AN EVALUATION OF THE EFFECTIVENESS OF CONFLICT MANAGEMENT COMMITTEES (CMCS) IN THE MANAGEMENT OF ELECTORAL CONFLICTS IN ZAMBIA.

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Abstract: *This study investigated the effectiveness of conflict management committees (CMCs) in the management of electoral conflicts in Zambia. Descriptive research design was used in this study. The study comprised 30 participants drown from members from the Electoral Commission of Zambia (ECZ) secretariat (Legal department), the Lusaka-based National CMC, The Lusaka district CMC, the Patriotic Front party (PF), the Movement for Multi-Party Democracy party (MMD), the United Party for National Development (UPND), Foundation for Democratic Process (FODEP), Transparency International Zambia (TIZ), Caritas Zambia and the three Church mother bodies (Christian Council of Zambia (CCZ), Evangelical Fellowship of Zambia (EFZ) and Zambia Episcopal Conference (ZEC). The study established that the management of conflict by conflict management committees because the committees uses mediation as a way of managing conflict, hence, mediation was not an effective strategy because it was not punitive enough to punish the perpetrators of the vice. Furthermore, it was found that CMCs were not compromised owing to the fact that the composition of these committees is a representative of different stakeholders as opposed to the assertion that they were compromised. This study further revealed that CMCs in Zambia are desirable but not comprehensive because they lack the capacity to effectively carry out their mandate because*

of limitations mainly bordering on the legal instruments to effectively resolve and manage electoral conflicts. From the findings, the greater challenges affecting their operations mainly included lack of a legal framework, slow pace at which justice is delivered in court, vastness of districts, limited resources to carry out educational campaigns, lack of capacity building activities and lack of incentives from ECZ and other electoral stakeholders. The strategies which are necessary to improve the performance of conflict Management committees include introduction of fast track courts deal with elector disputes expeditiously, increase educational awareness activities, increase access to Conflict Management Committees (CMCs) and to strengthen the legal framework for its mandate that : Laws and policies that relate to the electoral code of conduct must be explicit and easily accessible to all members of the public; the Electoral Commission of Zambia should make wider consultations on the best way to manage electoral conflicts and that competent in-house capacity building activities must regular and of high quality to ensure effective management of electoral conflicts and that Electoral Commission of Zambia should invest in development and re-adapting of conflict mapping and reporting tools such as EVER and EVRA to make CMCs more effective.

Keywords: *Effectiveness; Conflict Management, Committees, Management and Electoral Conflicts*

1. BACKGROUND OF THE STUDY

Current studies on elections show that electoral conflicts have become a common global phenomenon. For instance, out of 57 countries that held elections in 2001, violent conflicts were witnessed in 14 countries (Fischer, 2002). In the case of Africa, violence affects from 19 to 25 percent of elections (Bekoe, 2010).). Clearly, margins of over 20% depicting the likelihood of a violent election cannot be termed negligible. Some of the countries that experienced such incidences 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 (IDEA, 2006).

Collier (2009) submits that there is a widespread belief in elections but without corresponding institutions to support them. The non-availability of such institutions and mechanisms pose a great danger for the eruption of electoral violence. The Human Rights Watch (2008) reported that electoral conflicts had left people dead, millions displaced and robbed of their opportunities. In Kenya, Dekha (2012) observed that violent clashes erupted following the disputed elections that saw the burning of 300 houses and the killing of about 600 000 people. In Ivory Coast, Mark (2010) argued that threats, protests, violence and human rights violations became eminent following the Gbagbo – Quattara (former President of Ivory Coast) electoral standoff between 2nd December 2010 and 11th April 2011. Ivorian forces fired live bullets to disperse protesters in the strongholds of Quattara. In Zimbabwe, Alao (2012) observed that electoral conflict erupted between the ruling Zimbabwe African National Union Patriotic Front (ZANU-PF) and the Movement for Democratic Change (MDC) following the 29th March 2008 disputed presidential polls where about 500 MDC supporters were attacked, 400 were arrested, 10 were killed and 3000 families were displaced for supporting the opposition.

Studies have also shown that in all the three counties mentioned above, Election Management Bodies (EMBs) exist and structures for handling of electoral conflicts are in place yet electoral conflict persists. Nordic Africa Institute (2012) argues that for Kenya, the military Police, the EMB and the courts handle electoral conflicts. In Ivory Coast, it is largely the Police and the Courts which handle electoral conflicts while in Zimbabwe, it is a combination of the Police, the Military and the EMB to handle electoral conflicts.

Zambia, like many other states has an Election Management Body (EMB) that has regulatory powers to determine how elections are run in the country. This body is called the Electoral

Commission of Zambia (ECZ). In pursuance of its mandate, in 2006, the ECZ established Conflict Management Committees to manage and resolve electoral conflicts in a prudent and timely manner. This move was timely in the sense that from 2001, Zambia saw a rise in electoral conflicts (EU, 2014). The interim statement by SADC (2006) recognised the committees as a special ingredient for a peaceful and participatory electoral process and that it builds confidence and consensus in the electoral process.

It is about a decade now after the formation of conflict management committees (CMCs) in Zambia but conflicts are still on an increase. Essentially, some stakeholders are dissatisfied over the effectiveness, relevance and desirability of the conflict management committee (CMCs). There is a marked increase in the number of concerns that have been raised as regards the capacity of the Conflict Management Committees of the ECZ to manage electoral conflicts. Some sections of society have alleged that conflict management committees (CMCs) are a mouthpiece of the government while others say they are independent.

Kimer (2012) reported on the infamous violent incidence during the 2001 Chawama by-election in Lusaka in which political parties orchestrated a bloody violence that sent dozens of people to the hospital with machete wounds. Other Incidents of electoral conflict and violence in Lusaka were recorded in Lilanda, Kanyama and at the Civic Center (Nakatindi hall) as recent as 2011. Furthermore, police in Mufumbwe recorded a total of six (6) casualties from an incidence of electoral violence in which a UPND cadre lost his eye after severe beatings and four (4) MMD cadres sustained deep cuts after being beaten in retaliation. In Rufunsa, one person died while two (2) others were injured when political rivalry erupted during a Local Government by-election on November 8th, 2012 (Lusaka Times, 2012).

Furthermore, election observers deployed by various political stakeholders during the 2011 General Elections have argued that occurrences of electoral conflict and violence were widespread in the majority of other towns such as Chingola, Kabwe, Kapiri-Mposhi, Kitwe and Ndola only that such incidences did not receive adequate media coverage (FODEP, 2012). In view of the issues raised above, the researcher was prompted to evaluate the effectiveness of conflict management committees (CMCs) in Zambia in the management of electoral conflicts.

An important consideration that made this study viable for undertaking was that a scholarly evaluation of the effectiveness of conflict management committees (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 conflict management committees (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 conflict management committees (CMCs) in Zambia to handle electoral conflicts. It was from this background that a study was undertaken to evaluate the effectiveness of conflict management committees (CMCs) in the management of electoral conflicts in Zambia.

1.2. Statement of the problem

Electoral conflicts have characterized the electoral processes of many emerging democracies. In Zambia, efforts have been made to address the sprawl of electoral violence through the establishment of conflict management committees (CMCs) in all the districts. Despite this effort, electoral conflict is on the increase and different stakeholders have raised concerns regarding the effectiveness of the conflict management committees (CMCs) in the management of electoral conflicts. As a result, the researcher wondered how conflict management committees (CMC)manage electoral conflicts in Zambia before, during and after elections. This situation prompted the researcher to carry out a study to evaluate the effectiveness of the conflict management committees (CMCs) in the management of electoral conflicts in Zambia.

1.3. Purpose of Study

The purpose of this study was to evaluate the effectiveness of the management of electoral conflicts in Zambia. Unlike other studies by researchers such as Alihodzic (2011), Collier (2009) and others which primarily focused on the causes of electoral conflicts, this study pays significant attention to the management of electoral conflicts considering the fact that challenges to do with electoral conflicts have persisted in Zambia with a view of establishing effective management strategies to the phenomenon.

1.4. Objectives of the study

(i) To determine how the Lusaka Conflict Management Committees, manage electoral conflicts.

(ii) To assess the capacity of the Lusaka Conflict Management Committees in the management of electoral conflicts.

(iii)To establish strategies of improving the performance of Conflict Management Committees in the management of electoral conflicts.

1.5.   Research Questions

(i) How does the Lusaka Conflict Management Committees (CMCs) manage electoral conflicts?

(ii) What capacity does the Lusaka Conflict Management Committees have to manage electoral conflicts?

(iii)What strategies can improve the performance of Conflict Management Committees in the management of electoral conflicts?

1.6.   Significance of the Study

The findings of this study might be useful to Civic Education researchers as it may provide them with valuable information in promoting good and responsible citizens for the development of the country through co-existence and tolerance. This study also contributes to the body of literature that exists in the field of conflict management. Furthermore, the findings and recommendations of this study may help the Electoral Commission of Zambia and various stakeholders in the management of electoral conflicts to devise effective strategies of managing electoral conflicts.

1.7.   Delimitation of the study

The study was delimited to Lusaka district. Lusaka district was chosen because it is one of the districts where there are Conflict management Committees and it is also one of the districts where electoral conflict has been recorded. Further Lusaka district was purposively selected as a case site due to the many cases of electoral conflicts that have ended violent over the recent past largely in constituencies such as Mandevu, Munali, Kanyama, Kabwata, Chawama and Lusaka Central. Furthermore, it is in this district that the Conflict Management Committees CMCs seem to be active. Other reasons for selecting Lusaka district are that; the Headquarters of the electoral commission o Zambia (ECZ), civil society organizations (CSOs,) political parties and church mother bodies which are a target for this research are housed.

1.8 Limitation **of the Study**

This study was conducted in Zambia, particularly in Lusaka. As such, the findings from the Lusaka CMCs may not be generalized to other conflict management committees (CMCs) across the country. To this effect, similar studies will need to be conducted in other conflict management committees (CMCs) outside Lusaka.

2. 0   LITERATURE REVIEW

This chapter provides literature on the existence, nature and management of electoral violence from different studies of different countries. Essentially, the chapter presents the historical overview of the study, understanding of electoral conflicts, some causes of electoral conflicts, understanding conflict management, a global perspective of conflict management, a continental perspective of conflict management and a Zambian perspective of conflict management. While the review took a wider approach by focusing both on global and continental trends, an overview of what has been written as regards the management of electoral conflicts in Zambia through the Conflict Management Committees (CMCs) formed the core of the discussion. The second part moved on to describe in greater detail the various strategies and mechanisms used in the management of electoral conflicts. Furthermore, the various strategies and mechanisms used in the management electoral conflict and mapping techniques were also analysed and their applicability discussed in the finer details of this chapter.

2.1 UNDERSTANDING ELECTORAL CONFLICT

According to Coser (2007), conflict refers to some form of friction, disagreement or discord arising within a group when the beliefs or actions of one or more members of the group are either resisted by or unacceptable to one or more members of another group. Conflicts appear historically inevitable and may be socially desirable if they result in personal and or political progress. Conflicts may, perhaps paradoxically, promote and increase peace and diminish violence if the conflicting parties negotiate in good faith to reach solutions to problems that are achievable and tolerable, if not ideal (Webel and Galtung (2007). It is important to understand that conflict is inevitable in every human society because people cannot think in the same way. People will always have different opinions, ideologies and philosophies, and so on. It is therefore wrong to treat those holding different views as enemies. It is such perceptions that have led to rampant electoral conflicts on the content and so it is important for   conflict

management committees (CMCs) to educate citizens to co-exist and tolerate one another if such perceptions are to change. Hence, this studies to evaluate the effectiveness of conflict management committees (CMCs) in the management of electoral conflicts in Zambia.

