

**THE CARTER CENTER
LUSAKA FIELD OFFICE**



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**The Carter Center
Final Statement of the Zambia 2001 Elections**

This is the Carter Center's fourth and final public statement on the Zam

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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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.

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.

Unfortunately, to date these exercises have not been completed and the unexplained discrepancies in the tabulation and verification processes have not been addressed. The m

Arguing that it did not have a legal mandate, the ECZ took only limited and often counter-productive 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 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

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, 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 post-election 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

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