Proposed Strategies for Improving the Performance of Conflict Management Committees (CMCs) in the Management of Electoral Conflicts in Zambia

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ABSTRACT	*Published Online: 04 June 2022
The purpose of this study was to proposed strategies of improving the performance of CMCs in the management of electoral conflicts in Zambia. This study employed a qualitative descriptive research design. A purposive sampling technique was used which targeted twelve key electoral stakeholders. Data was collected using interviews and observations. Data was analysed using inductive thematic analysis because emerging themes were strongly linked to data. The main findings were that there was need to introduce electoral fast track courts, increasing educational awareness activities on electoral conflict, increasing access to CMCs and importantly, strengthen the legal mandate. Based on the findings, the study recommends to ECZ to attach a legal framework to the mandate of the CMCs and to make wider consultations on the best way to resolve electoral conflicts. There is need in future to assess the measures individual political parties have put in place to address electoral violence.	**Keywords:** Electoral Conflicts, Elections, Management

BACKGROUND AND CONTEXT

This study was derived from one objective of my masters dissertation done at the University of Zambia entitled "An Evaluation of the Management of Electoral Conflicts in Zambia: A Case Study of Lusaka Conflict Management Committees" in 2016.

An Electoral Conflict is a disagreement arising from perceived or real abrogation of the electoral legislation, which may affect credibility and integrity of an election (ECZ, 2011). Current studies on elections show that electoral conflicts have become a common global phenomenon especially in Africa. For instance, out of 57 countries that held elections in 2001 globally, violent conflicts were witnessed in 14 countries (Fischer, 2002). In the case of Africa, violence affects between 20 to 25 percent of elections (Bekoe, 2010). Arguably, margins of over 20% depicting the likelihood of a violent election cannot be termed negligible and cannot be ignored. Some of the countries that have experienced such incidences of electoral violence globally in the recent times include Afghanistan, Lebanon, Yugoslavia,

Bangladesh, Burundi, Cambodia, Colombia, Egypt, Ethiopia, Guyana, Haiti, Iraq, Kenya, Liberia, Nigeria, Pakistan, Philippines, Sri Lanka and Zimbabwe (International IDEA, 2009) and Zambia.

Of the earlier studies on drivers and dynamics of conflict, there has been widespread research on the drivers and dynamics of electoral conflict. The most discussed include ethnicity, regionalism, tribalism and competition for natural resources. However, current studies like the one done by Magasu, Banda and Muleya (2020) have identified elections as drivers of conflict especially in sub-Sahara Africa. While studies by Hoglund and Jarstad (2010); Makano and Mukanda (2016) have indicated that elections are a major catalyst for ensuring that there is democratic change, other studies like the one by Magasu (2016) have shown an intrinsically conflicting scenario. Elections have been identified as a catalyst for conflict. Therefore, it may be right to argue that elections on the globe present both challenges and opportunities. However, it appears challenges outweigh opportunities. In the context of this study, elections may spark violent contests and conflagration among political parties, actors and elites as evidenced in the cases in South Sudan, Ivory Coast in 2000 and 2010, Mozambique in 2004, 2008 and 2013, Kenya in 1992, 1997, 2003 and 2007, Nigeria in 2003, 2007, 2011 and other nations (Small: 2015). Therefore, proposing strategies to manage electoral conflicts would

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ensure elections are credible and that people live in peace to practice their democratic rights.

In Zambia, the Electoral Act no. 24 of 1996 provides for the composition of an independent Electoral Commission and its operations. The Electoral Act number 12 of 2006 gives power to the Electoral Commission of Zambia (ECZ) to set up Conflict Management Committees (CMCs) to resolve electoral conflicts. It is in this regard that the ECZ has established Conflict Management Committees at national and district level. These committees are mandated to manage and resolve electoral conflicts in a prudent and timely manner, with a view to achieving peaceful elections and mutual resolutions through mediation of conflicts that arise in the electoral process through the enforcement of the Electoral Code of Conduct which regulates the media, polling agents, political parties, monitors, observers and candidates during elections. .

Furthermore, it appears CMCs attend to complaints based on alleged bias by electoral officers and have powers to advise the conflicting parties to report the matter to the police where a crime has been committed during elections, advise the conflicting parties in an election conflict and to revoke any accreditation of any election monitor and observer. The committees may impose punishments that the ECZ determines by statutory instruments (Code 2006, 17(1). The fact that electoral conflicts have continued raises a lot of unanswered questions regarding the manner in which CMCs have managed electoral conflicts in Zambia. Thus, putting this study into context.