Lisa (2007:227-8) defines electoral conflict as "an activity motivated by an attempt to affect the results of the elections either by manipulating the electoral procedure and participation or by contesting the legitimacy of the results. It might involve voters' and candidates' intimidation, killings, attacks against their property, forceful displacement, unlawful detentions and rioting." Fischer (2002) further defines electoral violence as any random or organised act or threat to intimidate, physically harm, blackmail or abuse political stakeholders in seeking to determine, delay or otherwise influence the electoral process. According to the United Nations Development Program (2009:4), election-related violence refers to "acts or threats of coercion, intimidation, or physical harm perpetrated to affect an electoral process or that arise in the context of electoral competition. When perpetrated to affect an electoral process, violence may be employed to influence the process of elections such as efforts to delay, disrupt, or derail a poll and to influence the outcomes in competitive races for political office." From the definitions given above, i agree with the United Nations Development Programme definition of electoral conflict as it is more elaborate and gives some situations which are likely to trigger electoral violence. This definition is in line with my study as it exposes some challenges in the electoral process in the quest to effectively manage electoral conflict. Therefore, this study takes into account such revelations as it evaluates the effectiveness of conflict management committees (CMCs) in the management of electoral conflicts in Zambia.

Electoral violence has a devastating effect on democracy. From the standpoint of democratic politics, violence and insecurity may influence the result of elections in many ways. Actors may use threats and coercion to prevent other electorates from registering to vote and to discourage them from exercising their right to vote. Party candidates may abandon the electoral process due to threats and killings or may act against measures taken to conduct elections (UNDP, 2009). From the conflict management view point, violence has an adverse effect on the society. It will polarize the voting public along conflict margins and in the worst case could lead to an outbreak of violent conflict. Electoral violence has specific targets. These include electoral partakers such as electorates, candidates, election officers, observers and media groups, electoral materials such as ballot boxes, campaign stuffs, registration data, polling results, electoral facilities such as voting and tallying stations and electoral events such as

campaign meetings and demonstrations and voting stations. Radical or fanatic groups may also get the opportunity to assume state power through violence (ibid). All such conflicts require particular measures to be put in place. However, conflicts may still be there even with such measures. This study intends to establish how effective the conflict management committees (CMCs) in Zambia have performed.

Unfortunately, it seems the concept of electoral violence and its management is poorly understood by some electoral stakeholders and is insufficiently interdicted at the national, regional, continental and at international levels despite policy commitment, legal instruments, election monitoring and repeated denunciation. In this study, these are some of the issues which have been taken into account so that the views of all stakeholders are considered if the conflict management committees (CMCs) were to be effective in the management of electoral conflicts in Zambia.

2.2. SOME CAUSES OF ELECTORAL CONFLICTS

The causes of electoral conflicts are multiple and complex, and that an election can suffer both physical and non-physical forms of violence brought about by a whole array of factors. Some may be related to deep-rooted asymmetries in power or based on identity, while others may be triggered by poor or structurally weak electoral management (Rummel, 1985). According to the International Peace Research Institute's Indices of Active Conflict (2010), Africa's current electoral conflicts stem from the fissures of ethnicity, regionalism and social marginalisation as well as the absence of democracy and good governance. Whether these are some of the causes of electoral conflicts in Zambia which need to be addressed by conflict

Management committees (CMCs) to effectively manage the phenomenon, is what this study will establish.

While electoral reforms can serve to consolidate the processes of democracy, such reforms may also have the potential to create conditions for electoral conflicts. For example, in the Solomon Islands, the International IDEA (2011) did a study that an international electoral reform effort on electoral conflict in Australia and found that, raised expectations of new political dynamics for the country. However, when the subsequent election using the reformed system returned the incumbent to office, protesters appeared at the Parliament building and later set a shopping area ablaze. It is, therefore, clear that the relationship of reform and expectation is central to whether or not such reforms will result into electoral conflicts. In this regard, visible but

ultimately unsubstantial political or electoral reforms can harm the perceived legitimacy of a regime and eventually lead to electoral conflicts. This is always the case when stakeholders are not consulted in decision making process. A call to finding effective ways of managing electoral conflicts is a cornerstone to each and every government where this trend is practiced, hence, the purpose of this study.

While election cycles themselves are not root causes of conflict, they create space for political activity, and increase the stakes of political competition such that in unconsolidated democracies, existing tensions may find violent expression. The risk of violence is particularly high when inappropriate electoral systems are chosen, or when elections are poorly managed. This is why this study was undertaken to evaluate the effectiveness of Conflict Management Committees (CMCs) in the management of electoral conflicts in Zambia. For example, in Lesotho 1993, a first-past-the-post electoral system produced a lopsided victory for the previously outlawed Basotho Congress Party (BCP). The BCP won all 65 seats in the National Assembly, and the previously ruling Basotho National Party was denied representation in parliament despite winning a substantial minority of the vote. The resulting tensions led to an attempted coup in 1994. Similar tensions after the 1998 elections resulted in public unrest and eventual military intervention by regional powers (Eiseman 2012). The electoral system in Lesotho has since been changed to a mixed proportional system and electoral conflicts have since reduced. Proportional representation systems tend to produce more inclusive outcomes, and may therefore lower the risk of conflict occurrences. This calls for analysis of electoral violence by conflict management committees (CMCs) to determine the root causes of the phenomenon so that appropriate measures are taken to fight the phenomenon, hence, the purpose of this study to ascertain whether conflict analysis is done in the management of electoral conflicts in Zambia.

The potential for electoral conflicts is greatly heightened by lack of or inadequate electoral dispute mechanisms and institutions. Tohbi (2012) in the book entitled Tools and methodologies election –elate violence in Nigeria, pointed out that; when the mechanisms are not whole encompassing and that they depict a broad-spectrum lack of electoral fraud detection and prevention mechanisms, their reliability is questionable. Furthermore, he adds that if systems suffer widespread distrust from the public and political players, such electoral institutions are likely to lead to electoral conflicts. Therefore, the link between inadequacy of electoral conflict institutions and the prospect for electoral conflicts breaking out is so strong.

Success to a conflict free election lies in the mechanisms put in place to address election-related disputes. Hence, this study focuses on effective management of conflict management committees (CMCs) taking into account concerns of such matters.

Leleruk et.al (2007) establishes that ethnicity can be used to serve various purposes in a democratic dispensation. From a positive standpoint, ethnicity can promote nationhood if various ethnic groups are bound together. On the other hand, ethnicity and regionalism can lead to radical divisions and continued conflict and instability. A study conducted in the Rift region of Kenya by Leleruk et.al (2007) revealed that ethnic animosity amongst the Samburu, the Pokot, the Marakwet and the Turkana accounted for 13% of the causes of insecurity. During an election in Africa, it is an open secret that politicians have increasingly thrived on ethnicity and regionalism to ascend to political office. Issues of who is the real son-of-the land have arisen and, in the process, ethnic groupings are incited to rise against each other. Writers such as Reilly (2001) argue that electoral conflict is more likely to occur in a country with strong ethnic cleavages. He further adds that electoral conflict has drifted from being purely between groups wishing to take over government to being tribal or ethnically driven. The voting pattern in Zambia's presidential by-election held on 20th January 2015, has shown that politics is based on regionalism and is indeed, a source of electoral conflict. How this may pose to be a challenge to CMCs is what this study intends to find out.

Lopez (2000) did a study on election management bodies as institutions of good governance in Zambia and found that, at the appointment process, composition and mandate of the Election Management Bodies (EMBs) can be considered as part of diverse causes of electoral conflicts. Perceptions of EMB impartiality influence potential conflict throughout the electoral cycle. For example, the appointment of the officials to form part of the EMB by the incumbent makes the public to associate it (EMB) with the ruling party hence concluding that such a body is 'toothless' and ineffective. This is so because its ability to regulate political behaviour in an election is compromised in favour of the ruling party. Opposition political parties have used such flaws to negatively skew the electorates' view of such bodies. In some instances, violent acts by those that view the EMB as not being impartial may be targeted at the electoral process. Such issues of partiality have continued to characterise debate and have since led to violence in most emerging democracies and Zambia in particular. The challenge remains for all the stakeholders to pursue reforms to counter public perception about the credibility of the election

process as with regards to EMBs. Whether this challenge applies to conflict management committees (CMCs) in Zambia, is what this study tries to establish.

UNDP (2009) in a report entitled elections and conflict prevention, the process of delimiting districts can spark electoral conflict and violence. In the Niger Delta (Nigeria), some tribes have claimed that the electoral districts in the region favour others. Protests occurred during the 2003 elections, with several people reported killed and 1,600 displaced (International IDEA, 2011). Kandeh (2008) contends that delimitation was in fact an identifiable and potentially conflictive in Sierra Leone as echoed by the various UN Peace building Commissions to that country. How delimitation may pose to be a challenge to conflict management committees (CMCs) is what this study will establish.

Most African countries have made the announcement of the polling day a preserve of the head of state. It is argued that leaving the day to be determined by an individual (in this case the incumbent head of state) leaves the challengers vulnerable. As was the case with Zambia in 2011, conflict and pockets of violent acts were recorded in Lusaka and the Copper belt mainly by cadres from the then opposition PF as the then incumbent Rupiah Banda delayed to announce the Election Day. Tuccinardi (2011), in their journal in Zambia did a study and found that, delays in announcing the day of the polls has the potential to turn the political anxieties into a violent situation. This is particularly true when members of the opposition perceive such delays as a political scheme aimed at disadvantaging them. This reflection of misunderstandings between the ruling party and the opposition political parties calls for sustainable measures to effectively address electoral conflicts, of which this study takes the centre stage in the evaluation of the effectiveness of conflict management (CMCs) in Zambia in managing electoral conflict.

If election rigging or fraud is let to scarlet, it sparks electoral conflict. Darnolf (2011), carried out a study on conflict management committees in Zimbabwe and found that, electoral fraud or rigging is most likely in the following phases; voter identification, registration and verification; during political campaigns; Election Day; during transportation of sensitive electoral materials, and during adjudication and certification of results. In the current context, Darnolf (2011) carried a study and found that, election rigging or fraud involves some degree of deception (illegal voting and ballot box stuffing, false claims or denials), Coercion(vote buying, voter intimidation), damage or destruction (theft or destruction of election materials) and failures or refusals to act (hours of voting shortened without notice, polling station

locations difficult to access, long lines at polling stations) caused by either EMB officials or representatives of both the opposition and ruling parties. Other forms of electoral fraud or rigging according to Tuccinardi (2011) asserted that; preventing voters from filling out ballots, inaccurate campaign literature, forced withdrawal of opponent(s) through facilitation payments, and failures of due diligence by election officials. Also critical are vote buying; migratory or floating voters; voter "assistance" schemes; placing fictitious names on a voter register; marking absentee ballots and impersonating a person other than the voter. How rigging could be addressed by CMCs in the management of electoral conflicts is what this study intends to establish.

Voter and candidacy eligibility are a subtle factor that triggers electoral conflict and violence, and is often the case when a legal framework that defines the 'electorate' and the 'candidate' puts in place exclusionary provisions (UNDP, 2009). In most emerging democracies, politicians have developed strategies to manipulate frameworks that define candidacy eligibility for a particular election. Such tendencies have sparked conflict that has either led to apathy or indeed violent reactions from sympathisers of the excluded candidate. For instance, in 1996, the Chiluba government in Zambia attempted to change the parentage close in the constitution so as to exclude Dr Kenneth Kaunda from the presidential race as he was perceived to be a potential threat to presidency. In fact, it was a scheme which was aimed at stopping him from participating in the polls. This move fuelled conflict and led to Dr Kenneth Kaunda and UNIP not participating in the 2006 polls. The fact that politicians may manipulate the electoral frameworks to suit their selfish agendas lives much to be desired. This calls for the independence of conflict management committees (CMCs) to develop legal provisions that are inclusive in nature so as to effectively manage electoral conflict. Whether conflict management committees (CMCs) are not independent in Zambia is what this study will establish.

Kitasei (2007), carried out a study on conflict management committees in the Congo DR and found that, there is unanimity that primary perpetrators of repressive acts that culminate into electoral conflict mainly appear to be the ruling party cadres with the assistance of partisan security forces (police). Their targets or victims are opposition politicians, supporters and infrastructure. Electoral conflict perpetrated by the ruling party is largely a feature in areas where the opposition potentially enjoy massive support or where the opposition have shown tremendous strength during the current or previous elections. Motives for repression can include the desire by the ruling party to skew the playing field; limit opposition political space;

prevent opposition candidates from running for political office; weakening the opposition or a desire to retain power and stay in office (Alston, 2010).did a study on the conflict management in united nations and found out that, Repression also takes the form of unlawful detentions, threats, harassment, closure of opposition offices, breaking up of opposition meetings, and denying individuals and opposition political parties the right to freedom of Assembly and Association. The perpetrators of electoral violence need to be stopped at all cost whether coming from the ruling or opposition political parties. Stopping the vice requires effective mechanisms by conflict management committees (CMCs) to manage it. Hence, this studies to ascertain the effectiveness of conflict management committees (CMCs) in Zambia.

