

# **ETHICAL AND INSTITUTIONAL ARRANGEMENTS NECESSARY FOR THE PROFESSIONAL ADMINISTRATION OF NATIONAL ELECTIONS: Evidence from the Republic of Zambia**

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*'All modern democracies hold elections, but not all elections (held) are democratic' -  
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## **Abstract**

This article takes a cue from the ever-growing literature on governance and security issues in contemporary Africa. It postulates that elections, and the manner in which they are administered, are a major cause of political conflict in many of the continent's 54 member countries. In addition to the unfavourable environment in which elections are generally conducted, election results are often discredited simply because the losing candidates opt to interpret technical irregularities experienced in election administration as acts of electoral fraud perpetrated by the victorious candidates, in connivance with the Election Management Bodies. This article uses evidence from the Republic of Zambia to illustrate that proper, effective and efficient institutional arrangements can promote and enhance the ethical and professional administration of national elections, and thereby reduce the high incidences of post-election conflict in Africa. From this perspective, the article presents seven such institutional arrangements.

## **Introduction**

Contemporary Africa has been ravaged by what one commentator has aptly described as a 'governance crisis' (Salih, 1997: 1). This crisis, as illustrated by several of the continent's member countries,<sup>1</sup> has been characterised by political unrest and, in some cases, outright civil wars. This harsh reality is what has constituted the bedrock of the continent's economic and livelihood crises, together with their social ramifications. As if to conform to its western-centric description as the 'dark continent', contemporary Africa has the lowest per capita income and is home to at least 15 of the 27 poorest countries in the world.<sup>2</sup>

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This article takes a cue from the ever-growing literature on governance and security issues in contemporary Africa. It postulates that elections, and the environment in which they are organised and administered, rank very highly in the catalogue of the major causes of political conflict and instability in many African countries. It is a well-known fact that polities worldwide differ in their capacities to organise and conduct elections that are, and must be, democratic, peaceful, free, fair, credible and transparent, or can simply be said to be truly above board. In Africa, as the cases of the Ivory Coast, Kenya, Madagascar, Nigeria and Zimbabwe have recently demonstrated, elections (can) sometimes constitute a tightrope walk between war and peace, or between stability and instability. As Pastor (1999: 1) has rightly noted, ‘accidents (do) occur at the intersection between political suspicion (of electoral fraud) and the technical incapacity’ of electoral bodies to organise and conduct national elections that are credible. Many elections are often discredited simply because the losing candidates opt to interpret technical irregularities as fraudulent electoral acts perpetrated by the victorious candidates, in connivance with the electoral bodies tasked to organise and manage elections. Such technical shortcomings may, however, be simply due to administrative shortcomings in the way elections are administered.

Although a panacea for political stability is nowhere in sight anywhere in the world, this article proposes that proper, effective and efficient institutional arrangements can promote and enhance the ethical and professional administration of national elections and, thereby, reduce the high incidences of post-election conflict in Africa. From this perspective, the article identifies and analyses the following as the minimum institutional arrangements: a good and democratic Constitution; a suitable legal framework of the electoral process; an appropriate electoral system; an efficient and independent election management body; alternative dispute resolution and management mechanisms; a free and independent media; and a vibrant civil society.

This article uses evidence from the Republic of Zambia, to illustrate the workings of the suggested institutional arrangements. However, the article also makes reference to selected African countries as and when necessary. Furthermore, the data contained in this article has been gathered through desk research. As such, appropriate acknowledgement has been made accordingly.

### **Desirable Ethical and Institutional Arrangements**

The Organisation of African Unity (OAU), the predecessor of the African Union (AU), did recognise the many challenges that emanated from disputed elections in its various member States. In an attempt to address those challenges, the continental body, on 8 July 2002, convened the 38<sup>th</sup> Ordinary Session of the Assembly of Heads of State and Government of the OAU, in Durban, South Africa. That Ordinary Session

culminated into what has now come to be known as the 2002 OAU/AU Declaration on Principles Governing Democratic Elections in Africa (AHG/Declarations 1-2: XXXVIII). The Declaration outlined, among other things: (a) the principles that African nations are expected to abide by when organising and conducting elections – elections which should be peaceful, free, fair and credible; (b) the responsibilities of the member States in the proper administration/management of national elections; and (c) the rights and obligations of the citizens in their involvement and participation in the electoral processes of their various countries (IDEA, 2012). The 2002 OAU/AU Declaration was made with the sole purpose of creating an environment which, it was hoped, would pre-empt election-related disputes and violence, thereby giving peace, unity and stability a chance to take root on the African continent.