Essentially, Section 6 of the Electoral Code of Conduct (2006) restricts behaviour that might fuel violence or disrupt the right to freedom of campaigning. These behaviours include among others, bans on violent behaviour or inflammatory speech, the carrying or display of arms, making false defamatory or inflammatory allegations, disrupting campaign meetings, defacing campaign materials, vote buying, bribery among others. The procedure for conflict resolution is that any member of the general public can make a complaint in writing and addressed to the area Town Clerk/Council Secretary or to the Electoral Commission of Zambia. The committee chairperson will then convene a meeting to the dispute within twenty four (24) hours from the date of receipt of the complaint. The members would choose a lead mediator to spearhead the mediation. Then the members of the parties to the dispute would be invited to attend the mediation session. The mediator would then assist the parties to find an agreement solution. The agreed solution is reduced in writing and signed by all parties. The committees largely apply the Electoral Code of Conduct when resolving disputes. Any person not satisfied with the mediation by the District Committee may appeal to the National Committee or to the Electoral Commission.

It is more than a decade now after the formation of CMCs in Zambia but conflicts are still on an increase. Essentially,

some stakeholders are dissatisfied over the effectiveness of the CMCs. There is a marked increase in the number of concerns that have been raised as regards the capacity of the Conflict Management Committees to manage electoral conflicts. Election observers deployed by various political stakeholders during the 2011 General Elections observed that occurrences of electoral conflict and violence were widespread in the majority of other towns apart from Lusaka such as Chingola, Mpulungu, Kabwe, Kapiri-Mposhi, Kitwe and Ndola only that such incidences did not receive adequate media coverage (FODEP, 2012 in Magasu, Banda and Muleya, 2016). Incidences of electoral conflicts were also reported in the 2021 General Elections. According to Transparency International Zambia (TI-Z) (2021) report on the 2021 General Elections, during the entire campaign period and on election day itself, TI-Z noted an unfortunate and increasingly worrying escalation of incidences of electoral violence, largely perpetrated by supporters of both the United Party for National Development (UPND) and Patriotic Front (PF). The most notable incidents included the violence which occurred in Namwala District of Southern Province, where UPND supporters were reported to have descended on PF supporters with stones and insults; the clash of UPND and PF supporters during a road show in Mandevu constituency of Lusaka; the disheartening scenes of violence that were witnessed in Mpulungu in Northern province, including the burning of a motor vehicle; and in Lusaka's Kanyama constituency, where political violence resulted in the death of two PF cadres. On 1st August 2021, President Lungu used his authority as Commander in Chief of the Armed Forces to order the deployment of the Zambia Army onto the streets of Lusaka to help the Police fight the escalating political violence.

On polling day itself, incidences of political violence were recorded in various constituencies, with one in particular resulting in the cold blood murder of a senior provincial official of the PF in North-Western Province. While the pre-election and polling day violence did not seem to have any impact on the number of people turning out to exercise their right to vote, or indeed on the results of the elections, it did nevertheless leave an indelible and unwanted stain on the electoral process, with the loss of life being the most regrettable aspect of that stain.

An important consideration that made this study viable for undertaking was that a scholarly evaluation of the effectiveness of CMCs to the electoral process in Zambia and their resultant impact on the peace of the nation seemed not to have been done. Much of the information concerning CMCs in Zambia is largely through the media reports as well as Press Statements by election observers. Therefore, research evidence in this case remained scanty. This implied that there was need for a comprehensive research to be undertaken to address issues surrounding the effectiveness of CMCs in Zambia to handle electoral conflicts. It was from

this background that a study was undertaken to propose strategies of improving the performance of CMCs in the management of electoral conflicts in Zambia.

THEORETICAL FRAMEWORK

This study was guided by the Conflict Management Theory. According to Bloomfield & Reilly (1998: 18), "conflict management is the positive and constructive handling of difference and divergence." The theory advocates for methods to address conflict rather than removing it. It attempts to answer the more realistic questions of how to manage conflict and deal with it constructively; how to bring opposing sides together in a cooperative process; and how to design a practical, achievable, cooperative system for the constructive management of differences. Thus, conflict management theorists assumes that conflict is an inevitable consequence of differences in values and interests within structures that cannot be eradicated completely. In the light of this study, CMCs should come up with amicable strategies to deal with electoral conflicts without injuring any party to the conflict through establishing the root cause of the vice.

