have electricity and that the ECZ's communication and transportation capacities were inadequate to the task.

The distribution of polling stations did not appear to Carter Center observers to be based on normal criteria such as maximum distance between stations in rural areas or a maximum number of voters per station in urban areas. The failure to use such criteria created an inequitable system that led to the disenfranchisement of voters. In addition, it

had the potential to inflame violence, as voters, especially in urban areas, suspected a government tactic to make voting difficult in areas where strong opposition support was likely.

One glaring example of how the failure to plan properly led to the disenfranchisement of voters occurred at the University of Zambia in Lusaka, which is known as a bastion of opposition support, where more than 4,000 voters were registered at a single polling station. In the meantime, voting stations with fewer than 500 voters were provided with the same allotment of staff, voting booths, and other election materials. Carter Center observers reported that disparities such as these served to deepen skepticism and frustration among the electorate.

Carter Center observers also reported that officials from the Office of the President were present inside some polling stations. Although their formal role was not clear, Carter Center observers reported that their presence appeared to have an intimidating effect on some voters and stakeholders.

*Washed-out roads slowed the distribution of election supplies and staff to remote areas.*



ANNE SCHNELLER





## OBSERVING THE 2001 ZAMBIA ELECTIONS

**Inconsistent poll closing.** As noted above, the late poll openings, lack of materials, and high voter turnout prolonged the process and forced the ECZ to announce that voting hours would be extended until all voters in line at 1700 were able to vote.<sup>6</sup> While the extension was necessary and appropriate, the ECZ lacked the capacity to communicate this decision effectively to local electoral officials.

Lacking clear and consistent instructions, polling station presiding officers had to make arbitrary decisions regarding poll closing times and unforeseen problems of insufficient light or lack of electrical power, as polling and counting continued into the night.

As a result, there were unequal treatment and conditions across polling stations. While some presiding officers allowed voting to continue late into the night, others stopped voting at 1700 as scheduled. In some stations voting continued until all voters cast their ballots, while in others the process was stopped when lack of light and/or other conditions rendered it impossible to continue, thus disenfranchising those in line who had not yet voted.

Overall, the Center's observers reported that the long queues and slow processing caused tremendous frustration among voters and disenfranchised potential voters who were too exhausted to wait. The ECZ's extension of voting, while appropriate, led to a series of additional problems, including the exhaustion of election officials and other stakeholders in the process, increased probability of human error, insecure conditions for ballot boxes and other sensitive election materials, unequal treatment of voters across polling stations, and additional relative disenfranchisement.

**Counting of ballots.** Carter Center observers reported that the counting process began late in most polling stations and in some cases more than 18 hours after the station opened. Many of the polling officials, monitors, and party agents faced exhaustion as they moved into the counting exercise.

Reports from Carter Center observers indicated that the quality of the counting process varied

across polling stations.

Although most of the Center's observers reported that counting was conducted in a sufficiently transparent manner, several observers concluded that the process did not allow party agents and independent observers to inspect the ballot papers adequately. The problem

in these cases was that observers were not allowed close enough access to view individual ballots as they were being sorted into piles or to verify that sorting had been done correctly before ballots in each pile were counted. These problems raised serious questions about the fairness and accuracy of the vote count.

**Tabulation of results.** As indicated in the Dec. 30 statement, the Center's observers expressed serious concerns about the tabulation of results at the constituency level tabulation centers and about the relaying of these results to the ECZ in Lusaka.

Carter Center observers reported that the tabulation process was slow and chaotic, with insufficient transparency and systems of verification and inadequate control and security at some premises. After the poll closing and counting processes were completed, stakeholders followed ballot boxes to tabulation centers, where they waited for ballot boxes to arrive. In some constituencies this process took as long as 12 hours. There was widespread

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*Carter Center observers reported that the tabulation process was slow and chaotic, with insufficient transparency and systems of verification, and inadequate control and security at some premises.*

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OBSERVING THE 2001 ZAMBIA ELECTIONS

fatigue on the part of all stakeholders, with many polling officials, party agents, and independent observers working between 24 and 36 hours with little sleep and food and without any extra compensation for the additional hours.

The Center's observer teams reported that party agents and independent observers were allowed to observe the tabulation process, but that they were not always able to verify that the results entered into the tally sheet for each polling station were indeed the results that came from the polling station. In some centers, observers reported that there was inadequate control over access to the tabulation centers. There were also reports that returning officers were not ensuring that all aspects of the process were correctly administered. While these may have been cases of careless error, they raised legitimate suspicions among the electorate.<sup>7</sup>

Carter Center observers noted inconsistencies

regarding when tabulation started: In some tabulation centers counting did not begin until all of the boxes were received; in others tabulation began as each box was received.<sup>8</sup>

**Announcement of results.** The Carter Center's Dec. 30 statement noted that the Center received complaints from all of the major opposition parties about the coverage of the election results in the public media. Results were delayed or released sporadically, and there was an apparent bias in terms of which results were announced and how they were conveyed to the public. In the first 24 hours following the close of the polls, the ECZ and state-owned TV announced mainly the results of the constituencies won by MMD, despite the fact that the results from non-MMD constituencies were also available. Also of concern was the fact that voting was still taking place in some areas while the



Carter Center delegation leaders and senior staff present the Center's Dec. 30 statement to the press. From left: Field Office Director Dawn Del Rio, former Tanzania Prime Minister Judge Joseph Warioba, former Nigeria Head of State Gen. Abulsalami Abubakar, and Carter Center Project Director David Carroll.



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election results were being announced on ZNBC.

The ECZ had planned to release results to the public at the Mulungushi International Conference Center. The Center's delegation leadership was told by ECZ officials prior to voting that the results submitted by returning officers from the constituency tabulation centers would be released immediately. The ECZ would serve simply as a clearinghouse for the official results, which would be sent to Mulungushi for public release. Initially, results were transmitted from Mulungushi as planned. However, the process was abruptly abandoned by the ECZ as public discontent grew and more irregularities in the ECZ results surfaced. Not surprisingly, the slow pace of ECZ reporting of provisional election results raised questions.

On election night Carter Center LTOs and other independent observers learned that the ECZ was implementing an internal "verification" of the election results data sent from the constituency centers before it released official provisional results to the public. Unfortunately, the ECZ had not informed the Zambian public nor stakeholders about this "new" verification process, which was not provided for in the electoral law and which had the effect of slowing down the release of results.<sup>9</sup> Therefore, instead of reinforcing confidence in the ECZ and the accuracy of results, the additional verification process raised further suspicions about the ECZ's lack of transparency.

In response to pressure from independent observers and Zambian stakeholders, the ECZ opened up its Lusaka verification process to observation the day after the elections. In addition, the ECZ took action to correct errors in some of its partial provisional results that were detected by observers and brought to the ECZ's attention. For example, FODEP informed the ECZ about an anomaly in results from a constituency in Southern province which the ECZ later corrected.<sup>10</sup> Such actions helped to erase some of the concerns about the ECZ's lack of transparency. However, because

of the ECZ's initial reluctance to open up the verification process, every discovery of errors or discrepancies fed suspicions about the ECZ.

***Postelection transparency in verification of results.*** In light of such concerns and the closeness of the presidential race, the Center's Dec. 30 statement called for maximum transparency in the postelection period, especially in the days remaining before the declaration of the final presidential results. In particular, the Center urged the ECZ to ensure timely access to official results at all levels so they could be cross-checked against the polling station results and tabulation results collected by party agents and independent observers. The statement also stressed that the Center was continuing to monitor the process and would issue a comprehensive final report covering the observation of the entire electoral process.

1 For its part, FODEP agreed to provide lists of their observers to ECZ district electoral officials, which could be distributed to polling stations in the districts. Observers would produce their national registration cards at polling stations to establish identity.

2 On average it took seven minutes from the time the voter's name was checked on the voters list to the time the voter completed all three ballots and exited the station.

3 Carter Center LTOs questioned the wisdom of deferring decisions about the status of rejected ballots to the returning officer at the constituency, rather than making final decisions at the polling station. Prior to the elections, in observing some of the ECZ's training sessions for returning officers and reviewing the training materials, Carter Center's LTOs noted contradictory information that was likely to cause confusion during polling and counting. For example, whereas Statutory Instrument 240, Part V, Section 67, states that the returning officer conducts counting of ballots, the ECZ's instruction manuals for returning and presiding officers states that the presiding officer is responsible for this task.

4 The National Democratic Institute (NDI) provided training to political party agents in advance of the elections as well as a small stipend so that each party could provide for at least one party agent per polling station.



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5 In some areas, such as Matero in Lusaka Central, which is only several kilometers from the ECZ headquarters, materials did not arrive at polling stations until the afternoon, forcing voters to wait in long queues from as early as 0530. Carter Center observers reported seeing stacks of insecure ballot books sitting in the front of an unlocked ECZ vehicle delivering late materials to Matero constituency polling stations. The ballots were left unguarded as election personnel were out of sight organizing ballot boxes.

6 ECZ election regulations stipulated that any person in the queue at 1700 should be allowed to vote. In most stations observed by the Center, this was followed. However, there were some cases in which individuals in the queue were told to leave and not permitted to vote.

7 In the Munali constituency, independent observers discovered that ballot boxes had been diverted to a private office at the tabulation center without the presence of party agents and observers. Although this incident was apparently resolved satisfactorily, Carter Center observers heard several reports of similar occurrences.

8 According to the returning officer's manual compiled by the ECZ, (Point 78), the totaling of votes was not supposed to begin until all ballot boxes from all polling stations were received.

9 According to the electoral law, the task of verification is the responsibility of returning officers in the constituencies, not the ECZ in Lusaka.

10 The figures entered for the UPND presidential candidate did not reflect what FODEP monitors and the returning officer had reported. Eventually the ECZ corrected the mistake.





## CARTER CENTER POSTELECTION OBSERVATION

### OBSERVATION OF PROVISIONAL RESULTS AND INAUGURATION: DEC. 30-JAN. 2

Most of the Center's observer delegation, including the delegation leaders, departed shortly after the release of the Dec. 30 statement. However, a small team, including the five LTOs and several other observers, remained in Zambia to continue monitoring postelection processes. Initially, these observers focused on the tabulation process and the ECZ's release of final provisional results.

Several opposition presidential candidates filed a petition with the High Court on Dec. 30 seeking the Court's intervention to instruct the chief justice, who serves as the returning officer for the presidential election, to utilize his discretion to delay the inauguration until elections results could be reviewed and verified. Although originally planned for Jan. 1, the slow election results forced it to be rescheduled for Jan. 2.

In the days leading up to the inauguration, opposition party members and members of the general public joined protests around Lusaka and in front of the Supreme Court. The crowds protested about problems in the conduct of the elections, concerns about the accuracy and transparency of election results, and about the court's unwillingness to grant judicial review and postpone the inauguration ceremony. On inauguration day, the police stopped the protests by securing the perimeter near the Supreme Court, and the inauguration proceeded as scheduled.

On Jan. 2, inauguration day, the High Court ruled that the chief justice did not have discretion or jurisdiction to review issues pertaining to the swearing-in and declaration of the president, but

rather was obligated by the constitution to officiate the ceremony once the ECZ's results were announced. Many Zambians and independent observers disagreed with the Court's ruling, arguing that the chief justice, as returning officer, had the necessary discretion but was compromised by the Court's lack of independence from the executive branch.

Also on Jan. 2, the ECZ announced its final provisional election results, five days after the election.<sup>1</sup> According to the ECZ's provisional



*UPND presidential candidate Anderson Mazoka meets with Carter Center delegation leaders.*

figures, there were 2,604,761 registered voters and 1,766,356 votes cast, representing 67 percent of eligible voters. Although no single candidate received a majority of the votes for president, Levy Mwanawasa of the MMD was elected as the new



OBSERVING THE 2001 ZAMBIA ELECTIONS

president of Zambia with 506,694 votes, or 28.69 percent of votes cast. The runner-up was Anderson Mazoka of the UPND, who received 472,697 votes, or 26.69 percent. The FDD's Christian Tembo finished third with close to 13 percent. The UNIP candidate for president, Tilyenji Kaunda, was fourth with just under 10 percent, while Godfrey Miyanda of the HP received almost 8 percent. These same five parties finished in the same order and received roughly similar percentages of the vote in the parliamentary elections. Between them, they won 147 of the 150 parliamentary seats (see Appendices 10 and 11).

Given the very small margin of victory – especially in the all-important presidential race where only 33,997 votes separated the two top candidates – Zambian stakeholders and independent observers, including The Carter Center, expressed

so that parties and observers could cross-check these figures against their own polling station results. Without access to such information, parties would lack evidentiary data to support electoral petitions to challenge the ECZ's results.

OBSERVATION OF VERIFICATION AND PETITION PROCESSES: JAN. 3-31

Throughout the month of January, a small Carter Center LTO team continued to observe postelection processes, including verification processes in Lusaka and the constituencies and the filing of electoral petitions. The LTOs concentrated their efforts on investigating discrepancies in the presidential and parliamentary election results and other unexplained anomalies, particularly in the Copperbelt and Central provinces. The Copperbelt was the first priority because it had the highest voter population and because there was widespread discontent and criticism of the ECZ's conduct of the elections there.

By tabulating results gathered by Carter Center observers during the elections, the LTOs were able to reconstruct relatively complete polling station results for approximately 15 constituencies and to compare these to the ECZ's provisional results as well as to results recorded at the constituency tabulation centers.

In follow-up field visits to tabulation centers, the Center's LTOs found that most election officials were very cooperative and forthright in providing the LTOs with polling station results. The LTOs were able to identify some inconsistencies between the ECZ's published results for the constituency and results gathered from election officials in the Copperbelt. In Mufulira constituency, for example, the ECZ provisional results for the presidential elections indicated 1,409 votes more than the results obtained from field reports. Overall, however, the LTOs concluded that most of the discrepancies identified were negligible and did not appear to have

2001 ZAMBIA PROVISIONAL ELECTION RESULTS

PRESIDENT

Party	Candidate	Total Votes	Percent
MMD	Mwanawasa	506,694	28.69%
UPND	Mazoka	472,697	26.76%
FDD	Tembo	228,861	12.96%
UNIP	Kaunda	175,898	9.96%
HP	Miyanda	140,678	7.96%

serious concerns about problems in the electoral process. Of special concern was the ECZ's lack of transparency during critical aspects of the tabulation and internal verification process, as well as various unexplained anomalies and inconsistencies apparent in the ECZ's provisional election results. In order to address these concerns, Carter Center and other independent observers repeatedly urged the ECZ to release individual polling station results



## OBSERVING THE 2001 ZAMBIA ELECTIONS

avored any one candidate or party.

In spite of concerns about unexplained discrepancies between the ECZ's results and those at the constituency centers, the Center's observers were not able to verify with evidence any of the more substantial claims of fraud in the Copperbelt, including those in Ndola constituency where there were numerous reports of irregularities and fraud. One of the Center's LTOs personally had witnessed questionable activities in the province. For example, one LTO stationed in Ndola during the Center's postelection observation was present at the tabulation center on Dec. 29 at 1600 when several ballot boxes arrived at the center without the proper documentation or keys to open the boxes. The returning officer accepted the boxes and the fire department was called in to open them. It was also in Ndola constituency that the Center's LTOs heard numerous reports about the presence of persons from the Office of the President inside the tabulation centers and their direct involvement in the process of transporting ballot boxes.

### CARTER CENTER JAN. 31 SECOND INTERIM STATEMENT

In order to draw together the LTOs observations outlined above, the Center organized a postelection assessment mission from Jan. 23-31 headed by

Ambassador Gordon Streeb, associate executive director of the Center's Peace Program.<sup>2</sup> The team met a wide range of Zambian stakeholders, members of the international community, and others. Although the team had planned to issue the Center's final statement and overall assessment of the Zambian elections, they decided to delay a final statement until some of the outstanding electoral issues, particularly the incomplete verification process and the court petitions, were addressed.

At the conclusion of the assessment mission on Jan. 31, the Center released a Second Interim Statement, which highlighted the Center's continuing concerns about unexplained anomalies, discrepancies, and inaccuracies in the presidential and parliamentary election results (see Appendix 12). Specific problems included constituency results with large variations between the number of votes cast for presidential and parliamentary candidates; an unusually high number of constituencies where no invalid ballots were recorded; discrepancies between figures obtained at the constituency level and figures published by the ECZ, especially in the Copperbelt and Central provinces; unexplained discrepancies between the original Ndola constituency results and the results announced by the ECZ after the verification process; and other inaccuracies in ECZ's published results.