On 26 May 2001, at a meeting held in Addis Ababa, Ethiopia, the OAU was transformed into the AU, by the representatives of the 54 member countries in attendance. Only Morocco opted out of the new continental body. A year later, on 9 July 2002, in Durban, South Africa, the AU was finally launched officially, thereby effectively replacing its predecessor, the OAU. During the First Ordinary Session of the Assembly of the African Union, the new continental body, on 9 July 2002, (in Durban, South Africa), adopted the protocol relating to the establishment of the Peace and Security Council of the African Union. The Council was mandated to perform several functions. However, all of them were interrelated and converged around the promotion of peace, unity, stability and security in the member countries of the AU (Fish *et al.*, 2010 Assessment Study).

Finally, on 30 January 2007, the leaders of the AU member States met in Addis Ababa, during the 8<sup>th</sup> Ordinary Session of the African Union. At that meeting, the delegates adopted the African Charter on Democracy, Elections and Governance (Rukambe, 2011). A key objective of the Charter was the promotion of a culture of holding transparent, periodic, credible, free and fair elections as well as the institutionalisation of the legitimate authority of representative government and regime change. In a nutshell, the 2007 AU framework sought the promotion, by all member States, of adherence to the universal values and principles of democracy and the respect for humanitarian principles.

It can, thus, be seen from the foregoing brief background information, that the AU has endeavoured to create normative frameworks which, if adopted and implemented faithfully, can promote a culture of organising and conducting legitimate, credible, free, fair and transparent elections in all the AU member states. That way, political tension, conflict and instability related to elections can effectively be averted or minimised in the AU member countries.

At a regional level, Southern Africa has already put three normative frameworks in place. First, there is a set of ‘Norms and Standards’ which was adopted by the SADC-Parliamentary Forum in Windhoek, Namibia, on 25 March 2001. This framework covers three main areas, namely; Elections and individual human rights; Elections and governments; and Transparency and integrity in the electoral process (SADC-PF, 2001).

Second, there is an instrument consisting of ‘Principles for Election Management, Monitoring, and Observation in the SADC Region’. This instrument was crafted in 2003, in Johannesburg, South Africa, by the Electoral Institute of Southern Africa (EISA). Like its SADC-PF counterpart, the 2003 instrument covers several areas of the electoral process as follows:

1. The institutional framework of elections;
2. Activities in the pre-election period;
3. Activities during the election period;
4. Activities in the post-election period; and
5. Election observation and monitoring in the entire electoral cycle.

Third, and finally, there is a document known as the ‘SADC Principles and Guidelines Governing Democratic Elections and Elections Observer Missions’. This document was adopted by the SADC Heads of State and Government in 2004, in Mauritius. The principles contained in this document commit the member States to good electoral practices and also define their duties and responsibilities in the electoral processes of their respective countries.

What is required, therefore, is for the African nations to adopt both the continental and the regional framework for the ethical and professional administration of elections and to scale them down to the level of domestication into national frameworks. Caution must be exercised, though, to be mindful of the fact that the domestication of continental and regional frameworks of ethical and professional administration of elections is one thing and practically translating them into a culture of democratic, free, fair and credible elections is another thing altogether. This being the case, measures must be put in place, by the AU and the various regional bodies in Africa, to ensure that the excellent principles contained in the continental and regional frameworks for the ethical and professional administration of elections do not remain mere academic or public relations exercise. This chapter proposes that one way of enforcing adherence to, and the application of these principles is by making them legally binding on all the member countries. That way, countries failing to observe, or apply them can be called to account.

The ensuing paragraphs present several suggested institutional arrangements deemed to be desirable for the ethical and professional administration of national elections.

## **1. A Good and Democratic Constitution**

A good and democratic national Constitution<sup>3</sup> is, as the case of the United States of America has demonstrated, a recipe for lasting peace, unity, stability and development in a nation. This is because such a Constitution transcends individual as well as partisan interests and binds the nation together in a unity of purpose, without discrimination. African nations should, thus, take a leaf from the USA, and do everything in their power to put good and democratic Constitutions in place and to faithfully use them in their governance practices.

A good and democratic Constitution endures because it is not imposed on the citizens; rather, the citizens give it to themselves, through consensus building and inclusive participation in the Constitution-making process. To emphasise, consensus built around both the content of the Constitution and the manner, or process, of its promulgation is what makes this sacred document stand the test of time. Any attempt, either by an individual, a group of individuals or a political party, to manipulate the Constitution, either in the Constitution-making process or in its application, most certainly relegates society to anarchy and chaos. All the individual members of society, irrespective of their colour, sex, gender, religion, language, and ability or disability, irrespective of the political arrangement in place, and also irrespective of the social and economic dynamics in the nation, should be able to find solace and comfort in the national Constitution (Committee for a Clean Campaign, 1996).