Impunity has also been identified as a driver of electoral conflict and violence in many countries. The perpetrators especially from the ruling party are hardly brought to justice. To this, if impunity is not checked, can spark violent electoral conflict especially if adequate procedures or enforceable sanctions against those who break electoral law are missing. A culture of impunity undermines the best efforts to mitigate violence. For instance, in Kenya's elections in 1992 and 2007, where more than 1000 people died and several hundred thousand were displaced on each occasion, commissions were established to investigate the violence. These commissions have not resulted in punishing the perpetrators, though many were named. Ethiopia treated the electoral violence following the 2005 elections as a criminal offence. Approximately, 3000 suspected opposition supporters were arrested and charged with an assortment of crimes (Bekoe: 2010). Yet other nations have treated incidents of violence as episodic phenomenon, leaving them unaddressed by the government. However, treating electoral violence as a criminal offence is not likely to end future elections being violent but will even make it to scarlet to even more violent levels because perpetrators may feel their rights are being violated. It is important to employ a more robust approach to electoral violence so as to resolve the underlying causes of violence and mal-administration of elections. Hence, this study to ascertain how the conflict management committees (CMCs) in Zambia have treated the perpetrators of electoral violence.

Mass numbers of unemployed youths roam the streets of the major towns and are desperate to have ties with political parties for either monetary or material gain. These youths do not only augment the membership of armed youth gangs but also act as ready suppliers of electoral conflicts. Due to unresolved grievances over youth unemployment, high poverty levels, corruption and inequitable distribution of resources, the young people are ready to be used as

tools of violence. Leleruk et.al (2007) puts it; most electoral conflicts result from social exclusions especially in societies with centralised political organisation. Historically, he argues, such conflicts have become most visible at times of stress or in the wake of an election. Whether the issues raised here are the causes of electoral conflicts Zambia, is what this study will establish in order to ensure effective measures are taken in the management of the vice by conflict management committees (CMCs).

Collier (2009) did a study on conflict management committees in New York and found that, the ready availability of weapons supplied by men and women in uniform with links to politicians has made electoral conflict and violence tenser. For example, machetes, axes and slingshots-including firearms are widespread during some elections. Kimer (2012) establishes that the 2001 Chawama bloody fracas in Zambia was largely orchestrated by youths armed with machetes. Kitasei (2007) adds that the conflict in the southern part of the Congo D.R has been protracted by the supply of weapons to militia groups in the area by politicians with Congo origins residing in neighbouring Rwanda, Burundi, Congo Brazzaville and the Central African Republic. In countries where small and light weapons are smuggled, guns have been a common feature during the election period. Congo D.R is a typical example. Due to such weapons, conflict behaviour and attitude is cultivated such that people are enticed to attack their opponents hence violence. This is often the case when electoral laws are not supported by a legal framework. This is why this study intends to establish the effectiveness of the conflict management committees (CMCs) in managing electoral conflicts in Zambia.

2.3 UNDERSTANDING CONFLICT MANAGEMENT

Conflict management is complex and the task of managing electoral conflict becomes even more intricate in situations where those charged with the responsibility lack the necessary competencies and skills in conflict management. The complex nature of electoral conflict makes it extremely challenging to first, predict with certainty when, how and where conflict will occur and secondly, to strategies on mechanisms for its management. The fact that the management of electoral conflicts is a challenge requires effective management. Hence, this study to ascertain whether those tasked with the management of the phenomenon in Zambia through conflict management committees (CMCs) have the necessary skills and competencies to manage electoral conflicts.

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 to 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, to refrain from using inflammatory language and to use peaceful and legal means to challenge results (Kelley, 2012). How this strategy can improve the performance of conflict management committees (CMCs) in Zambia is what this study attempts to establish.

To manage electoral violence, Gienath (2008) did a study on conflict management committees in Berlin and found that, strongly focused on EMBs, their independence, transparency and access to resources. Furthermore, he states that 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. All such measures are required to be put 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. From the works of Sandole (1999) and Schirch (2004), we can deduce that Conflict Management is a process that involves various styles which include;

1. Integrating: This involves opening up, creating dialogue, and exploring

2. Obliging: An aspect that tries to find the same interests of the parties, while trying to minimize the true feeling of the conflict, to satisfy the other party.

3. Dominating [confrontation]: This is a coercive way of managing conflict in which one party forces their own way on the other party concerned.

4. Mediation: It is an attempt to help parties in a disagreement to hear one another, to minimise the harm that can come from disagreement.

5.   Avoiding: This entails ignoring the problem in hopes that it will go away on its own.

6.   Compromising: This is the willingness by one or both parties to the conflict to make concessions for a mutual agreement (Zartman, 1997).

However, recent policies on electoral violence mainly concentrate on guidelines on how to manage or prevent it without looking at different management strategies that can be taken up by different actors. Hogland and Jastart (2010) carried out a study on conflict management committee's in Africa and found that, management of electoral violence needs different strategies that can be taken up by different actors. They contend that the presence of monitors can be instrumental in managing electoral violence through naming and shaming mechanisms and by creating awareness of tensions build up, mediation can be carried out in high - tension situation to solve an ongoing election-related dispute, the legal framework and institutional design provides the basis of combating impunity and for creating conditions discouraging violence, law enforcement highlights the deterring function of security forces and voter-focused strategies emphasise the importance of long-term prevention through the cultivation of democratic norms and tolerance. The biggest problem that most young democracies face is implementation of programmes. They have nice policies and programmes on paper that are never implemented. Lack of political will in most cases has failed the management strategies of electoral violence. To make matters worse, it appears management strategies are rarely evaluated to determine their effectiveness. Hence, this study.

An integrated approach in the management of electoral conflicts requires reframing elections and conflict by looking at the electoral cycle and conflict cycle. The electoral cycle allows for an expanded view of all electoral processes and related programming that incorporates the social and political context before, during and after elections. This approach extends to such activities as analysing election results, formation of government, preparation of reforms and procedures for the next set of elections and supporting education and advocacy activities related to elections and election reforms (Kammerud, 2012). An electoral cycle perspective helps to create an awareness of the broad variety of stakeholders that can be perpetrators or targets of electoral violence. In this respect, the media has an important role to give accurate information about elections. Where the media becomes a mouthpiece of the government or is simply irresponsible, it can fuel mistrust in the electoral process and destabilize it. On the other hand, conflict cycle is a source of common conflict programming responses. This approach helps to

situate visible violence as a part of a longer process. Essentially, electoral conflict has its roots in each of cycle and the most efficient responses to the electoral conflict will be rooted in both cycles.

Most approaches in the management of electoral conflict focus on electoral cycle alone may not be sufficient. An understanding of the connection and overlap between the conflict cycle and the electoral cycle is critical and will help EMBs to develop strategies that would address electoral conflict more explicitly, consistently and effectively. Essentially, electoral conflict can be better understood when placed within conflict cycle, and better addressed when stakeholders look at what conflict programming would be most relevant. However, it appears the approach in conflict management in Zambia has not been sufficient enough to address electoral conflict. Hence, this study to establish how effective conflict management committee (CMCs) have managed electoral conflicts.

However, a focus on violence around the electoral cycle has the advantage of being better suited to identifying all instances of electoral violence. According Alston (2010), found that 11 percent of fatalities occurred on Election Day, with 46 percent occurring in the pre-election period and 43 percent in the post – election period. These findings illustrate how a focus on Election Day violence is likely to miss the majority of violent incidences that occur in the three months before and after elections.

It is also worth noting that most EMBs pay less attention to conflict analysis and instead pay much attention to conflict management and prevention, mitigation and resolution. Conflict cycle demands conflict analysis. This entails that at each stage of the electoral cycle, different types of analysis can be employed to help understand electoral conflict dynamics. Conflict analysis should complement legal, political, cultural and other considerations in the electoral system design. This cause for EMBs to develop and adopt conflict mapping and reporting tools such as the International Foundation of Electoral Systems (IFES) initiated Election Violence Education and Resolution (EVER) and Election Violence Risk Assessment (EVRA) approaches (Kammerud, 2012).

Election Violence Education and Resolution (EVER) brings together Civil Society Organisations and key stakeholders such as political parties, civic and media groups, national purveyors of justice, EMBs, the Police and Military authorities to identify, monitor and mitigate election – related violence. It involves conflict mapping, conflict monitoring and

reporting, advising on and supporting mitigation strategies, training on conflict management and rapid response, civil society capacity building and network building. Election Violence Risk Assessment (EVRA) focusses on assessing risk factors related to electoral violence such as the risk of political violence, the risk of confessional violence and the risk of electoral violence.

When greater co-ordination is present, conflict risks can be identified earlier and managed better, or avoided altogether. Conflict analysis can be integrated into risk assessments throughout the electoral cycle, with great benefit to security planning and stakeholder decision-making process. Since conflict management requires a coordinated action among stakeholders, communication between the CMCs and stakeholders themselves is cardinal to its management. Whether conflict management committees (CMCs) in Zambia have developed or adopted conflict mapping tools, is what this study will establish.

2.4 HISTORICAL OVERVIEW OF THE STUDY

There has been widespread research on the drivers and dynamics of conflict. The most discussed include ethnicity, regionalism and competition for natural resources. However, current studies in conflict management have identified elections as an important driver of conflict. Essentially, elections themselves are a major catalyst for ensuring that there is democratic change but have also an intrinsically conflicting nature. Therefore, it may be right to argue that elections on the globe present both challenges and opportunities. On one hand, 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). In the same vein, elections make deeply rooted social conflicts more visible and thus have greater potential for sparking violence. If such violence is sparked by the electoral process or is perceived to have been, the effects may have devastating implications for human rights and local economies, and may create an inherent distrust in the credibility of democracy (International IDEA, 2009). This study, therefore, takes such aspects into consideration because an evaluation of the effectiveness of conflict management committees (CMCs) in managing electoral conflicts is its focal point.

However, elections have also been used successfully as mechanisms to negotiate political parties out of conflict and protracted civil war as was the case in South Africa in 1994,

Mozambique in 1994 and Sierra Leon in 2003 (Small: 2015). Here, we can argue that elections are not supposed to lead to violence and still remain a powerful peace process and that regular competitive elections institutionalize democratic forms of government and lead to good governance when properly managed. This is often the case when mechanisms are put in place to manage election-related violence. This is why this study intends to establish how effective the conflict management committees (CMCs) are in managing electoral conflicts.

While elections have helped some countries to manage transitions from war to peace, they have also triggered smaller-scale violence. However, there are still questions as to whether elections themselves can cause conflict or whether electoral conflict is primarily the result of structural issues such as unemployment, corruption, poverty, hate speech and ethnic division triggered by an electoral event. There is however, no doubt that electoral conflict has the propensity to undermine the credibility of an election. Tohbi (2011) carried out a study in Congo DRC and found that when electoral conflict is anticipated or indeed visible, voters stay at home and some candidates withdraw due to widespread fear and insecurity. Henceforth, the legitimacy of the elections is jeopardised. This gives a call to undertake this study.

2.4 GLOBAL PERSPECTIVE.

In Lebanon, a methodology was designed by IFES and local partners to explicitly support capacity for risk assessment in the lead-up to the 2009 elections and maintained throughout the process. The Lebanon Election Violence Risk Assessment (LEVRA) project was designed in cooperation with the Ministry of the Interior and Municipalities to be an integrated part of the ministry's risk assessment tools (IFES, 2010). The project drew upon expert assessments of three types of violence: political, confessional and electoral. Each constituency was given a risk rating of high, medium or low for each type of violence experienced. Overall, this approach increased the quality of information gathered and the amount of co-operation and information sharing between election officials, security agencies and local government. There was also a distinct decrease in the number of violent incidents recorded by the LEVRA project following the adoption of the security plan. Though this model involved constituency-level analysis, however, it could be easily modified according to resources and needs by scaling up the geographic level of analysis, simplifying the map and graphics and/or leveraging the resources of local actors who are already gathering information. At a minimum, indicators could be developed and shared among local actors, such as security agencies and election officials, to

provide a standard information-gathering process (Kammerud, 2012). This gives a call to evaluate the effectiveness of conflict management committees (CMCs) in the management of electoral conflicts in Zambia.

