

## Conflict Management

This is dealt with in terms of Part XXIA of the Electoral Act which deals with the establishment of multi-party liaison committees.

The main aim of these provisions is to set up structures that will prevent or resolve conflicts and to ensure observance of the Code of Conduct for Political Parties and Candidates.

The structures for conflict management are multiparty liaison committees. ZEC must establish these committees as soon as possible after the close of nominations in an election. Decisions of these committees are made by consensus.

It must first set up a national multiparty liaison committee consisting of —

- a ZEC Commissioner as chairperson of the committee;
- 2 representatives of each political party contesting the election selected by their parties;
- 2 representatives of an independent candidate contesting a Presidential election;
- any person invited by the representatives of every political party represented in the committee.

The national multiparty liaison committee is given the function of establishing multiparty liaison subcommittees **in each province**. It can delegate any of its functions to these subcommittees but it must monitor, supervise and direct their activities

ZEC must also establish—

- constituency multiparty liaison committee for each constituency in which the election is contested,
- a local authority multiparty liaison committee for each local authority area in which the election is contested.

A constituency multiparty liaison committee, consists of —

- a representative of ZEC selected by ZEC;
- a representative of each political party contesting the election, who shall be selected by the party or candidate concerned;
- 2 representatives of an independent candidate contesting a Presidential election;
- any person invited by the representatives of every political party represented in the committee.

A local authority multiparty liaison committee, consists of —

- a representative of ZEC selected by ZEC;
- a representative of each political party contesting the election, who shall be selected by the party or candidate concerned;
- 1 representatives of an independent candidate contesting a Presidential election;
- any person invited by the representatives of every political party represented in the committee.

The main function of these multiparty liaison committees is to resolve problems through dialogue and generally assist in the implementation of the Code of Conduct for Political Parties. They must—

- hear and attempt to resolve any disputes, concerns, matters or grievances relating to the electoral process, including in particular any disputes arising from allegations concerning non-compliance with the Code of Conduct; and
- immediately report upon and refer to ZEC any disputes, concerns, matters or grievances relating to the electoral process.

They may request ZEC to mediate or appoint an independent mediator to resolve any dispute, concern, matter or grievance relating to the electoral process.

They may also present to ZEC any reports, assessments, records or recommendations relating to the electoral process.

## National MPLC

### Provincial Subcommittees of National MPLC

Constituency MPLCs

Local authority MPLCs

### **Control of politically motivated violence and intimidation**

Elections in a democracy are premised upon a peaceful process of political competition. Elections cannot be free and fair if violence and intimidation are used to prevent political contestants from campaigning or to stop voters from voting or force them to vote for candidates they do not support.

Part XVIII B of the Electoral Act contains a whole range of measures to prevent and control political violence.

Candidates and officers of political parties contesting an election will be required to take steps to control politically-motivated violence and intimidation and to undertake to abide by the Code of Conduct, which Code has been strengthened, especially as regards political violence and intimidation.

After elections are called the police chief, in consultation with the Zimbabwe Human Rights Commission must appoint a senior police officer for each provincial centre to be the special police liaison officer responsible for the speedy investigation of cases of politically-motivated violence or intimidation within that province which is brought to his or her attention by the, ZEC, a multiparty liaison committee or the Zimbabwe Human Rights Commission.

The police chief must also set up special police units in consultation with ZHRC. These units must speedily investigate all cases of political violence and intimidation referred to them by the police, ZEC, a MPLC or the ZHRC.

There will also be special prosecutors and special magistrates courts to deal quickly with such cases.

To assist each special police liaison officer, the ZHRC will set up in each province a Special Investigation Committee to investigate cases of violence and intimidation during the election period. The provincial special liaison police officer and representatives of political parties contesting the election will sit on this Committee. The Committee will be chaired by a representative of the ZHRC.

Where a Special Investigation Committee becomes aware, of any case of politically-motivated violence or intimidation within the province, it must direct the special police liaison officer to conduct the required investigations. If committee members so resolve, the committee may accompany the special police liaison officer during the investigations.

If the ZHRC is satisfied, after an investigation by its committee, that an incident of violence or intimidation did take place, it may take any of the following steps—

- where the violence or intimidation was perpetrated by a candidate or his or her election agent, warn the candidate that he or she may be prosecuted & prohibited from campaigning in the election; or
- where a supporter of a political party or a candidate perpetrates the violence or intimidation, remind the party leader, or the candidate, that of him/her obligation to take effective steps to prevent the supporters from engaging in politically-motivated violence, and warn them that they may be prosecuted and that a candidate can be prohibited from campaigning in the election; or
- if warnings are not heeded, or if the Committee believes that the incident in question is of a very extensive or serious nature, the Committee must, as soon as possible, submit a written report of the incident identifying, if it can, the perpetrators together with a summary of any evidence it has gathered to a special prosecutor in the province.

**In addition to any other penalty it imposes on a convicted person, the High Court will have power to prohibit such a candidate from voting or standing for election for up to five years.**