A good and democratic Constitution, furthermore, is a grand stabiliser and pacifier of society; this is because such a Constitution serves a number of important functions which directly translate into the aforementioned societal benefits (Odoki, 1991). First, a good and democratic Constitution is an embodiment of the hopes, beliefs, values, ideas, interests, aspirations and principles upon which society is organised and governed (Johari, 2010). These elements, taken together, shape society's vision and give it direction in its march to the future.

Second, a good and democratic Constitution determines the structure of government and, accordingly, demarcates it into what is traditionally known as the three branches of government, namely; the legislature, the executive and the judiciary (Raymond, 1973). By demarcating the structure of government in this manner, the Constitution also apportions functions to the said branches of government as well as defines and limits their powers, thereby establishing the cardinal principle of checks and balances among them.

Third, a good and democratic Constitution establishes a government based on the rule of law rather than a government based on the rule of men (Johari, 2010). The United Nations Security Council explains that the rule of law prevails in a nation when 'all persons, institutions and entities, public and private, including the State

itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards'. The principle being propounded here is simply that the law, rather than the arbitrary will or momentary and changing whims and caprices of men should rule (Nwabueze, 1993). When the rule of law prevails, anarchy and dictatorial government are avoided and peace, unity and stability are given a chance to flourish.

Fourth, a good and democratic Constitution is the basis for political participation in public affairs. This is because such a Constitution embodies enforceable principles, such as civil and political liberties, which guarantee the citizens' enjoyment of their freedoms. Above all else, such principles, together with the laws that they give birth to, are enforceable by the Judiciary, and this pre-empts the temptation by some people to take matters into their own hands whenever they feel aggrieved.

Fifth, and finally, a good and democratic Constitution creates a socio-political framework which acts like a peace treaty in society (Odoki, 1991). To elaborate, when consensus is built in the Constitution-making process, the citizens are more likely, thereafter, to embrace the Constitution as their own document and are, naturally, more inclined to accord it the respect it deserves. In other words, the people will be more willing to safeguard and defend it in all situations.

In a nutshell, to satisfactorily fulfil the foregoing purposes, a Constitution should be a product of a process that answers the following three cardinal questions in a non-biased way (Mwale, 2005): Why do we need a new Constitution? What should be the content of the new Constitution? What process should we follow in reviewing the Constitution? In seeking answers to these fundamental questions, furthermore, consensus-building is the password that actually binds the citizens together and leads to the crafting of a good, democratic and enduring national Constitution. In Africa, some of the political conflicts that the continent has witnessed have been sparked off partly by the fact that the political players who have led the Constitution-making process have tended to ignore the guidance of answers to these important questions. Instead, they have opted to pursue personal or partisan agendas. Zambia's Constitution-making process is a case in point.

Since independence in 1964, Zambia has had five Constitution Review Commissions that is, the Chona Constitution Review Commission of 1972; the Mvunga Constitution Review Commission of 1990; the Mwanakatwe Constitution Review Commission of 1993; the Mung'omba Constitution Review Commission of 2003; and the Silungwe Constitution Review Commission of 2011.

Zambia's past Constitutional Reviews indicate that various factors, among them political, economic, and personal considerations of incumbent presidents and their respective political parties, were the drivers of these processes. Nonetheless, and

as one enthusiastic observer has correctly noted, the majority of the Zambian people did not embrace the outputs of the first three Constitution Review Commissions. That was because they regarded the recommendations of the three Constitution Review Commissions as lacking legitimacy since they all were government-driven as opposed to being people-driven (Mwale, 2005).

Agreeably, Zambia's first Constitution Review terminated multipartyism and inaugurated the One-party State system of government, against the will of the majority of the people of Zambia. The second Constitution Review reverted the country to multipartyism but merely repealed the constitutional Clause which had proscribed multipartyism – it did not undertake a full review of the Constitution as was expected. The third Constitution Review controversially barred former President, Kenneth David Kaunda, from re-contesting the presidency on the pretext that he was not a Zambian since both of his parents were Malawian by origin. The same Constitution Review also prohibited traditional leaders from direct participation in partisan politics. The fourth Constitution Review proposed progressively that the Republican President should be elected by 50 per cent plus 1 of the total votes cast and that the Republican Vice President should constitutionally be the presidential candidate's running mate; these proposals were, nonetheless, turned down by the government. The fifth Constitution Review was intended to combine into one document, all the progressive suggestions contained in the first four Constitutions, but President Michael Chilufya Sata of the Patriotic Front (PF) defaulted on his promise of giving the Nation a people-driven Constitution in 90 days.