Essentially, there is need to allocate the necessary resources to the management of electoral conflicts so that early warning signs can be used as basis for decision making before the situation becomes grave. This is what the United Nations (UN) did in the earlier days of the political conflict in former Yugoslavia. In this case, it appeared highly likely that the conflict would spread to Macedonia, and the UN decided to deploy a force on the border to act as a buffer. This approach was successful in that particular set of circumstances and the conflict did not spread to Macedonia (Hansen et.al, 2004). Whether   conflict management committees (CMCs) are capable to detect the early warning signs of electoral violence likely to erupt, is what this study will establish.

2.6 CONTINENTAL PERSPECTIVE

EISA's intervention in the area of electoral conflict management commenced as early as 1998 when it designed and developed an electoral conflict management programme in consultation with the Electoral Commissions Forum of the Southern African Development Community Electoral Commissions Forum (SADC-ECF) and facilitated workshops in all the SADC countries. Building on this experience, EISA designed a conflict management model which, in partnership with the relevant Electoral Management Bodies (EMBs), provided for the identification of a panel of independent mediators, trusted and regarded by the electorate and political parties as independent and non-partisan, to assist EMBs in diffusing potential and managing emerging conflict. This model was first implemented in South Africa in partnership with the South African Independent Electoral Commission (IEC) in 1999 and replicated in subsequent South African elections up to the most recent provincial and national elections, which were held in April 2009. This model has also been used in other SADC countries, Lesotho in 2002 and the referendum in the Democratic Republic of the Congo (DRC) in 2005 and presidential and parliamentary elections there in 2006, for which 3000 mediators were recruited, trained and deployed. These mediators continue to contribute to resolving conflict in many SADC countries. Whether the members of conflict management committees (CMCs) in Zambia are partisan or not is what this study wants to establish as it evaluates the effectiveness of conflict management committees (CMCs) in the management of electoral conflicts.

Dekha (2012) reports that several atrocities and human rights abuses were recorded in Kenya following the 2006 disputed elections between Mwai Kibaki and Raira Odinga. While it is permissible to argue that electoral outcomes in Kenya sparked the post-election violence, we can as well add that the situation was highly exacerbated by ethnic and regional cleavages of the supporters of the two competing leaders. EISA (2011) posits; for Kenya, the military police, the EMB and the courts handle electoral conflict and violence. What amuses, however, is that electoral conflict and violence still broke out regardless of the mentioned structures, mechanisms and institutions. It thus follows that the establishment of bodies to handle electoral conflict and violence alone cannot translate into reduction of electoral conflict and violence. However, what has not been appreciated is the capacity by the said bodies' conflict management committees (CMCs) to manage both impending and existing conflict in Zambia. Hence, this study to establish the effectiveness of conflict management committee CMCs.

2.7 ZAMBIAN PERSPECTIVE

The Electoral Act no. 24 of 1996 provides for the composition of an independent Electoral Commission and its operations. The Electoral Act (2006) gives power to the electoral commission of Zambia (ECZ) to set up Conflict Management Committees to resolve electoral conflicts. It is in this regard that the electoral commission of Zambia (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. Whether this is happening, is what this study will establish.

Furthermore, the conflict management committees (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 electoral commission of Zambia 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 conflict management committees have managed electoral conflicts in Zambia. Hence, this study to

evaluate how the conflict management committees (CMCs) manage electoral conflicts in Zambia.

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. However, it appears the conflict management committees (CMCs) are facing serious challenges and have failed to meet the expectations of some stakeholders as evidenced in the frequent and intense electoral violence witnessed in Zambia. Whether the Electoral Code of Conduct is effectively enforced and adhered to through mediation by political parties is what this study wants to establish as it evaluates the effectiveness of the management of electoral conflicts in Zambia.

Officials from the Jimmy Carter Centre Foundation (2006) who came to monitor Zambia's elections in 2006 equally had their own views concerning the capacity of the conflict management committees (CMCs) of the ECZ. The report by the Carter Centre noted that conflict management committees (CMCs) had unresolved disputes with political parties, and that most of the conflicts between political parties needed effective mechanisms to be managed. This included creating a legal mandate for conflict management committees (CMCs) and providing for necessary enforcement mechanisms. They observed that the absence of a legal framework makes these committees toothless in the sense that enforcement of the decisions passed is not there. Therefore, this rendered the committee's incapable especially that the committees could not nullify election results, disqualify the candidature of any person or

impose a fine or imprisonment, could not usurp the role of election officers during elections and could not order the recount of votes in case of a dispute over election results. Without addressing the foregoing, it was unlikely that conflict management committees (CMCs) would be able to manage electoral conflict and violence in Zambia. This observation gives a call to establish whether a legal framework to the mandate of conflict management committees (CMCs) would make them effective in the management of electoral conflicts. Hence, this study.

Suffice to state that the foregoing is not a task to be borne entirely by the electoral commission o Zambia (ECZ) alone, other stakeholders such as political parties, law enforcement agencies, Civil Society Organizations and the general populace need to take an active role in a quest for peace before, during and after elections. There seems to be information gap among political players and stakeholders and within conflict management committees (CMCs) as regards to the effective management of electoral conflict. Hence, this study to establish this information gap and make CMCs effective.

3.0 METHODOLOGY OF THE STUDY

3.1. Research Design

A research design is a plan of how to conduct a study. It articulates what data is required, what methods are going to be used to collect and analyse data, and how everything will answer the research questions. In this study, a descriptive research design was used. A descriptive research refers to research studies that have their main objective the accurate portrayal of the characteristics of persons, situations or groups (Hiatt, 1986). This approach is used to describe variables rather than to test a predicted relationship between variables. The descriptive approach in data collection gives the ability to collect accurate data on and provide a clear picture of the phenomenon under study (Hillman, 2005). The essence of a qualitative descriptive research design is first to state the status quo, then formulating important principles of knowledge and later provide solutions to the problem. This design does not just end at data collection, it goes further to measure, analyse and interpret findings from which inferences can be made. Essentially, this design was appropriate because it gave an accurate and authentic description of the lessons and experiences of electoral conflicts in Zambia.

3.2. Target Population

Polit and Hungler (1999) define a study population as the totality of all subjects that conform to a set of specifications, comprising the entire group of persons that is of interest to the researcher and to whom the research results can be generalised. In a related manner, Salant and Dillman (1994) describe the population in a study as a group of experimental data or persons. With the definitions given, the study population was all members from the Electoral Commission of Zambia (ECZ) secretariat (Legal department), the Lusaka-based National CMC, The Lusaka district CMC, the Patriotic Front party (PF), the Movement for Multi-Party Democracy party (MMD), the United Party for National Development (UPND), Foundation for Democratic Process (FODEP), Transparency International Zambia (TIZ), Caritas Zambia and the three (3) Church mother bodies (Christian Council of Zambia (CCZ), Evangelical Fellowship of Zambia (EFZ) and Zambia Episcopal Conference (ZEC)).

3.3. Sample Size

Webster (1985) defines a sample as a finite part of a statistical population whose properties are studied to gain information about the whole population. A sample is a subset of the population. From the researcher's category of respondents, the ECZ, CSOs, political parties and members of the Lusaka based CMCs stand out.   Therefore, 6 members from Conflict Management Committees, (3 at national level and 3 at district level); 6 members from major political parties as ranked on the basis of the results of the 2011 tripartite elections; 6 members from Civil Society Organisations that are involved in issues of democracy and good governance 6 members from Church mother bodies, 6 members from the department of the ECZ (the Legal department) served as valuable study population. Therefore, the study comprised 30 participants.

3.4. Sampling Procedure

Stratified random sampling and purposive sampling was used in selecting the study participants. Participants were purposively selected because they represented the intended purpose of the study. This was done in agreement with the views of Ritchie and Lewis (2003) who state that in purposive sampling the units are chosen because they have particular features or characteristics which enables detailed exploration and understanding of main themes and puzzles that the researcher wishes to study. Random sampling was also used in selecting. The

study participants. Vanderstoep and Johnston (2009) defines simple random sampling as a procedure that involves picking certain number of participants out of the total number of possible participants in the sampling frame. As such, each member of the sampling frame has an equal chance of being chosen to participate in the study.

3.5.   Data Collection Techniques

Data   collection is the precise, systematic gathering of information relevant to the research, using methods such as interviews, participant observation, focus group discussion, narratives and case histories (Hiatt, 1986). Interviews and facilitated discussions   were used to gather data from the respondents. Data was also gathered through observations. To maintain originality, the voice recorder was employed in some cases and content later transcribed so as to identify the critical junctions. The variability in the data collection instruments was adopted so that the varied responses were gathered and were later compared for common concepts. Closed ended questions were employed to get precise answers to the questions. In addition, unstructured open-ended questions were used to encourage elaboration and further discussion.

Both primary and secondary data was used in this study. Primary data was collected through semi-structured interviews while secondary data was collected from published journal articles held by various libraries, institutional reports, the internet, media and newspaper reports were also used with a view to capture recent updates of electoral conflict and violence in the country. Electronic media articles, journals, research reports, conference proceedings, magazines and books also constituted an important source of secondary data. It is important to note that secondary data was mainly a complement to primary data collected from the field.

3.6. Data Analysis Procedure

Data was analysed thematically. Thematic network analysis approach was used. According to Attride-stilring, (2001) thematic network analysis is an exploratory approach which encourages one to consider and code all data, allowing for new impression to shape for one's interpretation in different and unexpected direction. Data was read in its entirety and each piece of data was summarized because the aim was to condense all of the information to key themes and topics that are shed in the research questions.

3.7. Ethical Considerations

Furrow (2004: 43) defines ethics as 'a morality or a position of doing what is right both morally and legally.' It is important to protect participants who willingly present themselves for the purpose of advancing our understanding in research. Therefore, a strict set of guidelines and code of conduct was adopted and adhered to.

The researcher ensured that participant's consent to participate in the research was voluntary by making them sign a consent form, free of any coercion or promises of benefits as a result of participation. Since the study was to evaluate the management of electoral conflicts in Zambia, the researcher ensured that the participants received a full disclosure of the nature of the study, expected benefits to the participants and society with an extended opportunity to ask questions, including the fact that they could choose to withdraw their participation even in the middle of the research.

4. 0   PRESENTATIONS AND FINDINGS

4.2 Management of electoral conflicts by Lusaka Conflict Management Committees.

In order to respond to the research question which sought to establish how the Lusaka Conflict Management Committees manage electoral conflicts in the district, a question was asked. The research question was: *How do the Lusaka Conflict Management Committees manage electoral conflicts?* All the respondents interviewed in this study acknowledged the fact that the Electoral Act No. 12 grants the Electoral Commission of Zambia (ECZ) powers to establish conflict management committees (CMCs) at national and all the districts to manage and resolve electoral conflicts in a prudent and timely manner, hence, the establishment of these committees in 2006. Furthermore, the findings established that conflict management committees (CMCs) have a clear understanding of their roles and responsibilities, and that they are accountable to the Electoral Commission of Zambia. From the responses, it was clear that the management strategy used by conflict management committees (CMCs) to resolve electoral disputes was mediation. A respondent from the National Conflict Management explained that:

'' Conflict Management Committees attend to complaints raised regarding the conduct of elections in writing. Once such complaints have reached the Town Clerk or Council Secretary, the chairperson of that particular Conflict Management Committee would convene

a meeting to the dispute committee would choose a is put in writing and signed *within 24 hours from the date of receipt. The members of the lead mediator to spearhead the mediation. The agreed solution by all parties."*

However, one respondent from Caritas Zambia said he did not agree with the strategy of mediation to resolve electoral disputes because it is not punitive enough to stop the phenomenon. He further described the whole process of conflict resolution as simply an academic exercise.

4.2.1 Themes on the role and mandate of conflict management committees (CMCs.)

In line with how the Lusaka Conflict Management Committees manage electoral conflicts, a question was asked in the interviews to determine the role and mandate of Conflict Management Committees in the electoral process. Essentially, three themes emerged and these were: conflict resolution, education of the electorates and mediation.