VICTOR NYAMBE

*Delegation leaders conferred with observer about the electoral process. From left: former Tanzania Prime Minister Judge Joseph Warioba, former Benin President Nicephore Soglo, and former Nigeria Head of State Gen. Abulsalami Abubakar.*





## OBSERVING THE 2001 ZAMBIA ELECTIONS

While noting that the new pluralistic environment in the multiparty parliament provided an important opportunity for all parties to work together to improve governance, the Center's statement expressed concern about the tense postelection relations between the opposition and government.

As a way forward, the Center urged the ECZ, the government, and the Court to take steps to ensure the prompt and transparent verification of results and the expeditious review of electoral petitions in order to resolve outstanding disputes about the final results and the legitimacy of the new government. To facilitate the Court's review and timely rulings, the Center once again urged the ECZ to release expeditiously the final election results at all levels, including polling stations. Finally, the Center noted that in elections where the margin of victory is small, discrepancies such as those highlighted take on greater significance, possibly even affecting the outcome.

### CARTER CENTER FINAL STATEMENT

The Carter Center's field office staff continued to monitor the postelection environment and electoral processes through February and early March, focusing in particular on the ECZ's verification exercises and the Court's handling of election petitions. The Center continued to encounter serious unanswered questions about the accuracy of the results and a lack of transparency in the ECZ's still incomplete verification exercise. Of great concern to the Center was the ECZ's continued refusal to release polling station election results and the lack of progress in resolving election petitions

challenging the Jan. 2 provisional results. The ECZ continued to insist that it was not mandated to release polling station data and that it did not have funding to do so.

**Overall conclusion and assessment.** On March 7, 2002, the Center issued its Final Statement of the Zambia 2001 elections, which concluded: that the ECZ and government failed to administer a fair and transparent election and address electoral irregularities that clearly could have affected the outcome of a close race; that the Dec. 27 presidential, parliamentary, and

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*The Center urged the ECZ, the government, and the Court to take steps to ensure the prompt and transparent verification of results and the expeditious review of electoral petitions in order to resolve outstanding disputes about the final results and the legitimacy of the new government.*

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local government election results were not credible and could not be verified as accurately reflecting the will of Zambian voters; and that consequently the legitimacy of the entire electoral process was questionable (see Appendix 13).

As the basis for these conclusions, the statement indicated that: (1) There was an uneven playing field in the pre-election period due to problems in voter registration, misuse of state resources, and unbalanced media reporting, which disadvantaged the opposition and created barriers to full participation of all stakeholders in the process; (2) The government and ECZ lacked the political will to fully ensure that the elections were administered effectively and transparently; (3) There were inadequate logistical arrangements for the polls and a lack of procedures to ensure transparent vote counting at the polls; (4) There was a lack of transparency in vote tabulation at the constituency level and in relaying results to the ECZ; (5) The ECZ failed to release polling station results in a timely manner, thus severely restricting the ability





OBSERVING THE 2001 ZAMBIA ELECTIONS



*Field Office Director Dawn Del Rio (L), Senior Political Adviser Dr. Scott Taylor (center), and Delegation Co-leader Gen. Abubakar discuss the post-election situation.*

of stakeholders and observers to check results independently; and (6) The ECZ failed to implement a transparent verification process open to parties and observers.

The statement closed by suggesting that if the ECZ provided all necessary electoral information and if the Supreme Court as final arbiter acted expeditiously to review the petitions thoroughly and transparently, its decisions might help dispel doubts. Several of the issues raised in the Center's final statement regarding the verification process and election petitions are discussed in more detail below.

**Verification of results.** The Carter Center's statement reported that the legal regulations regarding the verification process are weak and do not provide sufficient opportunities for stakeholders to check the results. According to the regulations, the constituency returning officer determines when and where verification should take place. Returning

officers are also responsible for informing various stakeholders about the schedule for the verification exercise.<sup>3</sup> However, the regulations do not provide guidelines for managing the verification exercise.

In the field, Center Carter LTOs reported that the verification process was uncoordinated and random, and therefore almost impossible to monitor. Decentralization of the process meant that political parties and other stakeholders wishing to observe the exercise needed to investigate the dates, times, and locations for 150 constituencies and communicate the information to their representatives.

While these problems were partly to blame, the Center was alarmed by the political parties' lack of interest in the verification process. Given the closeness of the presidential race and many parliamentary contests, stakeholders should have been more proactive in their demands for a participatory and transparent verification of the election results. Part of the problem resulted from inadequate



## OBSERVING THE 2001 ZAMBIA ELECTIONS

training of party agents.<sup>4</sup> Furthermore, due to funding difficulties many parties did not have communication systems in place to enable their representatives at the constituency level to transmit their reports. As a result, it was difficult for parties to gather a national picture of the conduct of the polls in a timely manner.

Similar problems hampered the efforts of the Zambian domestic observer groups, who, in spite of their countrywide presence at the polls on election day, were unable to relay polling station results information back to their main offices in Lusaka on a timely basis. It was also apparent that insufficient training of observers had an impact on the quality of election report data that was produced.

The Center attempted to observe and assess as much of the verification process as possible in Lusaka but was hindered by the random nature of the process and a lack of cooperation on the part of the ECZ. The Center contacted all nine provincial offices and dozens of district offices but found it virtually impossible to obtain useful information about the verification process. In some cases this was due to poor communication, but in most cases election officers refused to release information. Some district level election officials told the Center that the ECZ instructed them not to supply information about the verification exercise to anyone.

The Center also made direct inquiries to the ECZ in Lusaka. After receiving a variety of ambiguous and inaccurate responses, the Center received a letter from the ECZ on March 4, 2002, indicating that the ECZ could not release any such documentation, because it would be presented as evidence in court. In addition to obvious concerns about transparency, the ECZ's response raised important

questions about the prospects for electoral petitions, since the verification documents are supposed to be public documents available to the petitioners to support their claims.

Other organizations faced similar frustrations in their efforts to observe the verification process. For example, representatives from the Anti-voter Apathy (AVAP), a member of Coalition 2001, were barred from monitoring the verification process in Solewzi, and the venue was changed.

**Petitions.** According to the electoral law, challenges of the presidential election results must be filed to the Supreme Court within 14 days from the date of the inauguration, while parliamentary election petitions must be presented to the registrar of the High Court within 30 days following the release of the election results. Three political

parties, the UPND, the HP, and the FDD, filed petitions with the Supreme Court citing allegations of fraudulent behavior in the conduct of the presidential elections. Thirty-three parliamentary seats were petitioned, with the HP, the UPND, the FDD, the UNIP, the ZRP, and the MMD serving as petitioners in various races.

The Carter Center's final statement expressed concern about the barriers presented by high security fees, which the Electoral Act requires petitioners to pay to the Court in order to file. A petition in a presidential election costs ZK 5,000,000 kwacha (approximately \$1,500 USD), while a parliamentary petition costs ZK 1,000,000 kwacha (approximately \$300 USD). Several of the petitioners had not paid their fees by the date required, and the government filed a motion to dismiss the opposition's petitions. The

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*The Center concluded that the election results were not credible and could not be verified as accurately reflecting the will of Zambian voters.*

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OBSERVING THE 2001 ZAMBIA ELECTIONS

motion was not granted and the petitioners were given additional time to pay. Although most parties eventually were able to pay the fees, the Center concluded that the barrier created by such fees meant that most citizens do not have effective access to the courts to resolve electoral disputes.

Carter Center LTOs reported that public information about electoral petitions was not easily accessible. The Center made numerous requests and held numerous discussions with Supreme Court officials and the Registrar's Office to secure copies of the petitions filed by the opposition, but the Court denied the requests, citing fears of misrepresentation. Finally, the Center noted concerns about the law governing election petitions, which appears to allow for petitions to drag on for months, if not years.



CARTER CENTER

*Opposition supporters took their dissatisfaction with election results to the street.*

<sup>1</sup> These results did not include constituency results for Zambezi West and Mfuwe.

<sup>2</sup> Prior to joining The Carter Center, Streeb had served as the U.S. ambassador to Zambia (1990-1993).

<sup>3</sup> The verification process is regulated by the provisions in Section 47 of Statutory Instrument No. 108 of the 1991 Electoral (General) Regulations.

<sup>4</sup> Other problems included high levels of illiteracy, a lack of basic materials such as paper and pen, and unfamiliarity with the election law.





## FOLLOW-UP OBSERVATION ACTIVITIES

### POLITICAL ENVIRONMENT AND DEVELOPMENTS

In the period between April and August 2002, The Carter Center continued to monitor and assess the postelection environment. The objectives of monitoring activities in this period were to follow up on the verification process, review and analyze the release of election results, monitor the resolution of election petitions, and assess the process of by-elections. Even though its final statement and overall assessment of the Zambian tripartite elections were completed, the Center hoped that its continued engagement would support Zambian efforts to find consensus about the way forward.

In the first half of 2002, President Mwanawasa made a number of positive statements about his commitment to the rule of law, zero tolerance for corruption, and constitutional reform. In addition, the Mwanawasa administration and the Anti-Corruption Commission moved aggressively against a number of former officials of the Chiluba administration, with a series of high-profile arrests, investigations, and resignations.<sup>1</sup>

At the same time, Parliament and civil society groups initiated their own efforts in these areas. Most importantly, Parliament voted in July to remove former President Chiluba's immunity against prosecution. The vote set the stage for direct confrontation between Mwanawasa and Chiluba. Chiluba has challenged the legality of the parliamentary vote and is seeking judicial review,

while President Mwanawasa has gained the support of former President Kaunda and many others in pursuing a formal prosecution. He has also suggested that he might consider pardoning Chiluba if he returns the money he is believed to have stolen while in office.

In addition, the Mwanawasa administration requested assistance from the European Union to support electoral reform initiatives and committed itself to work with stakeholders to implement media reforms. The government also said it would stop district administrators from operating as political party functionaries. These are positive commitments that if acted upon would build confidence in the new administration's good governance efforts.

Finally, the president also pledged to respect the Supreme Court's decision on the opposition election petitions, even if it ruled in favor of the petitioners challenging his presidency. While the

courts initially moved slowly on election petitions, by August there were signs that the Supreme Court was prepared to act on the presidential petitions. Nonetheless, The Carter Center remains concerned about the

ECZ's failure to publish official final results, including polling station results countrywide. Until these concerns are addressed thoroughly and completely, the Mwanawasa administration will be seen to lack legitimacy.

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*Parliament voted in July 2002 to remove former President Chiluba's immunity against prosecution.*

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OBSERVING THE 2001 ZAMBIA ELECTIONS

VERIFICATION  
EXERCISE AND  
ANNOUNCEMENT OF  
FINAL ELECTION  
RESULTS

As of August 2002, eight months after the inauguration of President Mwanawasa, the ECZ has not published the final election results. The Center made a final formal inquiry on July 8 to the director of elections, who responded that the final election results were in the process of being printed but not yet available for distribution. No additional results have been released by the ECZ beyond the provisional results announced on Jan. 2.

The ECZ also failed to provide public information about the results of the verification process and has continued to refuse to release election results by polling station. Although ECZ officials told Carter Center representatives that the verification exercise was complete, they would not provide any details regarding the outcome of the verification exercise and when it was completed. In theory, the verification exercise should highlight any inconsistencies and discrepancies that were identified in the provisional results.

PETITIONS

As noted above, the Center was concerned about delays in addressing opposition petitions. As of August 2002, eight months after the filing of the election petitions, the courts had addressed only preliminary matters with respect to the presidential



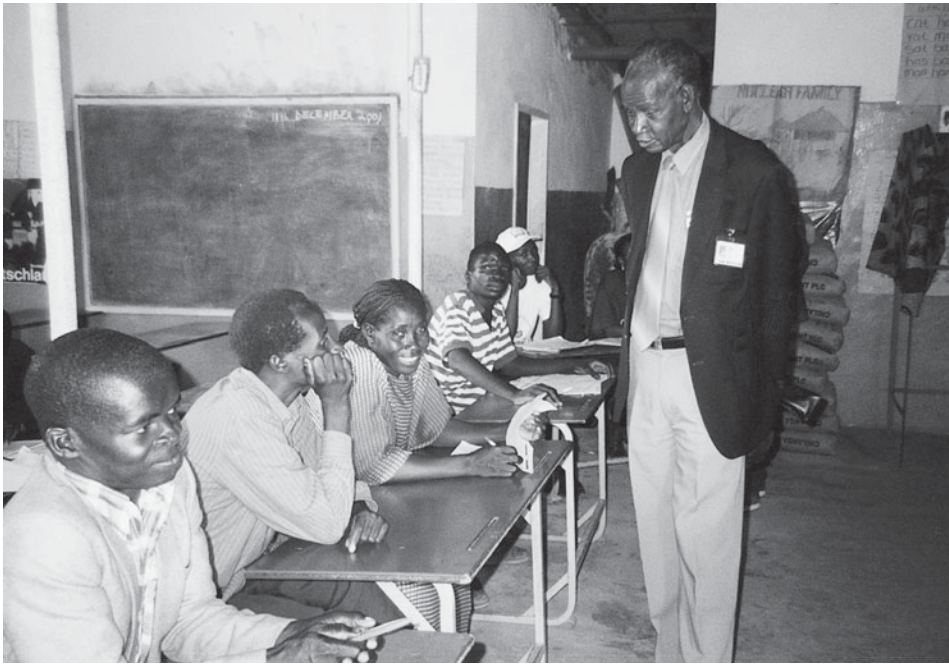
*Polling officials waited many hours before transportation was available for deployment.*

petitions, although a hearing on the petitions was scheduled for September. Similarly, only a few of the 33 parliamentary petitions have been addressed by the courts. The slow pace of court rulings on petitions and the lack of public information about the cases have increased opposition suspicions, and fueled cynicism about the commitment of the government and the courts to resolve electoral disputes.

Regardless of whether the irregularities raised in the petitions resulted from fraudulent electoral violations or from simple human error, the failure of the courts to address the petitions in a timely manner highlights Zambia's need for electoral reform to create an effective and transparent system for managing electoral disputes. A more responsive judicial review of electoral petitions would help to establish and reinforce the legitimacy of a newly elected government. In this context, the Center



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VICTOR NYAMBE

*Carter Center delegation leader former Tanzania Prime Minister Joseph Warioba talks to polling officials.*

shares the concerns expressed by opposition parties and others about the conflict of interest inherent in the chief justice serving as both the returning officer in the presidential elections and as a member of the bench presiding over the presidential petitions.

### BY-ELECTIONS

Several by-elections for parliamentary seats elected on Dec. 27, 2001, already have taken place or are scheduled to take place soon. The first by-election was necessitated by the death of an MP from the ruling MMD. The by-election was held on July 11, 2002, and resulted in the MMD winning the seat with 2,868 votes over the opposition UPND's 1,118 votes.

Three additional by-elections are forthcoming: two in Kabwe in Central province as a result of newly elected MPs defecting from the opposition HP to join the ruling MMD and a third in Sesheke in Western province, where a newly elected MP was

dismissed by UPND after voting against the party's position on the election of the speaker of Parliament. All three former MPs have been adopted as candidates for the ruling MMD in the forthcoming by-elections.<sup>2</sup>

The by-elections will be an important test of the Mwanawasa administration's commitment to the development of multi-party democracy and its claim of zero tolerance for corruption. There are serious questions about the degree to which the MMD party shares these commitments, especially in light of reports

about corruption and bribery and the party's "adoption" of former opposition candidates as MMD candidates.

<sup>1</sup> One of the most important resignations was that of Chief Justice Ngulube.

<sup>2</sup> In a June 4 letter to the speaker of the National Assembly, HP President Godfrey Miyanda alleged that the MMD induced defections and resignations of opposition MPs to increase its representation in Parliament. Miyanda supported his statements by making reference to a letter allegedly written by the then national secretary of the MMD, Vernon Mwanga, to the deputy minister of labor, which indicated that the MMD was seriously considering adopting MPs from the HP.



## CONCLUSIONS AND RECOMMENDATIONS

Zambia is at a critical point in its democratic development. It is clear that the Zambian people voted for change in the December 2001 elections and expressed their support for a multitude of political parties. Unfortunately, the Zambian political landscape is characterized by excessive partisan bickering. Some of this stems from lingering concerns about the controversial electoral process. The Center encourages the

development in Zambia. The Center offers these recommendations in a spirit of mutual respect and with the sincere belief that Zambians are committed to developing a democratic system appropriate to its traditions and culture. The Center recognizes that there are strengths and weaknesses in every democratic system and that in the final analysis it is Zambians who must decide what is best suited for their country.

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*The Zambian people voted for change in the December 2001 elections.*

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government and opposition parties to engage in meaningful dialogue and to embrace broad participation by civil society in order to provide a foundation for improved governance.