It is important to note that the making of a good and democratic Constitution is an exercise that is, and must be, grounded in very serious ethical considerations. This is because the exercise must address, as well, the question of the dignity of man which, itself, is not constitutional but rather God-given. Alongside this question, the Constitution must address also the moral questions of man's rights and freedoms, through an appropriate Bill of Rights, as well as the issues of the common good, and concern for vulnerable groups in society. When the Constitution addresses these and other important considerations in an impartial way, then, and only then, will it live up to its expectation, as the great equaliser and stabiliser of society? And this way too, peace, unity, stability, good governance and development will be given a chance in society.

## **2. A Suitable Legal Framework of the Electoral Process**

Transparent, free, fair, and credible elections are widely recognised as a cornerstone of every democratic dispensation (Dercon and Gutierrez-Romero, 2010). From the

United Nations Declaration of Human Rights [Article 21 (3)] to the African Union's Charter on Democracy, Elections and Good Governance, to the SADC Principles and Guidelines Governing Democratic Elections, the need for transparent, free, fair and credible elections is affirmed. By allowing citizens to decide the manner in which they want to be governed, such elections 'form the starting point of all the other good governance practices' (Bjornlund, 2010: 4). To elaborate, elections constitute an institutional arrangement for selecting, from among several candidates, the individuals perceived to be the best for public offices. In this sense, elections accord the citizens an opportunity to exercise their franchise and choose the people they really want to serve them as their representatives or spokespersons in public affairs.

Second, elections accord the citizens a chance to step forward and offer their candidature for public office. From this perspective, elections are and can be said to be, an avenue for the people's political participation in the public affairs of their countries. It is important for the citizens to be patriotic and, hence, participate actively in public affairs. For, it is now sufficiently clear, that globally, democracy is recognised as not being a spectator sport.

Third, elections are regarded as a vehicle for holding elected officials accountable to the voters. That is to say, elected officials who desire to be re-elected in the next round of elections must diligently serve the people as well as fulfill their campaign promises to them, in their first term of office, in order to win their hearts and minds (Johari, 2010; Nwabuzor and Muller, 1985; Ball, 1983). It was in this context that the British philosophy, jurist and social reformer, Jeremy Bentham (1748-1832), once admonished that the people, as voters, actually possessed dislocative power and could, if they so wished, use it to dislodge and substitute elected officials whose public performance they adjudged to have been poor.

Fourth, elections are, by design, a vehicle for producing a legislature that is in tune with the hopes, dreams, aspirations and expectations of the citizens at a particular time. That is to say, those that come to be elected as lawmakers should champion the national agenda rather than pursuing personal interests.

Fifth, and finally, elections are intended to ensure that a government that is put in place has the blessings of the majority of the people. That way, such a government is likely to enjoy the sympathy and support of the people even in hard and challenging times.

Unfortunately, however, transparent, free, fair and credible elections, desirable as they are, do not just happen; rather, respective societies must consciously make them happen. The starting point for performing this political feat is for nations to make sure that they put in place, suitable legal frameworks for their countries' electoral



processes.<sup>4</sup> The electoral process of a country is simply the procedure that is to be followed by the citizens of a country in choosing their preferred public officials as well as in offering their candidature for public office.

The National Constitution of a democratic country, discussed briefly in Section (a) above, normally contains a country's Electoral Act. The Electoral Act, in turn, contains, (or should contain), among other things, provisions that specifically address various aspects of a country's elections and the electoral process. It spells out, (or should spell out), the dos and the don'ts in the electoral process. It also states (or should state), in no unequivocal terms, the relevant qualifications for both the candidates and the voters in the electoral process. In the same vein, the Electoral Act also specifies (or should specify) the conditions under which either a voter or a candidate can be disqualified from participation in the electoral process. In Zambia, for example, the legal framework of the electoral process was created by the Electoral Act, Chapter 13 of the Laws of Zambia. It addresses, in no unequivocal terms, such issues as (Kabanda, 2008; Banda, 2004):

- (a) The way presidential, parliamentary and local government elections must be conducted;
- (b) The necessary qualifications for election as Republican President, MP, or Councillor;
- (c) The necessary qualifications for registration as a voter;
- (d) The grounds on which a potential voter can be disqualified from registering as a voter, and also the grounds on which a registered voter can actually be disqualified from voting;
- (e) The role and the powers of the Electoral Commission of Zambia in the electoral process;
- (f) The independence of the Electoral Commission of Zambia;
- (g) The appointment, remuneration and functions of electoral officers; and
- (h) Who may present an election petition and how?

