SECURITY OF ELECTIONS IN SOUTHERN AFRICA

By
Ilona Tip

Introduction

The immediate thought that comes to mind when one hears the phrase, "Security of Elections" is security provided by security forces to ensure the safety of the voter and prevent disorder. However voter's trust in elections comes from a combination of mechanisms and procedures that enable them to cast their vote in secret and free from fear or reprisal. This entails a wide range of conditions: contesting parties and candidates to campaign and canvass, enabling voters; listening to different view points in a secure and intimidation-free environment; the location of the polling station; methods of recording and tallying votes; confidence in election official's competence and honesty; and the physical security of the polling and counting station.

In broad terms election security addresses:
- physical security of premises and materials
- personal security of voters, candidates, party workers/officials, electoral officials and the general community
- security of election information, computer systems and software and communication systems

(ACE Knowledge 2006 – Voting site security)

Security is a high-cost and complex exercise in any election and more so in higher risk environments or in those environments where locations are dispersed and need to be secured. It is costly both in terms of providing

security of materials and equipment, as well as securing the safety of voters. Therefore those tasked with electoral security need to bear in mind what needs to be secured, i.e. voters, equipment, material, the context in which the security needs to be provided and the cost and availability of relevant resources necessary for security.

Security arrangements may differ depending on the context. For example, the security arrangements in Iraq for the 30 January 2006 elections would differ vastly from those in Botswana for the 2004 Parliamentary elections. Security arrangements need to be considered in all phases of the election: the pre election, during election and post election phase.

At the same time, election security does not take place in a vacuum. An election is assessed as free, fair and credible, based on a number of factors: these include the legal and constitutional framework within which the election takes place, the composition of the electoral authority, the system of voter registration and the opportunity for campaigning and canvassing. The role of the security forces (army, police, and intelligence) in protecting the security of the election process includes the secrecy of the ballot, and the security of both the polling station and ballot boxes, their duty may extend to the safe transportation of ballot boxes to a counting venue if the count takes place at a location different to that of polling.

The seriousness of the role played by security in an election is underscored in the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa, (section III: Responsibilities of Member States) It states that they:
- d. Safeguard the human and civil liberties of all citizens including the freedom of movement, assembly, association, expression, and campaigning, and……

- f. Take all necessary measures and precautions to prevent the perpetration of fraud, rigging or any other illegal practices throughout the whole electoral process, in order to maintain peace and security.

This is further enhanced by the AU Guidelines for Observation and Monitoring Missions. They list some of the issues that observers/monitors need to look for when assessing the freeness and fairness of elections Section 3.7 (v) states "Is it likely that the security forces will maintain a neutral role in the provision of election security". The SADC Guidelines endorse these clauses and also includes a provision for member states to:
- "7.7 Ensure that adequate security is provided to all parties participating in elections."

This paper will highlight some of the issues related to security of elections, which may require in-depth exploration. It serves to alert those tasked with the delivery of free, fair and credible elections with the ramifications involved.

The Role of Security Forces

Security forces play a vital role in an election and need to have the trust and confidence of all stakeholders. In particular the electoral authority and the security forces need to work in partnership at all levels, i.e. national, provisional or regional, district and local. Security forces support the electoral authority in ensuring that the electoral process runs smoothly, free from risk of violence or conflict.

Planning of appropriate security precautions and responses needs to be undertaken on the basis of risk assessments of the general election environment and specific issues related to the geographic or political landscape. This may be more susceptible to violence for a range of reasons. These could include easy border crossing,

displaced communities, or non-acceptance of the political situation.

The ECF of SADC countries/EISA *Principles for Electoral Management, Monitoring and Observation (PEMMO)*, page 20 section 4.9, sets out recommended principles regarding the role of security forces in the electoral process. They recommend that:

- Security forces should maintain a neutral role in the provision of election security
- Security forces should be regulated by a code of conduct contained in the electoral law, and their behaviour should not intimidate voters
- The EMB (Electoral Management Body) should meet regularly with the security forces to discuss issues relating to polling day security, and national security during the election period and any other logistical assistance that may be required.

Security forces have their own method of operation and priorities that may not be fully in line with those of the electoral authority. This will require that the chain of command and responsibility for security planning and action is clearly identified between the electoral authority and the security forces.

Generally Security Forces:

- Must be present in the vicinity of the polling and counting centre
- Must liaise and co-operate with electoral staff
- May not obstruct the polling process or interfere in procedures, or intimidate or influence the choice of the voters in any way
- May not enter the voting stations unless requested to do so by the presiding officer to maintain order and tthen only for the duration of that specific request.