Recent moves against corruption by the Parliament and the Mwanawasa administration, including the removal of former President Chiluba's immunity and the planned prosecutions of Chiluba and other former officials, are encouraging. Zambia's friends and neighbors around the world are watching closely to assess whether the government, Parliament, and civil society are genuinely committed to strong and transparent action on these issues.

It is also clear that Zambians are unsatisfied with the country's existing electoral system and processes. The Center hopes that Zambian stakeholders and political leaders will take steps to ensure that the Zambian people are confident that the election results accurately reflect the popular will.

The recommendations below are related to both electoral reform and more broadly to democratic

### RECOMMENDATIONS

A review of issues that surfaced in the presidential and parliamentary petitions reveals three major categories of malpractice in the electoral process. These include inadequacies in the legal framework and the electoral system, poor election administration, and bribery and corruption. As indicated in this report, these problems have seriously undermined the credibility of the electoral process in Zambia, the accuracy and acceptability of the ECZ's election results, and the legitimacy of the government. The Center believes that electoral reform must address each of these areas if it is to succeed in the long term. The Center expects the government to honor its commitment to electoral reform by providing the needed support to electoral reform initiatives.

**National consultative process for electoral reform.** The link between genuine electoral reform and stronger democracy is widely recognized. However, questions regarding what type of electoral system is appropriate and who designs and determines the system often are decided without the participation of society at large. The Center strongly recommends that government, civil society, and political parties engage in an electoral reform process





## OBSERVING THE 2001 ZAMBIA ELECTIONS

and urges Zambians to launch a nationwide consultative process that enables a broad range of stakeholders to help shape these necessary reforms. It is important to initiate the process while memories of the 2001 electoral experiences are fresh.

A review of Zambia's electoral system and other systems currently used in the region is an important starting point. Zambians must ask themselves: What type of electoral system is desirable? What kind of special consideration should go to women, minorities, and traditional authorities? What examples exist elsewhere from which to draw lessons?

A critically important first step was taken in July and August 2002, when FODP initiated a process to engage stakeholders to develop an agenda and strategy for electoral reform. These efforts must be followed by sustained action to implement reforms.

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*The Center strongly recommends that government, civil society, and political parties engage in an electoral reform process.*

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**Legislative framework and constitutional reform.** Zambia's current legislative framework for elections is weak and lacks the detailed provisions necessary for a solid foundation for administering elections. The legislative framework also needs to provide for greater transparency and accountability.

In addition, since the Constitution and electoral laws provide the regulations that govern elections, the Center strongly recommends a thorough analysis of constitutional provisions that impact the electoral processes. Many problems that arose during the electoral process stem from constitutional provisions that were easily manipulated. Issues such as the date of elections, presidential

nomination requirements, and voter registration requirements should be open for discussion and reform. Specific recommendations include:

- Amend the Constitution to set a specific date or window for elections to provide predictability and transparency in the process and allow for proper planning by the ECZ and other stakeholders.

- Consider repealing the 1996 amendment requiring presidential candidates to secure only a simple majority to become the nation's president.

- Amend the Code of Conduct and the Public Order Act to remove the exceptions provided to the president and vice president and include procedures to protect the freedom of assembly and expression for all citizens. Empower local magistrates to review decisions taken by the police.

In addition, electoral legislation should be passed or amended to accomplish the following:  
*Observers and party agents*

- Acknowledge the legal status of Zambian nonpartisan election monitors, based on clear criteria for accreditation, and eliminate barriers such as accreditation fees or swearing of affidavits.

- Allow stakeholders such as political agents, observers, and the media to have access to information at all levels of the ECZ structure throughout the election process.

- Permit election observers and party agents to monitor all phases of the electoral processes and to receive copies of election results forms at polling stations and tabulation centers to enhance transparency.

*Campaign*

- Establish legal guidelines regarding the allocation of public media time per candidate and party and regarding the purchase of election campaign advertisements.





## OBSERVING THE 2001 ZAMBIA ELECTIONS

### *Voter registration*

■ Establish new criteria to determine the location and/or quantity of registration centers based upon a maximum distance between centers and/or maximum number of voters per registration center.

■ Ensure that all citizens are provided with a national registration card (NRC) and/or provide for other forms of allowable identification to qualify for a VRC. Implement budgetary and administrative procedures for continuous voter registration and mobile registration nationwide, with appropriate safeguards.

■ Streamline the process for obtaining a VRC, remove DAs from the process, and remove the fee associated with filing an appeal form (RV4) to contest voter registration refusals.

■ Disseminate the voters list to all interested stakeholders, including political parties and domestic observers, on a timely basis and at a reasonable cost.

### *Voter education*

■ Provide a clear legal mandate and financial resources to ECZ to provide voter education.

### *Voting process*

■ Allow for multiple streams of voting within a polling station and outline minimum features and criteria for the selection of polling stations.

■ Require the ECZ to publish a comprehensive election calendar in all major media outlets and to consult with provincial and district officers in the development of logistical arrangements.

### *Counting, tabulation, and verification of results*

■ Require the production of an official ECZ document well in advance of the elections, specifying all procedures associated with the counting, tabulation, and release of results.

■ Require that elections results be posted at polling stations and constituency tabulation centers immediately after results are declared.

■ Empower the chairperson of the ECZ to act as returning officer for the presidential elections.

■ Require the ECZ to publish provisional and final election results by polling station and by constituency in major media outlets prior to the inauguration of the president.

■ Require the ECZ to provide specific guidelines and timelines for the verification process, including conditions for postponement and appeals, and to supervise the process.

### *Petitions*

■ Remove security fees for filing election petitions, allow petitions to be lodged during the electoral process, and require timely interventions. Public documents relating to judicial cases should be available to the public.

***The Electoral Commission of Zambia.*** A related set of issues to consider concerns the structure, composition, mandate, and administrative capacity of the ECZ. A wide variety of Zambian and international stakeholders questioned the independence and transparency of the ECZ throughout the electoral process. To address these concerns, electoral reform efforts should identify and evaluate alternative options for the ECZ, including its legal mandate, funding mechanisms, structure and composition, and organizational and administrative capacity for conducting elections. Specific recommendations include:

■ The ECZ's budget and funding should be independent of the executive. The ECZ should develop its own independent budget and timeline and receive funding directly from Parliament with oversight and scrutiny provided by Parliament.

■ ECZ commissioners should be appointed based upon nominations from civil society and



OBSERVING THE 2001 ZAMBIA ELECTIONS



VICTOR NYAMBE

*Carter Center observers Shani Winterstein, Philliat Matsheza, and Thomas Bvuma listen to an election briefing.*

political parties represented in Parliament and should meet minimal professional and educational requirements.

■ ECZ commissioners should have fixed tenure, abide by a code of conduct, and be subject to removal only following due process of the law.

**Corruption in the electoral process.** Corruption in the electoral process is a serious problem in Zambia that will continue to undermine democratic gains and multiparty democracy as long as the institutions responsible for enforcement lack independence, political will, and adequate preparations. The Center recommends that a thorough review of the relevant enforcement bodies including the ECZ, the Anti-corruption Commission, the Zambia Police Service, and the Office of the Director of

Public Prosecution, should be undertaken in order to evaluate their respective mandates, their capacity to address corrupt practices, and their adherence to the electoral Code of Conduct during and between elections.

**Political party funding.** The playing field for the 2001 elections was not level for all political contestants. In order to level the playing field, the Center recommends that electoral reform efforts consider issues of political party funding. The guiding principle should be to ensure that the process is reasonably equitable for all political parties. Zambians might want to look to the region for examples of public funding of political parties. Several countries in the SADC region currently provide some level of public funding to political



## OBSERVING THE 2001 ZAMBIA ELECTIONS

parties, including South Africa, Zimbabwe, Mozambique, Namibia, Malawi, Seychelles, and Tanzania. The institutions involved and the process for distributing funds vary from country to country, but there are many good examples. Namibia, for example, provides campaign finances to political parties and also provides funding for constituency offices to the parties represented in parliament. Public disclosure requirements and limits on external funds also should be considered. The Center also recommends that political parties engage in training programs to improve their capacity to effectively and efficiently observe elections.

**Political party development.** Many of Zambia's political parties are weak, and some have competing internal factions that further erode party cohesion. Most political parties lack the skills and experience necessary to improve their linkages to the societal interests they claim to represent. To strengthen political parties, the Center recommends that parties reform their internal leadership structures to reward merit and accomplishment so that members can rise through the ranks and earn the right to run for office. Parties should conduct national conventions and use consultative processes in determining nominations. In addition, the Center urges parties to build their capacity to respond to their constituents.

**Media reform.** Reform of the media is also critical to improve future elections. Throughout the 2001 electoral process, there was unequal access to media and inequitable coverage of political parties. These problems, which were largely attributable to the government-sponsored media, contributed to the creation of an unlevel playing field. The Center recommends that electoral reform efforts consider steps to increase the independence of government-sponsored media, such as establishing an independent, nongovernmental and nonpartisan regulatory authority to license and regulate public and private media

in compliance with an agreed-upon code of ethics and a Code of Conduct designed specifically for the media. Local magistrates should be empowered to reprimand violators of the Code, and corrective measures should be taken immediately during the campaign period.

**Conflict management committees.** Although elections should promote political stability, they sometimes have the opposite effect when the foundation for executing free and fair elections is lacking. As noted above, several key points emerged in the ECZ/Carter Center report which assessed the role of the ECZ's Conflict Management Committees and the nature of unresolved disputes during the 2001 electoral process. The report found that unresolved disputes were linked to problems in the administration of the elections and issues of corruption, bribery, and election results. In addition, the report found that most of the conflicts were between political parties. The Center recommends that Zambian electoral reform efforts should address the need to create effective mechanisms to manage electoral disputes, including creating a legal mandate for CMCs and providing for any necessary enforcement mechanisms. Political parties should play a role in creating such mechanisms.



## APPENDICES

1. Letter of Invitation
2. Carter Center Assessment of the 2001 Zambian Pre-election Period
3. Carter Center Deployment Teams
4. Carter Center Observers Meet With Zambian Presidential Candidates, Dec. 26, 2001
5. Carter Center Opening of Polling Station Observation Form
6. Carter Center Polling Station Observation Form
7. Carter Center Closing and Counting Process Observation Form
8. Carter Center Tabulation Center Observation Form
9. The Carter Center Zambia Election Observation Mission 2001 Interim Statement
10. 2001 Zambia Provisional Election Results
11. Parliamentary Election Results
12. The Carter Center Zambia Election Observation Mission 2nd Interim Postelection Statement
13. The Carter Center Final Statement of the Zambia 2001 Elections
14. Newspaper Articles





OBSERVING THE 2001 ZAMBIA ELECTIONS

APPENDIX 1

Telephone: 252718  
252708  
252675  
Telegrams: FOREIGN, LUSAKA



*In reply please quote:*

No.: .....

REPUBLIC OF ZAMBIA

**MINISTRY OF FOREIGN AFFAIRS**

P.O. BOX 50069, LUSAKA

MFA/52/6/3

28<sup>th</sup> September, 2001

Mr. David Carroll,  
The Director of the Carter Center ,  
Democracy Program,  
One Copen hill,  
453 Freedom Parkway,  
**Atlanta,**  
GEORGIA, 30307

Fax No. 001-404-420-5196

Dear Mr. Carroll,

**INVITATION TO MONITOR AND OBSERVE PRESIDENTIAL,  
PARLIAMENTARY AND LOCAL GOVERNMENT ELECTIONS  
IN ZAMBIA**

I invite your organisation to send **monitors** and **observers** to the forthcoming Presidential, Parliamentary and Local Government elections due to take place some time this year.

It is the wish of the Government of the Republic of Zambia that **monitors** and **observers** from the Carter Centre are present in Zambia in order to share its democratic electoral process and give their considered and professional opinion on the elections.

2/..



OBSERVING THE 2001 ZAMBIA ELECTIONS

:2:

Finally, I wish to advise that all accreditation of international and local observers shall be the responsibility of the Electoral Commission of Zambia.

Yours faithfully,

Dr. Ngosa Simbyakula  
PERMANENT SECRETARY

**MINISTRY OF FOREIGN AFFAIRS**

c.c. Judge Bobby Bwalya,  
Chairman,  
Electoral Commission of Zambia,  
**LUSAKA**



OBSERVING THE 2001 ZAMBIA ELECTIONS

APPENDIX 2

CARTER CENTER ASSESSMENT OF THE  
2001 ZAMBIAN PRE-ELECTION PERIOD  
13 DECEMBER 2001

On 27 December 2001, Zambian voters will go to the polls in the country's first ever tripartite elections. Voters will be issued with three ballots to elect the president, 150 members of parliament and hundreds of local council representatives. President Chiluba announced the election date on 22 November and candidate nomination for all elections was completed by 2 December, launching the formal campaign period. Civic education efforts and unofficial campaigning began before that date and will continue up to election day. Training of election officials and party agents is also underway, and logistical preparations for the election are in full swing.

In anticipation of the 2001 elections, a small Carter Center (the "Center") team visited Zambia in June of this year and met with a range of stakeholders to discuss the political environment surrounding the electoral process. After a second visit in September, the Center received a letter from the government of Zambia inviting the Center to monitor all phases of the Zambian elections.

In October, the Center opened a field office in Lusaka with a field director and five long-term observers (LTOs) from which it has maintained ongoing observation and contact with Zambian stakeholders. During the past six weeks the LTOs have been deployed to all nine provinces and 47 of the 72 district centers and have met with a diversity of stakeholders, including representatives of political parties, government officials, media, election staff, police, faith-based organizations, and civil society groups at both the provincial and district levels.

The overarching goal of the Center's initiative is to support efforts to strengthen Zambia's democratic process and institutions and to reinforce free and fair elections. The Carter Center acknowledges that it is an invited guest in Zambia and fully respects Zambian national sovereignty in this process. The Center is appreciative of the warm welcome it has received from everyone in this beautiful country.

The Center and its Lusaka-based staff have already shared its observations and findings with the Electoral Commission of Zambia (ECZ), which is responsible for managing elections, and other relevant stakeholders in an effort to provide advice in a constructive and timely manner while there is still time to have a positive impact on the actual implementation of the electoral process.

Many of the concerns that the Center has observed are correctable with political will on the part of those in authority to work in a cooperative and transparent manner to ensure full participation of all stakeholders.

With the above stated commitments in mind and in the interest of promoting electoral transparency, the Center issues this statement summarizing information it has gathered to date and the recommendations that flow from the observations.



## OBSERVING THE 2001 ZAMBIA ELECTIONS

**Summary of Findings**

The electorate demonstrates a high level of discontent, mistrust and skepticism toward the government, which is manifested in the equally high level of voter apathy. The lack of decision-making transparency on the part of the ECZ has contributed to these feelings of discontent. Voter apathy is a serious concern and the overall mood of the electorate appears not conducive to ensuring a fully democratic environment. Often the government and the ECZ appear to use the apathy as an excuse to validate limits on stakeholders' participation in the electoral process or their failure to take corrective measures to improve processes.

Although overall preparations for the 27 December balloting are proceeding satisfactorily, especially recently, stakeholders consider that many decisions taken by the government and election authorities have handicapped the opposition, created barriers to civil society participation, and disenfranchised many voters. Examples such as the prolonged uncertainty about the election date, the failure to publish an election calendar, the introduction of new administrative rules for domestic monitors, and exorbitant increases in fees for the voter registry all undermine the spirit of democratic elections and the promotion of a level playing field for all contestants.

However, the Center would like to commend the ECZ for taking the initiative to establish the Conflict Management Committees which, if implemented properly, can contribute to a successful election; ushering through parliament an amendment to the election law to provide for continuous registration; supporting a process to provide media coverage of political candidates; and for taking recent steps to better inform voters regarding the necessary documents needed to vote on 27 December. All of these efforts reflect positively upon the process, especially given the fact that the ECZ is inadequately funded to fulfill its mandate.

Political parties, both opposition and ruling, have also contributed to growing apathy among voters as exhibited in the recent nomination process. Stakeholders countrywide complained that parties imposed candidates upon their constituencies. This resulted in the further fragmentation of the opposition as candidates resigned from their parties to run as independents or defected to other parties. Such tactics do not inspire confidence in the electorate.

The disenfranchisement of voters is another important factor that will have an effect on this year's elections and will contribute to low voter turnout. A relatively small fraction of Zambians will be voting in this year's tripartite elections. It is alarming that according to the ECZ only 2.6 million citizens out of an eligible 4.6 million citizens are registered to vote and that only 3.06 million citizens over the age of 16 have a national registration card (NRC), which is a prerequisite to vote in Zambia. The fact that no provisions were put in place to address the issue of the NRC as a barrier to registration is equally disturbing. It is common knowledge that the majority of citizens who are of age to vote will not qualify because they do not possess a NRC. In areas where mobile teams were dispatched to issue NRC, voter registration increased up to 50 percent as compared to the last exercise. Such successful approaches should be duplicated and financially supported countrywide.





