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## **The role of Security Forces in the electoral process: the case of six West African countries**

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## Preface

This study ought not to have been! In a functioning democracy, the answer to the question on the role of security forces in electoral processes should be: They do not play any special one.

However, for the new democracies in West Africa, elections remain a main trigger of violence and insecurity, and security forces (police, gendarmerie, military) do play a key role in electoral processes in the region. Their involvement is organized very differently from country to country, and the track record of this involvement is mixed. The debate continues about how to provide security during electoral processes, and how to make sure that the involvement of the security forces does allow for free and fair elections.

The ECOWAS Network of Electoral Commissions (ECONEC), during its first steering committee meeting in Abidjan in August 2008, decided to address the challenge by first establishing a solid comparative analysis about the role of security forces in electoral processes in the region. The Electoral Assistance Unit of the Economic Community of West African States (EAU/ECOWAS) and Friedrich-Ebert-Stiftung jointly commissioned the respective study. The terms of reference and the selection of case studies were debated and adopted during the ECONEC steering committee meeting in Niamey in May 2009.

After concluding the preparatory desk study (May to October 2009) and the field phase (from November 2009 to February 2010), the authors presented their findings to a group of experts in Abuja in March 2010, during a workshop co-hosted by ECOWAS and FES. The discussion greatly enriched the study. The participants of the workshops therefore deserve a word of thanks, and so do all interlocutors interviewed for this study, the FES offices who organized the field phase as well as ECONEC for triggering this research project.

The study will hopefully provide insights for those interested in improving electoral management and organizing free and fair elections, about how to securitize electoral processes, particularly in post-conflict situations. On the other hand, the study is meant to feed into the debate about security sector governance and reform and the roles and responsibilities of security forces in West African democratic systems.

Ultimately, these discussions will hopefully contribute to a further consolidation of democracy in the region.

The militarization of political processes and elections in particular is worrying. Well-managed free and fair elections, responsible political leaders and inclusive democratic systems will hopefully set an end to this trend and will reduce the role that security forces have to play during electoral processes to a bare minimum. Elections ought no longer to be triggers of violence and insecurity.

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## Introduction

It is worth stating straightaway that this document is not an advocacy in favour of the unavoidable need to involve Security Forces (SFs) in the electoral process. This is therefore not a way of defending the assertion that SFs must necessarily be involved in the electoral process. It is just a matter of considering the norm in old or well established democracies where elections do not generate conflicts and much less require a special involvement of SFs.

In reality, the obvious observation in countries with new or emerging democracy especially those in West Africa is that the situation requires the involvement of security forces to deal with or ensure security during elections.

Consequently, since at the moment and probably for a long time to come, there is no other choice than to rely on the involvement of security forces, in a very pragmatic approach, what need to be addressed is the issue of how to make it more effective and as less dangerous as possible, in other words, how to maximize the benefit of such an involvement while reducing the disadvantages to the barest minimum.

In fact, the third wave of democratisation, which began in the mid 1970s in Southern Europe, reached the shores of the African continent between the late 1980s and early 1990s. Within this period, most peoples in the sub region opted for the establishment of multiparty democratic systems based on the rule of law in their country. They also chose elections as the main method of selecting their fellow citizens to represent them in the daily management of affairs of the state. Thus, since the inception of the democratic renewal towards the early 1990s, over hundred electoral contests have been organized in the fifteen (15) West African countries.

While it is true that after resorting to elections over a period of about twenty years to select governors in these countries, remarkable progress has been made, it is also true when it come to the organization of clean elections (meaning peaceful, fair, equitable elections), these countries still have a long way to go.

Though issues inherent in elections deserve special attention, those concerning security during the electoral period are certainly part of outstanding major concerns which the new West African democracies must address if they want to really improve the quality of their electoral process.

In reality, election remains one of the leading notable sources of conflict in West African countries. In fact, the preparation or holding of elections or even the declaration of results are moments in the life of a nation that are prone to live tensions which often lead to confrontations that threaten political stability and peace. The mode of involving Security Forces (SFs) and how they carry out their duties while participating in the electoral process are part of the possible sources of insecurity and peace during elections. In fact, observations reveal that either these forces deliberately interfere in elections in one way or the other, or it is their performance which does not stand up to expectations and/or it is other stakeholders in the process who do not trust them.

Beyond the mode of involvement of SFs, it is the attitude and behaviour of all key stakeholders in the electoral process, starting from ordinary citizens which can be called into question. From parliamentarians to the members of the executive through the judiciary, and/or jurisdictional power, political parties, candidates, media and civil society... all are sources of potential conflicts during elections. This explains why during the elections period, disagreements, some of which finally lead to violence and insecurity, emerge either prior to the elections because stakeholders do not agree on the rules that must govern the electoral process or modalities for the organization of elections or after, when defeated candidates feel that the results declared do not reflect the will of the electorate.

However, it is commonly recognized that today, elections per se are not a source of insecurity and conflict. On the contrary, when they are well managed, they are expected to help prevent conflicts, arbitrate between the various concepts of managing state affairs and can even serve as a safety valve for any representative democracy worth the name. Better still, multi party elections, since the end of the cold war, have become an almost indispensable component of all peace agreements because they can contribute to peace building in post conflict countries.

In spite of what is stated above, if actions that are likely to create or increase insecurity are taken during the electoral process and nothing is done to control them and possibly eliminate them, the consequences for election results, peace and even for the entire democratic system are well known. Sometimes, these may be the disqualification of some candidates or some political parties; other times, it is an unending electoral dispute or sometimes



also, it is simply the rejection of the entire electoral process or the election of illegitimate public authorities if not political instability or worse still civil war etc.

The possible solutions available to address the problems raised above are multiple and varied. One of these solutions lies in involving in a relevant manner institutions specialized in security matters, notably public security forces, in the management of elections. Another solution which is a natural and indispensable complement of the former is meant to improve the contribution of all key players in the electoral process given that each one of them constitute a potential source of violence, insecurity and conflict during elections.

Deservedly, the main objective of this study is the appropriate recourse to institutions specialised in security issues in elections management in the new democracies in West Africa. In fact such recourse will not happen without creating some problems and without cost. The idea is to involve them in such a way that they do not become a source of bias in the electoral process, given the intimidating nature of these forces and the potential violence inherent in them; as well as the political past of each country in the region and the part the security forces played in it.

After about twenty years of democratic practice under the new West African democratic regimes and for that matter the systematic recourse to elections to choose governors in the sub region, it is high time and useful to appraise the role played by FSs in the electoral process. As expected, experiences or experiments as well as performance in terms of the participation of SFs in electoral processes vary depending on the country.

While there are areas that are common to all the countries of the sub region, divergent points are not lacking. In fact, in all the countries visited as part of this study, the desire, among others, to keep the SFs far away from elections is clearly perceptible. This is observed especially through the near silence of electoral laws on SFs' participation in the electoral process and relations between security forces and other stakeholders in the electoral process notably the Election Management Body (EMB), the direct management of the electoral process or the deliberate distance between SFs and the electoral process when they are contributing to the security of elections, to mention a few examples.

Besides, the content of electoral laws on the involvement of SFs in electoral processes, though brief, is not the same in all countries. Some of the countries surveyed,

generally those emerging from crisis, have more elaborate texts than others. There are also differences between countries surveyed in terms of practices regarding either the institutional frameworks for the involvement of security forces in the electoral process or the modes of determining and controlling the resources provided for their involvement in the said process.

It is within this context that this study, with six (6) countries in the sub region, namely, Ghana, Guinea Bissau, Guinea Conakry, Nigeria, Senegal and Togo as samples, has as its main goal a comparative analysis of the role of SFs in the electoral process in these countries.

Among the main criteria that informed the choice of the countries retained for this study are:

- Language: Anglophone, Francophone and Lusophone;
- The nature of the election management body: joint (government and independent electoral commission) or an electoral commission only ;
- The situation of the country: meaning countries where the situation is normal and those that are organising elections at the end of crisis ;
- The quality of elections organized: successful elections or elections that have led to protest and violence.

The objectives of the study are as follows:

- Provide an overview of current debates (theoretical and academic) on the role of SFs in the electoral process;
- Provide a status report on the role of SFs in electoral processes in the six countries covered by the study;
- Identify lines of inquiry to improve the status quo in terms of SFs involvement in the electoral process and propose the forms of assistance ECOWAS can provide to Member states of the Community.

To achieve the set objectives, the study is based on a three pronged approach. Thus, in a first instance,

- Part I : the study will cover general considerations on the role of Security Forces in the electoral process , and secondly
- Part II: there will be a status report on the involvement of Security Forces in electoral processes in West Africa, and finally
- Part III: the issue of prospects of the involvement of security forces in electoral processes will be addressed.

## PART I ROLE OF PUBLIC SECURITY FORCES IN THE ELECTORAL PROCESS: GENERAL CONSIDERATIONS

### CHAPTER I: THE ELECTORAL PROCESS AND THE ISSUE OF SECURITY

At the beginning of this 21<sup>st</sup> century, the mode of managing affairs of the State chosen<sup>1</sup> by a great majority of countries on the planet is democracy. Whether it is the direct form practised in the city-states of ancient Greece or its current representative form, citizens have always resorted to elections to implement democracy. Better still, since the third wave of democratization which began in Southern Europe in the mid 70s, elections have become the major feature of democracy to the extent that not only it is impossible to imagine a democratic regime without elections but also there is now a real risk of confusing the holding of regular, reasonably competitive and transparent elections with democracy.

However, election as a mode of devolution of State Power does not bring only benefits and is not without risks for democracy, especially when it is new. In fact, elections generally have their own characteristics which make them a potential source of insecurity, conflict and instability for the democratic system as a whole if they are not well managed. More specifically, the issue of security during the electoral process is one of the major problems which arises in the management of elections in new democracies especially those of West Africa.

The issue of security during the implementation of the electoral process poses major problems to new democracies. In fact, the issue of security during elections can come up at all stages of the electoral process meaning the pre-electoral, electoral and post-electoral phases. Its

importance is such that it involves almost all players in the electoral process ranging from ordinary citizens to leaders of public institutions. Sometimes beyond the said stakeholders, the issue of security during elections involves actors outside (regional or non regional) the country where elections are being held. It happens sometimes that within the same country various group of citizens present various degrees of vulnerability to insecurity during the electoral process.

This first chapter which is divided into four (04) sections presents the links between democracy and elections (1.1) and reviews some of the characteristics of the electoral process (1.2). This chapter aims also at exposing major security problems resulting from the implementation of the electoral process (1.3) and finally showing the differences or nuances that make certain groups of citizens more vulnerable than others to electoral insecurity (1.4).

#### 1.1 Democracy and the electoral process

Democracy, as indicated earlier, always resorts to elections as a mechanism par excellence for decision making.

Making reference to elections in Ancient Greece city-states may somewhat appear strange as they were direct democracies where the people governed themselves. However, the reality is slightly nuanced. The real difference between direct democracy and representative democracy does not lie in the fact that direct democracies do not resort to elections but rather in the fact that in the representative democracy, the people as a united body do not play any role in the day-to-day management of state affairs.

Indeed, in direct democracies of Ancient Greece, elections were used to take decisions in various fields. For example, elections were used to nominate people to the most important positions and for which a minimum level of competence is considered as vital. As an illustration, this was the case in the 5<sup>th</sup> century BC for generals and high military officers and main financial authorities.

This explains why, for example, in the entire history of Athenian democracy, there was a relationship between holding an elective position and belonging to the political and social elite. In fact, eminent personalities were found more among those who held elective positions than among magistrates chosen by drawing lots.

1. Especially after the third wave of democratization which began in the mid 1970s by the democratic transitions in Spain (1974), in Portugal (1974 -75) and in Greece (1974). The wave of democratization is defined by S. Huntington as "a set of transitions from non democratic regimes to democratic regimes which occurred during a specific time frame and are way above transitions in the opposite direction". According to this definition, in the history of humanity, it was the third that within a given period that a great number of countries are attempting a transition towards democracy. He located the first phase between 1828 and 1926, second between 1943 and 1962 and the third from 1974.

Though it may seem strange or at least surprising to resort to some extent to elections in direct democracies, this phenomenon is easily conceivable and appears obvious in contemporary democracies described as representative to the extent that representative democracy is defined as a political system where people govern through their representatives. To govern in this kind of system, people need appropriate mechanisms for the selection of their representatives who will be responsible for governing on behalf and for the people. In contemporary representative democracies, elections are preferred to other possible mode of choosing peoples’ representatives responsible for governing on behalf and for the people<sup>2</sup> for various reasons<sup>3</sup>.

In fact, elections became an imperative almost at the inception of the concept of representative democracy and have remained in some of its aspects the most widespread mode of selecting political leaders. Contrary to past political regimes which used drawing of lots in its various proportions and forms, elections have become the central instrument for a representative government especially with regard to the selection of governors.

This phenomenon gained more grounds with the onset of the third wave of democratization which made democracy the most widespread political regime in the world. In fact, with this wave of democratization, the number of political regimes which are supposed to be democratic increased from 39 in 1974 to 120 today. This trend did not spare Africa in general and West Africa in particular where almost all political systems in the sub regional became liberalised<sup>4</sup> between late 1980s and 2000s. (See Table 1)

In the same vein, another essential element which increased further the already remarkable scale of the electoral phenomenon is the importance accorded elections in the third wave of new democracies. Today, a political system which does not select its leaders through competitive, free and fair elections can hardly be considered as a democracy. In the same way and as indicated earlier, there is a high risk of confusing a political system where elections of reasonable quality are organized regularly

2. For example, drawing lots which Aristotle considers as the most democratic mode of selection.  
 3. Reasons that need not be raised within the framework of this study.  
 4. A liberalized political system means a political system that has seen some openness and a level of acceptance of competition in the quest for power and exercise of fundamental rights and freedoms by citizens.