FIGURE 1 IS MISSSING

Figure 1: *Role and Mandate of conflict management committees (CMCs)*

. Conflict Resolution. The respondents were able to identify this role of conflict resolution and appreciated the fact that elections were bound to cause conflict and settlement of these conflicts was of paramount in the conduct of elections. A respondent from FODEP point out that CMCs further provide a platform or forum were conflict resolution was made possible and said that:

> "*In the conduct of elections, CMCs play an important role of ensuring that when disputes arise, they would often find means of bringing the two or more parties together to negotiate for peaceful resolutions of the disagreements instead of going to courts.*"

Despite the common agreement amongst most of the respondents interviewed on this theme, other respondents in this interview argued that CMCs had failed to resolve most of the electoral disputes. A respondent from the Movement for Multi-party Democracy (MMD) had this to say:

"The fact that CMCs lack a legal framework in their mandate to resolve electoral disputes   entails inefficiency…"

Education of the electorates Two (6) respondents from the conflict management committees (CMCs), one from the national committee and the other from the district committee, explained that education was one of the cardinal roles conflict management committees (CMCs) give to political parties and the electorates. These respondents observed that during mediation, political parties are counseled and educated on the electoral code of conduct. This helps political parties to know and adhere to electoral laws so as to ensure peace is upheld before, during and after the election period. Furthermore, the respondents indicated that conflict management committees (CMCs) play a critical role of ensuring free participation of the electorates in choosing their leaders.

Mediation Five (6) respondents identified the third theme as mediation of conflicts during elections. According to a respondent from ECZ, she stated that:

"CMCs address electoral issues that arise through mediation instead of taking the case to court"

She explained that conflict management committees (CMCs) act as entities that settle or intervene in the process of resolving conflict through mediation. Furthermore, she explained that mediation is confidential and that contents are not for publication. She bemoaned lack of understanding of mediation. Though it appeared this was not the case on the ground as other respondent expressed contrary views alleging that these committees were not independent and hence, the more reason the mediation was confidential

Themes on the management of electoral conflicts from the findings on how the Lusaka Conflict Management Committees manage electoral conflicts, three themes emerged and these are: Enforcement of the electoral code of conduct, advocating for co-existence and tolerance and presiding on electoral disputes as shown in figure 2.
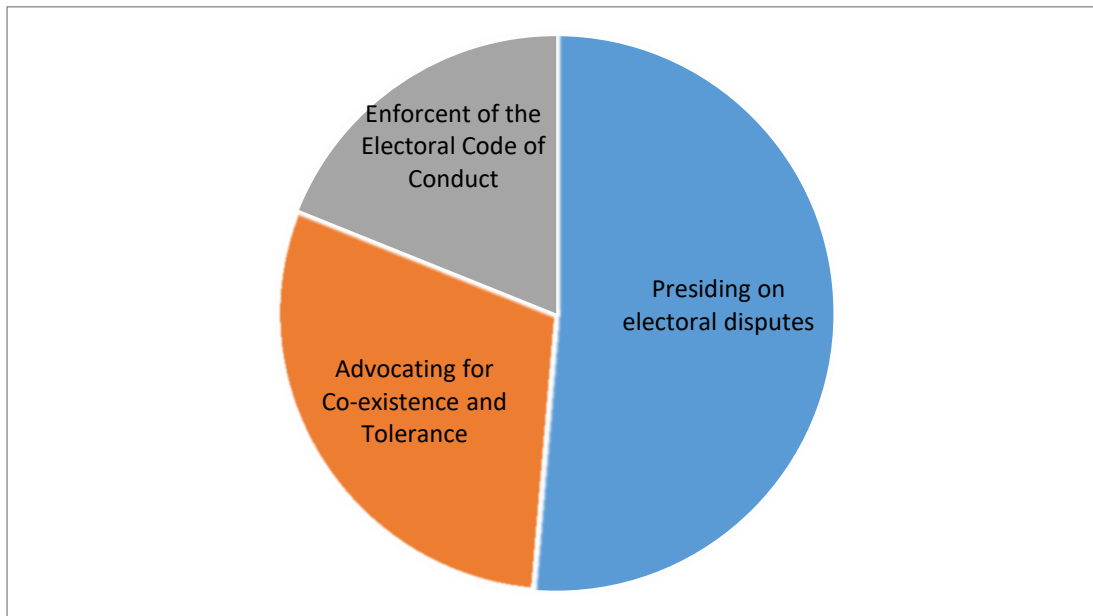
Figure 2: *Themes on the management of electoral conflicts*

Presiding on electoral disputes- according to the responses given by the respondents from the Electoral Commission of Zambia (ECZ), the committees in Lusaka have successfully mediated on some disputes. The electoral commission of Zambia (ECZ) observed that conflict management committees (CMCs,) stakeholders and conflicting parties are brought to the negotiating table. This enables a successful resolution of electoral disputes and reconciliation of the parties.

"*The district received and attended to a total of fourteen (14) complaints. The main case related to an objection against the appointment of two presiding officers. The other cases related to the general violence at bus stops and markets. The committee found that the complaints against the two officers had no merits. However, the officers were redeployed to secure their personal safety. The District committee signed three (3) memorandum of understanding with political parties to ensure that violence at the markets and bus stops was discouraged and stopped.*"

Advocating for Co-Existence and Tolerance, only three (3) out of the twelve (12) respondents interviewed observed that CMCs were successful in the settlement of some electoral disputes because of the stance they have taken to advocate for tolerance and co-existence among political parties. These respondents argued that tolerance for opposing views and that of other opposition political parties play a leaf role in the settlement of electoral conflict and finally in the management of electoral conflicts. Furthermore, these respondents felt that this is one of the main ways CMCs have successfully managed some electoral conflicts. One respondent from Evangelical Fellowship of Zambia (EFZ) cited the Lubasenshi bye-election where the UPND visited the PF camp as good for Zambia's democracy and a sign of co-existence and tolerance. Other respondents felt that CMCs had failed to make political parties to co-exist and tolerate each other's divergent views and hence, the rise in electoral conflicts.

Enforcement of the Electoral Code of Conduct, Officials from both the National and District Conflict Management Committees argued that the committees had managed to enforce the electoral code of conduct among political parties but added that more was needed to enable the effective enforcement of the electoral code of conduct through the provision of a legal framework.

"The CMCs have done their best but still face challenges in the management of electoral conflicts."

These respondents felt that the conflict management committees (CMCs) needed to be empowered and strengthened legally to be able to handle electoral conflicts firmly and prudently.

4.2.3 Experience of electoral violence in Zambia since 2001

When asked about their experience of electoral violence in Zambia since 2001, all respondents in this study indicated that elections in Zambia have seen an increase in the number of incidences of electoral violence. Furthermore, these respondents observed that the escalating electoral violence sheds doubts on the efficiency and effectiveness of CMCs. The following

were the themes that emerged from the question on the experience of electoral violence in Zambia since 2001.

1. *Multi-Party System*

Respondents from Civil Society Organisations (CSOs) observed that following the move from One Party-System to Multi-Party System in 2001, the country has seen a record number of political parties forming in almost all general elections the country has held. Electorates have had to choose candidates from more than four political parties. These respondents argued that due to the increased competition among political parties, violence is now taking the centre stage as cadres would want to make money out of politics. This was observed in the many bye-elections the country has witnessed. Furthermore, the CSOs argued that this has brought about classes and divisions among the electorates that in turn is creating divisions which are fueling electoral violence.

2. *Voting Patterns*

Some respondents in this study also highlighted the voting pattern after elections as one of the factors leading to the rise in electoral violence. One respondent from Caritas Zambia clearly pointed out that;

> "*due to the practice of voting on tribal lines, some electorates are victimized for supporting their candidates of choice leading to divisions among the electorates.*"

Furthermore, Civil Society Organisations (CSOs) observed that the recent general elections have seen a rise in the use of tribal slogans that are aimed at influencing voting patterns, which in turn lead to labelling of certain groupings. A respondent from Transparency International Zambia (TIZ) further said that:

> "*Political parties nowadays are not formed on ideologies but on individual slogan such as 'ifintu ni Lungu' (things is Lungu) for the Patriotic Front (PF), 'H.H. ni forward' (moving forward with Hakainde Hichilema) for the United Party for National Development (UPND). As a result, campaigns are not issue based but on character assassination.*"

3. Civic Education.

Respondents from the interviews also observed that the larger population of rural electorates in Zambia have no basic understanding and knowledge of civic issues and this makes them more vulnerable to corruption and eventually electoral violence.

4.2.4 Whether conflict management committees (CMCs) are compromised.

Most of the respondents in this study observed that the composition of the conflict management committees (CMCs) at national and district level was very good. Respondents felt that involvement of different stakeholders such as the police, religious institutions, ACC, Media and political parties was fair as all major stakeholders were represented. One respondent from the Movement of Multi-party Democracy (MMD) argued that stakeholders play a critical role in ensuring peaceful conduct of elections and successful resolution of electoral disputes. When asked whether the conflict management committees (CMCs) were compromised, generally most of the respondents from the political parties felt that the CMCs were not compromised but what was needed was to strengthen their mandate. One respondent from the MMD said:

> "… these committees can never be compromised especially that they are a representative of different stakeholders. The right description would be that they are toothless."

Another respondent from the United Party for National Development (UPND) also remarked:

> "CMCs have tried their best to manage electoral conflicts but it is not easy when it involves the ruling party."

On the contrary, one respondent from a civil society organization (CSO) observed that the presence of council secretaries or town clerks as executive members of CMCs gives a benefit of doubt whether these committees are compromised or not because these individuals are politicians by nature and are interested parties. He further explained that there was need to have members who are well qualified to handle electoral conflicts effectively because the dynamics of conflict require critical approach. He suggested that people with knowledge of political science should sit in these committees and not those with partisan interest. He later observed

that CMCs lack conflict mapping techniques and further suggested development of effective conflict mapping tools and monitoring techniques.

The interviews conducted in this study revealed that conflict management committees (CMCs) are mandated to resolve and manage electoral conflicts in a prudent and timely manner. The strategy used by conflict management committees (CMCs) to resolve and manage electoral conflicts in Zambia is mediation. However, the findings have also revealed that such a strategy without any backing of a legal framework is a 'white elephant.' A 'white elephant' in that it lacks enforcement of resolutions passed and is not punitive enough to punish the perpetrators of the vice. Hence, the increase in frequency and intensity of electoral conflicts. Furthermore, the findings dismiss the assertion that CMCs were compromised owing to the fact that the composition is a representative of different stakeholders. The next section reveals the results of the second objective.

### 4.3 The capacity of Lusaka Conflict Management Committees

Apart from determining how the Lusaka Conflict Management Committees manage electoral conflicts, the second research question to this study was: *What capacity do the Lusaka Conflict Management Committees have to manage electoral conflicts?*

When asked on the capacity of conflict management committees (CMCs) to carry out their mandate, the Civil Society Organizations, Faith Based Organizations and some political parties felt that the committees in Lusaka had limitations. They observed that limitations mainly bordered on the legal instruments to effectively carry out the mandate and argued that the committees could not deal with litigation issues and mainly relied on other wings of government to effectively litigate cases. Furthermore, these respondents observed that the committees could not deal with root causes of electoral violence and punish perpetrators of electoral violence. Additionally, the Civil Society Organizations also felt that the committees were not proactive in carrying out their mandate. They wait for cases to be reported and that is when the committees are called upon to preside over such cases.

4.3.1 Current working framework of conflict management committees CMCs.

When the respondents in this study were asked about the current working framework of the CMCs, three themes emerged as shown in figure 3.