The Electoral Act of a country is also the basis for the country's Electoral Code of Conduct. The Electoral Code of Conduct is simply a set of guidelines which stipulates the expected behaviour of all the political stakeholders. It specifies the kind of sanctions that await any stakeholder or organisation that does not comply with it. Zambia's Electoral Code of Conduct was formulated by the country's electoral body, in line with Section 109 of the Electoral Act, 2006. Its purpose is to create and promote conditions that are deemed to be favourable for free and fair elections. The Code has several Sections which deal specifically with various aspects of the electoral process.

They include the duties of all political players, political parties, the media, election monitors, election observers, and law enforcement agencies (ECZ, 2011).

To come up with such a Code of Conduct, Zambia organised several national workshops which brought the representatives of various stakeholders together. Because they provided input into the Electoral Code of Conduct, the stakeholders have had, generally, no problem abiding by its specifications.

### **3. An Appropriate Electoral System**

The electoral system of a country, referred to also as the voting system, is, at the most basic level, the method used by the authority responsible for organising elections in the said country; it translates votes (for candidates) into seats (or offices) for representatives, although it can also be used, directly or indirectly, to translate policy preferences into decisions in a referendum (Norris, 1997; Liphart, 1994). A more comprehensive description, or definition, of an electoral system, should, however, include specifications of who qualifies to vote (franchise); who qualifies to stand as a candidate; how, where and when to vote; the size of the constituencies, and so on (Ball, 1983).

The choice, design, or reform of the electoral system of a country is a very complex undertaking and is one of the main sources of post-election conflict. This is because the electoral system determines who, among the candidates, gets elected and who does not, or which political party forms a government and which one does not (The Republic of Zambia, 2004). In many cases, the losing candidates, or losing political parties, tend to point an accusing finger, rightly or wrongly, at the electoral system in place. A case in point is that of the United States of America (USA) presidential poll of 7 November 2000 in which Al Gore won the popular vote but lost Florida's Electoral College and, thereby also lost the American Presidency to George W. Bush (son of former American President George H.W. Bush).

Bearing the foregoing concerns in mind, the Institute for Democracy and Electoral Assistance (IDEA) has suggested that the best approach to electoral systems design is that of first outlining the main goals of the desired electoral system. This, according to IDEA (1997), should then be followed by the selection of the electoral system, or a combination of electoral systems that best meet the stated goals (IDEA, 1997). From that perspective, IDEA (1997) suggests the following as the criteria that should be taken into account in the process of electoral systems design; the need to:

- (a) Create a Parliament that has a national character in its outlook, programmes and functions;
- (b) Create a voting system that makes it easy for the citizens to vote (accessibility

- to polling places) and also makes them feel that their individual and collective votes do matter in the electoral process (reliability);
- (c) Create a system that offers possibilities of alternative conflict resolution and management mechanisms and processes, such as reconciliation;
  - (d) Produce a government that is perceived by the citizens to be fair, impartial, and efficient;
  - (e) Create a system that holds the government as well as the elected representatives accountable to the electorate;
  - (f) Create a system that favours and enhances political party unity and stability rather than factionalism;
  - (g) Create a system that promotes the existence of a strong parliamentary opposition; and finally,
  - (h) Create a system that can be supported by the country's financial and administrative capacity.

Although electoral systems fall into numerous categories, they can, in practice, be grouped into three broad families: (i) proportional electoral systems; (ii) majoritarian electoral systems; and (iii) plurality electoral systems.

#### **4. An Efficient and Independent Election Management Body**

As mentioned in Section 2 above, an election is deemed to be 'free' and 'fair' if it is, among other things, organised and conducted under democratic electoral laws and regulations. The terms 'free' and 'fair,' as used in Section 2 above, warrant elaboration, to pre-empt misunderstanding. To begin with, an election is deemed to be 'free' if the voters that are participating in it are allowed, in the pre-election, the election, and the post-election periods, to freely exercise or enjoy their political liberties or freedoms, (such as the freedom of assembly, freedom of expression, freedom of association, etc.). And an election is deemed to be 'fair' if the political environment or political playing field in which the election is conducted is level for all the contestants or political players and, thus, does not give undue advantage to anyone of them, or to the party that they belong to, if they are not independents. Thus, the freeness of an election applies to the electorate while the fairness of an election concerns the contestants or candidates and the parties they belong to if they are not independents.

Another criterion that an election must fulfil in order for it to be deemed 'free' and 'fair' is that it must be organised and conducted by an independent and impartial Election Management Body (EMB) or Electoral Commission (ECF, 2007). According to the Electoral Commissions Forum of SADC Countries, there are a number of conditions that an EMB should fulfil if it is to conduct elections that meet the

specifications of the free and fair elections criteria (ECF, 2007). First, the manner in which the EMB itself is established should be agreed on a priori, by all the major political players, or their representatives, and should be enshrined in the country's Constitution. That way, the work and the integrity of the EMB will most likely not be called into question, unnecessarily, by any of the political players.