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More serious efforts on the part of election authorities and government should have been made to identify other provisions for registration. In addition, of those who have the “legal” right to vote, additional barriers now have been placed in their way by the rains and holiday demands. Students, families, military, and others who are registered to vote but travel home to visit family during the holiday season will not have the opportunity to vote as the necessary provisions for them have not been put in place. Furthermore, insufficient provisions have been made for the disabled to vote or for people with physical limitations who may not be able to travel to the registration and polling station.

Although passage of an amendment to the election law to provide for continuous registration was an important step forward, it is unfortunate that stakeholders and election authorities missed the opportunity to amend the law to address a number of other critical issues, namely the issue of the NRC as a prerequisite to register to vote. Additionally, several other items if adopted or amended would have enhanced the electoral process and lessened the distrust and apathy so evident on the part of voters. Issues such as the inclusion of the Code of Conduct in the law, empowering magistrates to review electoral violations in a timely manner, making provisions for voting outside one’s constituency for presidential elections, party funding, media access and addressing impediments to registration all should have been addressed in advance of this year’s elections.

This year’s tripartite elections offer a host of logistical and administrative challenges for all stakeholders. Limited government resources coupled with the selection of 27 December for elections in the middle of the rainy season will hinder, if not stop, elections from taking place in many parts of the country. Valid complaints by election officials at the provincial and district levels regarding lack of resources to meet the logistical challenges to carry out elections during the rainy season appear to have been disregarded by persons in authority.

While it is encouraging to see Zambia’s multiparty democracy active with 11 parties contending the presidential election, it is equally disconcerting to view the excessive fragmentation of political parties. Many stakeholders clearly wish to see a more representative government, but have concerns that the fragmentation will not lead to such an outcome. The fact that most stakeholders perceive the ruling party and the president to be misusing state resources and failing to help create a level playing field make the fragmentation concern especially worrisome in terms of effective electoral contestation. While the ruling party takes full advantage of its position, it aggressively condemns opposition parties from receiving financial assistance from outside the country to help level the playing field.

Transparency with regard to party finances should be a required practice and the voters themselves should be the judge, not the ruling party. The lack of transparency has also exacerbated voter apathy and mistrust in government, which is unfortunate as Zambia moves toward electing its leaders for the next five years.

Communication among all stakeholders is weak and should be addressed immediately. With the breakdown of the Inter-party Dialogue, political parties have failed to come together with election officials to work collaboratively and address common concerns. This has fueled mistrust as the ECZ moves forward without



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consulting vested stakeholders, which has resulted in growing skepticism and questioning of the ECZ's independence and commitment to democratic ideals.

The Carter Center believes that steps can be taken by the ECZ, the government, and all political stakeholders to improve the integrity of this process in the weeks leading to election day. The Center offers the following observations and recommendations in the spirit of cooperation and to support the strengthening of open and free elections in Zambia.

---

**1. Use of State Resources:** If Zambia is to achieve fully democratic elections, the playing field must be level for all political contestants. Numerous examples of misuse of state resources by government officials and the ruling party have been reported to the Center's observers. In particular, the use of state resources by the incumbent president and his vice president in support of campaigning activities of the MMD candidate unfairly tilts the playing field. Although the law permits the incumbent president and vice president to enjoy certain facilities, the Center has noted significant discontent among political parties and voters who view the ruling party as taking advantage of these privileges in ways that directly support partisan purposes and disadvantage the opposition. Attendees of political rallies in several provincial and district capitals perceived such misuses by the ruling party.

Thinly veiled intimidation by the ruling party also creates a very unfavorable perception among the public and stakeholders and contributes to voter apathy. The MMD leadership's public statements that it will not provide economic development programs to any parts of the country that do not support the ruling party in elections can only be seen as narrow partisanship and a failure to meet its responsibilities for advancing common national interests.

A public perception also exists that many officials at lower ranks take advantage of their official duties to advance their personal political programs. Abuses including the role of the district administrator (DA), use of government vehicles, and government finances to fund special programs are often cited. The High Court's recent ruling that DAs could no longer participate in politics while in the civil service is a positive development helping to ensure neutrality by government employees.

Taken together these observations by stakeholders demonstrate negative perceptions of government and feelings of helplessness on the part of citizens. Such an atmosphere makes for a challenging environment in which to conduct fully free and fair elections. The Center encourages the government and government employees to remain neutral in their roles as civil servants and caretakers of the public interest in Zambia. In their political capacity during the campaign season, the ruling party and their supporters are encouraged to honor the Code of Conduct. Adherence to the Code would greatly improve the political environment leading up to the elections.



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**2. Electoral Code of Conduct:** The Code of Conduct is a good tool. If used properly it may help to maintain elements of a level playing field although it cannot help to ensure equity in the process. It is unfortunate that the government and parliament did not take action to strengthen the Code by incorporating it into the Electoral Act and empowering local magistrates to enforce the Code to address electoral conflicts at the time they arise. This lack of enforcement ability has left a lacunae in the electoral process that could affect the fairness of the elections. Furthermore, recent reports of MMD cadres aggressive campaign activities and the history of violent by-elections, as was the case at Kabwata and Isoka East, further demonstrates the need for an enforceable Code of Conduct.

Steps can be taken to improve adherence to the Code during this campaign period that may help to improve the campaign environment. The ECZ should be encouraged to publicize the content of the Code and inform the public of the new instrument adopted by the ECZ, which requires all candidates and monitors to sign a declaration committing their adherence to the Code during the campaign and voting periods. Furthermore, the ECZ should encourage the public to act as watchdogs and report violations of the Code.

However, the Center recommends that action be taken in the future to incorporate the Code into the Electoral Act to provide a statutory legal basis for the Code, and magistrates should be empowered to enforce it in a timely manner.

**3. Public Order Act:** The Center has noted that the Public Order Act is widely perceived as an impediment to the opposition in conducting political campaigns as well as NGOs attempting to organize public debates. There is significant evidence that political pressure is being placed upon police by the government not to apply the Act fairly. Additionally, law enforcement officials are concerned that many police officers have never received formal training about the election law and the Public Order Act and how the two interrelate.

While the Act was amended in 1996 with respect to public meetings to delete the word “permit” and replace it with “notify,” the law still serves as a “permit process” due to the many conditions it contains elsewhere. Opposition parties have observed that in practice the police have given themselves the power to determine who may conduct and organize public meetings at the district level. While the Act exempts the president and vice president from informing the police, in practice it has been extended to apply to other MMD candidates.

The Public Order Act could be a good instrument for ensuring law and order during campaign periods; however, there is a perception that it is being abused and this misapplication promotes mistrust in the police whose role it is to enforce the law. The ECZ could help to promote a more equitable and peaceful campaign period by taking immediate steps to publicize the intent and provisions of the Act in the newspaper, television and radio, and to encourage adherence by all political actors. The police should be provided with education about the Act and encouraged to adhere strictly to the provisions of the Act and other related laws. Citizens should be encouraged to report violations of the Act to conflict management committees and the courts.



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**4. Media Fairness and Access:** Based on observations of television and newspaper coverage during the pre-campaign and nomination period, the ruling party has benefited from positive, extensive coverage in the government-owned television and press. While the opposition television and radio programs were labeled “political adverts,” the ruling party used news coverage as an opportunity to campaign.

State media resources belong to the people of Zambia and should be used in a way that benefits all Zambians. The misuse of public assets has a profound negative effect on the general public as it leaves people feeling taken advantage of and thus reinforces voter frustration and apathy.

A particular concern relates to intimidation of some independent media outlets by alleged MMD cadres in Kitwe. A Carter Center observer visited the station to witness the damage caused by MMD cadres in Kitwe breaking into the radio station and disrupting the broadcast of an opposition presidential candidate. This was the second reported violent incident by MMD cadres at the station. Similar concerns about the government’s heavy-handed approach toward independent media were raised by the closure of Radio Phoenix and threatened closure of Radio Maria several months ago, notwithstanding the fact that Radio Phoenix was allowed to resume broadcasting.

As Zambia is now into the formal campaign period, it is encouraging to see that the ECZ and the Zambia National Broadcast Corporation (ZNBC) have been televising one-on-one interviews with presidential candidates. It is also a good sign that the Zambian High Court has ordered Trinity Broadcasting to proceed with its contractual obligations to televise presidential debates. The Center encourages all candidates to participate in broadcast public debates as it is their duty to give voters the necessary information to make an informed choice.

While it is understood that the ECZ does not have a mandate to provide or manage public airtime for political parties or candidates, it is not prohibited from taking a proactive role. ZNBC is a publicly financed institution and as such should be available to all political parties. The independence of the ECZ allows it to take a public stance in support of equitable media access.

The ECZ, ZNBC, and any government-controlled media should continue to proceed with television and radio broadcasts and debates in an effort to better inform the electorate. Any attempts to provide much needed voter information in the weeks to come would reflect positively on the overall political environment.

For future elections, the Electoral Act should be amended to provide for airtime for all registered political parties and independent candidates. Consideration should be given to an independent authority to ensure that a level playing field is maintained. The media Code of Conduct should be monitored and local magistrates empowered to reprimand violators of the Code and require corrective measures be taken immediately during the campaign period.





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**5. Voter Information/Education:** The ECZ should be commended for taking the initiative to provide voter education in the absence of a legal mandate for it to do so. Many nongovernmental organizations also have been instrumental in helping to educate voters. However, it is imperative that voter education and the dissemination of information continue to be a priority for all stakeholders during the final weeks of the campaign period.

Because the ECZ is the sole independent body responsible for conducting elections, the public looks to the ECZ to provide voter education and the dissemination of pertinent voter information. While the ECZ rightly looks to political parties to help educate voters, citizens feel that parties are more likely to distort information in their own favor, so they rely upon the ECZ for general information. It is encouraging to see the ECZ dissemination recently of more voter information pertaining to valid forms of documentation for voting. This will help increase participation and mitigate potential voter confusion.

The National Voter Education Committee, organized by the ECZ, is a good approach for reaching more people, but some member organizations have felt that adequate resources were not made available to support the needed coverage. The Committee, if provided with adequate resources, may be able to assist the ECZ in continuing to encourage people to vote on 27 December as well as to disseminate information on the Code of Conduct, Public Order Act, and other information that will help create a more transparent, participatory environment. Particular attention should be paid to the deep rural areas. Additionally, stakeholders would like to see voter education materials and the Code of Conduct translated into languages commonly spoken in Zambia so that they can be easily understood by the electorate.

The ECZ should take proactive steps to minimize the disenfranchisement of Zambians through lack of information. All stakeholders should take immediate steps to improve voter education. The ECZ could support parties in this endeavor by making the voter registry available at the district level at minimal or no cost.

**6. Transparency and Openness of the ECZ:** There are a number of issues that can be addressed to help improve the relationship between election authorities and other stakeholders. Nonpartisan monitors should be viewed as allies as they help to give legitimacy to the process and promote transparency. It is unfortunate, however, that the ECZ has adopted certain procedures that hinder the ability of these groups to support the democratic electoral process in Zambia. It is also unfortunate that the ECZ has taken the position that nonpartisan monitors do not have a right to observe but rather are given the privilege. The new accreditation requirements and the conflicting information pertaining to it significantly hinder the ability of nonpartisan monitoring organizations to do their work. They also create additional financial and logistical burdens without providing adequate time to meet the new guidelines. The Center considers these stringent last minute regulations to be highly prejudicial to open observation of the elections.

The ECZ should work cooperatively and transparently with nonpartisan monitors to help deter fraud and fully legitimize the electoral process. The ECZ should revoke its earlier decision to charge neutral observers an accreditation fee and refrain from instituting new polices without adequate notice. In the future, the Electoral Law should be amended to recognize nonpartisan monitors just as it recognizes party agents.



## OBSERVING THE 2001 ZAMBIA ELECTIONS

In addition, opposition parties and NGOs believe that the 100 percent increase in the cost of the voter registry is exorbitant and unjustified. The ECZ should be more transparent with information about charges for producing copies of the registry. Issuing public information regarding the material costs that necessitated the K55 million fee for the registry would help to alleviate public and stakeholder suspicions that the ECZ is deliberately trying to disadvantage the opposition. It is a commonly accepted electoral administration principle that the voter registry should be easily available for review by parties and the public. It is therefore critically important that the ECZ find a more cost effective and timely means of providing information about the voter registry to stakeholders. One alternative might be providing electronic copies.

**7. Voting Day Logistical Arrangements:** In every province and district visited by LTOs, electoral staff, opposition parties and citizens have expressed great concern regarding the date of the election as it falls in the middle of the rainy season. In most provinces there are a number of polling stations that will only be reachable by foot and heavy rains will make some polling stations virtually unreachable. A common complaint heard by observers is that the selection of the election date is a deliberate attempt to disenfranchise certain voters.

Election officials in the districts have expressed concerns that their messages regarding specific logistical problems have gone unanswered and that the level of support provided by the ECZ does not adequately address the needs on the ground. Election officials have told Center observers that information regarding provisions to accommodate more than one stream of voters in places where there are more than 1,500 registered voters have not been communicated adequately. Center observers have also heard reports of other potentially serious problems that could impede the conduct of elections, including: lack of shelter for people standing in the queues in the event of rain; polling stations which do not have electricity; lack of reliable communication infrastructure (e.g. district capital Mwinilunga in Northwestern province has been without telephone communication for more than a month); and the shortage of transportation and fuel for movement of personnel and materials.

The ECZ should immediately conduct consultations with the appropriate election officials at the provincial and district levels to develop detailed logistical plans that reflect the reality on the ground. Necessary funding should be made available to the ECZ to provide for appropriate staffing levels needed during the election period. Proceeding in a transparent and realistic manner and working collaboratively to address serious problems will garner more respect from stakeholders than not acknowledging the problems.

#### **About The Carter Center**

The Carter Center, based in Atlanta, Ga., USA, is a non-for-profit, nongovernmental organization founded in 1982 by former U.S. President Jimmy Carter and Rosalynn Carter to promote peace and health worldwide. The Center has observed more than 30 elections in some 20 countries. The Center, in collaboration with the National Democratic Institute, organized a full-scale international observation mission to the 1991 Zambian elections. The Center decided not to observe the 1996 elections in Zambia because of the constitutional amendment adopted which effectively disqualified the leading opposition candidate and precluded full competition.



APPENDIX 3

CARTER CENTER DEPLOYMENT TEAMS

Central Province

Kabwe

Judge Warioba  
Ashley Barr

Mkushi

Thomsie Phillips  
Nell Bolton

Copperbelt Province

Kitwe

Philliat Matsheza  
Tony Karbo

Ndola

Matthew Hodes  
Thomas Bvuma

Eastern Province

Chipata

Moses Pitso  
Anne Schneller

Lusaka Province

Lusaka City

President Soglo  
Amy Hamelin  
Dawn Del Rio

Lusaka—Chongwe

General Abubakar  
Scott Taylor  
David Carroll

Lusaka and Kafue

David Pottie  
Georgina Chikoko

Luapula Province

Mansa

Michael Bratton

Northern Province

Kasama

Raul Domingos  
Brett Lacy

Isoka

Laurie Cooper  
Joshua Walker

North-Western Province

Solwezi

Peter Burnell  
John Chipeta

Southern Province

Choma

Simeon Mawanza  
Florence Iheme

Western Province

Mongu

Shani Winterstein  
Nhamo Sithole



## APPENDIX 4

## NEWS RELEASE

**CARTER CENTER OBSERVERS MEET WITH ZAMBIAN PRESIDENTIAL CANDIDATES AND ARE ENCOURAGED BY ECZ PLEDGE TO FACILITATE DOMESTIC OBSERVERS**

26 Dec. 2001

**Lusaka, Zambia...**Former Nigeria Head of State General Abdulsalami Abubakar, former Benin President Nicéphore Soglo, and former Tanzania Prime Minister Judge Joseph Warioba have arrived in Lusaka as co-leaders of a 33-person Carter Center observer delegation and have met with presidential candidates and election officials to discuss the election environment.

“The Carter Center’s goals are to support Zambian efforts to strengthen its democratic processes and institutions and to contribute to public confidence in the elections,” General Abubakar said. “The Center is here at the invitation of the Government of Zambia and is encouraged by its efforts to promote multiparty democracy.”