Specific countries may have additional requirements. For example, in Palestine security personnel were not allowed to bring firearms into the polling centre unless requested to do so by the centre manager and unless they are required to maintain order.

The structures implemented to develop security plans will vary according to the level of risks in the election environment. The planning should be **sensitive to the role** that the security forces play and the perception that voters may have of the security force. This is particularly important in a country that is emerging from conflict, and can be challenging if the population lack confidence in the EMB, the security forces or both. Such a situation requires careful handling.

For example, in South Africa in the run up to and during of the 1994 elections, the vast majority of the population had an extremely negative association with security forces (at all levels) in the apartheid years. Under the Apartheid government, elections had been held for a minority of the population were managed by a government department, the Ministry of Home Affairs, in whom the majority of the population had little or no confidence. This necessitated the formation of an interim Independent Electoral Commission, charged with the supervision, conduct and co-ordination of the first democratic elections. during these elections the role of the security forces was clearly defined and security personnel well briefed on how to conduct themselves.

In addition, the interim IEC established a Monitoring Division that put in place various mechanisms to ensure voter confidence and trust. This division provided for a team of mediators and conflict resolution practitioners to be deployed and available countrywide in the pre, during and post election phase to deal with conflict as it emerged. The IEC also drew on the support of the thousands of peace monitors that had been in place since the early 1990s. These monitors, drawn from civil society organisations and a range of political parties, worked closely with political parties and security forces. In the pre

election phase they they would jointly monitor a rally or a march. The IEC also contracted an external organisation to recruit, train and deploy counting monitors whose sole function was to monitor the count, thus ensuring that the process ran smoothly and free from external interference.

In some countries, such as Angola in 1992 and Namibia in 1989 an external body, the United Nations, took responsibility for conducting the elections. At the time of writing, the Democratic Republic of Congo is preparing for elections to be held on 30 July 2006. Although the election is being conducted by an independent electoral authority, there is an external security force, MONUC, providing a large presence, on the ground to support local security forces and to reduce the potential for violence.

Continual information exchange and communication between election managers and security forces is crucial and beneficial, even if no formal consultative structures are in place. The EMB and the security force need to designate liaison officers who meet and agree on a plan of action. Security forces are responsible for drawing up a plan to ensure the safety of the electoral process that lays out the procedures that their members must follow.

Training
Generally, security forces receive training on appropriate general behaviour and emergency responses during elections. it is suggested that security forces also need to have an understanding of the entire electoral process. Training should include information on the role that elections play in the democratic process and the components of a free and fair election. An important component is the necessity for voters to have confidence in the security forces' ability to conduct themselves in a non-partisan manner when exercising their authority.

Whilst there is no need for security forces to be familiar with the finer details of voting operations, a general understanding of the processes and knowledge of what constitutes offences under election laws and rules is necessary. Security forces also need to be familiar with the lines of authority throughout the electoral process, as well as the role of the electoral staff in the election process. There may be situations where the security forces are required to assist electoral staff: E.g. a large number of voters arriving at a station, or a shortage of staff who are able to speak the local language. However this is not ideal and, , security forces should only be used to ensure safety of the voters and the electoral material.

Input from the electoral authority in the content of training for security forces training can be extremely helpful and contribute to ensuring that training is based on a correct understanding of the electoral procedures. Security forces' input especially about their operating procedures is an equally important component of the training. All training has to take cognisance of the risks of a particular environment and needs to be covered in the deployment plan of the security forces.

Voting for Security Forces
Security forces need to exercise their vote under the same conditions as ordinary voters. PEMMO (page 21, section 4.9) recommends that:
- Special provision should be made for the security forces to vote prior to election day if they are required to be deployed away from their constituencies on that day.

This means that voting should take place under the supervision of the electoral authority. It should not be an internal security process, they must be confident that they can exercise their vote in an independent manner, in the same way as civilian voters. As security forces are deployed on election day, some

countries legislate to enable members of the security force to exercise their democratic right in casting their vote for the candidate/party of their choice. Mauritius, for example, in their electoral legislation provides for:

The categories of persons entitled to **vote by proxy** *are specified in the relevant regulations for each type of election e.g. for National Assembly Elections they are the following:-(a) any member of the Police, as defined in the Police Act, and any election officer, certified in writing by the Commissioner of Police or the returning officer, as the case may be, to be engaged in the performance of duties at the date of any election held the provisions of these regulations.* (Electoral Commissioner's Office 2006)

South Africa includes security forces in the provision for special votes in parliamentary elections only. There is no provision for special votes in local government elections as they include both proportional and ward based voting.