METHODOLOGY

This study was conducted in Lusaka District using a qualitative approach and employed a qualitative descriptive research design. This district was purposively selected as a case study site due to the many cases of violent electoral conflicts in the recent past largely in constituencies such as Mandevu, Munali, Kanyama, Kabwata, Chawama, Solwezi Central and Lusaka Central. From the researcher's category of respondents, the ECZ, CSOs, political parties and members of the Lusaka-based CMCs stand out. Homogeneous and Heterogeneous Variation purposive sampling techniques were used to identify participants from the target population. Interview guide, observation checklist and focus group guide were used to generate data. Data from interviews and (FGDs) was transcribed after reading text files and having listened to the tape recorders thoroughly for a general understanding. Common themes were then identified and clustered to categorise the data. Relevant information was labelled and grouped to the according category. Furthermore, the data was then reduced to its essence and representative and most striking quotes were identified. Codes related to the objectives were identified and an inductive thematic analysis was done because emerging themes were related to data. Throughout this process of categorising pattern, similarities and contrasting viewpoints were highlighted and critically interpreted on the basis of the theoretical framework.

RESULTS

The study objective was to propose strategies of improving the performance of CMCs in the management of electoral conflicts. Four themes emerged as strategies to improve the performance of CMCs in the management of electoral conflicts as shown in figure 1.
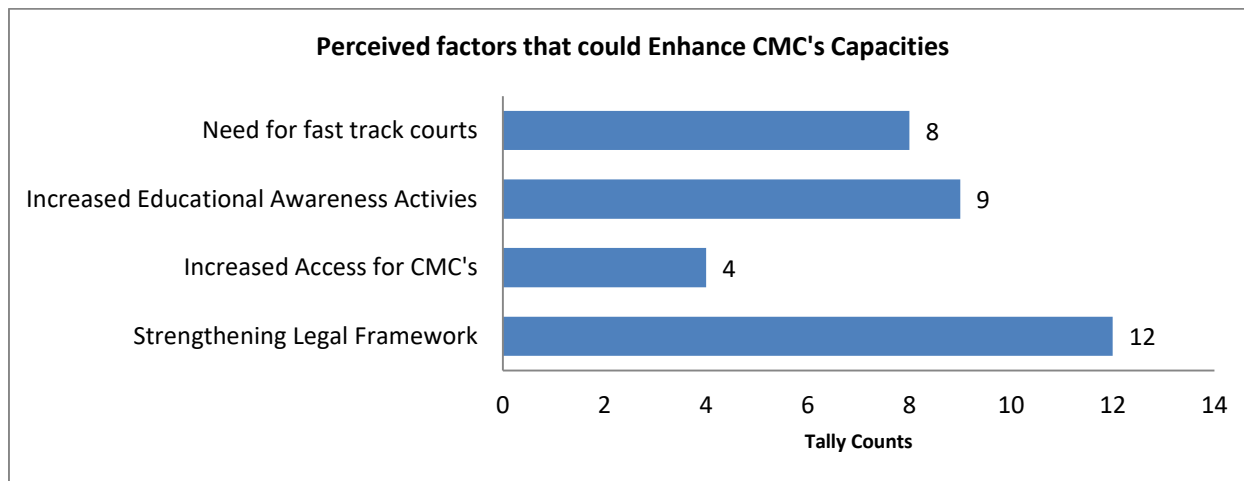
Figure 1

Figure 1: Perceived strategies that could enhance CMCs capacities

1. *Strengthening the legal framework*

All the respondents (12) in this study felt that there was need to strengthen the current legal framework to enable CMCs to effectively operate and carry out their mandate. These respondents felt that CMCs needed to have powers to prosecute ailing candidates in order to fully carry out their mandate. One respondent from the ECZ said:

Submissions have been made by the ECZ so that the law changes to punish candidates involved in electoral violence but this has not been taken on board

2. *Increase Access to CMCs*

Respondents (4) from the CSOs felt that CMCs should be more accessible and on the ground to observe the general conduct of the electorates and politicians before, during and after elections. These respondents also observed that if CMCs were mobile and permanent, it could easily help the

electorates and politicians in accessing the services that are core in the successful conduct of elections and as such, electoral conflicts would easily be dealt with before turning violent. A respondent from FODEP argued that:

These committees were only reconvened when there were cases to look at

3. Increase Educational Awareness Activities

In the interviews conducted, it was revealed that CMCs needed to partner more with CSOs in educating the electorates and politicians on the importance of holding a peaceful election and the dangers of electoral conflicts. A respondent from ZEC, argued that:

Politics is about successful reconciliation of different interests and not a deeper recognition of differences

The respondents from political parties also observed that if this role was strengthened, CMCs could operate more effectively in the handling of electoral conflicts. They argued that an educated citizenry is important for the peace of the nation and development.