Period	Multi-party Elections	One Party Elections	No Parties
1950-1959	12	2	0
1960-1969	31	26	0
1970-1979	17	33	0
1980-1989	18	45	0
1900-1999	79	3	5
2000-2003	26	0	2
Total	183	109	7

Table 1: Trends in the type of elections between 1950 and 2003

Source: Paper presented during the African Union Workshop on Elections Observation held in Dakar in 2010

with democracy, in other words an “electoral democracy” and a simple democracy.

The risk of confusing an electoral democracy with democracy is so high that the quality of elections is part of the criteria for assessing the level of consolidation of new democracies. It is for this reason that for authors of Schumpeterien tradition, for example, what is considered as democratic is “a political system where key governors are chosen through free and competitive elections in which all citizens enjoying their civic rights participate.”<sup>5</sup>

Despite the importance accorded them in this 21<sup>st</sup> century and all the qualities and virtues which can be attributed to them rightly or wrongly, elections come with their own difficulties, especially, for the new democracies in West Africa. The organization of really free and fair elections remains a real challenge for all democracies across the world as proven in many cases such as a democracy as old as the United States in 2000. Evidently and all the more, the management of the electoral process is posing increased challenges for new democracies in general and those in West Africa, in particular.

Elections, when they are not managed quite satisfactorily, can endanger the democratization process they are intended to serve. When the management of the electoral process or the electoral process itself is of dubious quality, this can lead to instability or even threaten the entire democratization process. When the electoral system is not well conceived and the conduct of elections is

5. Samuel P. Huntington, *The Third Wave: democratization in the late twentieth century*, University of Oklahoma Press, Norman, 1991.

partial and bias, this can pave the way for deeper ethnic and regional divisions, loss of legitimacy of elected authorities, protest, violence contestation, social explosion, doubt about institutions and result in violence.

There are many examples in Africa and particularly in West Africa which illustrates perfectly the fact that the management of the electoral process is a determining factor for peace and stability in the new democracies of the sub region. The gaps in the conduct of the electoral process can pose a threat or serve as a pretext for some key players to jeopardize the democratization process through all sort of means, illegal means in particular. The edifying cases of Cote d'Ivoire, Togo, Sierra Leone and Liberia, to mention a few well known examples, bear witness to this. In each case, poorly managed elections have in one way or the other contributed to the crises, sometimes extremely serious and destabilising, experienced or still confronting these countries.

To avoid the recurrence of these lapses, (which have dramatic consequences), it is necessary to deepen the knowledge of major peculiarities of any electoral process. Each of the peculiarities, when poorly managed, can be a potential source of insecurity, and a more or less serious threat to peace and violence.

## 1.2 Some essential specific characteristics of the electoral process

Elections, considered as vital and indispensable for determining the democratic nature of a political system and its smooth functioning, have some essential characteristics.

### 1.2.1 Election is a process

Within the context of a representative democracy, elections must be perceived and managed as a process and not as a one off event that happens only on a given day or over a limited number of days. It is rather a process, known as electoral process or electoral cycle which can evolve in a continuous manner almost without interruption between two elections. The electoral cycle can be divided into three (03) phases, namely, pre-electoral phase, electoral phase and post-electoral phase.

#### 1.2.1.1 Pre-electoral phase

The pre-electoral phase is the period stretching from the start of actual preparations for holding forthcoming elections to the end of the electoral campaign. This phase is essentially devoted to preparatory activities and execution of tasks directly linked to preparations for immediately due elections. These include, for example, the amendment of the legal framework, training of electoral agents, sensitization of citizens, compilation and updating of the voters' register, electoral campaign, etc.

#### 1.2.1.2 Electoral phase (electoral period)

This is the polls which generally last for a day (or several days in some countries). This phase includes all operations leading to the casting of votes by voters and ends with the closure of polling stations.

#### 1.2.1.3 Post-electoral phase

The post-electoral phase is the period between the closing of polling stations (meaning the end of the electoral period) and the declaration of final election results (after all electoral disputes are settled). It includes, depending on the specificities of each country, operations such as the collation of results, declaration of provisional results, resolution of electoral disputes and declaration of final results.

The division of the electoral cycle into phases always has some arbitrariness. In fact, the demarcation line between the various phases stated above could be shifted without compromising the relevance of the analyses made here. Each phase can be extended depending on the activities and tasks one decides to include and activities under one phase can be implemented in another phase depending on the circumstances and specificities of each country.

The specificities of an electoral process go beyond what is indicated here. In fact, elections present other characteristics.

### 1.2.2 Other characteristics of elections

Elections or to be more precise, an electoral process has a number of specificities which make them a potential

source of conflict. In fact, this involves a number of arrangements necessary for the organization of elections but their implementation may have political implications to which political stakeholders and citizens are very sensitive. The said arrangements are mostly related to the necessary measures that need to be taken to improve the chances of organising free, fair, transparent and sufficiently inclusive elections.

### 1.2.1.1 Elections: a legal framework

Aside being and probably because it is a process, an election requires an adequate legal framework that will ensure that they are managed in a credible and appropriate manner and conducted only within in this framework. The content of this framework varies depending on the legal specificities and traditions of each country. Generally, the electoral legal framework includes at least the constitutional provisions on the management of elections and electoral laws or code.

Beyond this minimal legislation, depending on the specific context of each country, one may also include in the electoral legal framework<sup>6</sup> texts on political parties, electoral demarcation (which does not necessarily coincide with the administrative demarcation of the territory), voters' register and protection of individual data, financing of elections, organization of elections for non political elective positions, etc.

The texts referred to are generally complemented by regional and international standards and principles derived from fundamental rights and freedom established through treaties and political commitments of countries. With regard to West Africa, some of the texts which complement the electoral legal arsenal of each country are the Universal Charter on Human Rights, the African Charter on Human and Peoples' Rights, African Charter on Democracy, Elections and Governance, the Protocol relating to the Mechanism for Conflict Prevention, Peacekeeping and Security, the Supplementary Protocol on Democracy and Good governance, etc.

The legal framework for the organization of elections is a key factor in the good management of the electoral process, in other words the management of free, peaceful, transparent and credible elections. In fact, the elec-

toral legal framework has an impact on all other aspects of the electoral process management.

#### The political dimension

The legal framework for managing the electoral process can have a major political impact. Indeed, the electoral law determines the level of inclusiveness of the electoral process<sup>7</sup>, the level of inclusiveness of the democratic process<sup>8</sup> the proportionality of the electoral system, etc. All these dimensions, if they are not well managed, can breed instability and violence or at least tensions and serious troubles.

#### The technical Dimension

Beyond the political implications, the legal framework of elections is also a key element in the technical management of the electoral process. In fact, it is the electoral law which determines the bodies involved in the electoral process, links between them, and composition (and their sources), the possible balance of force between their various components, their mode of functioning, their duties and powers, their autonomy or independence etc. It determines also incentive elements (environment) required to motivate key players in the electoral process.

### 1.2.1.2 Election: a level of competition:

It is actually a moment of competition and opposition between those contesting power. These two elements—competition and opposition—are necessary and indispensable to ensure that elections offer the opportunity for quality participation of citizens in the democratic process. The management of the electoral process, in actual fact, presupposes the establishment of a framework that allows political groups defending different visions of society (sometimes opposed) to canvass for votes from citizens in a competitive environment. A good organization of the electoral process should therefore contribute to the peaceful management of contradictions which are settled with elections results.

6. The scope of the text included in the electoral legal framework depends generally on the level of powers entrusted to institutions in charge of the management of elections.

7. Meaning who is participating and who is not participating in the process

8. Meaning from what size a social group participate in decision making

### 1.2.1.3 Election: a special moment for citizens' participation

The electoral process must also be managed in a way as to guarantee citizens an effective participation in the choice of leaders. A quality participation of citizens implies that appropriate measures must be taken to enable them play their part in the best way as possible. Such measures should concern all the phases of the electoral process. Some of them are presented as follows.

The quality participation of citizens requires, for example, that the electoral body is well defined and there is therefore a guarantee for a reliable and valid voters' register. It should cover not only those who have the right to vote and are willing to be counted but measures must be taken to reduce as much as possible the illegal and void registrations.

Beyond the guarantee that only those who have the right participate in the electoral process, a quality participation of citizens also require that measures are taken to guarantee the best participation possible. This involves, for instance, guaranteeing access to quality information, adequate sensitization of citizens, conditions that will guarantee citizens the freedom to cast their vote on polling day without any hindrance. In fact, this involves organizing the various stages of the electoral process in a manner that will allow citizens enjoy all the rights stated above.

### 1.2.1.4 Election: a mechanism for power devolution and sharing

The end result of an election is the devolution of power to the elected, in other word, persons freely chosen by the people themselves through the implementation of the electoral process. This aspect of elections is very crucial in contexts where traits of social plurality (ethnic, cultural and religious, etc) are politicised. It is very easy and also risky in such a context that the sharing of power obtained through the ballot box is perceived as a zero sum game, meaning a game where what is gained by one camp is automatically (perceived as) what is lost by the other camp or camps.

In this kind of situation, the share of power devolved to each political group is perceived by the population as the perfect criterion to assess the group's inclusiveness and sense of belonging to the nation. A poor management of

the electoral process can be easily presented as the will to deliberately distort the sharing of the national cake and can serve as a pretext to challenge the process, its results and sometimes even the democratic system itself.

### 1.2.1.5 Electoral administration an effective management body

To ensure quality management of the electoral process, there is also the need to pay particular attention to the body or, if necessary, bodies in charge of the organization of elections. Whether it is an independent structure (like an electoral commission) or bodies under sector ministries or a joint model, they require some essential characteristics.

Among these characteristics are the need for an election management body, even if it set up by government to enjoy a minimum level of independence in relation to political forces, institutions of the Republic and all other forces or lobbies. Similarly, such a body should have the resources to form a team competent enough to properly execute tasks that will be entrusted to it, either directly or by enlisting the necessary expertise. The body in charge of managing the electoral process must show a minimum degree of transparency in order to reassure people and political stakeholders. These characteristics are not exhaustive.

### 1.2.1.6 Elections: an appropriate management of electoral disputes

A good management of the electoral process also requires an institutional and legal framework which can facilitate the resolution of disputes that may arise throughout the electoral process and which are related to the said process. To ensure the effective resolution of electoral dispute, there is the need to provide for a conflict resolution system linked to the electoral process and adapted to the requirements. This should be among others a system insulated against partisan influences through its autonomy, a system that is quite fast and timely, in other words, rulings must given with enough speed to satisfy the criteria of timeliness so that rulings are given at the right time . For example, a ruling which is given at the end of a term of office that it is supposed to invali-



date will be of little interest especially, when the complaint is lodged at the beginning of the term of office, for example.

Beyond the above characteristics, elections have several other characteristics that are not addressed in this study. For instance, elections, when well organized, represent an essential pillar and a precondition<sup>9</sup> for a functional and quality democracy. In the same vein, when elections are properly organized, they help in establishing between the elected and the electorate a relationship that is likely to influence the behaviour of the elected once they take office, which can in turn influence the implementation policies because this special relationship makes much more effective the accountability of the elected before the electorate, or preferably the representative to the constituency.

According to most election specialists, the electoral process in itself does not breed conflicts. It is rather the management and implementation of the electoral process that can generate conflicts and violence. Hence the need to pay particular attention to the design of the election management framework and therefore to the major determinants of the electoral process stated above to reduce as much as possible the risks of derailment. This is very important as the implementation of each aspect of the electoral process mentioned may involve risks of conflict and violence.

### **1.3 The electoral process and its security related problems: the current debates**

The theoretical and political debates are focused on electoral violence, security during the electoral process and West African specificities.

The analysis below, which captures the essence of current debates on the issue, shows that the links or interactions between elections and security (or insecurity) are mainly based on the quality of the management of the electoral process. An electoral process, that is well managed meaning transparent, free and fair, is a great source of security because it does not only facilitate the resolution of conflicts but also prevent conflicts while, on the contrary, the poor management of elections is a real and prolific source of conflicts, violence and insecurity.

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9. It is true that this condition alone is not enough.

In this analysis we will focus on three axis: elections as conflict resolution mechanism (1.3.1), elections as a source of insecurity (1.3.2) and regional factors as potential source of electoral conflicts (1.3.3).

#### **1.3.1 Elections: conflict prevention and resolution mechanisms**

The electoral processes, when managed in a free, fair and equitable manner, contribute to peace and stability in democratic systems. It can help prevent and/or resolve conflicts (end war and instability). Well managed elections provide the opportunity for easing social tensions while being a credible means of accessing power peacefully. Well managed elections can also be an alternative to conflict and war by allowing access to power or/and State power sharing and thus constitute one of the factors for the cessation of hostilities between warring groups.

