An Evaluation of the Challenges in the Management of Electoral Conflicts in Zambia: A Case Study of Lusaka Conflict Management Committees

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Abstract

Current studies on elections show that electoral conflicts are a common global phenomenon. Violence is one form of electoral conflict. Zambia has seen a rise and intense electoral violence in the recent past. This is despite the formation of Conflict Management Committees (CMCs) to deal with electoral violence. This article is an evaluation of the management of electoral conflicts in Zambia by the CMCs. The objectives of this study were to determine how the Lusaka CMCs manage electoral conflicts; to assess the capacity of the Lusaka CMCs in the management of electoral conflicts; to establish strategies of improving the performance of the CMCs in the management of electoral conflicts. This study employed a qualitative descriptive research design. A purposive sampling technique was used which targeted twelve key electoral stakeholders. Data was collected using semi-structured interviews and observations. Data was analysed using thematic analysis. The strategy used by CMCs in Zambia to resolve electoral conflicts was mediation. There was a Lack of a legal framework in the management of conflict and in the enforcement of the Electoral Act. To this effect, the study established strategies of improving the performance of CMCs which are: introducing electoral fast track courts, increasing educational awareness activities on electoral conflict, increasing access to CMCs and importantly, strengthen the legal mandate. Based on the findings, the study recommends to ECZ to attach a legal framework to the mandate of the CMCs and to make wider consultations on the best way to resolve electoral conflicts. There is need in future to assess the measures individual political parties have put in place to address electoral violence.

Key Words*: Electoral Conflicts, Elections, Management*

Background and Context
Concept of Electoral Conflict

Leleruk *et al.* (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.' It is also important to note that violence is one form of electoral conflict. 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 UNDP (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

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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, the study agrees with the United Nations Development Programme definition of electoral conflict as it is more elaborate and gives examples of some situations which are likely to trigger electoral violence. This definition is in line with this study as it exposes some challenges in the electoral process which require effective management. Therefore, this article has taken into account of such challenges as it discusses the conceptual challenges in the management of electoral conflicts in Africa.

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.

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, Cook (2011) argued that threats, protests, violence and human rights violations became eminent following the Gbagbo (former president of Ivory Coast) – Quattara (current president of Ivory Coast) electoral standoff between 2 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 29 March 2008 disputed presidential polls where about 500 MDC supporters were attacked, 400 were arrested, ten were killed and 3,000 families were displaced for supporting the opposition.

In Zambia, this situation appears to be the same with other African countries though record cannot equal the scale of electoral violence elsewhere in Africa, as Bekoe (2010) and Burchard (2015) observed. Zambia's electoral history has been peaceful from the time of its independence in 1964. Election observers deployed by various political stakeholders during the 2011 General Elections observed that occurrences of electoral conflict and violence were widespread in the majority of other towns apart from Lusaka such as Chingola, Kabwe, Kapiri-Mposhi, Kitwe and Ndola only that such incidences did not receive adequate media coverage (FODEP, 2012). As a result of electoral violence, property has been destroyed, people have been injured and others have died. 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) in 2011. Furthermore, police in Mufumbwe recorded a total of six casualties from an incidence of electoral violence in which a cadre lost his

eye after severe beatings and four cadres sustained deep cuts after being beaten in retaliation. In Rufunsa, one person died while two others were injured when political rivalry erupted during a Local Government by-election on 8 November 2012 (Namaiko and Nyirenda, 2012).

Management of Electoral Conflict

Recent policies on electoral violence in many emerging democracies 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) argue 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 well spelt 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 and 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 (Kammerud, 2012). 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 destabilise 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 can 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.

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 per cent occurring in the pre-election period and 43 per cent in the post-election period. These findings illustrates 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.

This study's aim was to evaluate the challenges in the management of electoral violence in Zambia. The question this study sought to answer is, how effective are the Conflict Management Committees in managing electoral violence in Zambia?

Methodology and Design

This study was conducted in Lusaka District using a qualitative approach and employed a qualitative descriptive research design. This district was purposively selected as a case study site due to the many cases of violent electoral conflicts in the recent past largely in constituencies such as Mandevu, Munali, Kanyama, Kabwata, Chawama and Lusaka Central. From the researcher's category of respondents, the ECZ, CSOs, political parties and members of the Lusaka-based CMCs which stand out.

Homogeneous and Heterogeneous Variation purposive sampling techniques were used to identify participants from the target population.

Interview guide, observation checklist and focus group guide were used to gather data. Data from interviews and (FGDs) was transcribed after reading text files and having listened to the tape recorders thoroughly for a general understanding. Common themes were then identified and clustered to categorise the data. Relevant information was labelled and grouped to the according category. Furthermore, the data was then reduced to its essence and representative and most striking quotes were identified. Codes related to the objectives were identified and a thematic

analysis was done. Throughout this process of categorising pattern, similarities and contrasting viewpoints were highlighted and critically interpreted on the basis of the theoretical framework.