Second, the composition of the EMB, (which should be gender-sensitive), together with the qualifications and appointment procedure of its personnel, should also be agreed on a priori, by all the major stakeholders, or their representatives, and should be enshrined in a country's Constitution as well. Consensus built around these and other related issues, such as openness and transparency in the appointment of the EMB officials, stands to enhance respect for, and credibility in the EMB and the work it is intended to do.

Third, the EMB should be granted leeway to operate independently – meaning that no entity or individual, either from within or from outside, should be allowed to manipulate, control or influence its work in any way whatsoever. For this condition to prevail, the independence of a nation's EMB must be guaranteed by enshrining it in the National Constitution.

Zambia's EMB is called the Electoral Commission of Zambia (ECZ). The creation of the ECZ was provided for by the Electoral Commission Act, No. 24 of 1996 of the Laws of Zambia. The composition, appointment procedure of the commissioners, internal organisation, as well as the operations of the ECZ are all specified in the Electoral Commission Act, No. 24 of 1996 of the Laws of Zambia. However, the operations of the ECZ have not been without controversy. To begin with, all the commissioners are appointed by the Republican President, subject to ratification by Parliament. This is clearly out of step with the guidelines of the ECF of SADC countries which stipulate that the commissioners should be appointed by an independent committee representing key stakeholders, and should be ratified by Parliament (ECF, 2007). The leaders of the opposition political parties in Zambia have tended to question the independence, integrity and impartiality of the ECZ. Their observation, or concern, is that commissioners who are appointed by one person – the Republican President in this case – are likely to adopt an attitude of favouring the appointing authority.

Other complaints about the ECZ have centred around: how poor funding of the institution hampers its activities and operations, how lack of election-related technology hinders the institution's efforts in its attempts to organise and administer elections in an efficient and effective manner, in line with practices in modern societies, and, finally, how inadequate qualifications of some of the commissioners appointed to the EMB undermines performance. It is important to ensure that all the lingering

questions about a country's EMB are addressed and addressed adequately, to forestall confidence in the country's electoral process.

## **5. Alternative Dispute Resolution Mechanisms**

Disputes are an inevitable feature of every human society. A dispute, simply put, is usually a short-term disagreement, or a difference in opinion, involving two or more people, or parties, about an issue, a procedure, and so on, which can sometimes have the potential to generate into a long-term, deep-rooted conflict of some kind. As noted earlier, disputes are not uncommon in the electoral process. This is particularly because of the high stakes that are involved in elections. It is not uncommon to hear that national election results have been disputed by the losing party and its candidates. This was the case when Hakainde Hichilema of the United Party for National Development (UPND) refused to concede defeat in Zambia's presidential by-election which took place on 20 January 2015. Hichilema insisted that his party had, in his view, won the election and that the election had only been stolen from him.

In view of the foregoing, countries can enhance their chances of promoting peace and national unity by devising effective ways and means of diffusing or neutralising societal tension before it escalates into long-term conflict. One way to do so is by putting in place, a carefully worked-out strategy for alternative dispute resolution (ADR). The term 'alternative dispute resolution', as used in this paper, refers to a wide array of practices, techniques and approaches employed in resolving and managing disagreements, alternative to full-scale court processes, such as litigation and the judicial enforcement of verdicts (Foundation for Cultural Policy Research Cupore, 2014). The commonest ADR mechanisms are negotiation, conciliation, mediation, arbitration, and expert opinions.

In Zambia, the ECZ has formed what are known as National Conflict Resolution Committees. These Committees consist of eminent persons who represent Civil Society Organisations (CSOs), political parties, and the Church Mother Bodies. The members of these Committees were first trained in conflict resolution and management skills. They operate at the local, district, regional and the national levels. Their mandate is to handle political disputes as soon as they become aware of them. That way, such disputes are nipped in the bud, before they escalate into serious political conflicts.

## **6. A Free and Independent Media**

The media, both print and electronic, can, without hesitation, be described as the lifeblood of the democratic process. This is because of the vital roles that they play in democratic transition and consolidation processes. Firstly, the media plays an

informational role by publicising electoral issues and activities. They can, and do, inform the citizens of such things as: the kind of elections that will be coming up (that is, national, regional, and/or local); the dates and times of the by-elections; the participants or contestants in the by-election (that is, the political parties and their candidates) as well as the manifestoes and programmes of the various political parties; the scheduling of voter registration; delimitation of constituencies; the location of the polling stations and the times when they will open and close; the kinds of identity cards to be presented when registering as a voter and also when actually voting, and so on. The electronic media also perform a voter educational role by explaining, especially to citizens who are illiterate, the procedures involved in voting.