##### **1.3.1.1 Elections: conflict prevention mechanism**

The electoral process, when appropriately managed, helps in preventing conflicts to the extent that it is a peaceful way of resolving various types of disagreement within the society. It helps to separate in peaceful manner the various visions in terms of managing state affairs. Today, there is unanimity on the idea that a good management of the electoral process offers a "civilized" and peaceful way of devolving and sharing State power. Elections help in reducing tensions within the population since it is a mechanism that is likely to improve the legitimacy of the elected and sustainability of the democratization process.

Elections, when well managed, give people the chance to arbitrate between the various visions in terms of modes of managing state affairs. In fact, a good management of the electoral process promotes the peaceful expression and resolution of disagreements between socio-political groups on the various visions in terms of managing public affairs, ideological divisions, etc. Proponents of various positions prefer to resort to the arbitration of citizens, sovereign referees of the electoral game.

A well managed electoral process constitutes also a safety valve in any representative democracy worth the



name. Indeed, they offer the opportunity to all categories of citizens to express their concerns, needs and even grievances on how the country is being managed. Besides, it paves the way for citizens to call on their representatives to render account and sanction the incumbent administration, formulate demands for the in-coming administration and thereby strengthening their confidence in the democratization process, in general.

Good management of the electoral process is also an unpredictable mechanism for the devolution and sharing of state power. In fact, when elections are managed satisfactorily, in the eyes of political stakeholders, they present some uncertainty about the possible results they can generate. In this regard, elections constitute for each group of political players the realistic hope that it is possible to gain power by investing in actions that are likely to retain the interest and votes of the electorate. This reduces at the same time the idea of resorting to illegal means to gain power or to violence.

The role of elections as conflict prevention mechanism is more visible in pluralist and heterogeneous societies, especially when dividing elements are politicised. These include, for example, fragmented and multi ethnic and multi racial societies and/or pluralist in terms of religion etc. where these factors influence citizens' behaviour in politics. Under these conditions, the degree of inclusiveness of the electoral system, elections and the democratic system itself may help guarantee the participation of social groups (and for that matter the expression and possibly taking into account their concerns) which could otherwise resort to extra-legal means to achieve their objectives. At the same time, the inclusiveness and good management of the electoral process increase the legitimacy of governors and ultimately the democratic system itself.

In other words, the fact that elections are periodically and organized under acceptable credible conditions backed by a relevant legal arsenal offers the possibility for a change of regime or at least for acceding to power and as such prevents conflicts by rendering useless the recourse to extra judicial means to achieve the same objectives.

### 1.3.1.2 Election: a key mechanism in post conflict periods

Since the end of the Cold War, multi-party elections have become key ingredients in all peace accords in order to put an end to wars and other conflicts across the world. They are considered as one of the factors that are likely to facilitate the resolution of conflicts in a peaceful manner. It is even proven that under certain conditions, factions to a conflict prefer resorting to the ballot box and democratic procedures than to war or a dictator (a leviathan).

In fact, observers, political stakeholders and researchers recognize that elections can contribute to peace building in post-conflict countries. They are considered as a factor which mark officially the end of a war crisis or conflict and contribute to the recognition of post conflict governments. Elections, in a post-conflict environment, are also perceived as a factor that can boost at the national and international level the credibility of the new leaders and institutions born out of peace accords.

Elections, when they are properly managed, contribute to the peaceful resolution of conflicts for various reasons. Firstly, because elections are included in the provisions of peace accords and warring factions are compelled to lay down their arms in order to participate. Secondly, securing from warring factions their consent to take part in the electoral process helps to create (or build) a spirit of dialogue among the factions. Thirdly, sticking to these examples, well organized elections are supposed to prepare the grounds for a reconciliation process in a post conflict environment.

Under certain conditions, it happens that warring factions themselves consider elections preferable to war. The credibility of elections, in addition to other requirements for the restoration of peace, forms part of factors that push stakeholders in the conflict to change their choices, options and preferences. Wherever conditions are created for the holding of free, fair and transparent elections, it is possible to engage parties to the conflict in a peace process.

Though it does not form part of arguments directly linked to conflict situations, it is however important to indicate that it is currently recognized that credible elections can only lead to democracy. In a post crisis environment, without being a panacea, the holding of free and transparent elections is part of the signs of hope for peace building and the establishment of a strong democracy.

## 1.4 Security problems inherent in the implementation of the electoral process

Conflicts or violence do not stem from the electoral process but from the poor management of the said process. Today, everyone agrees that the electoral process and particularly elections, per se, do not particularly constitute or systematically generate any risks of insecurity and instability. At the risk of being repetitive, it is rather the poor management of elections which can give rise to these risks. Better still, the function of contributory factor to peace in post-conflict situations attributed to elections may be compromised if these elections are perceived by all or part of major protagonists as corrupt, unfair and non transparent.

In tackling this axis of our analysis, the aim is to highlight some of the possible sources of insecurity during the electoral process. More specifically, it will involve reviewing the various important aspects of the electoral process presented earlier and show how their poor management can have an impact on the security of the process, stability and social peace.

### 1.4.1 Legal framework of elections

In West Africa and probably elsewhere in the world, the legal framework for the management of elections is potentially one of the major sources of insecurity and instability. In fact, a misuse of this legal framework such as the deliberate manipulation of these laws by those who are in charge of its management<sup>10</sup> and/or reckless use of this legislation is likely to lead to insecurity, violence, instability and sometimes call into question the political system itself. Thus, the legal framework can be diverted from its normal objective for other purposes.

#### a. Change the electorate

The legal framework can prevent certain categories of from enjoying fully the rights to participate in the management of their country's affairs through the electoral process. In fact, electoral laws can contribute to the exclusion from the electoral process citizens who under normal circumstances should have the right to partici-

pate. For instance, this the case where, taking advantage of its majority in institutions involved in the legislative process, a political group succeeds in barring a whole category of citizens from participating in elections. This is generally done through the definition of bias criteria such as nationality, citizenship, residence etc. that must be met to be eligible to vote.

In the same vein, the legal framework can also help include in the electorate people who, in principle, should not have the right to participate in the electoral process. This is often the case when the electoral code is too lax in a way that allows unjustified access to the right to vote. But the provision of this code could, on the contrary, be too rigid, making it difficult or simply impossible to control the right to participate in elections. This is seen, for example, in the criteria for registration on the voters' register which can be deliberately flexible enough to encourage the registration of foreigners, minors and nationals that have lost their civic rights. This can also contribute to the registration of fictitious persons or the dead.

The consequences in terms of insecurity and instability and a truncated and/or bloated voters' register, as well as a distorted electorate are easy to imagine and do not require special elaboration. A more or less significant part of the population may feel unfairly excluded from the electoral process and, for that matter, from the management of affairs of the State. Based on these inadequacies, political stakeholders can attempt to lead their supporters (most often ethnic and regional support) to protests and violence, which appears easy in so far as these voters are recruited on ethnic and regional grounds.

#### b. Create political inequality among citizens

The legal framework of elections can be manipulated with the view to creating political inequality between citizens, and thus challenging, even if it is partially, the sacrosanct concept of "one man one vote", the fundamental principle of democracy. In fact, a legal framework which does not make provisions for minimal requirements to guarantee the equality of the vote of all citizens, introduces partiality in the process of devolution of power. Consequently, this distorted framework may serve as an argument or pretext for some or all key stakeholders to challenge the process and the results. Generally, the demarcation of constituencies and the size of the electoral constituency—meaning, the number of

10. Especially, stakeholder involved in its formulation and adoption

seats approved for each electoral constituency—can give more weight to a vote in constituency A than in constituency B.

Beyond this scope and the demarcation of electoral boundaries, electoral laws can generate political discrimination among citizens in various ways. For example, it can create a relatively big gap in the information available on the electoral process, thus complicating access to information, unity and coherence. Or it can lead to discrimination by deliberately encouraging a misuse of Security Forces to, for instance, intimidate some categories of citizens. The result of such a strategy may in the end turn into serious frustrations among categories of citizens, victims of these manoeuvres and frustrations, which can push these citizens to resort illegal and extreme means such as insecurity and violence to make their voice heard in order to restore some measure of justice.

These risks are even higher when the population in question is not homogenous and factors of (ethnic religious, regional) divisions are politicised.

#### **c. Bring about the seizure of power**

The legal framework can also be exploited to change election results and pave the way for the seizure of power. Most often, it is the president of the republic who, using his majority in parliament, manipulates the legal framework to maintain himself in power or strengthen his majority in parliament. This involves, for instance, the revision of the Constitution and part or the entire electoral code or texts regulating the electoral process to create conditions conducive for the election or re-election of the incumbent president. This can also involve exploiting the legal framework with the view to reinforcing parliamentary majority.

Such a situation could be the root cause of insecurity, violence and instability in a country, especially when it is a new democracy. In fact, in the face of a “legal”<sup>11</sup> seizure of power and the reality of near definitive exclusion from the management of power, the alienated political stakeholders may consider resorting to illegal means (violence, coup d’état, insecurity, etc.) as the only option available. If the society in question is not homogeneous and the factors of heterogeneity are politicised, it is possible that entire groups of citizens feel definitively excluded from participating in governance and benefitting

from its effects. The consequences of such a situation are easy to imagine.

#### **d. Affect the management quality of the of the electoral process**

The legal framework determines to some extent both the internal conditions of operations and the environment in which the body in charge of the management of the electoral process is evolving. In fact, electoral laws (or the electoral code) provide for the essential elements for the internal organization and functioning of the body entrusted with the management of the electoral process. The rules of procedure and other norms relating to the internal management of the body are in line with the provisions of electoral laws.

The legal framework of elections determines also the possible interactions between all key players in the electoral process. It is, in fact, the electoral laws which ensure the sharing of roles between the key players of the electoral process and determine the links and articulations that should exist between them in the management of the process. For this reason, a deliberate or unintended gap at the level of one of these points can seriously affect the management quality of the electoral process, at the risk of possible violence and insecurity. As in previous situations, the effects of the current one where, for example, crucial tasks not assigned or deliberately assigned to institutions which cannot handle them, conflicts of powers etc. speak for themselves.

To conclude on aspects concerning the importance of the legal framework, it is worth noting also that though very important, this framework is only one of the elements which contribute to the efficient organization of elections. Other factors also contribute and are sometimes crucial in determining the quality of elections in a country. These include, for example, the level of political culture among citizens and political stakeholders in particular, the quantum of resources available in countries where elections are being organized, level of consolidation of institutions involved in the electoral process etc. All these factors help to assess and determine the electoral practice as well as the implementation of the electoral legal framework and consequently the risks of insecurity, violence, instability that can stem from the management of the electoral process.

11. This involves seizing power by using democratic institutions, which appear legal.

### 1.4.2 Poor management of competition and opposition

The electoral process is also marked by often fierce competition and opposition between the various political groups that are contesting an election. However, this competition must be expressed without going beyond the framework provided in the established norms. A good management of the electoral process implies creating conditions that are likely to reduce the risks of tension and violence that can naturally result from the generally tense if not heated atmosphere of competition and opposition.

The risks of tension can also stem from, among others, unfair and/or unequal treatment in the allocation of public resources, especially when it is done in violation of laws. It is, for example, a case where there is no equal treatment and equitable access to public means of communication with the electorate, especially public media and information that is not normally in the public domain. It is also the case when other means such as public finances for campaigns, protection for the various contestants (parties or individual candidates) etc. are allocated in an arbitrary, unfair and unequal manner.

The risks of tension can also come from the unequal treatment of competing political groups by key institutions in the electoral process. This kind of situations which, are much more frequent than we imagine<sup>12</sup>, is created when members of different political groupings, for example, are not treated in the same way by the police or the judiciary in case of suspicion of the violation of electoral laws<sup>13</sup>. It is also the case when the institution concerned discriminates while dealing with the candidacy of the various political groups.

The situations described above, which are such that they can influence the competitive environment in favour of one political group, constitute sources of serious threats to peace and stability in the new democracies in West Africa.

To conclude on this issue, it is worth noting that in most West African countries the above mentioned risks are worsened by the fact that competition and opposition

during elections occur in an environment marked by several dimensions of plurality. In fact, populations are differentiated along several lines such as ethnic, linguistic, religious, cultural, etc. These factors become very important and increase the risks which come with the recourse to competition and opposition during elections when they are used to determine lines of political divisions.

### 1.4.3 Poor technical management of the electoral process

The manner in which the electoral process is technically managed can also be a source of insecurity, violence and instability. In fact, this can be the case when officials of the elections management bodies are not professional and/or do not perform their functions in quite a favourable environment. Under such conditions, it is possible that the management of elections are marred by (real or used as pretext) inadequacies which create a bias in the implementation of the electoral process and the ensuing results.

When official of the elections management body lack professionalism, under these conditions, even when they have good faith, it is likely that the organization of elections would be affected by several inadequacies. This could take the form of lack of transparency in the management of the process, incompetence of electoral agents and/or their poor preparation, serious flaws in the preparation and implementation of the electoral time table, poor quality of electoral documents, dangerous directives to electoral agents especially for filling essential documents ( training manuals, manuals for electoral agents, returning information sheet, counting sheets etc) and/or members of the decentralized structures of the elections management body etc.

There can also be risks of violence and insecurity when members of the elections management bodies are not able to keep a reasonable distance from forces that are likely to influence them. This could be the case where, for example, members of the elections management bodies do not maintain a minimum level of independence and restraint vis-à-vis political forces, institutions and any other political forces that are likely or has interest in influencing its decisions. This could also be the case if the mode of appointment of members of the body and their treatment do not encourage them to express their independence.