Today the delegation leaders met with Chairman Bobby Bwalya of the Election Commission of Zambia (ECZ) to discuss preparations for the 27 December elections and the role of domestic and international election observers. In response to concerns regarding the accreditation of observers from Foundation for Democratic Process (FODEP), a leading Zambian nongovernmental organization, Bwalya told the Center’s delegation leaders that FODEP observers would be permitted into polling stations on election day.

“Chairman Bwalya has assured us both party polling agents and local observers will be able to monitor the voting, counting and tabulation processes across the country,” Judge Warioba said. “We hope our observation efforts will reinforce their work and promote transparency and public confidence in the process.”

“We are encouraged that the ECZ will do the right thing to address these issues,” President Soglo said. “We commend Zambians for the relative peace of the electoral campaign period, and hope voters will turn out in large numbers to exercise their democratic rights.”

Due to delays in issuing ECZ accreditation cards, thousands of FODEP observers will not have their cards in time for tomorrow’s elections. To facilitate the process of observation, the ECZ assured the Center it would immediately instruct electoral officials and presiding officers to permit all 6,500 FODEP observers into polling stations. FODEP will provide lists of their observers to district electoral officials; those on the list will be asked to produce their national registration cards at polling stations.





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The Carter Center delegation includes observers from South Africa, Malawi, Mozambique, Zimbabwe, the United States, Canada, Germany, and the United Kingdom. During two days of intensive briefings, the Center's delegation heard from a broad cross section of Zambian society, including 10 political parties, the ECZ, and seven civil society organizations. The delegates were deployed on 25 December to all nine provinces and will observe polling on election day. In the days following the election, delegates will observe tabulation exercises in constituency centers and at the national level in Lusaka. These observations supplement the work by the Center's five long-term observers who visited 47 of 72 districts during the past eight weeks.

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## OBSERVING THE 2001 ZAMBIA ELECTIONS

## APPENDIX 5

Carter Center Opening of Polling Station Observation Form  
Zambia, 27 December 2001

## Summary of Observer Reports (at 12 openings)

Observer team: \_\_\_\_\_ Province: \_\_\_\_\_

District: \_\_\_\_\_ Constituency name \_\_\_\_\_

Polling station name and number: \_\_\_\_\_ Arrival time: \_\_\_\_\_

Number of voters on register: \_\_\_\_\_ Number waiting in line to vote: \_\_\_\_\_

## Outside the polling station

	YES	NO
1. Is the area within 100 meters of the polling station free of party propaganda? (If not, specify which party)	11	1
2. Is the area within 400 meters of the polling station free of party gatherings? (If not, specify which party)	11	1
3. Was the polling station easily identifiable for the voters?	7	4
4. Are security forces present? Specify number.	11	1
5. Is the queue orderly?	12	0

## Opening Process

## Were the following procedures followed?

	YES	NO
6. Polling booths set up to face election officials?	9	2
7. All election staff present? Specify any absences:	9	2
8. Party agents present? (circle) MMD FDD UPND HP PF UNIP Specify others:	12	0
9. Domestic observers present? Specify:	12	0
10. All election materials present? If not, specify:	7	5
11. Ballot boxes shown to be empty?	10	0
12. Do the ballot boxes have a serial number?	6	5
13. Mark on seal to indicate ballot box is closed?	9	2
14. Did presiding officer announce opening of poll?	10	1
15. Did polling station open on time at 06h00? If not, specify time.	4	8

\* Note: 1) No total figure has been entered next to the questions that were not easily quantifiable in summary fashion. 2) The Carter Center observed opening at 12 polling stations. If the figures entered for any given question do not add up to 12, it is because some forms were returned without every question answered.



## OBSERVING THE 2001 ZAMBIA ELECTIONS

## APPENDIX 6

Carter Center Polling Station Observation Form  
Zambia, 27 December 2001

## Summary of Observer Reports (from all 14 observer teams)

Observer team: \_\_\_\_\_ Province: \_\_\_\_\_  
 District: \_\_\_\_\_ Constituency name: \_\_\_\_\_  
 Polling station name and number: \_\_\_\_\_ Arrival time: \_\_\_\_\_  
 Repeat visit? \_\_\_\_\_

Number of voters on register: \_\_\_\_\_ Women registered (approx): \_\_\_\_\_  
 Number who have voted today: \_\_\_\_\_ Women who voted (approx): \_\_\_\_\_  
 Number of VRCs for collection \_\_\_\_\_ Number collected \_\_\_\_\_

**Outside the polling station:**

	YES	NO
1. Is the area within 100 metres of the polling station free of party propaganda? (If not, specify which party)	187	6
2. Is the area within 400 metres of the polling station free of any party gatherings? (If not, specify which party)	168	9
3. Are security forces present? Specify number.	181	1
4. Is the polling station easily identifiable for the voters?	187	6

**Inside the polling station**

	YES	NO
5. Are the presiding officer and six assistants present? If any absences, specify who:	185	9
6. Any women polling officials? Specify:	192	1
7. Are party agents present? (circle) MMD FDD UPND HP PF UNIP Specify others:	185	8
8. Are domestic observers present? Specify organizations:	193	0
9. Are international observers present? Specify organizations:	39	156

**Operation of the polling station**

10. Indicate the occurrence of the following:

Please indicate how serious you think the problem was. m = minor, no effect on vote, s=significant (vote continued), v=very serious (vote disrupted or halted). Try to indicate the approximate number of instances. Add detailed comments on the back of the form.



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	YES	NO
i. All registered voters with proper ID able to vote	107	37
ii. All ineligible voters prevented from voting	131	1
iii. Did the voters understand the three ballot papers?	104	15
iv. All election materials were present. If not, specify.	145	49
v. Party agents/observers able to freely observe polling	189	3
vi. Is voter secrecy assured?	178	11
vii. Are electoral staff competent in their duties?	146	2
viii. Are the electoral staff impartial?	139	0
ix. Is the voting process free from disruption?	168	19
x. Is assistance provided to eligible voters in need?	62	5
xi. Are pregnant women, elderly and disabled permitted to vote without waiting in the queue?	51	26
xii. Are unauthorized persons denied access to the polling station?	139	5
xiii. Is the physical structure of the polling station adequate?	127	27

Specify any other problems or complaints:

#### Qualitative information from voters outside polling station

11. How did voters learn about the elections?

Family: \_\_\_\_\_ Neighbor: \_\_\_\_\_ Traditional leader: \_\_\_\_\_ Church: \_\_\_\_\_

Radio, tv or print media: \_\_\_\_\_ Civic education: \_\_\_\_\_ Other \_\_\_\_\_

12. How long did it take to travel to the polling station? (average of five voters)

Less than 1 hour: \_\_\_\_\_ 1-3 hours: \_\_\_\_\_ More than 3 hours: \_\_\_\_\_

13. What was the longest reported travel time to the polling station? \_\_\_\_\_

14. Total number of people in queue (if any). \_\_\_\_\_ 14. Is queue orderly? \_\_\_\_\_

15. How long has the first person in the queue been waiting? \_\_\_\_\_

16. Length of time to vote (average of five voters) \_\_\_\_\_

17. Any vote card buying or voter intimidation? \_\_\_\_\_

#### Overall impression of the polling station

Discuss the general operation of the polling station with other observers (DO) or party agents (PA) and check the box that best summarizes their assessment and then note your own.

	PA	DO	TCC
Post functioned well, no problems			118
Some minor problems that will not affect results			60
Serious problems potential for significant impact on results			14
Grave violations, results of poll should be invalidated			0

\* Note: 1) No total figure has been entered next to the questions that were not easily quantifiable in summary fashion. 2) The Carter Center observed 193 polling stations. If the figures entered for any given question do not add up to 193, it is because some forms were returned with incomplete information.





## OBSERVING THE 2001 ZAMBIA ELECTIONS

## APPENDIX 7

**Carter Center Closing and Counting Process Observation Form  
Zambia, 27 December 2001  
Summary of Observer Reports (from 13 teams)**

Observer team: \_\_\_\_\_ Province: \_\_\_\_\_  
 District: \_\_\_\_\_ Constituency name: \_\_\_\_\_  
 Polling station name and number: \_\_\_\_\_

**Closing process**

	YES	NO
1. Did the poll close on time at 17h00?	5	8
2. Did the presiding officer announce the close of the polling station?	11	1
3. Was there a queue at closing time?	7	5
4. If so, did a security officer mark last voter in queue at closing time?	5	2
5. Were voters in queue at closing time allowed to vote?	6	1
6. Were voters NOT in queue at closing time prohibited from voting?	6	1
7. Was the closing of the poll free of disruption?	8	3

**Counting process: attendance**

	YES	NO
8. All election officials present? Specify absences, if any:	13	0
9. Party agents present? (circle) MMD FDD UPND HP PF UNIP Specify others:	13	0
10. Domestic observers present? If so, specify organizations	13	0
11. Security forces present? Specify number:	13	0

**Counting process**

	YES	NO
12. Were the ballot boxes sealed immediately after closing?	6	5
13. Did presiding officer correctly account for the number of ballot papers?	7	3
14. All unused ballot papers sealed in envelope?	8	3
15. Seals of ballot boxes inspected and intact?	10	2
16. All ballot boxes emptied in designated area?	12	0
17. Total number of ballot papers announced?	9	3
18. Correct determination of valid/invalid ballot papers?	7	4
19. Challenged ballot papers put aside for verification?	6	3
20. Are party agents able to inspect ballot papers?	8	4
21. Was the sorting process transparent?	11	2
22. Was the Statement of the Count completed and signed?	5	2
23. Did party agents sign and receive a certified copy?	1	5
24. Was there adequate light in counting station?	8	5
25. Was the counting process free of disruption? If not, specify:	8	3
26. Were unauthorized persons denied access to the counting station?	4	6
27. Were all election materials accounted for and sealed in packets?	6	2
28. Did the presiding officer deliver the bag containing the election results and materials to the returning officer? Specify who, if anyone, accompanied the PO:	2	0



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**Statement of the count**

The count will proceed in the following order: President, National Assembly and local council. Record the results for the count.

**Overall impression of the counting station**

Discuss the general operation of the polling station where you observed the count with those present and check the box that best summarizes their assessment and then note your own. (domestic observers – DO, party agents – PA, The Carter Center – TCC)

	DO	PA	TCC
Post functioned well, no problems	6	6	1
Some minor problems that will not affect results	3	1	9
Serious problems potential for significant impact on results		1	
Grave violations, results of poll should be invalidated			

\* Note: 1) No total figure has been entered next to the questions that were not easily quantifiable in summary fashion. 2) The Carter Center observed closing at 13 polling stations. If the figures entered for any given question do not add up to 13, it is because some forms were returned with incomplete information.



## OBSERVING THE 2001 ZAMBIA ELECTIONS

## APPENDIX 8

Carter Center Tabulation Center Observation Form  
Zambia, 27 December 2001

## Summary of Observer Reports (from 13 teams)

Observer team: \_\_\_\_\_ Province: \_\_\_\_\_  
 District: \_\_\_\_\_ Constituency name and number: \_\_\_\_\_

**Attendance**

	YES	NO
1. Was the returning officer present?	13	0
2. Were the two assistant returning officers present?	11	1
3. Were party agents present? (circle) MMD FDD UPND HP PF UNIP Specify others:	11	2
4. Were domestic observers present? If so, specify:	11	2
5. Were international observers present? If so, specify:	6	7

**Inside the tabulation center**

	YES	NO
6. Was there adequate lighting?	12	0
7. Were all of the envelopes received intact and sealed from the polling stations?	7	2
8. Were all ballot boxes from all polling stations received prior to the totaling of votes?	0	11
9. Did the returning officer inspect the ballot papers recommended for rejection to determine whether valid or invalid?	10	1
10. Were the election results transmitted to the ECZ immediately after their announcement? If so, by what means?	0	4
11. Was the tabulation process free of disruption? If not, specify.	7	3

**Overall impression of the tabulation center**

Discuss the general operation of the polling station with the party agents (PA) and domestic observers (DO) present and check the box that best summarizes their assessment and then note your own (TCC).

	PA	DO	TCC
Center functioned well, no problems	4	4	5
Some minor problems that will not affect results	3	4	4
Serious problems potential for significant impact on results	1	1	2
Grave violations, results of poll should be invalidated	0	0	0

\* Note: The Carter Center observed tabulation at 13 centers. If the figures entered for any given question do not add up to 13, it is because some forms were returned with incomplete information.



APPENDIX 9

## NEWS RELEASE

### THE CARTER CENTER ZAMBIA ELECTION OBSERVATION MISSION 2001 INTERIM STATEMENT

30 DEC. 2001

**Lusaka, Zambia...**The Carter Center is pleased to observe Zambia's first tripartite elections since 1964. This is the Center's second election observation mission in Zambia, having observed the historic 1991 multiparty election.

In October 2001, after receiving an invitation from the Government of Zambia, the Center opened a field office in Lusaka with a field director and five long-term observers. During the past two months, the observers visited all nine provinces and 47 of the 72 district centers and have met with a range of stakeholders, including representatives of political parties, government officials, media, election staff, police, faith-based organizations and civil society groups at both the provincial and district levels. In a pre-election statement issued on 13 December, the Center's observers reported a number of problems that might impact the conduct of the elections. Among the relevant issues raised were misuse of state resources, a lack of enforcement mechanisms for the electoral code of conduct, unbalanced media reporting and access, and the need for greater voter education. The report also noted a lack of transparency and openness on the part of the Electoral Commission of Zambia (ECZ) and inadequate logistical arrangements during voter registration process and in preparation for the polls.

On 22 December, the long-term observers were joined by about 30 short-term delegates to observe the voting, counting and tabulation processes. The Center's delegation is led by former Nigeria Head of State Gen. Abdulsalami Abubakar, former Benin President Nicéphore Soglo, and former Tanzania Prime Minister Judge Joseph Warioba. On election day and the day after, the Center's observers were deployed to all nine provinces, visiting over 190 polling stations and about 20 constituency tabulation centers.

Although the voting is now over, the processes of tabulation and verification of final results are ongoing. The Center will continue to observe these processes in the days ahead. Since the electoral process is not over, it is too early to evaluate the election as a whole. After the conclusion of the electoral process, the Center will issue a more comprehensive report.

Our delegation noted several positive aspects about the process, as well as a number of inadequacies and areas of concern, as follows.

#### **Peaceful Voting and High Turnout**

The Carter Center commends Zambians for the peaceful conduct of the elections and the determination shown by election staff and voters alike on what was a very long election day. The fact that the entire process transpired peacefully is a testament to the Zambian people.

Despite pre-election fears of voter apathy, we witnessed tens of thousands of voters exercising their democratic rights to elect their political representatives, many of them queuing from very early in the





## OBSERVING THE 2001 ZAMBIA ELECTIONS

morning into the night. Our teams were truly impressed by the turnout, which far exceeded expectations.

We also observed many dedicated polling officials who executed their responsibilities in a professional manner. In most places we observed polling stations that opened on time and with their full staff complement and necessary election materials. We also note the strong presence of many party agents and observers on election day. For the most part, party agents and observers performed tasks with careful attention to all aspects of the polling process. At most polling stations, there was generally good communication between electoral officials and party agents and observers.

Finally, we applaud the transparent counting of ballots in the polling station, which reduced opportunities for manipulation of the count.

In spite of these positive notes, we are concerned about several aspects of the electoral process, some of which stem from the pre-electoral period.

### **The Voting Process**

While many polling stations opened on time, it is important to note about one quarter of the stations we visited opened late, suggesting that the ECZ was unprepared for the high turnout. The failure to deliver ballot boxes, proper and sufficient ballot papers, voting booths and other election materials appears to have been widespread, in spite of favorable weather conditions.

In addition, although polling station staff persons were generally competent, they had difficulty processing voters quickly. Consequently, many voters were forced to endure long lines and extremely long waits (some as long as 12 hours or more) in order to cast their ballots. Once inside the polling station, voters faced a cumbersome voting process, further slowed by the tripartite elections.

Most of these election day problems were avoidable with better planning and transparency. We observed certain polling stations did not have adequate polling materials or staffing to accommodate the number of voters. For example, the University of Zambia had over 4,000 registered voters at a single polling station while stations with less than 500 voters were given identical materials and staff. Such disparities served to deepen skepticism and frustration among the electorate.

These predictable election day problems were further compounded by the ad hoc decision to extend voting hours. Our observers noted more than one third of polling stations closed late. Without adequate communication of this decision by the ECZ to the local electoral officers, few presiding officers could with certainty say when their polling station would close, creating confusion among voters. Not only did this lead to arbitrary decision-making by presiding officers (and hence unequal treatment across different polling stations), it was also far more difficult to police the voting process at night. Many polling stations had insufficient or no light, which hindered the security of the vote and in some cases eliminated the ability to vote.