Secondly, the media, both print and electronic, play an analytical role, by critically scrutinising the contesting parties, their manifestos and their candidates as well. This requires that the media borrow from their banks of objective research on political parties and their credentials and convert party facts into working knowledge for the electorate. This way, they assist the citizens in making informed electoral choices rather than being guided by blind party loyalty.

Thirdly, media houses and institutions help the cause of democracy by providing fora for public debates and discussions. Such debates and discussions are important in a democratic dispensation because they accord the citizens an opportunity to listen to and, hence, be able to compare and contrast, the various viewpoints, opinions, ideas and beliefs of the various political parties and their candidates.

Fourthly, media houses and institutions play a watchdog role which aids democracy. This, they do by keeping a watchful eye on the entire electoral process and publicising their findings accordingly. For example, they investigate and report on allegations of electoral fraud or malpractices and, thereby, protect and enhance the integrity of a country's electoral process.

Fifthly, and finally, the media, both print and electronic, are, and can be, tools or instruments for peace-building and conflict resolution. The sad story of the 1994 Rwanda massacre reeks of the failure, by the media in that country, to build peace across ethnic groupings. By reporting truthfully and factually, the media can, in a nation, clarify misunderstanding and, hence, pre-empt conflict.

To be able to play these roles successfully and objectively, as well as to operate ethically and professionally, the media, both print and electronic, need to be free and independent from the control of any individuals, groups of individuals or institutions. To be truly independent, the media houses and institutions must not be owned by the government, or political parties, but rather by business houses. They must also not be dependent on the government for their funding.

In Zambia, two of the three leading newspapers – *The Zambia Daily Mail* and *The Times of Zambia*,<sup>5</sup> are government-owned and controlled. The largest TV station the Zambia National Broadcasting Corporation (ZNBC), is also government-owned and controlled. It is not uncommon for such media houses to offer slanted coverage, in favour of the government and against the opposition political parties. It is not surprising, therefore, that calls for the privatisation of such media houses abound.

## **7. A Vibrant Civil Society**

In a democratic dispensation, transparent, free, fair and credible elections are, without doubt, a necessary benchmark. However, on their own, such elections are not a sufficient condition for forging and preserving peace, unity and stability in a nation. As Gilley (2010: 16) notes, ‘a healthy democracy requires more than elections.’ Another important ingredient in the recipe for a stable governance system is the presence of a strong, vibrant and resilient civil society.

A vibrant civil society, as described in the preceding paragraph, is undoubtedly one of the pillars of ‘the house of democracy’. Conceptually, there is no consensus on what should be included under the rubric of civil society. However, this term can be taken to refer narrowly to the aggregate of social organisations, associations and institutions that are not part of the public sector, are formed voluntarily, operate independently of the state, and exist predominantly to influence the government’s formulation and/or implementation of public policy, for the benefit of the members of the general public (Applebaum, 2012; Bjornlund, 2004; Blair, in Hulme and Edwards, eds., 1997; Fowler, 1997; Korten, 1997; The Commonwealth Foundation 1996; Nwabueze, 1993; Putnam, 1993; and Hansmann, 1986). To put it more succinctly, civil society encompasses the gamut of organisations, associations and institutions – collectively referred to simply as Civil Society Organisations (CSOs) – which includes: Non-Governmental Organisations (NGOs), Community-Based Organisations (CBOs), Voluntary Associations (VAs), labour unions, student unions, professional associations, chambers of commerce, ethnic associations, faith-based organisations, cultural associations, sports clubs, informal groups, and so on.

At the centre of a vibrant civil society are NGOs. A vibrant civil society, driven by NGOs, supplies the glue that binds a nation together. This, it does by being committed to public interest causes, such as environmental protection and management, good governance reflecting human rights protection, promotion of women’s issues, fighting corruption, and monitoring election (Carothers and Barndt, Foreign Policy, No. 117). To exemplify, a vibrant civil society demands that all the political players, particularly those in government, adhere to democratic tenets, values and expectations (Gilley, 2010: 16). In Zambia, NGOs have been instrumental in demanding that all the public

officials, in their political behaviour, always observe and abide by the known tenets, values and norms of democracy. In countries undergoing democratisation, NGOs tend to assume the role of midwives; they initiate freshmen democrats into a culture of political activism hitherto unknown to them (Ng'oma, 2008). For example, they teach the new political converts the need to be active participants in national elections, as candidates or as voters, or both, and to always observe the rules of the political game.