4. Need for the Electoral Fast Track Courts

Some respondents (8) in this study felt that CMCs should have fast track courts to enable them handle electoral disputes expeditiously instead of waiting for the judicial courts of law. They argued that these courts would quickly expose cases of electoral violence and in turn, prevent the vice. In the same vein, these respondents proposed the need to promote and protect people that work as 'whistle blowers' through legislation. These measures together with strengthening institutional and individual capacities would see the effective implementation of CMCs' mandate.

DISCUSSION OF THE FINDINGS

From the findings presented in the previous section, it was clear that the CMCs have serious challenges in the management of electoral conflicts. Therefore, it was necessary to come up with strategies that would improve the performance of CMCs to be more effective. According to Kelly (2012) in Magasu (2016), conflict management is an attempt to regulate a conflict by acting to help prevent or end violence. It seeks to bring about constructive resolutions from which all the parties involved can benefit and try and stop the violent hostilities as swiftly as possible. The EMB, or any other body charged with the mandate should develop and encourage political parties to sign and commit to a code of conduct which binds them to campaign peacefully, refrain from using inflammatory language and use peaceful and legal means to challenge results. However, Schirch (2004) contends that Conflict Management involves implementing strategies to limit the negative and increase the positive aspects of conflict at a level equal to or higher than where the

conflict is taking place. Schirch's submission seems to stem from Sandole (1999) who submitted that Conflict Management should not be misunderstood to be aiming at eliminating all conflict or avoiding conflict in totality but largely to minimise its negative impacts. The following are the strategies:

1. Strengthening the Legal Framework

The findings revealed that despite the legal status enjoyed by the CMCs, they do not have powers to nullify an election, disqualify the candidature of any person and to impose a fine or imprison. It is in this vein that it was established from the findings that if CMCs were to be more effective in the management of electoral conflicts, there was need to strengthen the legal framework of their (CMCs) mandate. The strengthening of the legal framework would make sure that these committees have powers to prosecute ailing candidates and that the decisions made during mediation were legally binding. This measure would also make sure that the would-be offenders are deterred from engaging themselves into any activities that would lead to electoral violence. Essentially, this measure would improve the performance of CMCs and ensure that cases of electoral conflicts and violence were reduced and consequently, brought to an end. This finding is consistent with the findings by Hoglund & Jarstad (2010) who observed that to manage electoral conflict, there is need to strengthen the legal framework as electoral laws can set out the legal constraints on the use of violence, the mandate and powers of election management bodies as well as resolutions on who may stand in elections.

2. Introduction of Electoral Fast Track Courts

Another factor that featured most prominent in the findings on the challenges the CMCs faced in Lusaka to carry out their mandate was the slow pace at which justice was delivered in the judicial system. Participants in this study observed that justice delayed was justice denied. As a result of this situation, the findings in this study have revealed that there have been instances where some constituencies have had no representation in parliament for a longer time because electoral disputes taken to court for litigation took long to be concluded.

It is from this background that the findings suggested the introduction of electoral fast track courts to ensure speedy justice because the courts would convene immediately a case is reported and bring to an end situations where culprits even sit in parliament up to the end their term of office without their cases being concluded.

The findings further revealed that there were uncertainties regarding the pace at which electoral cases referred to courts for litigation were disposed of. The unclear picture over electoral dispute resolutions indicated ineffectiveness of CMCs. It is for this reason that the study has established that there is need for the introduction of electoral fast track courts to resolve electoral disputes expeditiously instead of taking

those (electoral disputes) to the judicial courts where these cases might take long to be concluded. This measure would strengthen the capacity of CMCs to resolve electoral cases expeditiously when still fresh and hence, effectively manage electoral disputes. This is in line with Magasu (2016) who argues that when justice is delayed, the aggrieved party will feel the other party is being favoured and this may fuel electoral violence.

3. Increasing Access to CMCs

Organization in the management of electoral conflicts is a pre-requisite for any success in their operations. In the quest to effectively manage electoral conflicts, the findings of this study are that there is need to increase access to CMCs. This measure came out because of the current operations of the CMCs. The argument here is that these committees were mostly not accessible to the general public because they were only reconvened when there was an electoral dispute to mediate on. It was further argued in this study that if these committees were to be permanent or mobile in all the districts, then they would be in a better position to stop any electoral dispute from turning violent. This strategy would ensure a focus on violence around the electoral cycle. This has an advantage of CMCs being better suited to identify all instances of electoral conflicts and violence (Alston, 2012) and hence, effectively managing electoral conflicts.