Figure 3 shows the themes that emerged on the current mechanisms in CMCs.
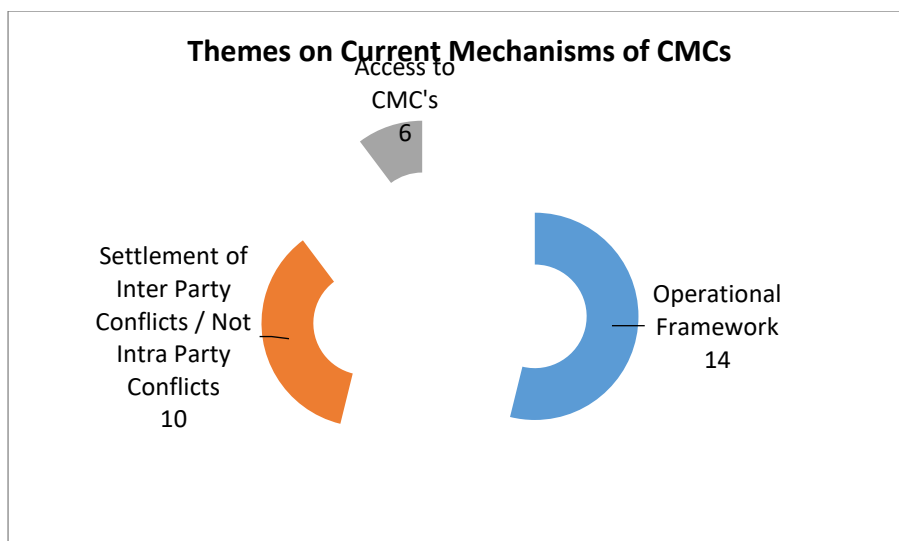
1. Conflict Management Committees Operational Framework

The majority of the respondents (14) in this study indicated that the committees (CMCs) were less likely to prevent electoral conflicts due to the current working framework. These respondents argued that in most cases the committees were not able to read the tone or mood of the electorates or candidates that would fuel electoral violence as they were more limited towards settlement of disputes rather than ensuring that the electorates followed the tenants provided for in the Electoral Code of Conduct.

2. Access to Conflict Management Committees

The Civil Society Organizations observed that these committees were at times not accessible to the general electorates. This view point was expressed owing to the nature these committees were operating in the sense that they were only reconstituted when there was a case/s to preside on.

3. Settlement of Inter-Party conflicts and not Intra-Party conflicts

Some respondents (10) in this study observed that as a result of the change to Multi-Party system in 1991, political players have increased. Consequently, conflicts have increased both inter-party and intra-party. In this regard, these respondents observed that CMCs were mainly focused on inter- party conflicts as they affect the general environment for the smooth conduct of elections but not addressing intra-party conflicts which were also a source of concern with

regards to the peace of the nation and democracy. Furthermore, they added that since CMCs were limited to prevention of inter-party conflicts, this was an oversight as intra-party conflicts too have a negative effect on the overall performance of political parties and the general peace.

4.3.2 Challenges faced by Lusaka Conflict Management Committees

When a question was asked on the other challenges facing CMCs in the management of electoral conflicts, the following themes as shown in figure 4 emerged.
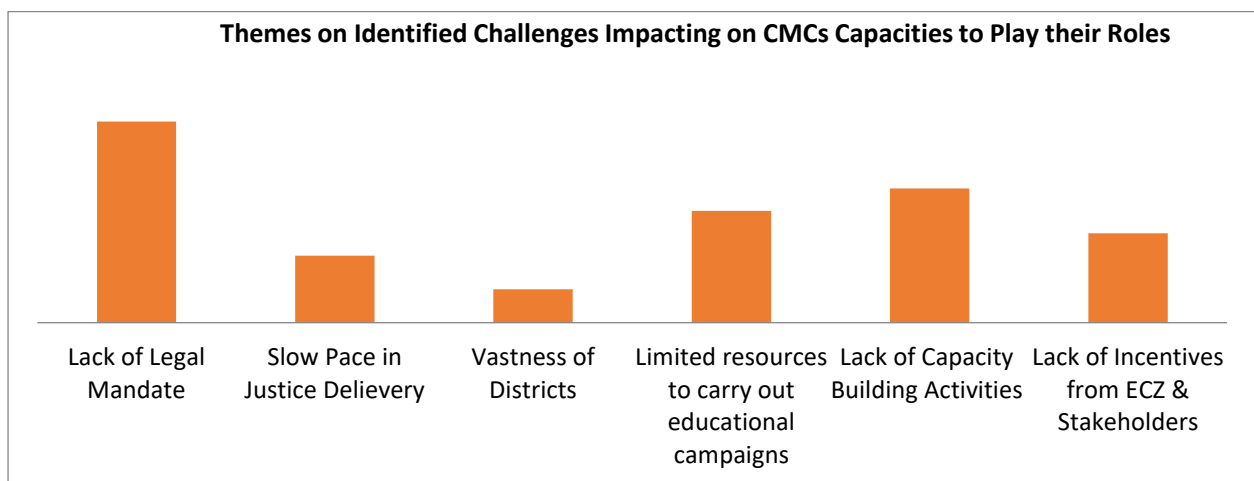

Figure 4: *Identified challenges impacting on CMCs capacities*

Lack of legal Mandate, almost all the respondents interviewed in this study agreed that the biggest challenge facing these committees in addressing electoral violence was lack of a legal mandate to their operations. They observed that in their current framework, they could not deal with perpetrators of electoral conflicts. The respondents agreed that CMCs had an essential mandate to carry out but observed that they lack a legal framework in so far as enforcement is concerned. One respondent from a CSO remarked:

"It is common sense that when a legal framework is created within which these CMCs should operate, their ability to enforce the law will be enhanced to an extent that the would - be perpetrators of violence are more likely to be deterred. The fact that decisions made by these committees are loosely binding and largely flouted by political parties, their mandate still has deficiencies"

These respondents also argued that decisions made by the CMCs were not enforced and were therefore not binding. This in many cases resulted in the CMCs decisions not being adhered to due to the lapse in legal provision that would make the decisions more resolute in nature.

Vastness of districts, some respondents mainly from the Conflict Management Committees observed that one conflict management committees (CMC) against a vast district compromises the CMCs' capacity to a greater extent. They argued that Lusaka with over three million people, thirty-three wards and seven outside constituencies renders the district CMC incapacitated. They felt that this was the more reason that the frequency and complexity of electoral disputes overwhelm the conflict management committees (CMCs) in Lusaka.

Lack of Capacity Building Activities, while members of the National Committee submitted that they have had regular capacity building trainings, the members of the district committee submitted that training on conflict management was inadequate. Generally, the respondents observed the district committee lack capacity building activities which delays consensus when deliberating on electoral disputes. One respondent from the District Conflict Management Committee had this to say:

"*The only time when this kind of training took place was during inception. Even this training focused on good mediation rather than skills and expertise in conflict management.*"

Lack of incentives from ECZ and the spending Organisations; Some respondents interviewed felt that there was lack of motivation in terms of incentives to the members of the committees. They observed that membership was voluntary. They also argued that they (members of CMCs) needed to be motivated especially that this task was important to national development. One respondent from FODEP commented:

"*... it is prudent that members were motivated if they were to earnestly discharge their mandate. This job is more than what our ministers do in parliament contributing nothing and getting a lot of money at the end of the day.*"

Limited resources to carry out educational campaigns. A respondent interviewed from the District Conflict Management Committee indicated that (CMCs) in Lusaka are faced with challenges of resource mobilization that would enable them carry out awareness campaigns and sensitization on the electoral code of conduct. He further observed that this limited the number of times CMCs in Lusaka would meet with various stakeholders. He said:

"*Resources were limited and this affected a number of other areas of operation whereby not being able to add more sensitization meetings which would ultimately help in combating violence and facilitate smooth handling of elections.*"

Slow pace in justice delivery; Another factor that featured on the challenges the conflict management committees (CMCs faced in Lusaka was the slow pace at which justice was delivered in the court system. Some of the respondents interviewed requested for a robust system that would help speed up the rate at which courts handled the election related case. One respondent from a named political party remarked:

"*There is need for ECZ to introduce fast track courts to deal with electoral cases expeditiously. We had electoral cases where Petauke Central had no representation for more than a year because of delays in justice delivery.*"

4.3.3 Some factors accounting for the continued rise of electoral conflict

From the findings on the capacity of conflict management committees (CMCs) to carry out their mandate, most of the respondents felt that apart from the challenges faced by these committees, there was need to address the perceived factors accounting to the rise of electoral conflicts through legislation if the management of electoral conflicts in Zambia was to be effective. The following were the themes that emerged on this matter as shown in figure 5.
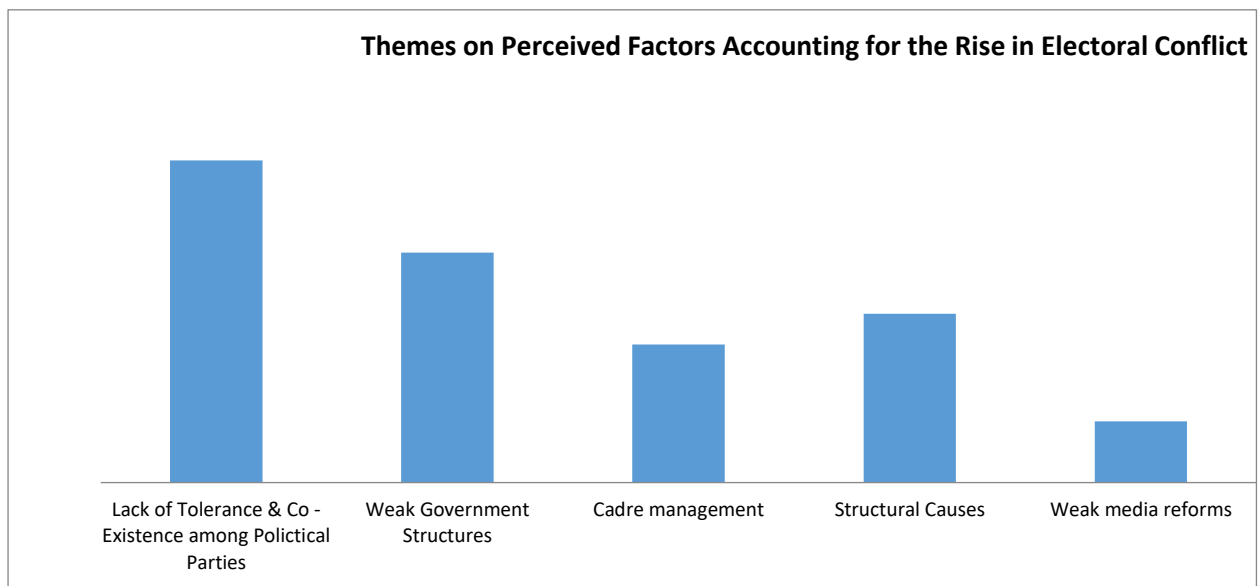
Themes on Perceived Factors Accounting for the Rise in Electoral Conflict

Figure 5*: Perceived factors accounting for rise in electoral conflict*

Lack of Toleration and Co-Existence among Political Parties; Most respondents in this study observed that the current crop of some politicians were not able to co-exist and in turn was leading to the rise in electoral violence. They were intolerant to opposing views. It was also observed that due to the limitation in Civic Education, the electorates were generally intolerant. Citizens were not able to accommodate divergent views. The findings further entail a general lack of understanding of democracy. Respondents felt that the intolerance of divergent views and the lack of will for political co-existence was fueling electoral violence and was more prominent among the factors contributing to electoral conflicts.

One respondent from a Civil Society Organisation remarked:

> *"Problems of society affect everyone and Civic Education should be seen as one of the vices that try to solve some of the problems of society."*

Weak Government Structures, some civil society organization (CSOs) observed that there was a lapse in governance structures and was contributing to the rise and intensity of electoral conflicts. Furthermore, a respondent from Caritas Zambia argued that the selective application of legal instruments such as the Public Order Act (PAO) remains a source of concern for many players especially during the elections period.

Another respondent from TIZ said:

> "*Once government institutions are strengthened, cases of electoral violence would greatly reduce and this would promote the enforcement of the electoral code of conduct.*"

He further explained that Zambia is a multi-party but has a one-party mentality in the sense that those with opposing views are treated as enemies.

Cadre Management, some of the respondents interviewed bemoaned the rise in 'cadrism' by some political parties which they said had greatly contributed to the rise in electoral violence. They observed that political parties use party cadres as tools that would be used to fix political opponents using violence. They also observed that political cadres had more powers than even civil servants. A respondent from Caritas Zambia had this to say:

> "*In Zambia today, cadres seem not to be under any leadership of some kind. The powers that be have sometimes paid a blind eye and disowned their cadres but this is after the damage has been done. They (cadres) can even break the law with impunity. Sometimes especially during political party rallies traffic rules are not observed by these cadres and at times they even climb on top of vehicles while the traffic officers look on and this happens mainly with cadres from the ruling party.*

With this scenario, these respondents felt that there was need for sensitization and leadership within political parties.