Zambia in the past made provision for security forces to vote on election day if they were on duty in the district in which they were registered. However their new legislation includes a provision for special votes which will enable security forces to vote prior to election day.

Botswana electoral legislation makes provision for those security forces who will be deployed on election day to vote prior to election day, together with the electoral staff.

Security and Technology

Technology plays an important part in the electoral process, not only for communication purposes but also in regard to data storage of details, including voter registration information and results. Electronic voting is also an increasingly important area in which technology is used. In the India's last elections, all voting was conducted electronically and several countries in Africa have started to investigate electronic voting. South Africa, Namibia and Lesotho set up a Results Centre where results were received at a central point and broadcast to the public. These Centres also depend heavily on technology.

Protection of technology in terms of election security is crucial. Where technology is powered by electricity it is necessary to secure the power source and to provide backup power supply equipment. Countries with unreliable power grids need to consider generator backup capable of powering equipment for extended periods.

Computer equipment needs to be appropriately housed, preferably in a controlled climate, free from heat and moisture, dust, smoke and other contaminants. Electronic equipment also needs to be safely stored especially during voting and counting, or if it is being used to register voters, on registration days. Electoral authorities need to arrange for the safe storage of equipment which includes restriction to rooms and buildings where equipment is stored. The method for secure storage can range from a simple lock and key to locks operated by cards with magnetic strips to locks operated by access codes.

Computer software also has to be safely stored and computer programmes that perform sensitive operations related to running an election must be run correctly, or the success and legitimacy of an election could be jeopardised. Software needs to be free of hidden flaws or deliberate attempts at manipulation and have sufficient virus protection. This requires technical expertise and many electoral authorities establish a specific Information and Communications Technology department, whilst smaller EMBs may subcontract this component to an external body.

Much of the **information and data** held by an EMB is sensitive information that is private and privileged and must be securely kept. Again there are a range of

options available to an EMB to ensure that this information is not easily accessed and that only particular people have the authority to access the information. EMBs will make arrangements that most suit their particular situation. This may include password protection or limited authorised access or data storage locations and audit trails.

Without going into the merits and demerits of electronic voting, where **Electronic voting** is used, security of the data and computer equipment and software has to be well protected and voters need to be assured that their vote is secret, correctly allocated and can not be manipulated. Paperless voting requires a great deal of trust because no physical record of votes is kept. There is more possibility of votes being lost, altered or inserted without detection. However e-voting technology is becoming more sophisticated and some systems provide for a paper trail.

Problems have been evident in the United States in the states that used electronic voting. Although these cases were not a direct matter of security, they do reflected how electronic voting can be manipulated. After the Florida elections voter confidence in the punch-card system was destroyed and the US government passed a law encouraging states to replace their punch-card and mechanical-lever systems. States in the US using electronic voting started looking at voting systems that combined clarity and transparency of paper ballots with the mechanised counting of punch cards. (Evans and Paul,2004)

Pre-Election Phase

This is the phase that is most often neglected when considering security of elections. An election does not start on voting day. It commences from the time that the election is announced. Election authorities prepare an election time table based on the day of the election. It includes the date of nomination commencement and closure and when campaigning starts and finishes. Security unlike most voting operation management issues, is not addressed by the electoral management body, alone. Providing security in the pre election phase ensures that contesting parties can campaign freely and that voters can attend rallies, meetings and other election related activities without fear of intimidation, harassment or reprisals. On, n voting day, security enables voters to access stations, protects of voting material, and may involve intensive co-operation between security agencies such as the police and/or military forces.

During the pre election period, some of the issues that need to be considered in terms of security arrangements include the following:

Registration
In countries where **registration is** taking place for the first time, or specific registration days are set aside for voters to register at registration centres, security arrangements will have include:
- Deployment of security forces
- Safety of registration centres
- Safety of voters coming to register
- Safety of registration equipment and data
- Safety of electoral staff
- Ensuring that electronic data is secure

Campaigning
Citizens and candidates/parties need to have an environment in which **campaigning** can take place in all areas of the country. Candidates/contesting parties need to be able to travel to any area of a country and to hold rallies and meetings so that they can inform voters of the basis for their candidature. Voters in turn need to be able to attend meetings and rallies to show their support for a particular candidate or party and also to obtain the necessary information from contestants to enable them to cast an informed vote. "No go" areas need to be policed by security forces to enable supporters of all parties to enter or to

give candidates of opposing parties an opportunity to campaign or hold meetings. This does not contradict legislation that may be in place that requires a party or candidate to obtain permission from the relevant authority before holding a public event.