The problems of delayed poll openings and closings, long queues and slow processing caused tremendous frustration among voters and is likely to have contributed to voter disenfranchisement, as fatigue and exhaustion caused some voters to give up. However, most voters indicated to us they intended to remain to cast their ballots, displaying impressive patience and resilience in the face of these difficulties.

Several of our observers noted the presence of officials from the Office of the President inside the polling centers, which seemed to have an intimidating effect on some voters.

### **Counting and Tabulation**

The processing of results is a major area of concern in the immediate postelection period. Because the counting started late (in some locations, more than 18 hours after the station opened) many stakeholders



## OBSERVING THE 2001 ZAMBIA ELECTIONS

faced exhaustion. In addition, while party agents and observers were present, they were not able in many cases to adequately inspect the ballot papers as they were classified and counted by polling officials. Moreover, while polling staff and observers showed great determination to discharge their duties properly, widely varied practices were observed in the counting process.

The Carter Center has more serious concerns about the tabulation of results at constituency centers, and the relaying of these results to ECZ Lusaka. There was widespread fatigue on the part of all stakeholders, as well as inadequate control over who entered the tabulation centers and insufficient transparency. In some places the tabulation process waited until all ballot boxes were received; in others, tabulation began as each box was received. The process was very slow and in some cases the returning officers did not ensure that all aspects of the process were correctly administered.

In general, the tabulation process was chaotic, often occurring in inadequate and insecure premises. In one instance, independent observers discovered ballot boxes had been diverted to a private office inside a counting center (Munali) without the presence of party agents and observers. Although this incident was addressed, we heard several reports of similar occurrences. While these may have been a careless error, they raise legitimate suspicions among the electorate.

### **Announcement of Results**

We have received complaints from all of the major opposition political parties about the coverage of the elections in the public media. Results were delayed, or released sporadically, and there was an apparent bias in terms of which results were announced and how they are conveyed to the public. In the first 24 hours following the close of the polls, the ECZ and state-owned TV announced mainly the results of constituencies won by MMD despite the fact that results from non-MMD constituencies were also available.

The slow pace of ECZ reporting of preliminary election results raises serious questions, especially given the closeness of the presidential race. We were told by ECZ officials results would be released immediately and the ECZ would serve simply as a clearinghouse for the official results submitted by the returning officers from the constituency tabulation centers. However, there appear to be delays in the transmission of constituency-level results to the ECZ and in the release of this information to the public, which is only done after the ECZ verifies the results sent from the constituencies. This slows the process unnecessarily, since according to the Electoral Law, the task of verification lies solely in the purview of the returning officer, not with the ECZ.

### **Conclusion**

Given concerns about transparency in the tabulation process, we believe all sides should strive to provide for maximum transparency in the postelection period; particularly in the time remaining before the declaration of the final presidential results by the Chief Justice. Every opportunity should be pursued to check vote tabulations from alternate sources. To this end, the ECZ needs to ensure timely access to official results at all levels so these can be cross checked against the poll results and tabulation results collected by party agents and observers. We hope concerns about election results can be resolved openly and political parties and observers will work together so all sides can accept the final result with confidence. Equally necessary is a thorough review of the administrative processes for voting.

The Center will continue to monitor the tabulation process, as well as any forthcoming deliberations concerning complaints or protests. After the process is concluded, the Center will issue a comprehensive final report covering the observation of the entire electoral process.



## OBSERVING THE 2001 ZAMBIA ELECTIONS

## APPENDIX 10

## 2001 ZAMBIA PROVISIONAL ELECTION RESULTS

PRESIDENT				PARLIAMENT			
Party - Candidate	Total Votes	Percent	Party	Votes	Percent	Seats	
MMD – Mwanawasa	506,694	28.69%	MMD	490,680	27.48%	69	
UPND –Mazoka	472,697	26.76%	UPND	416,236	23.31%	49	
FDD – Tembo	228,861	12.96%	FDD	272,817	15.28%	12	
UNIP –Kaunda	175,898	9.96%	UNIP	185,535	10.39%	13	
HP – Miyanda	140,678	7.96%	HP	132,311	7.41%	4	
ZRP – Mwila	85,472	4.84%	ZRP	97,010	5.43%	1	
PF – Sata	59,172	3.35%	PF	49,362	2.76%	1	
NCC – Mumba	38,860	2.20%	NCC	35,632	2.00%	—	
SDP – Konie	10,253	0.58%	INDEP'S	59,335	3.32%	1	
AZ – Lewanika	9,882	0.56%					
NLD – Shamapande	9,481	0.54%					
			(ZAP, NLD, AZ, NP, SDP, LPF, ZUDF, P, ZPP — less than 1%)				

## PARLIAMENTARY ELECTION RESULTS

PARLIAMENTARY RESULTS			PARLIAMENTARY SEATS: TOTAL AND BY PROVINCE																		
PARTY	VOTES CAST	PERCENTAGE OF TOTAL	TOTAL	COPPER						NORTH			WESTERN			SOUTHERN			WESTERN		
				CENTRAL	BELT	EASTERN	LJAPULA	LUSAKA	NORTHERN	NORTHERN	WESTERN	SOUTHERN	SOUTHERN	WESTERN	WESTERN	SOUTHERN	SOUTHERN	WESTERN	WESTERN		
MMD	490,680	27.48	69	7	20	1	13	1	1	20	3	1	18	1	3	3	1	1	1	1	3
UPND	416,236	23.31	49	5	0	0	0	4	0	0	9	0	18	0	13	0	0	0	0	0	0
FDD	272,817	15.28	12	0	0	5	0	6	0	0	0	0	0	0	1	0	0	0	0	0	1
UNIP	185,535	10.39	13	0	1	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HP	132,311	7.41	4	2	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ZRP	97,010	5.43	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
IND	59,335	3.32	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PF	49,362	2.76	1	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0
NCC	35,632	2.00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ZAP	3,963	0.22	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NLD	3,155	0.18	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
AZ	2,832	0.16	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NP	1,228	0.07	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
SDP	809	0.05	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
LPF	175	0.01	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ZUDP	138	0.01	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DP	115	0.01	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ZPP	019	0.00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>1,751,352</b>	<b>98.06</b>	<b>150</b>	<b>14</b>	<b>22</b>	<b>19</b>	<b>14</b>	<b>12</b>	<b>14</b>	<b>21</b>	<b>12</b>	<b>19</b>	<b>18</b>	<b>12</b>	<b>19</b>	<b>17</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>3</b>





APPENDIX 12

## NEWS RELEASE

### THE CARTER CENTER ZAMBIA ELECTION OBSERVATION MISSION 2ND INTERIM POSTELECTION STATEMENT

31 Jan. 2002

This statement is The Carter Center's third public statement on the Zambian electoral process. The first was a pre-election statement released on 13 December 2001. The second was an interim postelection statement on 30 December 2001.

The pre-election statement drew attention to the several areas of concern including the lack of transparency in the administration of the electoral process, lack of a level playing field for all political contestants, and the need to reduce barriers for participation in the process.

In the first interim postelection statement, the Center commended Zambians for the peaceful conduct of the elections, the professionalism displayed by election staff in the polling stations, and high voter turnout. All of these elements are a true expression of Zambians' commitment to exercise their democratic right to elect freely their government representatives.

However, the postelection statement also highlighted several serious deficiencies in the administration of the election process by the Electoral Commission of Zambia (ECZ), including the lengthy voting process, the lack of security of the ballot, and the lack of transparency and timeliness in vote tabulation and release of election results.

In the postelection period from 30 December 2001 to the present, the Center has observed the on-going tabulation and verification processes, the petition process, the appointment of the new government and the establishment of the Third Republic's parliament. The Center's long-term observers have continued to meet with all stakeholders in the postelection period.

On 23 January 2002, the Center began a postelection assessment mission headed by Ambassador Gordon Streeb who heads the Peace Program of the Center and who previously served as the U.S. Ambassador to Zambia (1990-1993).

The Center's overall conclusions and recommendations are still pending the final resolution of some of the outstanding electoral issues, particularly the court petitions. Therefore the Center is not prepared to make a final statement at this time. All outstanding issues should be resolved quickly so that the government and parliament can work constructively in Zambia's new pluralistic, multiparty democratic environment.

The Carter Center will continue to observe the postelection phase and issue a final statement as well as a full report that comprehensively reviews the entire electoral process and provides recommendations for possible reforms.

As international observers we do not have any intention to enter into Zambia's internal political debates, as it is Zambians who are the ultimate judge of the legitimacy of the electoral process. Our comments should be viewed in light of our commitment to strengthening democratic institutions.

The Center is concerned about the tense postelection environment in which the opposition and government



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appear to be moving down two separate paths. To improve the situation, the Center urges that the following issues be addressed to provide a foundation for constructive governance in Zambia's new pluralistic, multiparty framework:

- The ECZ should take responsibility for overseeing and ensuring the prompt verification of results in a transparent manner and publicize the election results by polling station, nationwide. The ECZ should examine and explain all anomalies and inaccuracies in the release of results to guarantee the accuracy of its published figures.
- The Supreme Court and High Court should address expeditiously the petitions filed by political parties and investigate complaints comprehensively to ensure that constitutional rights have been fully protected.
- Ruling and opposition parties should respect the mandate given by the voters of Zambia for the government and parliament to work constructively in a pluralistic multiparty political environment to improve the lives of Zambians.

**Verification of Results**

The Center believes it is essential to address the problems and discrepancies that have been identified by parties and observers regarding the tabulation and verification processes, and urges the ECZ, the government, and the courts to address these issues immediately as a means of resolving outstanding disputes about the election results and the legitimacy of the new government. Lingering uncertainty about the accuracy of the tabulation and verification processes stand as a barrier to good governance. Among the issues to be addressed are the following:

- Large variations between the number of votes cast for presidential and parliamentary candidates that occurred in approximately 22 constituencies;
- The unusually high number of constituencies, 83 of 150, where no invalid ballots whatsoever were recorded in the presidential and parliamentary elections;
- Discrepancies between the figures obtained from election officials at the constituency level based on polling station results, and the figures published by the ECZ, for instance, discrepancies found by Carter Center observers in 12 constituencies in the Copperbelt and Central provinces;
- Unexplained large discrepancies found between the original Ndola constituency results and the results announced following the completion of the verification process.
- Inaccuracies in some of the ECZ's published provisional results, for example, constituency level results where individual candidate's vote totals do not equal the overall sum of valid votes cast.

In elections such as this one where the margin of victory is small, such discrepancies take on greater significance. Cumulatively, the discrepancies may have a major impact on the election results and even affect the outcome, and therefore must be examined seriously.

**Petitions.** As the Court acts on the petitions submitted by opposition parties, the Center expects the independence of the judiciary will be fully respected and that all complaints relating to the elections results will be thoroughly reviewed with all deliberate speed. The legitimacy of the government depends on it. To facilitate the Courts' review and timely rulings, the ECZ needs to release expeditiously the final election results at all levels, including polling stations.



OBSERVING THE 2001 ZAMBIA ELECTIONS

**Pluralistic Multiparty Political Environment.** As evidenced by the preliminary election results, no single party or candidate received an actual majority of the votes. While some view the election results as revealing divisions among the Zambian population, the Center believes that the results demonstrate popular support for multiparty democracy. In this context, the Center urges the government and opposition parties to begin to work together in the interest of the Zambian people within the new pluralistic democratic framework.

For more information about The Carter Center, its election-monitoring activities and its earlier statements on the Zambian tripartite elections, please see the Center's Web site at [www.cartercenter.org](http://www.cartercenter.org).



## APPENDIX 13

## NEWS RELEASE

March 7, 2002

**THE CARTER CENTER  
FINAL STATEMENT OF THE ZAMBIA 2001 ELECTIONS**

This is the Carter Center's fourth and final public statement on the Zambian 2001 tripartite elections. After an initial pre-election statement on 13 December which reported concerns about an uneven playing field, the Center issued a second statement on 30 December shortly after the elections, which reported strong voter turnout but serious concerns about a lack of transparency in the counting and tabulation of results. A third statement released on 31 January reported continuing concerns about anomalies, unexplained discrepancies, and inaccuracies in the election results, and urged prompt and transparent action to verify results and an expeditious Court review of electoral petitions in order to resolve outstanding disputes.

This statement summarizes the Center's overall observations, which indicate that: (1) there was an uneven playing field in the pre-election period due to problems in voter registration, misuse of state resources, and unbalanced media reporting, which disadvantaged the opposition and created barriers for full participation of all stakeholders in the process; (2) the government and ECZ lacked the political will to take necessary steps to ensure that the elections were administered effectively and transparently; (3) there were inadequate logistical arrangements for the polls and a lack of procedures to ensure transparent vote counting at the polls; (4) there was a lack of transparency in the process of tabulating results at the constituency level and in relaying results to ECZ; (5) the ECZ has failed to release polling station results in a timely manner thus severely restricting the ability of stakeholders and observers to check results independently; and (6) the ECZ has failed to implement a transparent verification process open to parties and observers.

Given these concerns, the Center concludes that the ECZ and government have failed to meet the state burden of responsibility to administer a fair and transparent election and to resolve electoral irregularities that clearly could have affected the outcome of a close race. As a result, the Center concludes that the election results are not credible and cannot be verified as accurately reflecting the will of Zambian voters. Unless and until the ECZ provides clear evidence to dispel doubts about the accuracy of official results, the Center believes the legitimacy of the entire electoral process will remain open to question. A comprehensive election report, including recommendations for electoral reform, is forthcoming.

## DEMOCRACY PROGRAM

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## OBSERVING THE 2001 ZAMBIA ELECTIONS

**BACKGROUND AND SUMMARY*****Long-term Observation and Pre-election Assessment***

In October 2001 the Center opened a field office and deployed six long-term election observers (LTOs) from Malawi, South Africa, USA, Germany, and Zimbabwe. The LTOs traveled to all of Zambia's nine provinces and 47 of 72 districts during the pre-election period meeting with a range of Zambian stakeholders. The Center issued a pre-election statement on 13 December 2001, which summarized the LTO's observations and recommendations for improvements in the process in advance of the 27 December election. The statement emphasized the Center's concerns regarding the uneven playing field and the failure of the government and election authorities to provide stakeholders with critical information in a timely manner.

***Short-term Election Observation and 1st Interim Statement***

On 22 December, the Center's LTOs were joined by 30 short-term observers led by former Nigerian Head of State Gen. Abdulsalami Abubakar, former Benin President Nicephore Soglo, and former Tanzania Prime Minister Judge Joseph Warioba. Carter Center short-term observers were deployed in all nine provinces visiting 190 polling stations and approximately 20 constituency tabulation centers to assess the voting and counting processes. After the conclusion of voting and counting, the Center issued an interim statement on 30 December which noted the large and peaceful turnout of Zambian voters, but highlighted several areas of concern including a slow and cumbersome voting process, and a worrisome lack of transparency in vote counting, tabulation, and the announcement of results.

According to reports by Carter Center and other observers, about one-quarter of stations opened late and many lacked sufficient supplies to accommodate the number of registered voters. This led to inordinately long lines, and forced voters to stand in line for hours—in some cases as long as 16 hours—resulting in the disenfranchisement of many voters who could not wait or were turned away.

The Center found that the tabulation of results at the constituency level was chaotic and often occurred in inadequate and insecure premises. Some observers reported instances where the integrity of ballot boxes was compromised during transport to constituency tabulation centers, or after their arrival. In addition, there were unexplained delays in relaying constituency level results to the ECZ in Lusaka, and in the announcement of official results by the ECZ. These problems and delays were a cause for serious concern, especially in light of the closeness of the presidential race.

The Center criticized the Electoral Commission of Zambia (ECZ) for its failure to administer the election effectively and in a transparent manner, and called on the ECZ to ensure timely access to official results at all levels so that results could be verified by party agents and observers.

***Postelection Observation and 2nd Interim Statement of January 31***

On 31 January, following four weeks of monitoring postelection processes, the Center released a second interim statement. The statement emphasized the Center's continuing concerns about anomalies, unexplained discrepancies, and inaccuracies in the presidential and parliamentary election results. While noting that the new pluralistic multiparty environment provided an important opportunity for all parties to work together to improve governance, the Center urged the ECZ, the government, and the Court to take steps to ensure the prompt and transparent verification of results and the expeditious review of electoral petitions in order to resolve outstanding disputes about the final results and the legitimacy of the new government.