Structural causes, structural causes such as unemployment and poverty were cited as major contributors to electoral violence. Some respondents interviewed from political parties argued that because of massive job losses in Zambia, especially in the mines, most of the unemployed populace, especially the youths, were desperate to have ties with political parties for financial gain. Apart from the financial gain, these youths also act as ready suppliers of violence. Furthermore, they observed that political parties were using this desperate situation to fuel violence. One respondent interviewed from a named political party had this to say;

"These cadres involved in electoral violence now were the ones under the Movement for Multi-party Democracy (MMD) regime. They are just changing goal posts for financial gain."

Weak Media Reforms relatively, a small number of respondents interviewed in this study observed that the media can spark electoral violence if the reporting is not objective on electoral issues. They argued that biased media coverage can heighten tensions which could lead to conflict. They further argued that the media (both public and private) is not serving its purpose but is seen to champion selfish agendas. Furthermore, they observed that there seemed a lack of a regulatory framework to control the media. Hence, the call for Media Reforms.

Summary of the findings from research question two (2)

In a nutshell, the responses from the interviews conducted in this study revealed that CMCs in Zambia though an important ingredient in the electoral process, lack the capacity to effectively carry out their mandate because of limitations mainly bordering on the legal instruments to effectively resolve and manage electoral conflicts. From the findings, the greater challenges affecting their operations mainly included lack of a legal framework, slow pace at which justice is delivered in court, vastness of districts, limited resources to carry out educational campaigns, lack of capacity building activities and lack of incentives from ECZ and other electoral stakeholders. However, there were other legislative lapses that were mentioned in the interviews which hamper the effective management of electoral conflicts in Zambia such as; weak media reforms, selective application of the Public Order Act, Cadre management, lack of tolerance and co-existence among some politicians and some structural cause such as unemployment and poverty. The next section reveals the results of the third objective.

4.4 Strategies of improving the performance of Conflict Management Committees

Apart from ascertaining the capacity of Conflict Management Committees to manage electoral conflicts, the third research question was: *What strategies can improve the performance of CMCs in the management of electoral conflict?* Views from the respondents in this study were cardinal to answering this research question. From the interviews conducted in this study, four themes emerged as illustrated in figure 6.

1. Strengthening the legal framework

All the respondents 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*."

Increase Access to Conflict Management Committees respondents from some Civil Society Organizations felt that CMCs should be more accessible and, on the ground, to observe the general conduct of the electorates before, during and after elections. These respondents also observed that if Conflict management Committees were mobile and permanent, it could easily help the electorates 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."

Increase Educational Awareness Activities in the interviews conducted, it was revealed that Conflict Management Committees (CMCs)needed to partner more with Civil Society Organizations (CSOs) in educating the electorates on the importance of holding a peaceful election and the dangers of electoral conflicts. After all, politics is about successful reconciliation of different interests and not a deeper recognition of differences. The respondents from political parties 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.

Need for the Electoral Fast Track Court some respondents in this study felt that Conflict Management Committees (CMCs) needed to have fast track courts that would enable the handling of unresolved cases expeditiously. They argued that this facility would expose cases of electoral violence and prevent the vice. In the same vein,

42

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.

The interviews conducted in this study revealed that Conflict Management Committees (CMCs) were facing serious challenges and needed effective strategies to improve the performance of these committees if they were to be effective in the management of electoral conflicts. To this effect, the responses from the interviews revealed that the following strategies were necessary to improve the performance of CMCs; introduction of fast track courts deal with electoral disputes expeditiously, increase educational awareness activities, increase access to CMCs and to strengthen the legal framework for its mandate.

5. 0   DISCUSSION OF FINDINGS

5.1 How the Lusaka Conflict Management Committees (CMCs) manage electoral conflicts

From the findings presented in this study, it is clear that the Electoral Act No. 12 grants the ECZ powers to establish Conflict Management Committees (CMCs). It is also on the basis of such statutory supremacy that ECZ has established a National Conflict Management Committee based in Lusaka and several others in all the districts in Zambia. These committees were established in August 2006 for the sole purpose of resolving and managing electoral conflicts.

As observed from the findings of this study, the structure and composition of both the ECZ and CMCs in particular is clear and that functions and responsibilities are divided as such. Furthermore, it was also observed that the members have a clear understanding of their roles and responsibilities, and demonstrated a clear commitment to the vision and mission of the Electoral Commission of Zambia. The chairperson chairs the meetings while the secretary who is also the District Electoral Officer is the hub of the administrative wing. Therefore, there is no overlap in terms of responsibilities. What also stands out from the findings is that the members of the CMCs are accountable for their actions to ECZ. In view of the discharge of functions on the part of the National Committee, it was clear from the findings that they generally have relevant skills and competencies.

This study has also established from the findings that CMCs were paramount in resolving and managing electoral disputes and that the management strategy used by CMCs to resolve and manage electoral disputes is mediation. Mediation is an attempt to help parties in a disagreement to hear one another and to minimize the harm that can come from disagreements (Zartman, 1997). The main reason advanced, according to the findings, for this strategy (mediation) according to the Electoral Commission of Zambia (ECZ) is that it brings the two or more parties involved in the dispute together to negotiate for peace resolutions of the disagreement/s instead of going to the courts. However, the findings also revealed that there was generally a lack of understanding of mediation among different stakeholders.

It is also clear from the findings that while the Act empowers the establishment of these committees, it does not give legal protection and powers to recommend for prosecution but merely take a mediatory role in helping to resolve electoral conflicts. Essentially, a respondent from Caritas Zambia argued that he did not agree with the strategy of mediation to resolve and manage electoral conflicts in Zambia because it was not backed by law and hence, it was simply an 'academic exercise.' Therefore, we can argue from the findings that the mandate of these committees technically lacks a legal framework in so far as enforcement is concerned. Therefore, it is possible from the findings to insinuate that the lack of a legal framework has made individuals from political parties to commit electoral violence with impunity. To this effect, if impunity is not checked, it can spark violent electoral conflicts especially if adequate procedures or enforceable sanctions against those who break the electoral law are missing (see Bekoe 2012, in Literature Review Chapter p. 20).

Essentially, the study observed that there are some success reports on the significant role the CMCs have played at both national and district levels in the management of electoral conflicts. From the findings, respondents in this study indicated with confidence that CMCs are extremely important and relevant to the electoral process. Furthermore, the findings have established that these institutions (CMCs) are truly relevant and must be maintained. It was also established from the interviews that CMCs are essential in conflict resolution through mediation and also, in educating political parties and individuals on the Electoral Code of Conduct. As mediation takes place, the parties to the dispute are reminded and educated on the Electoral Act. This helps political parties and individuals to know and adhere to the electoral law. This gesture, in turn, ensures that there is tolerance and co-existence among different political players in the spirit of togetherness as a unity in diverse. On the other hand, the

findings revealed that the enforcement of the electoral law was really problematic because of some constitutional challenges. There was, however, pressing need that CMCs are periodically reviewed and the capacity of the members regularly built. Overall, there was a call from the findings that these stakeholder committees needed to be publicized through mass civic education campaigns so that they are owned and supported by the general public because citizens were both peace and conflict zones.

The findings established that on paper elections in Zambia are classified free and fair and acceptable by international standards. However, a critical evaluation of what pertains on the ground brings out several concerns especially with regards to the issues of voids in institutional structures and legislation that addresses election issues. The findings brought out several constitutional challenges and to this effect, some stakeholders have argued that the role of ECZ is not independent because it has no 'teeth to bite.' Through mediation, culprits are merely warned without any action that would deter them and others from committing a similar act or offence.

It was further established from the findings that the move to multi-party system in 2001, has seen a number of political parties forming and this has increased competition among political players. As a result, no candidate or political party wants to lose the polls and so, others (individuals and political parties) are using all the means both legal and illegal to ascend to power. This includes for others fueling violence. It has also been established that the voting pattern in Zambia is more on tribal lines than ever before and as such, campaigns are on tribal lines. Those that cannot support a particular individual or political party, are seriously victimized. According to Leleruk et al (2007) in Literature Review Chapter p. 17), ethnicity and regionalism can lead to radical divisions and continued conflict and instability. Some campaign strategies in Zambia are no longer issue based but on character assassination. Therefore, these findings show a lack of understanding of democracy and lack of Civic Education from some sections of society in Zambia.

This study also found out that the manner in which CMCs are constituted is essentially basic and largely to the knowledge of many stakeholders. It was also noted that all registered political parties, CSOs relevant to the electoral process, the local authority, the Police, ACC and faith based organisations send representatives to sit in these committees. Therefore, these findings dismiss the allegation that CMCs were compromised.

5.2 The capacity of the Lusaka Conflict Management Committees

From the findings presented in the assessment of the capacity of conflict management committees(CMCs) to manage electoral conflicts, it was established that CMCs are hosted by the ECZ which in itself is a legal entity established and supported by a statutory instrument No. 52 of 2011 as well as several Acts of Parliament such as; Cap 13 (The Electoral Act), Cap 14 (The Referendum Act) and Cap 282 (The Local Government Electoral Act) of the Laws of Zambia. This study makes a deduction that CMCs too are therefore a legal entity within the ECZ. The argument here is that since ECZ is mandated by law to establish these committees as stipulated in the Electoral Act No. 12 of 2006, they (CMCs) should have legal mandate. It is also profound to note that the Legal Department of ECZ interprets the electoral law to CMCs. This shows that the CMCs have access to legal advice and services when needed. On the contrary, an important aspect worth noting in this study is 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 with this regard that some stakeholders in this study have argued that CMCs have no legal mandate for the enforcement of the law. It is also right to argue from the findings that the fact that decisions made by these committees are loosely binding and largely flouted by political parties, their mandate still has deficiencies and means that they are not effective enough to manage electoral conflicts.

Furthermore, the findings presented in this study have revealed that while the ECZ has powers to constitute these committees, the current way of doing it remains vulnerable to political manipulation. Allowing political parties to choose whoever they wish to sit in the committee renders these sittings into merely a political gathering. Consequently, allowing Town Clerks or Council Secretaries to be District Electoral Officers or Secretaries renders their ability inadequate. Therefore, the findings revealed that there was need to select individuals with knowledge in political science and conflict resolution to sit in these committees and not individuals with partisan interests. Fischer (2000) argues that electoral conflict is complex and can either be planned or spontaneous. Hence, all those involved in electoral conflict management must improve their ability in determining an election's propensity for conflict and violence. This call by Fischer implies that there is need to set up minimum educational standards for one to be part of CMC. Essentially, it is theorized that one's level of education is positively related to one's ability to understand and analyse electoral conflict (see Lederach, 2003 in Literature Review Chapter p. 17).

It was established from the interviews that efficiency, professionalism, transparency, impartiality and independence are important preconditions to determine the legitimacy and relevance of Conflict Management Committees. Where these prerequisites are not operationalized, Seifu (2012) argues that the risk of political instability and electoral conflicts becomes high. This study observes that political inclination of the majority of the members of the CMCs has greatly impacted on the principles of impartiality, independence and neutrality. It would add value and confidence to enlist a large percentage of non-partisan individuals as members of CMCs given the significance of the principle of impartiality and neutrality. As long as cadres flood these committees, attaining impartiality, neutrality and independency will remain far-fetched. However, some stakeholders in this study argued that even if partial members existed on the CMCs, the availability of the members of Local Authority, CSOs and the security wings neutralize all forms of interference or compromise

The findings show that CMCs in Zambia have fairly succeeded in resolving conflicts but the mere fact that unresolved conflicts still exists between political parties and CMCs makes it unsubstantiated to argue that they have been very good in the management of electoral conflicts. According to the Jimmy Carter Foundation (2006):

> *"... CMCs had unresolved disputes with political parties, and that most conflicts between political parties needed effective mechanisms to be managed, including creating a legal mandate for CMCs and providing for necessary enforcement mechanisms, without addressing the former, it is unlikely that these committees would be able to effectively manage electoral conflicts ..."*

From this observation, it can be argued that CMCs in Zambia mostly lack conflict mapping and monitoring techniques as well as conflict management skills. There is also a general lack of clear and reliable information on who has done what, to whom and when in their records. It is important to understand that when the history of electoral conflicts is established, it helps to identify hotspots that require high levels of security as a preventive measure. It was also observed that the lack of confidence in the electoral system seems to be a recipe for rise of electoral conflicts

It was evident from the interviews conducted in this study that at the ECZ, staff were self-motivated even though the opposite was true with the members of both the national and district CMCs. While it is understood that CMCs are voluntary institutions, this study finds a close

link between the lack of incentives for the members of the CMCs and their dwindling levels of motivation to carry out their mandate. In this case the respondents in this study observed that it is prudent that members of the CMCs are motivated if they are to be earnestly discharge their functions and ensure effective management of electoral conflicts.