Security forces are required to protect electoral stakeholders in the pre-election phase and this is crucial to the integrity of the electoral process.

Voting Site Security Arrangements
Operational requirements will depend on available resources and the role played by the various stakeholders (security forces, voters, observers, party agents). Electoral authorities need to identify appropriate polling and counting stations to ensure the integrity of the vote and the count. When selecting sites for polling and counting stations, electoral authorities need to consider arrangements that enable freedom of movement to and from polling and counting stations by security forces. This includes the proximity of operational bases for security forces as well as infrastructure that allows access. In some countries with poor infrastructure, this may be difficult to achieve.

Planning for emergencies
Prior to the election, part of the planning process, involves developing clear guidelines for responding to emergencies. Threats may include fire, bomb threats or a public riot - are essential. planning should include civil emergency personnel the electoral authority in conjunction and the security forces. Clear plans need to be in place from the commencement of the electoral process.

During the Election

This is the election phase regarded as most crucial to the outcome of the election and the most challenging for the electoral authority (or the body charged with the management of elections), as well as stakeholders such as the security

forces and electoral staff. Procedures that are put in place for polling and counting need to contribute to the integrity of the process. Procedures include a wide range of factors, from the design of the ballot box seal to checking for explosive devices.

Effective implementation of security plans begins with a clear **communication strategy,** including available physical networks and communication policies. Usually electoral authorities work closely with security forces, however in high risk situations, military forces may also be required to assist with voting security. Examples are the DRC in the 2006 elections and Liberia in their recent elections.

Electoral district boundaries, which may be drawn by the electoral authority, a ministry or an independent board, may not be congruent with security forces' normal administrative or operational areas. This necessitates that the security forces and the electoral authority liaise closely in the process of allocating polling and counting sites and in deciding the deployment of security forces. In most countries, the security forces, in consultation with the electoral authority, set up Joint Operational Centres at all levels from national to local. The ACE Knowledge Network on Security Responsibilities and Planning (2006) suggests that "as far as possible, security forces' operational boundaries for election security should be made up of whole electoral districts (either singly or in clusters), to ensure simplified, effective action and liaison during voting".

However this has to be done in consultation, co-operation and partnership with the electoral authority and is set up in the pre-election phase. Security arrangements for polling and counting days of the election cover a wide range of issues, some of which are highlighted, and discussed below:

Location of voting sites

Polling sites should be located at neutral venues. Electoral legislation can spell out clearly where polling stations may and may not be allocated. Polling stations need to be situated at venues that are easily accessible for voters as well as for security forces. There are situations however where this is not possible" for example in countries with poor infrastructure (the DRC and Somaliland are cases in point) and where polling stations are set up in an open field, making it challenge for the electoral authority to ensure security

Presence of security forces

Whilst security forces need to be present at polling and counting centres, their presence should inspire confidence, and not fear in voters. The administration of election procedures remains the role of the polling station officials, under the authority of the electoral management body at all times. Security forces should be present to deal with potential or actual breaches of peace and to respond to disasters..

Security forces may also be called upon to conduct searches for weapons, check for explosive devices, remove aggressive, intoxicated or authorised persons from the polling and counting stations on instruction by the presiding officer. They also provide security for election materials at the voting station between the time of delivery and commencement of voting as well as transport to the counting or storage area on conclusion of the vote.

Security controls

A wide range of security controls need to be put in place on polling day by the electoral authority, which have to be observed and executed by the polling and counting station officials. These controls are essential to the transparency and integrity of the democratic electoral process. Polling station officials should encourage observers, party agents and candidates to witness these measures to avoid potential disputes in the post-

election phase. Electoral staff also need to be well trained so that they are fully aware of the controls and procedures put in place by the electoral authority to ensure that elections take place in a safe and secure environment.