## OBSERVING THE 2001 ZAMBIA ELECTIONS

Unfortunately, to date these exercises have not been completed and the unexplained discrepancies in the tabulation and verification processes have not been addressed. The major problem areas include: large and unexplained variations between the number of votes cast for presidential and parliamentary candidates; an unusually high number of constituencies where no invalid ballots were recorded; and discrepancies between figures obtained from the constituency and national levels. As the single institution charged with administering the electoral process, the ECZ has the responsibility to act transparently and to provide stakeholders with information necessary to address these and other questions that cast doubt on the accuracy of the final results. Unfortunately, it has failed to do so. Likewise, the Supreme Court has so far failed to provide a thorough and timely review of electoral petitions.

## OVERVIEW OF ELECTORAL PROCESS OBSERVATIONS

### *Pre-election*

In the pre-election period Carter Center LTOs highlighted a variety of problems which impacted negatively on the conduct of the elections and the credibility of the process. Although many of the problems can be attributed in part to a flawed electoral law, the ECZ has the authority and discretion to formulate and implement regulations to ensure that the elections are administered effectively and transparently. Unfortunately, however, the ECZ leadership displayed a lack of political will, often using the flawed electoral law as an excuse for inactivity. Most of the complaints brought against the ECZ by Zambian stakeholders could have been resolved if the ECZ had engaged stakeholders and conducted activities in a transparent manner. The Center noted that requiring Zambians to obtain a national registration card (NRC) as a prerequisite for receiving a voter registration card was a barrier that disenfranchised approximately one million otherwise-eligible voters. In spite of many appeals from Zambian stakeholders and observers, the ECZ took no action to address this legal barrier.

Similarly, the ECZ performed poorly in the voter registration exercise, which failed to reach more than one million eligible voters in possession of a NRC. As a result, only 55 percent of the legally eligible Zambian population was registered to vote in the election. Further, only 1.737 million persons voted, so that only 37 percent of the eligible persons participated. The passage of legislation to provide for continuous voter registration is a positive development. However, the issue of the NRC must also be addressed in order to ensure greater participation in future elections. Arguing that it did not have a legal mandate, the ECZ took only limited and often counterproductive steps in regard to voter education, accreditation of domestic observers, the establishment of conflict management committees, and the creation of a legally enforceable Code of Conduct. The ECZ did make some efforts to inform voters about documents that would be needed to vote, and encouraged increased television coverage of political candidates. In the view of Carter Center observers and others, however, these actions were too few to establish confidence among Zambian stakeholders.

On the other hand, the ECZ's imposition of last-minute regulations, which required domestic monitors to pay accreditation fees and to complete new affidavits, appeared to the Center and others to be an intentional effort to restrict the ability of civil society groups to observe the elections. Similarly, the ECZ's decision to charge high fees for copies of the voter registry and to double nomination fees for candidates seemed designed to hinder the ability of opposition parties to contest the elections. Carter Center observers reported several actions by the government which contributed significantly to the creation of an uneven playing field. Among the



## OBSERVING THE 2001 ZAMBIA ELECTIONS

most important were the delayed announcement of the election date, abuse of state resources, involvement of civil servants in political activities, biased media coverage by state-owned media, and biased application of the public order act. These problems served to disadvantage the opposition throughout the pre-election period.

***Voting Day Logistics***

Given the enormity of logistical problems that surfaced on election day, there were several positive aspects of the election that are important to highlight. The peaceful and high level of voter turnout was exceptional, as was the persistence exhibited by voters who waited for hours in long queues in order to vote. Additionally, the determination of polling officials and monitors to withstand fatigue and execute their duties professionally was impressive. Many of the problems that occurred on voting day had been anticipated to some extent by local ECZ officials, political party representatives, and observers. ECZ officials at the provincial and district levels complained that the ECZ did not respond to their concerns about inadequate resources and facilities and failing communication systems.

The Center communicated to the ECZ in Lusaka a number of the concerns that local ECZ officials and stakeholders had reported to the Center's LTOs, but there was little evidence of action to address the problems. Problems such as delays in opening polling stations, late delivery and/or insufficient materials, inadequate time allocated to process voters—all of which contributed to the extension of the voting period and to long delays in the counting, tabulation, and release of results—should have been anticipated and could have been communicated to the public in advance. The government's inadequate funding of the ECZ was partly to blame, but the problems were exacerbated unnecessarily by the ECZ's poor administration and lack of transparency.

***Counting, Tabulation, and Announcement of Results***

Carter Center and other observers reported that party agents and monitors were generally present during counting, but that they were not always able to adequately inspect the ballot paper to verify the count and spoiled ballots. In addition, the transparency of the process was hindered by the fact that Zambian law does not provide for party agents to sign and receive copies of polling station result forms, nor for the results to be posted for public review at the polling station. As a result, the polling station results were vulnerable to manipulation. This, plus the fact that there was a wide variation of procedures used during the counting process at the polls, reduced public confidence in the results.

Similar and even more serious concerns were registered by Carter Center observers during the tabulation process. In many instances, party agents and observers were not able to clearly view the tabulation process, and the methods and procedures followed varied widely. In some tabulation centers, officials waited for all polling station boxes to arrive before counting, while in others counting began as soon as boxes began to arrive. The security of ballot boxes during their transport to and after their arrival in constituency tabulation centers was an especially serious concern in light of the extended period required to complete tabulation. Carter Center observers noted several instances of ballot boxes in unauthorized and/or insecure locations, which opened the door to manipulation.

Carter Center observers noted a pro-MMD bias in the presentation of results announced by the ECZ and the state-owned ZNBC during the first 24 hours after the closing of polls. There also were unexplained delays in the announcement of constituency level results, which the ECZ should have released immediately,



## OBSERVING THE 2001 ZAMBIA ELECTIONS

since it insisted that its role was limited to serving as a clearinghouse to relay and publicize official results from the constituency level. In addition, Carter Center observers and others reported evidence suggesting attempts to manipulate and rig election results in some areas in the Copperbelt, in particular in Ndola Central constituency where observers reported that extra ballot boxes arrived after the counting of all ballot boxes in the constituency had already been completed. Without additional information from the ECZ, it is impossible to estimate the scope and impact of these efforts. Given these and related problems, the Center is very concerned about the ECZ's continued failure to provide stakeholders with timely access to official polling station results, which would allow observers and party agents to cross-check results.

***Verification of Results***

Given unresolved concerns about the process, the Center continued to monitor the postelection environment including the verification process, the petition process, and the release of final results. Regrettably, the Center has found that there are serious unanswered questions about the accuracy of the results and a lack of transparency in the ECZ's verification exercise. Although it is now more than two months after the elections, the ECZ says that final results can not be announced until the verification of results at the district level has been completed. Carter Center observers report that the verification exercise is still underway in some areas across the country. In Lusaka province, for example, only two of the seven constituencies have completed verification. The legal regulations outlining the verification process are weak and do not provide sufficient opportunities for stakeholders to check the results. District-level returning officers are responsible for determining when and where verification should take place, but they have not been given any guidelines nor direction from the ECZ. Returning officers are also responsible for informing the various stakeholders about the schedule for the verification exercise. However, Carter Center observers have reported that in most cases political parties and domestic observers were not informed or invited to monitor the verification process, and in some instances were barred from participating, as in Solwezi. The Center has found that the process is uncoordinated and random, and therefore almost impossible to monitor.

The Center has attempted to observe and assess as much of the verification process as possible, but has been hindered by a lack of cooperation on the part of the ECZ. The Center contacted all nine provinces and dozens of district offices, but has found it virtually impossible to obtain solid information about the verification process, in some cases due to poor communication, and in most cases the outright refusal of election officers to release information. Some district level election officials told the Center that the ECZ instructed them NOT to supply information about the verification exercise to anyone. The Center also made direct inquiries to the ECZ in Lusaka.

After receiving a variety of inaccurate responses, the Center received a letter from the ECZ on 4 March indicating that the ECZ cannot release any such documentation, because it will be presented as evidence in court. In addition to the obvious concerns about transparency, the ECZ's response raises important questions about the prospects for electoral petitions, since the verification documents are supposed to be public documents available to the petitioners to support their claims.

Also alarming, although somewhat understandable given the problems cited above, is the lack of interest displayed by political parties and civil society in participating in the verification exercise. Given the closeness of the presidential race and many parliamentary contests and in light of controversies surrounding the ECZ's release of the results, stakeholders should be more proactive in participating in this exercise and demanding that it be done transparently.





## OBSERVING THE 2001 ZAMBIA ELECTIONS

**Petitions**

The Center has found that public information concerning the electoral petitions is not easily accessible. The Center has made numerous requests and held numerous discussions with Supreme Court officials and the Registrar's Office to secure copies of the petitions filed by the opposition. To date the Court has denied the Center access to these public documents citing fears of misrepresentation.

Also of concern are the barriers presented by the high security fees, which must be paid to the Court in order to file electoral petitions. The government has recently filed a motion to dismiss the opposition's petitions on the grounds that the 5,000,000 kwacha (\$1,120 USD) security fee has not been paid. Such barriers mean that most citizens do not have effective access to the courts to resolve election disputes. Potentially more troublesome is the possibility that the Court's reviews of petitions will drag on for months or longer.

**CONCLUSIONS**

In summary, the Center's observations indicate that: (1) there was an uneven playing field in the pre-election period due to problems in voter registration, misuse of state resources, and unbalanced media reporting, which disadvantaged the opposition and created barriers for full participation of all stakeholders in the process; (2) the government and ECZ lacked the political will to take necessary steps to ensure that the elections were administered effectively and transparently; (3) there were inadequate logistical arrangements for the polls and a lack of procedures to ensure transparent vote counting at the polls; (4) there was a lack of transparency in the process of tabulating results at the constituency level and in relaying results to ECZ; (5) the ECZ has failed to release polling station results in a timely manner thus severely restricting the ability of stakeholders and observers to check results independently; and (6) the ECZ has failed to implement a transparent verification process open to parties and observers.

Given the above cited concerns, and especially the ECZ's failure to provide polling station results and explain reported discrepancies, the Center concludes that the ECZ and government have failed to meet the state burden of responsibility to administer a fair and transparent election and to resolve electoral irregularities that clearly could have affected the outcome of a close race. As a result, the Center concludes that the election results are not credible and cannot be verified as accurately reflecting the will of Zambian voters. Unless and until the ECZ provides clear evidence to dispel doubts about the accuracy of official results, the Center believes the legitimacy of the entire electoral process will remain open to question.

According to Zambian law, the Supreme Court is the final arbiter in the resolution of electoral petitions. If the ECZ provides all necessary electoral information and if the Court acts expeditiously to review the petitions thoroughly and in a manner that is publicly transparent, its decisions might help to dispel existing doubts. However, the government's support for moves to dismiss opposition petitions and the Court's consideration of these and other attempts to postpone or dismiss the petitions are worrisome.

Zambia is at a critical point in its democratic development. It is clear that in the December 2001 elections, the people of Zambia voted for change and expressed their support for a multitude of political parties. Leadership that embraces multiparty cooperation and broad participation by civil society could provide a foundation for improved governance. The Center hopes that Zambian political institutions will take steps to ensure that the people of Zambia feel confident that the popular will is accurately reflected in the election results. The Center makes these observations with no authority and no intention of intervening in Zambia's affairs, but in the spirit of supporting democratic development in Zambia and throughout the region. Ultimately, it is the Zambian people who will judge the legitimacy of the election and will hold government and officials accountable.



APPENDIX 14

NEWSPAPER ARTICLES



*The Post* (Zambia)

Dec. 15, 2001

## 'Public Order Act not being applied fairly'

**By Reuben Phiri**

THE government is exerting political pressure on the police not to apply the public order Act fairly, a pre-election report compiled by the Carter Centre has revealed.

The report by the United States based Carter Centre states that in addition, law enforcement officials are concerned that many police officers have never received formal training about the election law and the public order Act and how the two interrelate.

"While the Act was amended in 1996 with respect to public meetings to delete the word "permit" and replace it with 'notify', the law still serves as a permit process due to many conditions it contains elsewhere. Opposition parties have observed that in practice the police have given themselves the power to determine who may conduct and organise public meetings at the district

level," the report states, and adds that while the Act exempts the president and vice-president from informing the police, in practice it has been extended to apply to other MMD candidates.

The report states that the public order Act could be a good instrument for ensuring law and order during the campaign period but the perception was that it is abused and this misapplication promotes mistrust in the police whose role it is to enforce the law.

The report on its assessment of media fairness and coverage states that based on observation of television and newspaper coverage during the pre-campaign and nomination period, the ruling party has benefited from positive, extensive coverage in the government owned television and press.

"While the opposition television and radio programmes were labelled 'political adverts', the ruling party used the news coverage as an opportuni-

ty to campaign," the report states.

The report has also commended the Electoral Commission of Zambia for taking an initiative to provide voter education in the absence of a legal mandate for it to do so.

The Carter Centre elections observer team will monitor elections in all the districts.

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*The Times of Zambia*  
Dec. 18, 2001

## Kavindele castigates Carter Centre

By Times Reporter

VICE-President Enoch Kavindele has lashed out at the Carter Centre for insinuating that the Republican President and his vice are using government resources for the MMD campaigns.

Mr Kavindele said in an interview in Lusaka yesterday that Government could not abandon its responsibilities just because it was an election year.

He said the Carter Centre should realise that though there was an election to be held this year, there was still a Government in power.

"I saw a report by the Carter Centre that we are using Government resources, the President and myself will not stop functioning because there is an election, we are still the Government in power," Mr Kavindele said.

He said the Carter Centre should by now have known that the Vice-President had only one Mercedes Benz and one utility vehicle which had also broken down.

Mr Kavindele said he was currently using his own vehicles for the campaigns.

"I had two new Mercedes Benz but I advised Government officers that one be given to the former Republican president, Dr Kenneth Kaunda, which he is using today.

"We had reports that Dr Kaunda's children smashed his other Benz in Zimbabwe hence that gesture," he said.

The Vice-President left yesterday for Kabompo, where he is contesting the parliamentary seat.

Mr Kavindele said he had been busy working with the MMD presidential candidate, Levy Mwanawasa.

"It is time to go and institute a vigorous campaign for my parliamentary seat."



•KAVINDELE

he said.

Mr Kavindele said it was unfortunate if the statement attributed to Anti-Voter Apathy Project (Avap) president Bonnie Tembo that Forum for Democracy and Development (FDD) members were buying voters cards.

He said the matter would be investigated thoroughly by police and ensure the culprits were brought to book as it was a breach of electoral rules.

He said the FDD leader General Christon Tembo was in Kabompo and tried to address a meeting which flopped after people booed him.

Mr Kavindele said it was then that he left a lot of money for its members, which could now be used for voting buying.

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OBSERVING THE 2001 ZAMBIA ELECTIONS

New York Times  
Dec. 31, 2001

## Observers Cite Concerns in Zambia Vote Count

By RACHEL L. SWARNS

LUSAKA, Zambia, Dec. 30 — A team of international observers said today that they had "serious concerns" about how votes were being counted in Zambia's most fiercely contested presidential election.

In a preliminary report, observers from the Carter Center described the ongoing counting process as "chaotic" in some areas. They said that tabulations often took place in insecure locations and that at least one election official had taken a ballot box into his private office and opened it.

The observers said staff members of the outgoing president, Frederick Chiluba, had visited polling places and appeared to intimidate voters. The observers also expressed concern over the sluggish release of results from the Thursday national election.

Opposition party candidates have accused the authorities of delaying results to give officials time to stuff ballot boxes, and some have called for a new election. The Carter Center said it had no evidence of vote rigging, but warned that the delays "raised serious questions."

By this evening, only about two-thirds of the results had been released. The tallies showed the opposition party candidate, Anderson K. Mazoka — who had announced on Saturday that he considered himself the winner based on early results and polls — edging ahead of the governing party candidate, Levy Mwanawasa.

Government officials, who have scheduled the inauguration for Wednesday, attributed the slow pace of counting to unexpectedly high voter turnout and delays in delivering ballots to polls. The officials admitted that there were "hiccups" in the counting process, but said they were isolated incidents that would not taint the outcome of the election.

The Carter Center, which had about 30 observers to monitor 150 voting districts, said its findings reflected only a partial portrait of the process. But the observers said it was clear that the government needed to do more to ensure that the nation would accept the final result.

"Every opportunity should be pursued to check the vote tabulation from alternative sources," said Gen. Abdulsalami Abubakar, a former Nigerian leader who is heading the Carter Center delegation.

The Carter Center report came as Mr. Mazoka and six other presidential candidates met today with the chief justice of the Supreme Court and told him they believed that the election was rigged. They plan to present him with a formal petition on

Monday requesting that the inauguration be delayed.

Vernon Mwaanga, the secretary general for the governing party, the Movement for Multiparty Democracy, dismissed the allegations of vote rigging as "false and baseless."