12. Sometimes, this is not the case in the minds of majority of citizens who, having drawn lessons from the past, are convinced that key institutions in the electoral process are always bias in favour of the ruling government.

13. It is, for example, the case when procedures are much faster when members of opposition political groups are involved compared to members of the presidential camp.

Besides, problems can crop up if conditions are not conducive for an efficient management of the electoral process. Such a situation may come up if, for example, an ad hoc electoral commission (and therefore not permanent) is established very late beyond the prescribed time limits. A similar situation can also occur if the necessary resources are not provided at the right time and/or in sufficient quantities, whether logistic, material or financial.

Experience has shown that all these factors can significantly affect the management quality of the electoral process and serve as a pretext, to spark off violence or create insecurity and instability.

#### 1.4.4 Electoral dispute management

In order to reduce the risk of violence and insecurity, it is necessary to ensure that electoral disputes all through the electoral process are appropriately dealt with in accordance with specific and recognized norms. This issue is not harmless: it is the root cause of many conflicts that broke out in the sub region following the implementation of the electoral process. In fact, a close observation of conflicts which broke out in the sub region or elsewhere in Africa reveals that the poor management of electoral disputes is at the root of most of them.

The most appropriate conditions must be created for the management of electoral disputes at all stages of the electoral process. Indeed, disagreements may arise at the pre-electoral stage, for example, during the electoral legal framework amendment procedure. Similarly, electoral disputes judge may always be called upon during the pre-electoral phase in case of dispute over the validation of candidates, preparation of the voters' register, the conduct of electoral campaigns, etc.

Disagreements may also arise during the other two phases of the electoral process; the electoral and post-electoral phases. Disputes that may be referred to the electoral disputes judge during these two phases may be related to weaknesses and/or violations of the electoral law that may influence the outcome of the election. It may be, for example, campaigning outside the stipulated period and/or excessive or illegal funding of an electoral campaign, acts of intimidation or inducement to vote in a particular way and other acts that may adversely affect vote secrecy etc.

An environment unfavourable to good electoral dispute management or poor management of said disputes

could have dramatic consequences for security, stability and social peace. A legal or institutional framework that does not allow an efficient and quick management of disputes that are likely to occur during the electoral process and are inherent in the process can be a dreadful source of insecurity and instability.

#### 1.4.5 Past role of Security Forces (SFs)

In the analysis of possible sources of violence and insecurity during implementation of the electoral process, people's perception about the role of security forces is certainly one of the factor to be monitored closely especially within some context where the past of current role of security forces are neither so flattering nor praiseworthy. In fact, such a situation creates an atmosphere of mistrust between the citizens and the SFs that may result in complex, complicated and cautious relations between the latter and the other key stakeholders in the electoral process, including citizens.

This systematic and reciprocal suspicion by the citizens towards the SF seriously complicates the involvement of the SF in the electoral process. While they are perceived by all key stakeholders in the process, except perhaps those associated with the ruling government, as biased in favour of those in power, the SF see the suspicion of the others as unfair, unjustified and sometimes too harsh. This atmosphere makes engagement between the SFs and majority of stakeholders, which is however, unavoidable, potentially explosive.

The above-painted situation is observed, with various nuances, in all the new democracies of the West African sub-region. This may be explained in several ways, three (03) of which are as follows:

*In the new democracies in West Africa, the recent political history especially from independence till today may account for such a situation.* Indeed, the fact that a country has in the past experienced, a military regime can help reinforce the idea among the public that the SFs are systematically associated with the government and are always on the side of the government. This idea is even more alive and citizens' disquiet or even fear is greater and disturbing when the military regime in question was an authoritarian and dictatorial military regime that committed more or less massive acts of violation of citizens' rights and freedoms. This kind of past necessarily creates an atmosphere of mistrust vis-à-vis SFs and even a particular

electoral psychology towards law enforcement agencies which, as understood, are certainly not—in this particular case—perceived by citizens as forces of protection, justice and defence for people as well as democratic values and institutions.

In another situation, the role played the SFs in past elections, especially during the period of democratic transition, could also explain the persistent lack of trust of the citizens towards them. In fact, this could happen if in the past, SFs cast themselves in a negative light in the organization of elections by taking sides with one camp. The illegal and/or unwarranted repression of players in the opposing camp through direct intervention in the electoral process in favour of one camp, and most often the camp of the government of day or interruption of voting in regions that are not favourable to the government as well as pressures, intimidations and other threats to the electorate are situations that can undermine the serenity and confidence in relations between SFs and citizens.

The third factor that might explain the atmosphere of mistrust between a section of key players in the electoral process (including the populace) and the SFs is linked to a peculiar nature of public service in general, but especially of the SFs. This concerns the strict respect for authority and instructions on the one hand, and the need to safeguard and/or guarantee their career on the other. These two elements sometimes lead agents of the administration to put the desires of their superiors above all else, sometimes against their wishes, in any case displaying a zeal that is often misplaced.

## 1.5 Security sector reforms and West African specificities

From all the foregoing, it appears that security issues during elections are many and assume different forms and may involve all the key stakeholders in the electoral process. Consequently, the resolution of the problems, that is, guaranteeing security during elections, cannot be limited to just the involvement of the security forces.

A proper handling of security problems during elections should take into account all the other possible sources of violence and insecurity as well as those emanating from the specific characteristics of the West African sub-region. A good understanding of the issue requires that the scope of security problems related to the

electoral process is assessed (1.5.1) and reforms are initiated, if necessary, in the security sector (1.5.2).

### 1.5.1 Scope of electoral problems

As clearly highlighted above, security during elections is a major issue. This security can be threatened at any stage of the electoral process and by each of the players involved including the citizens themselves.

Thus, during the pre-electoral phase, security risks may be in a harmless form of an electoral law amended to favour a candidate of one camp or a deliberately manipulated and truncated electoral register. It is obvious that such actions, which carry risks of enabling some stakeholders to contest or challenge the process, are serious security threats and can seriously endanger the process. This could also be the poor management of the electoral campaign period (for example, inequitable access to the public media, recourse to intimidation by political stakeholders, etc.). It can be recalled that a poor management of electoral disputes could also generate violence and insecurity.

During the electoral phase, the availability of the necessary voting materials at the beginning of the polls, as well as the behaviour of polling station agents are delicate aspects which present potential risks of violence and insecurity, if they are not managed appropriately.

With regard to the post electoral phase, how electoral disputes are effectively and reliably managed as well as the nature and content of responses to possible contestations and other manifestations, including repressive conditions are issues which may lead to the degeneration of the situation and finally cause violence and insecurity.

As one can easily observe, each of the stakeholders involved in the electoral process is a potential source of violence and insecurity irrespective of the stage of the electoral process considered. Be it the electoral management body or its decentralized offices or political players and their sympathizers, SFs, institutions in charge of electoral disputes, media professionals and even ordinary citizens, each must be considered and consider itself as a potential trouble maker.

All this confirms that the resolution of security problems during elections cannot be limited to only the participation of the SFs in the process. Indeed, the variety or diversity of problems that could potentially arise is such



that they can neither be prevented nor resolved by resorting to only the SFs. For example, it is not the involvement of SFs that can prevent or resolve security problems caused by the manipulation of the legal framework for elections.

The resolution of security problems inherent in the management of the electoral process require actions which go beyond the preparation and involvement of SF in the said process. This explains why it must be envisaged in a broader framework than just the involvement of the SFs. Indeed, it has to be done within the scope of a security sector reform (SSR).

### 1.5.2 Security Sector Reform

Security during elections can serve as an entry point and the perspective from which progress can be measured for initiatives that form part of a SSR. Before going further, it is necessary to clarify the concepts “security sector” and “security sector reforms”.

These concepts, like all comprehensive and holistic concepts, do not have a unanimously accepted definition. However, this study retained the definitions as formulated by the United Nations. According to the UN, *security sector* means, «structures, institutions and persons responsible for the management, protection and supervision (monitoring) of security in a country», in other words, all those who play a role (*protection, management or supervision*) in ensuring a secure environment for citizens of a country.

“Security sector reform” means «any programme that adopts a holistic approach in the analysis of the role of institutions that provide security in the broader sense of the democratization process and conflict prevention». This includes any programme that aims to create a secure environment that would promote development, good governance and reduce poverty.

In West Africa, the security sector reform is definitely a very difficult and complex task. Indeed, the security sector reform in the countries of the sub-region is confronted with many challenges. One may cite as a case in point the transformation of relations between civilians and the military; the de-politicisation of the security sector; cross-border issues; transparency and accountability in the security sectors to the civilian authority as well as the role of the civil society and in some cases, demilitarisation of the society. Better still, security sector reform may take

into account some specific concerns such as respect for human rights, gender approach and the level of development of the countries concerned as well as the sub-regional environment.

The Security Sector Reform (SSR) obviously covers a much wider field and pursues more holistic objectives than security problems during elections. However, the magnitude of security problems during elections—judged in relation to the areas they cover and the multitude of actors involved—leads us to consider them as an excellent entry point for SSR in a given country. Better still, the quality of security during elections may offer the opportunity for assessing the quality and progress in the SSR.

#### *Security sector reform*

*A broad concept which covers a very broad spectrum of disciplines, stakeholders and activities. In its simplest conception, the SSR relates to security through policies, legislation as well as issues relating to structures and monitoring, all this under accepted democratic standards and principles (DFDI, MDFCO, 2004)*

*Source: A beginner’s guide to SSR, Global Facilitation Network for Security Sector Reform (gfn-ssr), 12/2007*

### 1.6 Inequality of social groups in terms of electoral violence

In the face of the consequences of poorly managed electoral processes such conflicts and their attendant insecurity and violence, it must be recognized that the various social groups (or the various categories of citizens) are not equal. In other works the level of vulnerability varies from one group to the other.

In fact, the first element of differences in terms of vulnerability is gender related. Today, it is commonly recognized that there is the need to take into account the gender approach in addressing and finding solutions to security problems in general and a fortiori in the SSR. It is therefore necessary to pay special attention to how electoral violence affects not only men but also women particularly in the new democracies in West Africa.

The difference between the vulnerability of men and that of women to electoral violence could stem from a series of factors or causes. The socio-cultural forces of the country, its political history and particularly how political violence has been perpetrated in the past etc. may



be possible explanations. As an extension of social inequalities women may be exposed to reprisals (possibly secret) if they insisted on participating at certain stages of the electoral process, for the mere fact that these stages are taking place on days that according to traditional beliefs they are not supposed to leave the home.

Similarly, in a post-conflict situation (or post crisis), it is likely that the mindset of men and women concerning electoral violence are not the same. If, for example, women suffered more violence than men (rape among other cruel, degrading and inhuman treatment) during conflicts, they will feel more exposed than the men during the electoral process. It is even completely possible that the perpetration of these forms of violence against women is a deliberate strategy to intimidate, influence, discourage, sanction or traumatize them. In other words, rape can be deliberately used as a weapon of war.

Gender is not the only element which explains why women are more vulnerable than men in post electoral conflicts. Other lines of social cleavage can lead to the same outcome. This is the case, for example, when power is held by an ethnic minority which resorts to violence in order to maintain its control over the majority. The situation may be fostered by control of legal power, the national security apparatus and the SFs by same the minority ethnic group power. In this case also, it is often observed that women are much more vulnerable than men.

It is worth mentioning that one can end up with a similar situation if a majority group controls State power. In this case, it is the minority and generally some vulnerable groups of citizens, whose demands are usually considered unreasonable and unacceptable or without interest, who are the victims of violence during elections. Such situations can be observed in the sub region and in many other African countries.

To conclude, it can be said that this chapter has largely highlighted the fact that the management of the electoral process is a highly conflict prone operation. This is not surprising since the reality today is that everywhere in democratic regimes or regimes engaged in a democratization process, particularly in Africa, elections are often sources of violence and insecurity which range from mere brawls to large-scale destructive violence. West Africa is no exception to this observation and the crisis or crisis exit situations in several countries of the sub-region amply testifies to this. Similarly, it has been shown that resolving problems of violence and insecurity during

election cannot be limited to improving the quality of involvement of security forces (SFs) in electoral processes, it also require a more comprehensive and integrated approach.

However, there is unanimity on the fact that electoral competition in a satisfactory security framework in the sense of a more qualitative involvement of security forces helps substantially to meet the challenges of their involvement and integrity of the electoral process. In other words, ensuring a secure environment (by the security forces) helps to manage the electoral process according to required or globally accepted standards for quality elections.

## Summary of Chapter I

- Since the inception and implementation of this concept in city-states of Ancient Greece till its contemporary representative form, democracy has always meant resorting to elections as a mechanism for decision making. Contemporary representative democracies are characterised, among others, by the recourse to elections as the ideal means of choosing peoples' representatives (public authorities) to govern on behalf of the people and for the people.
- New democracies in West Africa, established during the third wave of democracies which began in Southern Europe in the mid 1970s were not left on the fringes of this process. West Africa saw the liberalization of practically all political systems in the sub region between the late 1980s and late 2000. Today, all countries in the sub region resort to elections which are supposed to be free and transparent mechanisms for the devolution of State power.
- Elections have some characteristics that make them potential sources of conflicts. These include the legal framework, the level of competition required for its credibility, since what is at stake is devolution of power which can be managed in a heterogeneous environment (multicultural, multiethnic, etc.). Elections also require a good management of electoral dispute. A poor management of one of the aspects stated above can breed violence insecurity and instability in a country.
- It is however recognized that the organization of elections, per se, is not a source of conflict. On the contrary, a good management of the electoral process

can help prevent conflicts (to the extent that it is a peaceful means of resolving various types of disagreements in society) and /or resolve conflict, end wars and instability.