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 capacity and effectiveness of these committees.

This study has also established that lack of capacity building workshops and conflict mapping techniques especially at district level is one of the major challenges facing CMCs. The inability to quickly arrive to a consensus when handling disputes may be attributed to the fact that members of these committees do not have the necessary skills and expertise in conflict mapping, prevention and management. In my view, the quality of capacity building trainings can go a long way in stumping out critical bottlenecks these committees encounter. Well trained members of CMCs are more likely to have their levels of impartiality and independence enhanced. This in turn reduces the extent of political influence on CMCs and ensure effective management of electoral conflicts.

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. Respondents in this study observed that justice delayed is justice denied. As a result of this situation, the findings in this study have argued 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 take too long to be concluded. For instance, Petauke Central constituency among others, had no representation for more than a year. Therefore, the study established that there is need for a robust system that would help speed up

the rate at which courts handled election related cases otherwise the process is merely an academic exercise. 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 situation where culprits even sit in parliament up to the end their term of office without their cases being concluded.

The findings revealed that CMCs in Lusaka are faced with challenges of resource mobilization that would enable them carry out awareness campaigns and sensitization on the electoral code of conduct. It was discovered in this study that there was no alternative mechanism for generating own income and that there is little identification and networking with advocacy actors to address identified policy issues. Furthermore, it was discovered that these committees have not taken serious community-based advocacy programmes so as to campaign against electoral conflict. On the other hand, CMCs are not well publicized. The findings call for appropriate use of avenues such as drama, music, radio and TV for publicity and peace building.

It is also clear from the findings that the current operational framework of the Conflict Management Committees (CMCs) in Zambia is not able to read the tone or mood of individuals or groups that would incite electoral conflicts. This is because CMCs were limited to the settlement of electoral disputes rather than ensuring that the electorates conducted themselves according to the electoral laws during elections. It is important that CMCs are able to make systematic reviews of early warning signs so that the likelihood of an election turning violent can be ascertained and subsequently, putting preventive measures in place ahead of time (see Hansen et al (2004 in Literature Review Chapter p. 25). Furthermore, the findings established that the committees were only mandated to handle inter-party electoral disputes and not intra-party conflicts. This was seen as an oversight in the sense that intra-party conflicts too have the potential to disrupt the general conduct of elections and hence, cause electoral conflicts.

From the findings, the study has also established that since the inception of Multi- Party system in Zambia, electoral violence is on the increase and the ECZ seems to appreciate the fact that electoral conflict has several causes that are largely structural and contextual. In this regard, the respondent suggested that CMCs should work closely with other stakeholders especially political parties to address some underlying causes of electoral conflict. In line with this

argument, the findings suggested further that CMCs should be permanent unlike the current situation where these committees were only reconvened when there was an electoral dispute.

5.2.1 **Perceived factors accounting for the rise in electoral violence in Zambia** Having assessed the capacity of conflict management committees (CMCs) to manage electoral violence, the findings further established other factors which needed to be addressed by political parties and legislators if the fight against electoral conflicts in Zambia was to become a reality and effective. These factors are: lack of tolerance and co-existence among politicians or those who have diverse views, revisit the perceived weak governance structures, cadre management, perceived weak media reforms and fight structural causes of the vice such as unemployment and poverty.

Cadre Management from the findings, some respondents observed that some political parties are now using party cadres as tools to fix political opponents using violence and that political cadres have become more powerful than even civil servants to the extent that they can even lock civil servant's offices. Therefore, the study established that there was need for sensitization and leadership within political parties because the behaviour of some cadres left much to be desired and needed to be termed. To this effect, this study strongly noted that democracy must grow and not thinking of serving one's cadres.

The Application of Public Order Act (POA) this study has also established that the Police selective application of legal instruments such as the Public Order Act (PAO) remains a source of concern for many stakeholders especially during the election period. It was for this reason that some respondents observed that Zambia is a multi-party system but has a one-party mentality in the sense that opposing views were not tolerated. They argued that those with opposing views were denied freedom of expression and Assembly. Furthermore, they argued that this scenario precipitated electoral violence to a larger extent and suggested a fair application of the Public Order Act.

Lack of Toleration and to Co-existence among Political Parties from the findings presented on this matter, the conclusion is that the current crop of some politicians was not able to co-exist and tolerate one another and in turn, this was leading to the rise in electoral conflicts. This was attributed to the limitation in Civic Education. Some respondents argued that

problems of society affect everyone and Civic Education should be seen as one of the vices that try to solve some of the problems of society. Therefore, there was need for all the citizens to have the knowledge of government and government structures, and the process that embrace elements of identity, patriotism, cultural diversity and political literacy. To contribute fully in the affairs of government, the respondents observed that citizens need to know their rights and duties. However, today in Zambia, electorates were generally intolerant and were not able to accommodate divergent views. This entails a general lack of understanding of democracy. This intolerance of divergent views and the lack of will for political co-existence was fueling electoral violence. The-son-of-the-land syndrome is now more prominent among some politicians and is dividing the nation. We have also heard of no-go areas for some politicians which is indeed sad for the development of democracy in Zambia and a draw back in the fight against electoral violence.

Weak Media Reforms from the findings, it is clear that the media in Zambia today is a source of concern in as far as sparking electoral violence is concerned. It has been observed from the findings that instead of the media doing its role of informing, educating and entertaining, the media (both public and private) has taken partisan and politics. They further observed that reporting is biased and aimed at championing selfish motives aimed at disadvantaging political opponents. The public media is being used for government propaganda. They argued that there is no objectivity in the reporting. The media in Zambia seems to be abandoning the noble objective of 'serving the people' for the selfish cause of 'serving self. This shows that the media in Zambia is facing serious challenges in as far as media ethics are concerned. The media can spark electoral violence if the reporting is not objective and biased media coverage can heighten tensions which could lead to conflict. We can conclude from the findings that there is need for media reforms to make the media more effective and ensure that there is no political interference. In line with this argument, Kasoma (1995) observed that;

> *African journalism is a part, is fast becoming an end in itself. Driven by selfish motives of profit maximization or political expediency, the African press has increasingly become the accuser, the jury and the judge all rolled up in one as it pounces on one victim after another in the name of press freedom and democracy.*

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Structural Causes *this* study has further revealed that structural causes such as unemployment and poverty are among the major contributors to electoral violence. As a result of massive job losses in Zambia especially in the mining industry, most of the unemployed populace especially the youths were desperate to have ties with political parties for financial gain. Apart from the financial gain, these youths also act as ready suppliers of violence. As a result, political parties are using this desperate situation to fuel violence. The study also established that the many bye-elections Zambia has witnessed in the recent past have contributed to electoral conflicts in the sense that there is stiffer competition in a bye-election than in a general election. They observed that all the machinery and resources are piled up in one place and in such a situation anything can happen, as a result some people take advantage of the situation to make money out of it.

5.4 Strategies of improving the performance of Conflict Management Committees (CMCs)

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 is necessary to come up with strategies that would improve the performance of CMCs to be more effective.

Strengthening the Legal Framework, it was established from the findings that if CMCs were to be 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 because of this punitive measure.

Introduction of Electoral Fast Track Courts the findings revealed that there were uncertainties regarding the pace at which electoral dispute cases referred to courts for litigation were disposed. The unclear picture over electoral dispute resolutions indicated ineffectiveness of CMCs. It is for this reason that the study has established that there was need for the introduction of electoral fast track courts to resolve electoral disputes expeditiously instead of taking electoral disputes to the judicial courts where cases might take long to be concluded. This

measure would strengthen the capacity to implement resolutions of CMCs and hence, effectively manage electoral disputes.

Increasing access to CMCs *o*rganization 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). Hence, effectively managing electoral conflicts.

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.

Essentially, the Frustration-Aggression theory used in this study to evaluate the management of electoral conflicts in Zambia 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. CMCs in their current framework have failed to adequately address the phenomenon of electoral violence because they lack the capacity to effectively address electoral disputes.

6.0 CONCLUSION AND RECOMMENDATIONS

6.1 CONCLUSION

This study has shed light on the management of electoral conflicts in Zambia and has recognised that electoral conflicts have the potential to become chaotic thereby undermining the integrity and credibility of the electoral process. The following are the three objectives set in Chapter One that anchored this study: to determine how the Lusaka Conflict Management Committees manage electoral conflicts: to assess the capacity of the Lusaka Conflict Management Committees in the management of electoral conflicts; and to establish strategies of improving the performance of CMCs in the management of electoral conflicts.

This study establishes that the Electoral Act No. 12 grants the ECZ powers to establish Conflict Management Committees (CMCs). It is on the basis of such statutory supremacy that ECZ has established a National Conflict Management Committee based in Lusaka and several others in all the districts in Zambia. These committees were established in August 2006 for the sole purpose of managing electoral conflicts through mediation.

The interviews conducted in this study revealed that CMCs are mandated to resolve and manage electoral conflicts in a prudent and timely manner. The strategy used by CMCs to resolve and manage electoral conflicts in Zambia is mediation. However, the findings have also revealed that such a strategy was not punitive enough to punish the perpetrators of the vice. Furthermore, the findings dismiss the assertion that CMCs were compromised owing to the fact that the composition of these committees is a representative of different stakeholders.

Responses from the interviews conducted in this study revealed that CMCs in Zambia are desirable but not comprehensive. They lack the capacity to effectively carry out their mandate because of limitations mainly bordering on the legal instruments to effectively resolve and

manage electoral conflicts. From the findings, the greater challenges affecting their operations mainly included lack of a legal framework, slow pace at which justice is delivered in court, vastness of districts, limited resources to carry out educational campaigns, lack of capacity building activities and lack of incentives from ECZ and other electoral stakeholders. Also, early phase or warning signs of electoral conflicts tend to be less recognised by the CMCs. However, there were other legislative lapses that were mentioned in the interviews which hampered the effective management of electoral conflicts in Zambia such as; weak media reforms, selective application of the Public Order Act, Cadre management, lack of tolerance and co-existence among some politicians and some structural cause such as unemployment and poverty.

The interviews conducted in this study further revealed that CMCs were facing serious challenges and needed effective strategies to improve the performance of these committees if they were to be effective in the management of electoral conflicts. To this effect, the responses from the interviews identified the following strategies which were necessary to improve 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.

6.2 RECOMMENDATIONS

On the basis of the findings of this study, recommendations are hereby suggested to the Electoral Commission of Zambia and Conflict Management Committees.

(1) The Electoral Commission of Zambia should make wider consultations on the best way to manage electoral conflicts and that competent in-house capacity building activities must regular and of high quality to ensure effective management of electoral conflicts.

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

(3) A legal mandate to the functions of the Conflict Management Committees is necessary for effective management of electoral conflicts.

(4) The Electoral Commission of Zambia should replicate Conflict Management Committees at constituency, ward and branch levels to supplement the works of CMCs at national and district levels to effectively manage electoral conflicts.

(5) 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.

6.3 SUGGESTION FOR FUTURE RESEARCH

Since this study focused primarily on evaluating the effectiveness of the management of electoral conflicts in Zambia by CMCs, there is need in future to assess the measures individual political parties have put in place to address electoral violence. It is the researcher's view that such a study would add to numerous efforts aimed at managing electoral conflicts in Zambia. A study is also inevitable to investigate the extent of intra-party conflict and the propensity for such conflict turning violent and consequently, disrupting national peace.

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