Non-Governmental Organisations are also concerned with the political exclusion of marginalised groups in society (Friedman, 1996). From this perspective, NGOs tend to put on the coats and hats of the agents of bottom-up democratic practice. In this role of theirs, NGOs seek to widen possibilities for the political participation of marginalised groups, such as women (Lijphart, 1984). In Zambia, for instance, the Women's Lobby and the Women for Change, among other NGOs, have been actively campaigning for increased women's participation in the country's decision-making processes in the top echelons of the corridors of power. Their efforts have not gone unrewarded. In January 2015, a woman, Inonge Wina - was appointed as Zambia's first ever Republican Vice President; and three years prior to that, three other distinguished women were given senior government appointments; one as Inspector General of the Police (Stella Libongani), the second as Director of the Anti-Corruption Commission (Roswin Wandu); and the third as Director of the Drug Enforcement Commission (Alita Mbahwe).

On a different note, a virile civil society can keep a watchful eye on the manner in which political power is put to use by those in whose hands it is entrusted. This way, CSOs can resist any attempts, by public officials, to use political power in ultra vires ways. Similarly, any attempts by public officials, to abuse the authority of their public offices can be checked by the masses, acting through CSOs. By performing such roles, CSOs contribute positively to the inculcation of a culture of the proper use of state power by elected officials. This is particularly important in newly democratising nations where the remnants of dictatorial tendencies tend to manifest and must, thus, be kept in check.

Finally, NGOs are involved, and they must be involved, in election monitoring worldwide, in order to enhance the credibility of the electoral process. The background to this activity is that emerging democracies, such as Zambia, generally encounter challenges in organising elections that can be deemed as transparent, free, fair and credible (Pastor, 1999). Questionable voter registration and voter education exercises, a marginalised or even silenced citizenry, inadequate technical skills on the part of the electoral officials, assertions of electoral fraud and insufficient or biased oversight by the electoral bodies and many other factors often conspire to taint the polling results obtained after an election (FODEP, 1996). It is from this perspective that election monitoring and election observation by CSOs become not only desirable but also important.



Election monitoring refers to the process of keeping a watchful eye over the entire electoral process of a country, so as to be able to objectively attest, after an election has taken place, whether or not the election in question was organised and conducted according to a country's electoral laws and procedures as well as according to the internationally recognised criteria for free and fair elections (IDEA, 1999). Election monitoring does not take place only on the day that the election is being conducted, rather, it covers three distinct periods, namely; the period preceding the election, the Election Day itself, as well as the brief period following the announcement of the election results. In all these phases, CSOs are available to bear witness to the process. The Carter Center of the United States of America is well-known for election monitoring worldwide. Zambia's Foundation for Democratic Process has monitored all the national elections that have been conducted in Zambia since the organisation's founding in 1991 (FODEP, 2012).

## **Conclusion**

While conflict will always characterise plural politics, it is possible to implement measures to reduce its occurrence. This article has asserted that one way of forging peace, unity and stability in a nation is by paying proper attention to the manner in which national elections are organised and administered. More specifically, the article proposes that great attention should be paid to seven institutional arrangements as follows: ensuring that a country has a good and democratic Constitution; ensuring that a country has a suitable legal framework of the electoral process; putting in place an appropriate electoral system; creating an efficient and independent Election Management Body; putting in place alternative dispute resolution and management mechanisms; ensuring that the nation has a free and independent media; and allowing CSOs to emerge, to become strong and to operate without intimidation or interference. Consensus needs to be built around these institutional arrangements. That way, suspicion and disagreements that tend to lead to violent protest, and thereby disrupt national peace, can be avoided.

## **End Notes**

1. Among them are: Angola, Burundi, Central African Republic, Congo DR, Egypt, Liberia, Libya, Madagascar, Mozambique, Rwanda, Tunisia, Somalia, and The Sudan.
2. WHO. (2011). 'The Abuja Declaration: Ten Years On.'
3. A Constitution, defined in political terms, is the supreme law of the land. In simple terms, it can be said to be a set of laws and principles, written or unwritten, which:

- (a) outlines the powers and limitations of government; (b) stipulates the structure or organisation and functioning of the government in terms of institutions, procedures and processes; and (c) specifies the rights and obligations of the citizens vis-à-vis the State (Raymond, 1973; Johari, 2010).
4. The term ‘electoral process’, as used in this chapter, refers to the series of political activities that culminates into the selection, by the electorate, of one person between or among competing candidates, to occupy a particular public office and serve as the people’s representative or spokesperson.
  5. The third one is the privately owned *Post Newspaper*.

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