- The sources of security related problems arising from the management of elections are many:
  - The legal framework of elections is one of the major sources of insecurity and instability. In fact, this factor can be used to distort the electorate and cause political inequality between citizens. It can also lead to the seizure of power (since it can be exploited to influence results of elections and allow the seizure of power) and reduce the quality of management of the electoral process etc.
  - Other sources of insecurity are: poor management of competition and opposition between the various political groups contesting elections (sometimes and beyond this), poor technical management of the electoral process, (unprofessional personnel, susceptible to influence, late establishment of elections management bodies with limited resources) the management of electoral dispute and finally the mistrust between citizens and security forces which complicates relations between these forces and key players in the electoral process (including citizens).
- The involvement of SFs to ensure security during elections is one of the choices made by the new democracies of West Africa in order to reduce the risks of violence and instability during the electoral process. This choice is not without risk for the security of elections. Consequently, to meet expectations, appropriate measures must be taken to ensure a good control of the involvement of SF in electoral processes.
- The causes of insecurity during elections in West Africa are many and multifaceted. In fact, all key stakeholders in the electoral process are potential sources of insecurity and threat to peace and acts of insecurity are committed at all stages of the election period. Consequently, the security of elections must be envisaged in the security sector reform which constitutes one of the major challenges facing countries in the sub region.

## CHAPTER II: ROLES EXPECTED OF SECURITY FORCES IN THE ELECTORAL PROCESS

The need to ensure an adequately secured environment during the electoral process is an important component in the organization of free, transparent and fair elections. It requires special conditions. One of them is to determine in a practical and reasonable manner, the role of security forces in the electoral process and the requirements (for better participation of most of these security forces especially in terms of the means and conditions of their involvement. Another condition is the need to pay particular attention to possible problems that could arise from the involvement of the SFs in the electoral process.

This chapter covers four (04) sections. While the first two sections deal with the need to involve the security forces in the electoral process (2.1) and the role they could play (2.2), the third section specifies the conditions for a proper involvement of security forces (2.3) in the said process and the last section highlights problems arising from the involvement of security forces in electoral processes (2.4).

### 2.1 The need to involve SFs in the electoral process

Management of the electoral process gives rise to a series of violence and insecurity risks. As highlighted in previous sections, these various types of risks do not have the same origins and manifestations. In fact, certain risks can be traced to the law especially the drafting of the law and political manipulations it can be subjected to. Others can trace their origins to the manner in which the electoral law is applied particularly by all those in charge of implementing and/or supervising the enforcement. Other categories are directly inherent in the behaviour of certain key stakeholders in the electoral process.

Logically, given that they are not of the same origins and do not appear in the same manner, the risks of insecurity and violence during election periods, cannot be managed in the same manner be it in term of prevention or repression as will be later illustrated.

Some risks of electoral violence which require that some stakeholders in the electoral process agree on values to be respected, for example, in the form of codes of

ethics and of good conduct. Others require improvement of texts on the electoral process, etc. In addition, it is interesting to note that there are still other risks of violence and insecurity during electoral periods which can only be prevented and/or addressed by the security forces. This concerns mainly cases of violations of the electoral law, with consequences that can only be stopped by using brutal force or resorting to dissuasion. This applies, for example, when the risk of possible confrontations among militants, attempts to attack election staff or materials, or violence that follows the declaration of election results. In such cases, it is obvious that force must be applied in accordance with the law.

There can also be situations where the SFs as a whole or through one of their components, are involved in the procedure for applying sanctions or repression of violation of the electoral law. In French speaking West Africa, for example, these could take the form of the interventions of certain specialised bodies of the security forces such as officers of the Criminal Investigation Department to facilitate the implementation of all or part of the various stages of the sanction procedure. This procedure goes from the arrest of the suspects (sometimes at the crime scene and in a highly tense environment), through the other intermediary stages provided by law to their conviction.

Within the exhaustive regulatory framework which set standards, levels and modalities for involving the security forces, it is expected that interventions of these SFs would help prevent possible lapses which are detrimental to law and order, and/or rectify them in accordance with the applicable laws and regulations, if necessary. It is important to define beforehand and as exhaustively as possible the roles, modalities as well as limits of their involvement.

#### *Electoral Security*

- *Ensuring safety of the electoral process is to create a quiet and safety environment to enable citizens to take part in elections without fear or intimidation before, during and after voting.*
- *Ensuring the safety of the electoral process is also to guarantee a quiet and peaceful environment for power transfer.*

*Source: Ballots not Bullets, Elections and security in West Africa, UNOWA issue Papers, May 2009*

### 2.1.1 Role of security forces in the electoral process

As should be expected and like security problems relating to elections, the role of SFs in the electoral process can have many facets. In other words, it is a multiple and varied role. The intervention of SFs is necessary at all stages of the electoral process and concerns all key stakeholders as well as the major factors of the process.

That is why, to ensure the integrity of the electoral process, the security forces are responsible, at every stage of the process, for the protection of persons and property, election materials, officials and institutions involved in the process. Security forces, besides ensuring the security of the electoral process at all stages, can also be involved, if need be, in the resolution of certain logistic problems.

In spite of their multiple and varied nature, tasks that may be entrusted to the security forces to ensure the security of the electoral process can be grouped into (03) categories. These are mainly static functions (for example, protection of buildings), dynamic functions (for example, security of transportation of election materials) and stand-by functions (i.e. stand-by forces that can be mobilized at any time, if need be). The tasks of the security forces during elections—can also be analyzed based on each of the three (03) stages of the electoral process.

Under this study and in order to appreciate these roles, it is rightly a chronological approach that will be adopted while assessing the role of SFs at the pre-electoral stage, the voting day and the post-electoral stage.

#### *Objectives of electoral security*

- *Physical security of buildings and materials*
- *Personal security of voters, candidates, representatives of political parties and that of the body responsible for the management of elections and the community in general*
- *Security of information, computers, software and election communication systems.*

*Source: IDEA*

#### 2.1.1.1 Pre-electoral phase

The scope and the diversity of tasks performed during the pre-electoral phase are such that the interventions of SFs cover the three (03) dimensions stated above. Indeed,

during this stage of the electoral process, the security forces are required both to perform static functions and dynamic functions and constitute stand-by forces that can be deployed if the need arises. A few examples can help illustrate this.

During this phase of the electoral process, the role expected of the security forces is provide security for voter registration centres, electoral officers in charge of the voters' registration exercise and registration materials. The security forces must ensure that no security lapses prevent voters from registering or disturb the registration of voters. When the need arises, they can also be asked to help in investigating the eligibility of candidates strictly in accordance with the laws in force.

Furthermore, it is important to note that the security forces can be solicited to help control human movements at the borders of the country. Indeed, as shown concretely by many experiences in the sub region, it is reasonable to fear that taking advantage of the similarities in populations on both sides of borders of West African countries, movements of peoples are organized during registration period. This could bloat the voters' register in favour of some candidates and consequently lower significantly the quality of the elections.

The involvement of security forces in the pre-electoral stage of the electoral process can go beyond what is stated above. Indeed, they are in general solicited to provide security during production and storage of material and equipment to be used during elections. The security forces can also, in some cases, be used to deploy materials required for election inventory, voting materials and election staff, especially in inaccessible areas.

Apart from election materials and staff responsible for the management of the electoral process (election agents and members of the body in charge of the organization of elections), the security forces also ensure the security of key stakeholders in the process. In other words, they are responsible, among others, for providing security during activities of political parties and personal security of candidates as well as that of conventions, meetings and all activities relating to the electoral campaign.

It is appropriate to stress on the very important role of SFs in terms of candidates' personal security and on the fact that, under the supervision of the elections management bodies, they ensure that their political activities do not disturb law and order. For example, they must in total neutrality and with the professionalism required, ad-

wise<sup>14</sup> political stakeholders engaged in electoral competition in order to avoid possible confrontations among those who take part in events they organize as part of the electoral process.

### 2.1.1.2 Polling day

During the electoral phase, i.e. the period during which the actual voting operations takes place (generally this stage lasts one day), the security forces are expected to ensure the security of this crucial stage of the electoral process. In more concrete terms, it is a question of ensuring the security of persons, buildings and election materials, as well as election information during the entire voting period.

More specifically, the role of SFs at this stage is to ensure the security of election staff in a larger sense<sup>15</sup>, materials, voting centres and offices, collection and collation centres. They also ensure the security of representatives of the political parties and the electorate. In addition, special attention is paid the security of sensitive sites, to be specific, headquarters of political parties, those of election management bodies, institutions and any site concerned with electoral operations.

Security forces are expected to ensure the security of the counting process and assist in the transportation, transmission and centralization of results in accordance with the regulations in force. In fact, when the need arises and depending on the situation, the security forces can be made to pay special attention to the safety of the counting exercise; they can also escort the return sheet, counting sheets and results sheets of the polls (and any other sensitive document) and help transport them under the authority and supervision of the elections management body, if logistics problems or the voting procedure require that these documents are transferred in absolute security and always within the confines of the laws in force.

Apart from these actions, which are directly linked to the security of the voting process, the security forces should also perform other equally important tasks to ensure the quality of the electoral process management. These tasks include, for example, ensuring the security of

the borders<sup>16</sup> (which are normally closed on polling day) in order to reduce the risk of citizens of neighbouring countries influencing the outcome of the poll by inflating the votes of certain candidates. In fact, it is a phenomenon well known and rather widespread in border villages which see their population double just before the polls and for that period only. Ensuring the security of borders can also help to prevent acts of violence (attacks, terrorism, etc.) that disrupt the smooth conduct of the polls. Indeed, the list of the contribution of the security forces to ensure the security of operations on polling day is obviously not exhaustive.

### 2.1.1.3 Post-electoral phase

The electoral process does not end with voters expressing their suffrage, meaning the polls. There is also the whole post-electoral stage that can also be marred by violence and insecurity. It is therefore a very delicate phase especially in fledging countries and democracies. During this phase, the role of SFs in securing the results collation process (where necessary) and the declaration of provisional results may prove indispensable. They are also vital during the entire period of processing election disputes, declaration of final results and handing-over. On the whole, it is at least a dissuasive role.

Basically, during this phase, security forces are responsible, for ensuring the security of the competent jurisdictions for the declaration of results and for the resolution of disputes arising from the elections. They are also expected to provide security for election management bodies, particularly because of risks associated with the more or less spontaneous unilateral claims of electoral victory or threats of all sorts to members of these institutions as well as storage sites of electoral materials. They must also protect candidates and headquarters of political parties or alliances depending on the situation and maintain a stable and secured social climate, if need be, well after the declaration of final results, meaning until the handing—over of power.

Beyond the general and traditional mission of security forces, i.e. protection of persons and property as well as maintaining law and order, securing the electoral process should focus on certain themes that have close links with the elections, i.e. laws applicable to citizens in times of

14. When and where to hold meetings, for example

15. Both personnel of the election management body and its branches, and key institutions in the electoral process and polling agents.

16. which are normally closed on polling day

election, the need for neutrality and professionalism which the security forces must demonstrate, establishing relevant relations of collaboration with bodies that manage the electoral process, the most appropriate law and order maintenance techniques, among others.

In this regard, special attention should be paid to the rights of certain vulnerable groups, particularly women, the disabled, minorities so as to guarantee their free and full participation in the process. Indeed, it must be recognized that within the general context of West Africa, a number of constraints stand in the way of mainstreaming gender issues in the electoral process. The constraints are inherent in traditional and organizational conditions—deliberate restrictions or otherwise within the system, neglect of qualification problems, unsuitable political environment, inadequate or rather open to “all politics”—which relegates to the background problems affecting the weakest groups in society as well as the inadequate allocation or lack of resources for electoral education, building the capacity of women etc.

The security forces should be able to eliminate all risks or any attempt to create parallel security organizations, particularly with the training of militias or armed groups and, if need be, neutralize them.

This chapter has shown quite clearly that the involvement of SFs is not only necessary for the proper management of elections but this that this should be done at all stages of the electoral process. However, the involvement of SFs in the electoral process must go with a number of conditions.

## 2.2 Requirements for the involvement of SFs in the electoral process: internal requirements and SSR

The aim of this section is to identify of the necessary conditions or requirements for an appropriate, optimal and effective involvement of the security forces in the electoral process. These requirements concern essentially the measures and arrangements to ensure quality involvement of the Security Forces in the electoral process. This will be addressed under four (4) subsection which will deal respectively with behavioural requirements i.e. adoption of a republican behaviour (2.2.1); legitimacy requirements, i.e. the legality of the involvement in relation to the laws, rules and regulations and procedures (2.2.2),

competence requirements, i.e. the ability of the staff of the security forces to provide the required services (2.2.3) and finally resource requirements, meaning the provision of the necessary (financial, material and human) resources (2.2.4).

### 2.2.1 Behavioural requirements

One of the basic requirements for quality participation of the security forces in the electoral process lies in their ability to behave in a republican manner. In other words, security forces involved in the electoral process should be able to meet the security needs of the process, while respecting the main principles and values on which the Republic is founded. A few of these values are enumerated below. It will be useful to recall some of these values.