Presentation of the Findings

Challenges faced by Lusaka Conflict Management Committees

When a question was asked on the challenges facing CMCs in the management of electoral conflicts, the following themes as shown in Figure 1 emerged.
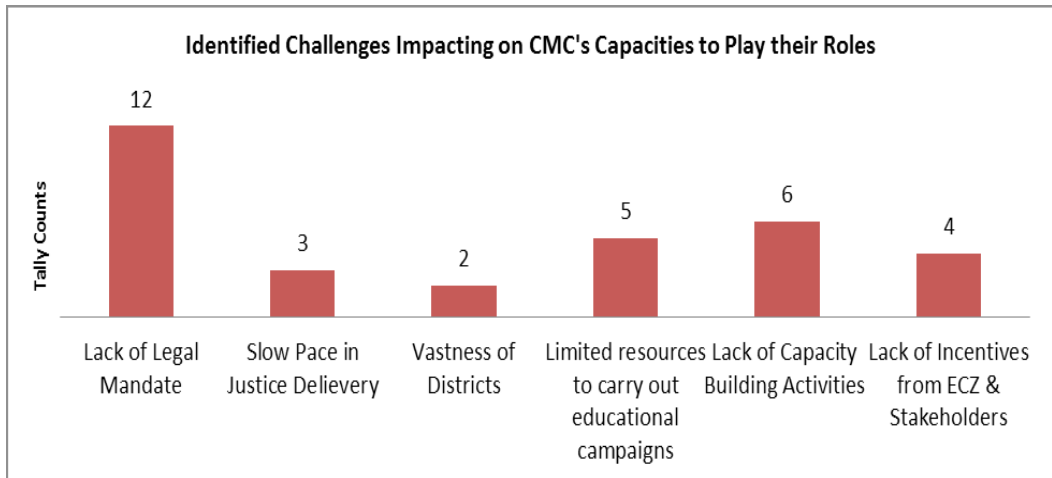
Figure 1: Identified challenges impacting on CMCs capacities

Lack of legal Mandate

All the twelve 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 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 their decisions not being adhered to due to the lapse in legal provision that would make the decisions more resolute in nature.

Vastness of Districts

Two respondents from the CMCs argued that one CMC against a vast district compromises their 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 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, six respondents observed that the district committee lacks 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

Four respondents 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

Five respondents indicated that CMCs had limited resources to carryout educational campaigns on electoral violence. A respondent interviewed from the District Conflict Management Committee indicated that CMCs in Lusaka are faced with challenges of resource mobilisation to enable them carry out awareness campaigns and sensitisation 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 CMCs faced in Lusaka was the slow pace at which justice was delivered in the court system. Three respondents interviewed requested for a robust system that would help speed up the rate at which courts handled the election related cases. One respondent from a named political party remarked:

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

Discussion of the Findings

Challenges characterising the Management of Electoral Conflicts in Zambia

In this section we will attempt to discuss the challenges in the management of electoral conflicts in Zambia.

It was noted that efficient management of electoral conflicts was paramount in resolving and managing electoral disputes. However, this study established that the management tools used in the fight against the vice leaves much to be desired in Zambia. For instance, the management strategy used by Conflict Management Committees to resolve and manage electoral disputes is mediation. By definition, 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 for this strategy (mediation) by 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. By implication, culprits were merely warned without any action that would deter them and others from committing a similar act or offence. To this effect, if impunity was not checked, it could spark violent electoral conflicts especially if adequate procedures or enforceable sanctions against those who break the electoral law are missing (Bekoe, 2012). Essentially, there was need for a strategy that was punitive enough to punish and deter the would be perpetrators of electoral conflicts.

The study has also revealed that Conflict Management Committees in Zambia have no legal mandate. However, this study makes a deduction that CMCs in Zambia too are 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 article 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 in this regard that some stakeholders in this study have argued that CMCs have no legal mandate for the enforcement of the law.

This article further noted that efficiency, professionalism, transparency, impartiality and independence were important preconditions to determine the legitimacy and relevance of Conflict Management Committees. To manage electoral violence, Gienath (2008) 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. Where these prerequisites are not operationalised, Seifu (2012) argues that the risk of political instability and electoral conflicts becomes high. This article 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 flooded these committees as the case is today in Zambia, attaining impartiality, neutrality and independency will remain far-fetched.

This article further noted that CMCs in Zambia lacked conflict mapping and monitoring techniques as well as conflict management skills. There was also a general lack of clear and reliable information on who has done what, to whom and when in their records. In short CMCs were reactive rather than being proactive. 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. A prominent scholar of the subject at hand, Schirch (2004) contends that Conflict Management involves implementing strategies to limit the negative and increase the positive aspects of conflict at a level equal to or higher than where the conflict is taking place. Schirch's submission seems to stem from Sandole (1999) who submitted that Conflict Management should not be misunderstood to be aiming at eliminating all conflict or avoiding conflict in totality but largely to minimise its negative impacts.

It was evident from the interviews conducted in this study that the ECZ staffs 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 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 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 ensures 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.

It is also clear from the findings that the CMCs in Zambia are not able to read the tone or mood of individuals or groups that would incite electoral violence. This is because CMCs were limited to the settlement of electoral disputes rather than ensuring that the electorates and politicians conducted themselves according to the electoral laws before, during and after 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. 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 further suggested that CMCs should be permanent unlike the current

situation where these committees were only reconvened when there was an electoral dispute.

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. Furthermore, this study revealed that CMCs were 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. Therefore, the study argues that such a strategy was not punitive enough to punish the perpetrators of the vice.

This study concludes that CMCs in Zambia were 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. 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 findings in this study are consistent with Frustration-Aggression theory which helps to understand the cause of electoral conflict and is critical to the strategies of managing the vice. The failure by CMCs to understand the causes of electoral conflicts would lead to serious challenges in its management.The fact that electoral conflicts were a threat to democracy, Frustration-Aggression theory adds to the theoretical perspective that this study relied upon. Therefore, appropriate prior knowledge about the causes of electoral conflict should help CMCs to design appropriate conflict management tools.

Recommendations

On the basis of the findings of this study, recommendations are hereby suggested to the Electoral Commission of Zambia:

(i)   Laws and policies that relate to the electoral code of conduct must be explicit and easily accessible to all members of the public;

(ii)   The ECZ 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

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

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