In the same vein, the findings revealed that CMCs against a vast district compromises the capacity to handle electoral conflicts to a greater extent. For instance, Lusaka with over three million people, thirty-three wards and seven outside constituencies renders the district incapacitated. Essentially, this contributes to the frequency and complexity of electoral disputes as the CMCs are overwhelmed. Therefore, one wonders how effective CMCs would be handling electoral conflicts arising from such a vast district. It is on such grounds that some stakeholders in this study suggested the need to replicate CMCs at constituency, ward and branch levels to supplement the works of CMCs at national and district levels. Such committees would perhaps feed directly into the works of the district and national CMCs thereby contributing to the effectiveness of these committees

4. Increasing Educational Awareness Activities

From the findings, it was established that education is the single most important policy lever for any government to increase social cohesion. These findings call for the need to have an enlightened citizenry. To have such citizenry requires massive and appropriate Civic Education that would fully involve the citizens in governance issues through active participation. There was a general call from the findings that all the electoral stakeholders should partner with the CMCs to carry out massive sensitization programmes to educate the electorates on the importance of holding a peaceful election and the dangers to development of electoral conflicts. It was

further argued in this study that if citizens were enlightened, they would be able to critically analyse governance matters and to a larger extent, avoid engaging themselves into activities that are not democratic such as electoral violence. If this strategy was fully supported and implemented, it would ensure effective management of electoral conflicts by CMCs. This is in conformity with a study by Electoral Institute for Sustainable Democracy in Africa (EISA) (2009) which affirmed that the approach to assessing and mapping the risks of election-related violence should also take into account realities of the society as a whole, not merely election related events. Therefore, an electoral cycle approach should be adopted, focusing on, among other things, enhancing the overall efficiency of the electoral system and facilitating and promoting dialogue between the relevant local stakeholders as well as national institutions such as the judiciary, and the EMBs.

Formalised dialogue between political parties and the electoral body, voter education, the unity of electoral commission and the participation of all political parties at all the important stages of the electoral process is relevant for conflict management. Dialogue with all stakeholders is an important function that will ensure all the stakeholders are involved at each stage of the electoral process so as to create trust and faith in the management of electoral conflicts by EMBs. Impartial and legitimate conflict management bodies have proven important in addressing the problem of election – related violence.

Essentially, the Conflict Management Theory which informed this study was appropriate and clearly supports the findings of this study. In this study, it has emerged that electoral conflicts are propagated by cadres who are frustrated because they felt their efforts to win an election were blocked. This frustration has resulted into anger and tension, and in turn generated aggressive behaviour leading to electoral violence. The fact that mechanisms to handle aggressive behaviour in Zambia through the CMCs seem not to be adequate enough, electoral conflicts have become the order of the day and are on an increase. Therefore, proposing strategies of managing electoral conflicts in Zambia cannot be underscored.

CONCLUSION

The sprawl of electoral violence Zambia has witnessed in the recent past shows that CMCs were facing serious challenges and needed effective strategies to improve their performance in the management of electoral conflicts. To this effect, the proposed strategies were necessary to improving the performance of CMCs; introduction of fast track courts deal with elector disputes expeditiously, increase educational awareness activities, increase access to CMCs and to strengthen the legal framework for its mandate.

RECOMMENDATIONS

Based on the findings, this study makes the following recommendations:

(1) ECZ should invest in development and re-adapting of conflict mapping and reporting tools such as EVER and EVRA to make CMCs more effective.

(2) A legal mandate to the functions of the CMCs is necessary for effective management of electoral conflicts.

(3) The ECZ should replicate CMCs at constituency, ward and branch levels to supplement the works of CMCs at national and district levels to effectively manage electoral conflicts.

(4) Electoral Fast track courts to deal with electoral disputes for litigation must be introduced to expedite electoral dispute resolutions and ensure effective management of electoral conflicts.

DEDICATION

I dedicate this article to the late Dr. Dennis Banda, a lecturer at the University of Zambia who died on 13th February, 2020 for supervising my master's dissertation on which this article is grounded. He is remembered as a renowned academician in Zambia. His deep sense of humor and mentorship touched many lives. Today I publish this article to honor him. I retaliate, he was a pillar in academia and I see his vision not dying. I endeavor to carry his vision to greater heights because that was his wish. I miss him in academia and a colleague, especially that we published articles together. 'Go well Dr. Banda, surely miss you.' MHSRIEP

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