One of these essential values is the respect for the rule of law. SFs must first and foremost respect the fundamental principle of submission of the Army to a democratic civilian regime. This principle is not negotiable. On the other hand, the SFs must contribute to ensure the security of the electoral process in total conformity with the laws and regulations in force. They should, in their behaviour and attitude, respect both electoral laws or electoral code and the laws on elections in general (the constitutional and civil rights, public freedoms etc ...) as well as regulations specific to their force and functions. It is obvious that, security agents involved in the electoral process, who adopt behaviours contrary to laws in force, constitute more of a danger for the process than a factor of protection and security.

Other democratic values lie certainly in the fairness and neutrality of SFs. Thus, beyond the respect for the rule of law, the security forces should perform their electoral security functions with fairness and neutrality. Indeed, the electorate must be treated in the same way by the security forces. The law in force should be applied to all stakeholders in the electoral process without discrimination or arbitrariness. Irrespective of the group to which a troublemaker belongs during the electoral period, the security forces should be able to ensure strict and full compliance with the law without being bias.

Finally, to stick to these few examples and as an extension of the previous idea, the security forces must avoid allegations of being partisan in order to be effective and credible. This is important because, generally in politics and particularly during elections, perception is as impor-



tant as reality. The security forces need therefore not only to take measures to reduce risks of their members behaving in a partisan manner; they should also avoid being perceived as such. Otherwise, the security forces, instead of reducing violence and insecurity, would on the contrary make their own mission difficult and compromise the entire process.

Practice has shown that the ability of the security forces to adopt this stand is closely linked to the political history of the country and the role security forces have played in it, their organizational structure (missions, staff and available resources) and their internal dynamics.

### 2.2.2 Legitimacy requirements

Apart from behavioural requirements, the relevant and effective involvement of the security forces in the electoral process requires also, for its legitimacy, an adequate legal framework; a quality legal framework means a legislative framework as well as comprehensive and adequate rules and regulations to monitor the involvement of the security forces in the process. Besides, provisions of this legal framework should be known to all key stakeholders in the electoral process, especially personnel of the security forces, political parties, members of the bodies managing the electoral process, civil society, ordinary citizens, etc.

#### a) Suitable regulatory framework

The legislative and regulatory framework should, in a practical manner, help create a conducive atmosphere to encourage members of the security forces to adopt behaviours expected of them, some of which have already been enumerated.

For example, the Security Forces are expected to be republican, i.e. totally apolitical, neutral, objective so as to ensure that their actions are not tainted with self-interest or partisanship. Regulations in force should not only be unequivocal on these specific points but also contain provisions that reduce risks where the security forces can be influenced and/or be used in the performance of their functions.

The legislation should also be as specific as possible on the modalities of involvement of the security forces in the electoral process. The legislation should state, as clearly as possible, services expected of the security forces during the electoral process, conditions for the provi-

sion of such services, times when some types of services may be solicited, regulatory limits of their actions, procedures to resort to the said services, etc.

As far as possible, regulations in force should as much as possible be close to regional and international standards of good conduct in matters of ensuring the security of the electoral process.

#### b) Control and accountability

A meaningful involvement of security forces requires that the legislation in force should ensure a reasonable degree of accountability. Indeed, in order to pre-empt the development of a culture of impunity detrimental to democracy, it is necessary to put in place control and sanction mechanisms for lapses attributable to staff of the security forces<sup>17</sup>.

The regulatory framework should specify modalities for the management of lapses noticed. This is a particularly important point. There is the need to avoid at all cost the feeling among citizens that the security forces are above the law, that they can break the law with impunity. If such precautions are not taken, this state of affairs can be perceived by staff of the security forces not only as a license to break the law and the fundamental rights and freedoms of citizens, but also a source of deep mistrust of the people towards the security forces.

## 2.3 Competence requirements

The competence of members of the security forces involved in the electoral process is undoubtedly one of the essential requirements for quality involvement of security forces in the electoral process. This requirement goes hand in hand with a suitable command structure and the staff strength required.

### 2.3.1 Suitable organizational structure

Apart from behavioural requirement inherent in the behaviour and legal framework, the organizational structure of the security forces should be able to meet specific needs of the electoral process. For example, a command structure for the coordination and implemen-

17. This demand is naturally valid and necessary vis-à-vis all stakeholders involved in one way or another in the management of the electoral process.



tation of appropriate actions, deployment across the national territory, availability and resourcefulness necessary to ensure the security of the entire electoral process.

Similarly, the organizational structure of the security forces should also show great flexibility so as to facilitate the needed collaboration that should exist among the various bodies of the security forces involved in the electoral process, on one hand, and between SFs and the civilian election management structures (an independent Electoral Commission, political parties, other key institutions of the electoral process, ...) on the other.

In certain circumstances, as is the case of post-conflict elections, national Security Forces can be reinforced with international forces. Under these conditions, demands for flexibility in the organization of the security forces are still greater, since in this case they have to adapt to the involvement of the foreign security forces.

### **2.3.2 Competence required to ensure security for the electoral process**

The second requirement under this category concerns the technical competence of officers of the security forces involved in the electoral process. It is indeed necessary for these security officers to master the knowledge required to provide quality security for the electoral process.

Naturally, there is need to master the techniques of controlling events typical of any electoral process: techniques for maintaining law and order or securing sites etc. For example, security planning should include the flexibility required to ensure the security of the electoral process.

Finally, this involves the control of the other features of any electoral process that deserve to be taken into account in any operation to ensure the security of the electoral process. For example, ensuring the security of elections should be done while respecting the fundamental human rights and freedoms, guaranteeing freedom of expression and association, in sum, democratic values etc.

### **2.3.4 Staff strength required (quality and quantity)**

Ensuring the security of the electoral process often implies extensive deployment. It is mainly the duty of the police and gendarmerie, but where almost all available

units are called upon in one way or another. However, within the context of the countries of the sub-region, the low level of development is such that this institution is unable to assume all of this function. Staff needs call for reinforcement from other security institutions in order to meet the needs and provide quality security services throughout the electoral process across the national territory.

In this case, the staff must be at the same level of preparation as officers of the security forces initially responsible for security during elections. This is done in two ways: the first is structural and demands inclusion and integration into the curricula of the security forces modules relating to human rights, democratic challenges and principles, gender issues, more specifically at the time of initial training.

The second is short term: from time to time, as part of measures to ensure security during the electoral process, specific capacity-building training sessions can be organized around topics related to the duties of security forces during the electoral process, the know-how to be employed, criteria of professionalism, impartiality, neutrality as well as restraint in the use of force that the security forces should observe during the electoral period. Other subjects of these ad-hoc training will deal with restrictions and limitations on actions of SF, infringement of legal provisions applicable to both the electorate and other stakeholders, the framework for relations between SFs and elections management bodies, (possible functional contacts and links between the elections management body and the security forces), attitude towards the people, the issue of rights applicable which security personnel can face during election, specifically women and other vulnerable groups to guarantee the full exercise of their rights.

## **2.4 Resource requirements**

Military men usual recall this triptych, "one man, one mission and resources". The appropriate and effective involvement of security forces in the electoral process certainly demands that considerable resources are made available. These include both material (equipment etc.) and financial resources.

Provision or improvement of existing equipment is necessary to enable security forces fulfil their missions. One can mention vehicles that enables security forces to de-

ploy all the staff concerned at the appropriate time, and also (possibly) transport electoral staff and materials when the need arises. Similarly, the individual and collective equipment needs must also be met as the security forces should be able to restore law and order where necessary, without over-exposing weapons and tools of repression which would distort how the people perceive the security climate, i.e. disturb them rather than reassure them.

SFs also need to coordinate their actions by using communication tools adapted to the scope of this type of operation and the management of information in real time. This is useful, more so as sometimes the key institution in the electoral process, namely the elections management body, fall on the communication equipment of the security forces to coordinate their own activities especially in remote area.

The issue of providing financial resources on time is also crucial. The provision of financial resources on time helps to acquire the equipment mentioned above within the time limit for adequate participation of the security forces in the process. It also helps to avoid situations where officers of the security forces find themselves in the field without the any prior arrangements to cater for them (per diem and others).

However, in practice, this ideal situation is difficult to achieve in the sub-region; hence the need for leaders of the security forces to plan ahead the use of resources placed at their disposal. The leaders in question should optimize the involvement of the security forces so that the resources available are used judiciously in order to derive maximum benefit from these resources.

## 2.5 Problems that may arise from the involvement of security forces in the electoral process

Although it is obvious that the involvement of security forces in the electoral process is necessary and the role they play is important for the quality of elections, the risks that can result from their involvement in the said process must also be recognized. Indeed, the resources at the disposal of the security forces make the latter an intimidating and even repressive force that can be used both to ensure the security of the electoral process and undermine it, and thus influence the results.

### 2.5.1 A dangerous bias

As support stakeholders expected to secure and therefore facilitate the process, SFs, for various reasons, end up being partisan, an entirely inappropriate approach that distorts the stakes of the electoral contest. This unjustified and inappropriate interference in the electoral process, generally encouraged by the non-existence of, or non-compliance with adequate legal and institutional frameworks, constitutes one of the major problems which the involvement of the security forces in the electoral process can pose. A partisan involvement of the security forces undermines the very essence of the electoral process and has effects on both participation (risks of taking part in the voting) and freedom to vote (free and voluntary choice of the candidate or of the party to vote for).

Besides, the dominant position that the control of arms and the nature of their organization conferred on them is laden with serious dangers in case of inappropriate (inopportune) involvement in the political sphere, more specifically in electoral processes. It is therefore important to ensure the neutrality of the security forces and avoid their subordination to interests other than those of the Republic. There is therefore need to recall, at this point, the extreme importance of adequate legal and institutional frameworks as, undoubtedly, one the preconditions for the involvement of the security forces. Without these safeguards, this involvement which is already difficult to assess due to the lack of benchmarks will surely raise the problem of accountability of the security forces in case of inadequate involvement in the process.

### 2.5.2 Inappropriate security offer

Inadequate or inappropriate security offer constitutes another threat to the electoral process. Indeed, it is also important to ensure, as far as possible, that the security forces are involved at places where they should be and in the required proportions, not more, not less. The effects of the poor involvement of the security forces in the electoral process can be considerable and trigger or develop a feeling of mistrust within the population and even political stakeholders especially those who not feel close to positions in the ruling executive. The effect of over-deployment of staff and equipment will be that the security forces will then be perceived more as a threat by the

people concerned than a protection force and this will surely add to the tension.

In the same vein, one can also mention the difficulties in providing suitable and proportional answers to situations that may arise due among others to lack of training and sensitization on the implications of the electoral process. Finally, lack of resources and equipment can cause a serious problem, as this may prevent since the involvement of security force from measuring up to expectations and from satisfying expressed needs.

### 2.5.3 Other stakeholders in the process

As already known ensuring security of the electoral process does not fall solely on the security forces; it also commits all the other stakeholders involved in the process. Indeed, each of them, by their behaviour and positions they adopt, can contribute to insecurity and/or to inappropriate reaction from of the security forces.

It is therefore very important to sensitize the other stakeholders in the electoral process on the need to avoid acts that will attract negative responses from the security forces. Likewise, the security forces should not be isolated within a closed context from the other stakeholders in the name of confidentiality and specific nature of actions. On the contrary, it is wise to create a framework for collaboration and sharing of information where well-defined and known constraints and demands of the security forces would not hinder the coordination of actions.

This is valid for both political parties and their activists and sympathizers who should be responsible by not worsening the security climate<sup>18</sup> for the media who should also contribute to the appeasement<sup>19</sup>, for civil society organizations and for ordinary citizens. The issue of providing security for the electoral process is a collective responsibility, a responsibility shared by all stakeholders without any exception.

18. Arming the militia, ethnic, language, religious propaganda, etc.

19. hence the need to be very careful of the use to which they put information during this sensitive period.

## Summary of Chapter II

- The need to involve the security forces in the electoral process is, for the time being at least, a requirement because election management gives rise to certain risks of violence and insecurity (violations of election law, possible confrontations among activists, attacks against staff or election materials, or violence following declaration of results), which can be pre-empted and/or addressed only by resorting to the services of the Security Forces.
- The security forces are involved in all phases of the electoral process (pre-electoral phase, electoral phase and post-electoral stage) to protect persons and property, election materials, officials and institutions involved in the process and help to solve certain logistic problems. Their functions can be sub-divided into three categories:
  - 1) Static functions: for example, protection of immovable property;
  - 2) Dynamic functions: for example, ensuring the security during the transportation of election materials;
  - 3) Emergency functions: i.e. stand-by forces that can be mobilized at any time when the need arises.
- Four types of requirements are required to ensure useful involvement of security forces in electoral processes. These are:
  - Behavioural requirements: adoption of republican behaviour, especially knowing how to meet security needs of the said process, respecting the principles and values on which the Republic is founded (total guarantee and compliance with laws and regulations in force, ensuring the security of the electoral process with equity and neutrality);
  - Legitimacy requirements: legality of participation in accordance with to the laws, regulations and procedures that help to create a favourable environment that will encourage staff of the security forces to adopt behaviours expected of them (reasonable degree of responsibility in order to pre-empt the development of a culture of impunity detrimental to the forward march of democracy;
  - Competence requirements: ability of staff of the security forces to provide the services required and adapted by a structured organization, by appropriate skills to ensure the security of the electoral

process, and with the necessary quantitative and qualitative staff strength;

- Resource requirements: provision of the necessary (financial, material and human) resources requires special attention, for the provision or improvement of existing equipment is necessary for the fulfilment of the missions of the security forces. They need vehicles, communication tools, per diem and others particularly on time.
- The involvement of the security forces in the electoral process can help ensure the security of the said process. It can also pose problems, as the resources placed at the disposal of the security forces make them an intimidating, even a repressive force which can be used both to ensure the security of the electoral process and to compromise it, and thus influence the results.
- The inadequate involvement of SFs (because ill-prepared and/or exploited) can have serious consequences:
  - A dangerous bias insofar as it can distort the stakes of the electoral contest.
  - Inadequate security offer that can make it impossible to have adequate postures that will develop a feeling of mistrust among the people,
  - An over-deployment of personnel and equipment will make the security forces to be considered more as a threat by the people concerned than a protection force or at least as a factor of additional tension.
  - The behaviour of the other stakeholders in the process can lead to insecurity and/or inappropriate reaction on the part of officers of the security forces.