- Security commences with the identification of the polling station which is outlined in the pre-election phase. Preferably polling stations should be able to be securely locked. However the poor facilities in many countries, mean that this is not always possible. In such ccases the electoral authority needs to find the best possible solution to gain the trust of the voters.
- Controls start with the distribution of polling station material (which may include the ballot papers, especially in remote areas) the day before the election and securing this material until the count has been concluded Often security forces may be called upon to guard this material overnight, particularly in countries where polling stations are not in a secure environment or do not have storage facilities.
- The ballot boxes need to be secured, preferably in the presence of party agents and/or observers, prior to voting taking place, and again after counting has taken place. This means that the ballot box design should be such that it can easily be sealed, and the seals provided are adequate. In some countries party agents are given the opportunity to place their own seals on the ballot box as well.
- Secrecy of the ballot is essential to a voter exercising his/her choice. This is achieved by the voter casting his/her vote in a booth that ensures secrecy and freedom from intimidation or harassment from party agents, other voters or election staff.
- Security of the ballot includes the ability of electoral staff to complete the relevant forms and accurately account for the number of ballots

issued against the number of ballot cast. Discrepancies in these tallies will create the perception, rightly or wrongly, that rigging has occurred. Efficiently trained staff who fully understand their responsibilities are needed to promote this security

- If counting does not take place at the polling station, the transportation of the ballots needs to be secured with the co-operation of the security forces. Often contesting parties or candidates and observers accompany the security forces, sometimes in the same vehicle, to assure them that nothing has taken place before the count commences. In situations where counting only takes place the day after the election, voting material needs to be secured overnight. Many electoral authorities allow observers and party agents to stay overnight at the storage centre (with the security forces) to increase the confidence of the contesting parties and candidates in the process.

After the Election

This phase is often regarded as the "make or break" phase of the electoral process. This stage in which the voter confirms his/her confidence in the electoral authorities ability to deliver an election that represents the will of the population. It is also the phase where the losing candidate/party indicates its acceptance of the process.

History has shown all too often that political parties and leaders are reluctant to relinquish power and sadly in some instances, such as Angola in 1992 and Burundi in 1993, the election has resulted in violence and conflict.

Conflict may not necessarily result in violence but can be played out for example in a court of law (or an electoral court) where results are contested or a recount is called for. An example is Namibia in 2004 where the Namibian High Court ordered a recount of the November 2004 elections after two contesting parties (the Republican Party and the Congress of Democrats) were able to demonstrate that there had been irregularities in the count. These irregularities included damaged ballot boxes and boxes that had not been sealed in the prescribed manner.

In October 2005, during the Liberian elections the results for the second run off in the Presidential election were contested. The defeated candidate George Weah laid a complaint of fraud against the Electoral Commission. Initially many supporters of the defeated candidate took to the streets, but later Mr Weah accepted an invitation from ECOWAS mediator, the former Nigerian military leader General Abubaker, to sit down with his run-off rival incumbent, President Ellen Sirleaf Johnson, to reach a settlement.

Whilst the electoral authority's mandate may be concluded, the role of security forces may increase, depending on the degree of violence. The more inclusive the electoral process the less likely the potential for post election conflict. It is therefore important to keep contesting parties and other stakeholders are kept informed of election procedures and arrangements; for example the Lesotho Electoral Commission took extensive measures to ensure that all stakeholders were included in the preparation process for the 2002 elections. in this way they avoided the problems that arose following the 1998 elections. These problems resulted from accusations that the electoral authority was partial to the ruling party.

Conclusion

Democracy depends on losers accepting the outcome of the election process. Citizens' confidence that votes are cast anonymously, without coercion, and that the reported election results accurately reflect the collective will of the voters is essential. Evans and Paul (pg 2) 2004 noted that "trustworthy elections are

essential to democracy and achieving them requires balancing security, cost and convenience".

Security as outlined in this study, is crucial to the outcome of the electoral process and is an integral part of the process. An effective democracy depends on the participation of all citizens and requires dedication and commitment as reflected in an article entitled "Making Democracy Work in Africa" 2004 (pg 2) where Eghosa E Osaghae suggests that "… elections are crucial to the legitimacy of the democratic system, for the very acts of free choice, participation, competition, and acceptance of electoral outcomes strengthen its validity and credibility". Hence every aspect of the electoral process is crucial in securing a credible outcome, no less than that of security during the elections.

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ABOUT THE AUTHOR

Ilona Tip, EISA, Senior Advisor, Conflict Management, Democracy and Electoral Education, EISA, 14 Park Road, Richmond, Johannesburg, Tel: +27 11 482 5495, Fax: +27 11 482 6163, Email: ilona@eisa.org.za

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