Mr. Chiluba of the Movement for Multiparty Democracy was elected president in 1991 after voters grew weary of Kenneth Kaunda, the strongman who ruled the country for 27 years.

Mr. Mwaanga said he and other government officials had met with the Carter Center team. But he said the problems identified were small given the size of the election, with nearly two million voters casting bal-

lots for president, Parliament and local councils. "We acknowledge that they did have problems, hiccups," Mr. Mwaanga said of the Electoral Commission. "But there is no country anywhere in the world where that kind of machinery would go smoothly without any hiccups."

But the delays in releasing results and concerns about rigging have raised fears about the possibility of unrest. Mr. Mazoka has said he would not accept defeat, and he has refused to discourage his supporters from resorting to violence.

Tonight, several contenders for the presidency said they would not rule out a civil disobedience campaign if the inauguration was not delayed.





The Post (Zambia)  
Dec. 31, 2001

# ECZ was unprepared for high voter turnout - Carter Centre

## Nyampande rejects Mumba's victory

**By Joe Kamanda in Petankwe**  
ELECTION results are not favourable because there has been a lot of corruption and vote buying in Muanzala by the MMD area traditional leader chief Nyampande has said.

Reacting to MMD parliamentary candidate and health minister Levison Mumba's declaration as winner in the just held elections, chief Nyampande declared Muanzala a no go area for Mumba.

Chief Nyampande said he had decided to take the position based on his subjects who have petitioned the results, through him as their traditional leader, citing several election irregularities and intimidation of voters.

"My subjects are not happy with the outcome of the elections," chief Nyampande said. "The results are not favourable because there has been a lot of corruption, payments of a lot of money to voters for vote buying including the sending of Kufima Tower boys to harass the people here."

Chief Nyampande said while he was non partisan, a lot of evidence had been availed by the subjects forcing him to take the position.

He said he was disappointed with Mumba's conduct as he had been campaigning using government vehicles including his ministerial car with the official flag. Chief Nyampande cited as among the anomalies, the ferrying of a group of unknown people not resident in his village in a minibus to go and vote.

"We have never had these people in this village or around the area. We do not know where they came from but they were allowed to vote," the traditional leader said.

December 27 presidential and general elections, several observers also noted the presence of Office of the President officials inside polling centres which had an intimidating effect on some voters.

The Carter Centre noted that failure to deliver ballot boxes, proper and sufficient ballot papers, voting booths and other election materials were widespread despite favourable weather conditions

suggesting the ECZ's unpreparedness.

The observer mission headed by former Nigerian head of state Abdulsalami Abubakar, former Benin president Nicephore Soglo and former Tanzanian prime minister judge Joseph Warioba is yet to issue a more comprehensive report at the end of the electoral process.

The mission observed that many voters may have been defrauded as a result of

delayed poll opening and closing, long queues and slow processing which caused tremendous frustration among voters.

The report stated that the voter turnout far exceeded expectations of pre-election fears of voter apathy but that voters had to endure long lines and extremely long waits, some as long as 12 hours, and once inside, faced a cumbersome voting process.

"In addition, although the polling station staff persons

were generally competent, they had difficulty processing voters quickly," the report read in part.

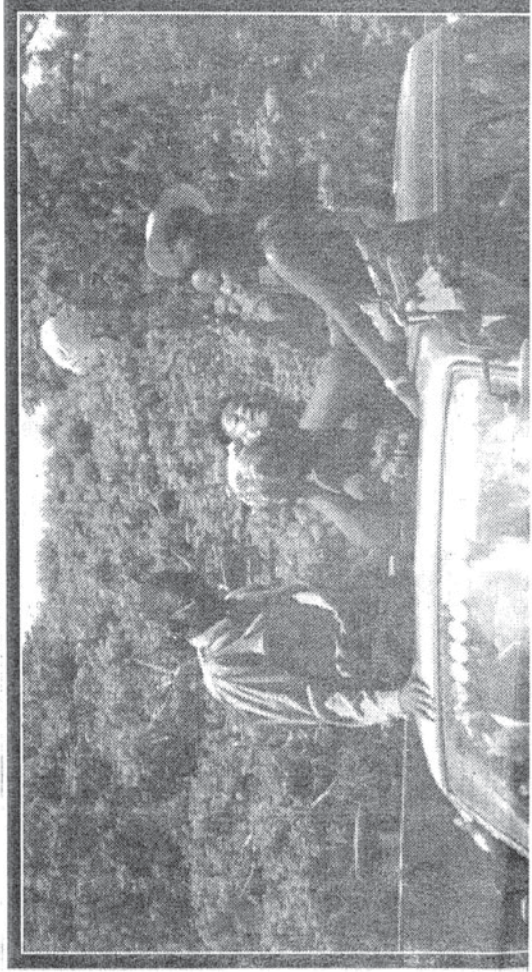
The Carter Centre is of the view that most of these problems were avoidable with better planning and transparency but were further compounded by the ad hoc decision to extend voting hours with more than a third of polling stations closing late.

The observer mission noted that without adequate communication of this decision by ECZ to local electoral officers, few presiding officers could say with certainty when their polling station would close thus creating confusion among voters.

This is reported to have led to arbitrary decision-making by presiding officers, unequal treatment across different polling stations and made it far more difficult to police the voting process at night.

Many polling stations had insufficient or no light, hindering the security of the vote and in some cases eliminated the ability to vote.

Regarding the counting and tabulation process, the mission has found that because the counting process started late, many stakeholders were exhausted while party agents and observers were in many cases unable to adequately inspect ballot papers as they







A16 THURSDAY, JANUARY 3, 2002 R DM VA

# The Washington Post

AN INDEPENDENT NEWSPAPER

## ✓ *Making Democracy Stick*

**B**ACK IN 1991, Zambia was hailed as a model of Africa's turn toward democracy. Kenneth Kaunda, the aging strongman who had led the country since independence in 1964, was persuaded to allow the country's first multi-party election. Foreign observers arrived to oversee the vote, and a promising trade-union leader named Frederick Chiluba became Zambia's new president. A decade later, however, Zambia's democratic breakthrough appears less than complete. Yesterday's inauguration of Mr. Chiluba's chosen successor, Levy Mwanawasa, had to be protected from demonstrators claiming that last week's election was rigged. Helicopters patrolled the skies over the capital, the University of Zambia was closed for fear of riots, and opposition leaders promised further demonstrations.

The blame for this anger must be shared among opposition leaders and the election authorities. Ten candidates took on Mr. Mwanawasa, winning a combined 70 percent of the popular vote; if a majority of Zambians feel cheated to see the ruling party hang on to power despite years of dismal economic performance, it is partly because the opposition failed to unite behind a single challenger. The leading opposition candidate, Anderson Mazoka, came within a hair's breadth of defeating the ruling party candidate. But he spoiled that achievement by recklessly claiming victory early in the counting process and threatening "chaos" if he was not named the winner.

Mr. Mazoka might have shown restraint if the election had been conducted more fairly. Goaded by election watchdogs both foreign and domestic, the authorities did make some worthy efforts to level the playing field. Mr. Chiluba respected the constitutional bar against running for a third term despite an ear-

ly promise to seek reelection. The state television station reduced its usual pro-government bias by airing a series of debates. And the one clear incident of fraud on voting day—involving an election official who opened a sealed ballot box—was quickly redressed by assigning a new team to check and count the contents. But the campaign was still marred by the apparent use of government vehicles and patronage to win over voters. And the transparency of the vote was willfully compromised by the election commission, which did not tell election monitors in advance of its intent to tally the vote at its headquarters, and then granted only intermittent access to the process.

The lesson, both for Zambians and for democracy proponents abroad, is that political freedoms are harder to install than was hoped at the start of the 1990s. The fall of dictatorships in Latin America, the Philippines and South Korea, and the collapse of communism around the world, kindled a heady optimism: People's natural hunger for freedom would cause democracy to break out all over the world, and once democracy had arrived, the same hunger would sustain it. But the truth is that most young democracies in the developing world function poorly. The hunger is real enough, but the practical transition is nonetheless difficult. New democracies need help from outsiders: Without observers from Africa, the European Union and the United States, Zambia's election would have been even less successful. And they need honesty from their own leaders. The newly inaugurated President Mwanawasa must now ensure that the election commission cooperates with observers' efforts to verify the count. And opposition leaders must tell their supporters that violent demonstrations do not serve their country's interests.



OBSERVING THE 2001 ZAMBIA ELECTIONS

February 5, 2002 Tuesday

**LENGTH:** 788 words

**HEADLINE:** Zambia;  
Tense **Political** Environment Worries **Carter** Centre

**BYLINE:** The Post

**BODY:**

THE United States based Carter Centre has expressed concern over the tense political environment existing in the country.

In a statement yesterday, the Centre observed that the opposition and the government seem to be "moving down two separate paths" and advised that there are three main issues that need to be addressed to improve the situation.

"The Electoral Commission of Zambia (ECZ) should take responsibility for overseeing and ensuring the prompt verification of results in a transparent manner and publicise the election results by polling station nation wide," the statement states.

The Centre had also urged the ECZ to examine and explain all anomalies and inaccuracies in the release of results to guarantee the accuracy of its published figures. The statement explains that the Supreme Court and the High Court should expeditiously address the petitions filed by political parties and investigate complaints comprehensively to ensure that constitutional rights are fully protected.

"Ruling and opposition parties should respect the mandate given by the voters of Zambia for the government and parliament to work constructively in a pluralistic multi-party political environment to improve the lives of Zambians," the Centre advises.

According the statement, the Centre began a post election assessment mission headed by ambassador Gordon Streeb who heads the Peace Program, who previously also served as the US ambassador to Zambia.

But the statement was quick to point out that as an international observer organisation, the Centre does

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## OBSERVING THE 2001 ZAMBIA ELECTIONS

not have any intention to enter into Zambia's internal debates, as it is "Zambians who are the ultimate judge of the legitimacy of the electoral process."

"Our comments should be viewed in light of our commitment to strengthening democratic institutions," the statement adds. The Centre has also noted that it is essential to address the problems and discrepancies that have been identified by parties and observers regarding the tabulation and verification processes.

ECZ, the government and the courts have further been urged to address these issues immediately, as a means of resolving outstanding disputes about the election results and the legitimacy of the new government. It further stated that "lingering uncertainty about the accuracy of the tabulation and verification processes stand as a barrier to good governance".

The centre has since proposed that a number of issues be addressed among them large variations between the number of votes cast for presidential and parliamentary candidates that occurred in approximately 22 constituencies. Another issue raised was the "the unusually high number of constituencies, 83 out of 150 where no invalid ballots whatsoever were recorded in the presidential and parliamentary elections.

"Discrepancies between the figures obtained from election officials at the constituency level based on polling station results, and the figures published by the ECZ, for instance, discrepancies found by Carter Centre observers in 12 constituencies on the Copperbelt and Central provinces, should also be addressed."

Carter Centre observed that there were unexplained large discrepancies found between the original Ndola constituency results and the results announced following the completion of the verification process. It was additionally observed that inaccuracies in some of the ECZ's published provisional results, for example, constituency level results where individual candidate's vote totals do not equal the overall sum of valid votes cast.

"In an election such as this one where the margin of victory is small, such discrepancies take on greater significance. Cumulatively, the discrepancies may have a major impact on the election results and even affect the outcome, and therefore must be examined seriously," the Centre states.

As the courts act on the petitions submitted by the opposition parties, the Centre advised that it expects that the independence of the judiciary will be fully respected and that all complaints relating to the elections results will be thoroughly reviewed with all deliberate speed, as the legitimacy of the government depends on it.

"As evidenced by the preliminary election results. no single party or candidate received an actual majority of the votes. While some view the election results as revealing divisions among the Zambian population, the Centre believes that the results demonstrate popular support for multi-party democracy," the statement explains.

"In this context, the Centre urges the government and opposition parties to begin to work together in the interest of the Zambian people within the new pluralistic democratic framework."



OBSERVING THE 2001 ZAMBIA ELECTIONS

March 12, 2002 Tuesday

**LENGTH:** 492 words

**HEADLINE:** Zambia;  
Election Results Are Not Credible - Carter Centre

**BYLINE:** The Post

**BODY:**

**ZAMBIA'S** December 27, 2001 election results are not credible, the Carter Centre has observed. In its fourth and final report released yesterday, the Carter Centre said the Electoral Commission of Zambia (ECZ) and the Zambian government failed to provide polling station results.

The report stated that the commission's failure to explain reported discrepancies made it fail to meet the state burden of responsibility to administer a fair and transparent election and also to resolve electoral irregularities that clearly could have affected the outcome of a close presidential race. "As a result, the Centre concludes that the election results are not credible and can not be verified as accurately reflecting the will of Zambian voters," the report stated.

"Unless and until the ECZ provides clear evidence to dispel doubts about accuracy of official results, the Centre believes the legitimacy of the entire electoral process will remain open to question."

The Carter Centre stated if the ECZ provided all necessary electoral information and if the Supreme Court acted expeditiously to review the petitions thoroughly and in a manner that was publicly transparent, the court's decision might help to dispel existing doubts.

"However, the government's support for moves to dismiss opposition petitions and the court's consideration of these and other attempts to postpone or dismiss the petitions are worrisome," the report further stated. The Centre stated Zambia was at a critical point in its democratic development.

"The Centre makes these observations with no authority and no intention of intervening in Zambia's affairs but in the spirit of supporting democratic development in Zambia and throughout the region. Ultimately, it is the Zambian people who will judge the legitimacy of the election and will hold government and officials accountable," the report stated.

The Centre indicated that there was an uneven playing field in the pre-election period due to problems in voter registration, misuse of state resources and unbalanced media reporting which disadvantaged the opposition and created barriers for full participation of all stakeholders in the process.

"The government and ECZ lacked the political will to take necessary steps to ensure that the elections were administered effectively and transparently," the report stated.

"There was a lack of transparency in the process of tabulating results at the constituency level and in relaying results to ECZ." The report said that the ECZ failed to implement a transparent verification process open to parties and observers. The Centre found that the tabulation of results at the constituency level was chaotic and often occurred in inadequate and insecure premises.

"Some observers reported instances where the integrity of ballot boxes was compromised during transportation to constituency tabulation centres or after their arrival," the report stated.





## THE CARTER CENTER AT A GLANCE

### WHAT IS THE CARTER CENTER?

The Center is a nonprofit, nongovernmental organization founded in 1982 in Atlanta, Ga., by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University. The Center has helped to improve millions of lives in more than 65 countries by waging peace, fighting disease, and building hope.

We work directly with people threatened by war, disease, famine, and poverty to solve problems, renew opportunity, and create hope. A key to our success is the ability to make detailed arrangements with a nation's top leaders and then deliver services to thousands of villages and family groups in the most remote and neglected areas.





## OBSERVING THE 2001 ZAMBIA ELECTIONS

### WHAT HAS THE CENTER ACHIEVED IN 20 YEARS?

The Carter Center has alleviated suffering and advanced human rights by:

- Observing about three dozen multiparty elections in more than 20 countries
- Leading a worldwide campaign that has reduced cases of Guinea worm disease by 98 percent
- Preventing or correcting human rights violations worldwide
- Helping to provide some 35 million drug treatments to sufferers of river blindness in Africa and Latin America
- Creating new avenues for peace in Sudan, Uganda, the Korean Peninsula, Haiti, the Great Lakes Region of Africa, Liberia, and Ethiopia
- Working to erase the stigma against mental illness in the United States and abroad
- Strengthening human rights institutions, civil society, and economic development in emerging democracies
- Fostering improved agricultural practices, enabling 4,000,000 farmers in Africa to double, triple, or quadruple their yields of maize, wheat, corn, and other grains
- Building cooperation among leaders in the Western Hemisphere
- Helping inner-city families address the social issues most important to them

### HOW IS THE CENTER STAFFED AND FUNDED?

The Center has about 150 employees, based primarily in Atlanta, Ga. The Center is financed by private donations from individuals, foundations, corporations, and international development assistance agencies. The 2000-2001 operating budget, excluding in-kind contributions, was approximately \$34 million. The Carter Center Inc. is a 501 (c)(3) charitable organization, and contributions by U.S. citizens and companies are tax-deductible as allowed by law.

### WHERE IS THE CENTER LOCATED?

The Carter Center is located in a 35-acre setting 1½ miles east of downtown Atlanta. Four circular interconnected pavilions house offices for President and Mrs. Carter and most of the Center's program staff. The complex includes the non-denominational Cecil B. Day Chapel and other conference facilities.

The Jimmy Carter Library and Museum, which adjoins the Center, is owned and operated by the National Archives and Records Administration of the federal government. The Center and Library are known collectively as The Carter Presidential Center.





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