## CHAPTER III: RELATIONS BETWEEN THE ELECTIONS MANAGEMENT BODY AND SECURITY FORCES INVOLVED IN THE MANAGEMENT OF THE ELECTORAL PROCESS

In almost all the West African countries, the conduct of elections is entrusted to elections management bodies EMB of Independent (or autonomous) National Electoral Commissions type. To ensure a real improvement in the management of the electoral process, measures must be taken to guarantee the EMB's effective supervision of all operations involved in the management of elections. In reality this involves ensuring that activities carried out by key stakeholders, no matter their status, are in one way or the other supervised by the EMB. More so, the SFs being part of these key stakeholders, their involvement in the electoral process must also be done under the supervision of the EMB. Given the particular and delicate nature of the collaboration between civilian organizations and SFs, such supervision requires specific measures.

These relations or modalities for collaboration between the EMB and SFs are the focus of the third chapter of our document which seeks to help prepare the grounds in terms of the conditions for an effective collaboration between the EMB and the SFs. It is therefore built around four (4) points: EMB and elections supervision (3.1), the regulatory relations that should exist between the EMB and the SFs (3.2), the organizational structure for better collaboration between the EMB and the SFs (3.3) and, finally, requirements for a better collaboration/supervision between the EMB and the SFs (3.4).

### 3.1 The elections management body and supervision of elections

The need to resort to an elections management body (EMB) is a fact which is almost universally acknowledged today. However, apart from this body, several other institutions and stakeholders are involved in the electoral process hence the need, if not the utmost need, to establish a kind of framework for functional relations which should link the various stakeholders and institutions, on one hand and the EMB on the other; for that matter, it is necessary that involvement of SFs in the electoral process

like all the other stakeholders, is done under the supervision of the EMB.

This section deals with the essential duties of the electoral process that are within the purview of the EMB (3.1), the need for the supervision and implementation of these tasks by the EMB (3.1.2) and particularly the need for the EMB to supervise the involvement of SFs in the electoral process (3.1.3).

#### 3.1.1 Overview of duties of the Elections Management Body (EMB)

It has been observed that there is not just one unique model for election management in West Africa. Depending on the peculiarities of each country—political history, legal tradition, etc.—various types of election management structures are used. However, the use of an independent electoral commission in the management of core tasks appears to be the dominant trend currently in emerging democracies in the sub-region<sup>20</sup>. The core duties include:

- Preparation of a voters' register;
- Receipt and validation of applications (for political parties and candidates);
- Conduct of the entire voting process;
- Collection, compilation and declaration of provisional results;
- Determination of conditions for voter eligibility.

All these functions are not necessarily considered as essential by all those who study the elections management bodies. For example, some hold the view that the preparation of the voter's register is not a core function of the elections management body, while for others, it is the electoral legal framework (electoral laws, sometimes the Constitution) which sets out the criteria for voter eligibility and not the elections management body.

In addition, sometimes the key tasks of the electoral process are shared among several bodies. In such a case, all the institutions that share these key tasks are called election management bodies. However, for the purposes of this study, «election management body (EMB)» (sin-

20. This is actually the case in all the countries of West Africa, with the exception of Senegal, Mali (where there is a shift towards the establishment of a single election management body), Cape-Verde and Guinea Bissau.

gular) will be used all through, even when it refers to several bodies.

In all cases, when the management of all core election-related tasks is entrusted to one body of electoral commission type<sup>21</sup>—this body should, at least, be able to ensure the proper execution of these tasks. This means that all operations undertaken as part of the electoral process or at least that could have a major impact on the performance of key tasks of that process are carried out under its supervision.

### 3.1.2 Monitoring the execution of key election-related tasks by the EMB

The EMB's monitoring or supervision of all essential operations of the electoral process is necessary and important for several reasons. Without this supervision, it would be difficult to apportion responsibilities in terms of the management of the process and apply sanctions accordingly, whether it entails rewards for good performance or on the contrary punishment for failures.

Monitoring by the EMB must cover all the key aspects of the involvement of other stakeholders in the implementation of the electoral process in accordance with universally recognized norms. One should expect the EMB to decide what duties should be assigned to each category of stakeholders in the electoral process even if, in reality, this is not often the case: in some cases, for example, it is rather the law that assign the roles. The EMB should also be involved in setting the conditions for the participation of such players, the necessary preparations prior to their involvement, etc. determining tasks to be carried out, intervention methods and the use of the SFs in monitoring the elections, sometimes the identification and mobilisation of the resources needed for an effective involvement of the SFs, among others.

### 3.1.3 Monitoring the involvement of SFs in the electoral process

It follows from the previous subsection that, like the other key stakeholders in the electoral process, the involvement of the Security Forces (SFs) in the electoral process must be done under the authority of the EMB and they

must be consulted while the conditions for their participation in the electoral process are being determined.

Monitoring of the role of SFs in the electoral process is important for, at least, two reasons. On one hand, securing the elections is in itself an important task since any failure in this regard may have dramatic consequences on the quality of elections and, thereby, affect peace and stability. Insecurity during elections inevitably engenders serious consequences for citizens' fundamental rights and freedoms, including their right to participate in the electoral process.

On the other hand, supervising the involvement of the SF in the electoral process is necessary and important because they—the SFs—are, themselves, a potential source of intimidation and influence on stakeholders in the process. In view of the power they wield, if their involvement is not properly guided, the SFs can become a source of insecurity for citizens. They may deter groups of voters from participating in the process or openly act, due to ignorance, and/or as armed wings of a political camp to deliberately skew the election results.

Finally, it is important to mention that it is possible for the management of the electoral process to be entrusted to several bodies at the same time. In this case, special attention should be given to monitoring and supervision of the execution of key tasks in the process, especially with regard to the involvement of the SF. It would be enough, for instance, to call on all or one of the bodies in charge of managing key functions of the electoral process to be responsible for overseeing the participation of the SFs in the said process. This raises implicitly the issues of the nature of relations between the EMBs and SFs.

### 3.1.4 Regulatory links between institutions in charge of the EMB and Security Forces

Nobody disputes the need to involve the SFs in the electoral process and their usefulness in guaranteeing the quality of the process provided this involvement is done under the control of the EMB. To be effective and relevant, it will have to be done within a quite specific and clear regulatory framework on modalities for the involvement of SFs in the electoral process and the roles of each one in ensuring success.

Indeed, without a relevant legal framework, the involvement of SFs in the electoral process could compro-

21. As is rather the trend in West Africa where at least 12 out of 15 countries have adopted this model

mise the quality of management of the electoral process. This legal framework should clarify the terms of cooperation between the election management body and the SFs. It should also be quite clear about the indicative time of commencement of preparations by the SFs to participate in the elections and the role of the EMB during this important phase. Finally, the involvement of the EMB in determining the necessary material and financial resources for the effective participation of SFs may also be necessary.

Beyond these major issues, the legal framework should also focus on the chain of command of SFs involved in the electoral process. Given the hierarchical nature of the SF and the importance of the principles of discipline and compliance with instructions, clarification of the all these issues prior to the electoral process is of paramount importance in the run up to the elections. It is, for example, very important that the role of the EMB in ensuring the implementation of security operations be clearly defined and accepted by all.

Finally, just to limit ourselves to these few elements, the legal framework should go beyond regulating the relationships of cooperation and supervision between the SFs and EMB. It could also take into consideration the relationship between the SFs and all the other key institutions involved in the electoral process. These include, for example, the judge handling electoral disputes, the institution responsible for regulating the media, civil society organizations, political parties and candidates, etc. Overseeing the cooperation and collaboration between each one of these institutions and the SFs can help secure the quality of the electoral process. Indeed, a broader vision on the content of the electoral process is easier to achieve within the context of a well developed electoral code than with different electoral laws and other regulations scattered and sometimes incoherent from one document to the other.

The issue of regulatory framework is very important in view of the highly political nature of elections makes it difficult to carry out security operations. It is generally admitted by all that it is rare for the best operational solution to be achieved at the political level and an operational solution cannot be considered to be desirable if it does not deal with political conditions. This situation requires not only cooperation between the EMB and the SFs, but also the design of a framework establishing a minimum level of communication among all key stakeholders in the electoral process in order to ensure that each stakeholder plays its role in the implementation of the process.

### 3.2 The organisational structure required for better collaboration between the EMB and SFs

Beyond regulation and, perhaps, as a result of that, an institutional framework may prove necessary to better secure the electoral process. Institutional framework here refers to any specific or ad hoc body set up as part of the election management process to guarantee an optimum level of communication for effective resolution of security issues that may arise.

The membership and modus operandi of such a body, if they became necessary, may vary according to the political history and specific legal tradition of each country. It is desirable for such a body to, at least, include the various agencies of the SFs or those considered relevant depending on the case, and members of the EMB. The said body may be represented at the local level, if preferable, by decentralised institutions with the membership being the same (or not) as at the national body.

It must be stressed that the membership of the Elections Management Body may be further expanded. For example, this body could include other players that may contribute to a better appreciation of security issues and help find solutions that would take into account the current exigencies of the time especially political and other factors. In this case one can choose a flexible expansion, i.e. without the above-mentioned stakeholders being members of the body but convening regular meetings with them to make the electoral process more secure.

The stakeholders that may be associated in one way or another with the body in charge of security for the electoral process are easy to identify. Aside members of the EMB, these may include primarily political stakeholders (political parties and candidates). It may also include, within possible limits, stakeholders from civil society organizations and media practitioners. It may also involve, if conditions made it necessary, stakeholders from other institutions that could provide useful information to shore up security during elections.

The Body mandated to secure the electoral process should not necessarily be permanent. It is usually an *ad hoc* one, set up a few months to the actual holding of elections.



### 3.2.1 Requirements for the participation of the SFs in the electoral process

To achieve optimum security for the electoral process, there is the need to satisfy some requirement without which this objective would be undermined.

First of all, the duration and timing of the organization phase for securing the electoral process are important. It is necessary to avoid that this organization, whatever form it takes (formal or informal framework, or even without special provisions), start too late and therefore lagging behind the identification of the security needs of the electoral process. For example, the security mechanism should already be in place and operational before the preparation or update of the voter's register begins. The mechanism can be put in place earlier if an operation such as the territorial or electoral demarcation or others are likely to lead to conflict.

Similarly, it is necessary to ensure that the process of securing the electoral process does not end prematurely, while the risks of insecurity and violence related with the process still exist. For example, it very often happens that the risks of insecurity and violence are real if not more serious even after the declaration of final results. Sometimes, even between the declaration of final results and swearing in of a new President and even beyond, threats to peace and security could remain real.

In addition, the second requirement that it is necessary to pay attention to in implementing measures to ensure the security of the electoral process has to do with the distribution of roles among the various stakeholders in the process. This involves, in other words, taking the necessary measures to ensure that the appropriate solutions will be provided to security problems that might arise during the electoral process. For example, this could be in the form of taking the steps that could help avert a situation where, in the face of insecurity or violence, one does not know whom to report to, how to report, who can and/or should act, who should issue orders, what is possible, what is not, etc.

Furthermore, as a third requirement, it is necessary in any case to create appropriate conditions for the collection, as complete as possible, and management of relevant information to better secure the electoral process. In this field more than in any other, it is recognized that information is very important and vital. Indeed, ensuring the security of elections cannot be properly done without mechanisms that provides the necessary information

in a timely manner and facilitate their processing as appropriate, in order to provide the most appropriate responses.

Finally, the last essential requirement of a non exhaustive list is to guarantee a chain of command that ensures information management decision making as promptly and as fast as possible. During the entire electoral process, security problems may arise at any given moment and sometimes totally unexpectedly. A specific and prompt decision-making mechanism is absolutely necessary if one must guarantee a secure, relevant and effective management of elections.

## Summary of Chapter III

- In the West African sub-region, different types of management structures are used for elections. However, the use of an independent electoral commission (at least 12 out of 15 countries have adopted this model) responsible for managing the essential tasks of the electoral process is the dominant trend in today's new democracies in the sub-region. In general, the main tasks of an EMB are as follows:
  - Preparation of the voter's register
  - Receipt and validation of applications (from political parties and candidates)
  - Conduct of the entire voting process
  - Collection, compilation and declaration of provisional results
  - Determining the conditions for voter eligibility but sometimes with a few peculiarities
- The need for control and supervision by the EMB of all operations involved in the implementation of the essential tasks of the electoral process is accepted by virtually all key stakeholders in the electoral process. Indeed, this helps to easily apportion responsibilities and apply appropriate sanctions, either positively (rewards for good performance) or negatively (punishment for failures).
- For supervision to be relevant and comprehensive, the EMB should participate in determining the tasks to be assigned to the various categories of stakeholder in the electoral process and contribute to determining the conditions of involvement of said players. The involvement of SFs in the electoral processes is not excluded from this rule. The EMB should help in determining relevant conditions for the involvement of the

SFs in the electoral process. This is all the more necessary given that:

- Securing the elections may in itself have serious consequences on the quality of elections and by extension on peace and stability;
  - The SFs are in themselves a potential source of intimidation and influence on stakeholder in the process; a source of skewed election results.
- For effective supervision of SFs involved in the electoral process by the EMB, a number of measures are required:
    - The regulatory framework needs to be specific and clear on the modalities for the involvement of the SF in the electoral process and the role of each stakeholder with a view to guaranteeing success.
    - The issue of determining the resource (financial and material) needed for the effective involvement of the SFs should be clearly resolved, specifying the contributions that the EMB would have to make.
    - The legal framework would have to dwell on points related to the chain of command with the SF, to ensure that the implementation of security operations are clearly defined and accepted by all; there is also the need take into account the relations between the SFs and all other key institutions involved in the electoral process
    - The legal framework should establish a minimum level of communication among all the key players in the electoral process since their highly political nature makes it difficult to carry out security operations.
  - Regarding the organizational structure required for a better collaboration between the structures of the EMB and the security forces, its composition and mode of operation could vary, depending on the political history and specific legal tradition of each country. It is desirable that such a body should, at least, include the various agencies of the SFs or those deemed to be necessary depending on the case, and members of the EMB (both at local and national levels). The makeup of the (BSEP) can be further expanded and the other likely members (i.e. the political parties and candidates, civil society, media professionals, and other relevant institutions) are easily identifiable. The BSEP is generally ad hoc and is set up a few months prior to the actual holding of elections.
  - With regard to measures to properly ensure the security of the electoral process by the SFs, four are presented below, namely:
    - Assess properly the organizational phase of securing the electoral process (formal, informal or even without special specific arrangements). Especially avoid starting too late in terms of identifying the security needs of the electoral process and ending too early.
    - Take the necessary measures to ensure that the best solutions are provided to security issues that might arise during the electoral process, especially in connection with the distribution of roles among the various stakeholders involved in the process.
    - Create necessarily the ideal conditions for the fullest possible understanding of the situation through (through the collection of relevant information) and information management necessary to better secure the electoral process.
    - Establish a chain of command to promote the management of information as quickly as possible as well as the quickest possible decision making.

## CHAPTER IV: ROLE OF SECURITY FORCES (SFs) IN THE POST-CONFLICT ELECTORAL PROCESS

While as highlighted in the previous chapters, the involvement of SFs is necessary since generally, the electoral processes is a potentially conflict prone exercise and, this is more obvious when the process has to be implemented in a post conflict situation. In fact, post conflict elections pose further security problems and violence or at least a threat to peace and consequently impose specific requirements as far as the involvement of SFs is concerned.

To analyse the role SFs can play in a post conflict electoral process, it is appropriate to first identify security problems caused specifically by post-conflict situations (4.1), examine the role SFs can play in such a situation (4.2), the requirements for quality participation of SFs in post-electoral processes (4.3) and finally risks which could accompany the involvement of SFs in post-conflict elections.

### 4.1 Security problems specific to the post-conflict electoral process

Post-conflict situations have specificities which contribute to making the management of the electoral process more complex. These specificities generate specific problems which often need to be resolved both before and during the electoral process depending on the situation.

#### 4.1.1 State decline

Quite a number of African countries are known to be characterized by institutional weakness. However, in countries emerging from conflicts, depending on the intensity and duration of the conflict, one observes a deeper institutional weakness, as the authority of the State is put to a severe test and public administration can hardly cater for the nation's needs. At this point in time in the life of a nation, institutions are more or less in a state of decline, or worst still they no longer exist. In this particular situation, institutions are often call into question or probably challenged and, in any case, can hardly perform their functions. Republican legitimacy is given a hard

time or is even disputed by the stakeholders in the conflict.

For citizens, they can only observe, in most cases, the State's inability or what is left of it to provide a satisfactory response to security needs. With regard to SFs, they are disorganized, under-staffed, ill-prepared or unprepared, beset by ethnic, ideological divisions, etc. Ideally, the preparation of SFs with a view to securing the electoral process should be done well in advance, which is not often the case in post-conflict election situations due to emergencies and numerous technical, financial and logistic problems that need to be solved. As regards the elections management body, its establishment and management attract widespread attention and are often a recurrent source of conflict between the opposing parties. Furthermore, once the said body is set up, one can expect difficulties in successfully achieving its mission due to human resource problems, especially, the lack or inadequate expertise which is added to financial and logistic problems stated above.

#### 4.1.2 Legal vacuum

Post-conflict countries are also characterized by an ill-adapted, archaic and/or hard to apply legal framework. Indeed, in such a situation, it is not rare to observe that existing laws, often prepared prior to the conflict or even adopted by the faction which controlled the State machinery, are not suitable for the management of the post-conflict environment. It often happens that these existing legislations are grafted with agreements and other conventions signed during conflict resolution initiatives.

Besides the ill-adapted nature of the legal framework, the most often almost non-functional state of institutions and the environment characterized by more or less deep suspicion of one another also hinder the rapid formulation and adoption of laws most appropriate for the post-conflict situation. It is common that post-conflict countries find themselves in a situation of legal vacuum and/or enormous difficulties in applying existing laws and regulations. Compliance with laws then becomes a lip service and many people no longer feel bound by rights and responsibilities. The balance of power defines and regulates the running of institutions.

The legal framework on the management of the electoral process is not an exception to the logic described

above. It is most probable that what serves as electoral legislation may not be clearly defined, it may suffer from suspicion from some groups (former factions) and may be made up of original legal texts with diverse legitimacies and sources and contents that are not mutually reinforcing and may even lack coherence. All of these pose specific challenges to the management and in particular the involvement of SFs in a post-conflict electoral process.

#### 4.1.3 Political tensions and residual violence

Post-conflict countries are also characterized by an environment of political tensions which certainly have an influence on the implementation of the electoral process. As a matter of fact, parties to the conflict have accepted—often at the cost of immense efforts from mediators in the crisis—to resort to elections in order to restore the democratic governance of the country. However, this willingness is driven by hidden agendas and as a result, the transformation of armed factions into legal political parties is often incomplete to the extent that it is common to see residual militias affiliated to political groups.

The low democratic commitment of players in the game of politics can pose problems, especially if they fall within short term strategies, and thus easily renounce to proceed in the course adapted to each particular context. This highlights the importance of civic and electoral education for all players.

Often, as stated above, parties to the conflict had to undergo a transformation (often incomplete or hybrid) into political parties. Sometimes, renouncing armed struggle is merely an ad hoc option, and the trends in power relations between former belligerents determine the final decision to abandon arms or not. This transformation is hardly fully complete, hence the persistence of residual factors of risk of violence (sometimes created strategically and therefore deliberately).

#### 4.1.4 Fragile social balance

In countries where conflicts raged, there is a social breakdown which generally increases the vulnerability of majority of the population. Indeed, the effects of the conflict on the socio-economic situation are more or less devastating, and affect with full force, the population, with the vulnerable classes being the most affected. The

victims, traumatism of all kind, population movements give rise to social chaos and the points of reference of a normal society are no longer in place.

The situation also heightens the sensitivity of the populations to the presence of force and its legitimate holders which are the SFs. Ensuring the security of the electoral process under these conditions calls for specific qualities suited to the psychological state and fragility of the populations. Several factors could justify why special measures must be taken in this direction.

As a matter of fact, some social categories suffered a heavy toll from conflict, which only aggravated their already precarious status in society. The link between the populations and SFs is broken and roles are no longer obvious for citizens (if only there had ever been). Even if they do not face residual armed groups because disarmament is supposed to have been carried out—the SFs work in an environment marked by a security climate that leaves much to be desired.

All these require that special measures are taken to secure the electoral process. For instance, the security of elections should be ensured by taking into account the lack of trust between the populace and SFs which could result from the behaviour of the latter during the period of conflict. There is also the need to take into account the fact that SFs of the post-conflict period could be, and in any case are often made up of security personnel from all the factions which took part in the conflict and this requires specific measures to properly manage the ensuing problems of mistrust.

## 4.2 Difficulties in identifying voters

The post-conflict situation also poses challenges in the identification of the electorate. Indeed, destructions, massacres, and generally the loss of lives, refugee movements, etc. make it difficult to establish a valid voters' register acceptable to all to conduct elections. Sometimes, disagreements between the social groups of a country over nationality and/or citizenship) are, inter alia, part of the causes of the conflict.

If all of these issues are not finally conveniently resolved, the establishment of the voters' list could turn out to be an extremely conflict generating operation. This operation is particularly more delicate, when the contestation of a social group's nationality is part of the motives be-

hind the conflict. Generally, it is necessary to take appropriate steps towards managing and reducing the conflict risks related to mistrust between politicians and sometimes the citizens about the process of establishing a voters' register.

### 4.3 The role that SFs can play in post-conflict electoral processes

In a post-conflict context, the role of security forces is made more complex by the peculiarities of the prevailing situation. It is a fact that in the implementation of an electoral process, the post conflict situation creates additional security challenges.

In fact, we have already shown that the situation in post-conflict countries is characterized by an often tense environment, where the fabric of republican institutions, social, economic and political structures have been put to severe test by the conflict, if it does not simply come out in tatters.

To the difficulties mentioned, one could add the issue of what is at stake for the various players in the management of the electoral process, an important stage in process of return to normalcy through the ballot box after failing to do so on the military front. Like countries where there are no conflicts, the involvement of security forces in such a process is still necessary and useful and assumes an even greater significance because this involvement must effectively contribute to the search and maintenance of a security situation adapted to the post conflict environment.

The roles expected of SFs in such a context would be analyzed based on the three (03) phases of the electoral process.

#### 4.3.1 Pre-electoral phase

During the pre-electoral phase, SFs must contribute to the resolution of security problems likely to occur during this electoral process period in a post-conflict environment. These security problems may be varied in the course of management of elections in a post-conflict environment. An indicative list of responses that SFs can provide, which does not have the pretension of being exhaustive is provided below. Indeed, security problems in post-conflict environments, and for that matter, the

responses to be provided depend to a large extent on the specificities of each country and sometimes the sub-region to which the said country belongs. In spite of this precaution, it is also possible to draw up a list of all problems that are likely to be encountered in most conflict situations, meaning common problems in most conflict situations.

Under these conditions, the SFs will help:

- Restore a peaceful environment throughout the national territory so as to ensure an adequate freedom of movement for the conduct of quality elections, starting from the pre-electoral phase. This will also involve, for example, restoring an environment that would enable the participation of political parties and candidates to the competition throughout the national territory as well as that of citizens, irrespective of their location.
- Facilitate the identification and registration of citizens by removing all obstacles to the movement of citizens (mines, armed gangs, lawless areas, etc.).
- Provide security for staff and materials necessary for the conduct of pre-electoral operations.
- Inform citizens on security measures in place for elections: the populations concerned should be reassured on the absence of risks for them to participate in the electoral process (registration, campaign, etc.).
- Convince all key stakeholders in the process (especially members of former opposing factions) of the ability of SFs to protect the populations during the electoral process: the citizens' trust at this moment is quite fragile and it is vital to properly manage the latent tension. In this scenario, it is important to develop a comprehensive security strategy before the electoral process as well as an accompanying measure.
- Provide support in detecting and neutralizing political movements prohibited by law (created based on language, religion, ethnic group, region, etc.), therefore prohibited at the time of their registration in the electoral race, because most often former parties to the conflict tend to be transformed into as political parties.
- Pay special attention to political militia: new parties may have conserved a more or less combat structure.
- Avoid any opportunities for violence which, in a post-conflict situation, may rapidly drift to widespread conflicts (zero tolerance).
- Etc.

### 4.3.2 Polling day

On polling day, SFs are also expected to be involved in the electoral process and help solve not only the usual problems (typical of elections held in ordinary times), but also security issues specific to post-conflict situations.

Here also, the list of security problems likely to be encountered is not exhaustive. It is rather an indicative list. One could expect that on polling day, SFs assist in:

- Securing staff and material for the election, members of the electoral management bodies, institutions as well as competing political parties;
- Providing security for voters by paying attention to movements of people (secure highways and others);
- Providing security for sensitive sites, for instance headquarters of political parties, those of elections management bodies; institutions and any site involved in electoral operations;
- Securing polling stations so as to reduce to the barest minimum any risk of unrest and violence. This could, for example, require that SFs help in creating order in the queues of voters waiting to cast their votes or that they should hang around to intervene promptly when the need arises.
- Securing vote counting operations and escorting or transporting election staff, material and vote-counting records, thus providing logistic support and protection
- Enforcing specific security measures adopted to reduce risks of unrest and violence on polling day. For example, they could prohibit any gathering on polling day or better still prevent voters from disrupting vote-counting operations, as it is the case during elections in normal situations.
- Etc.

### 4.3.3 Post-electoral phase

During this phase of the electoral process, SFs must ensure the security to the relevant jurisdictions responsible for the declaration of results and for the settlement of disputes arising from elections. They must also maintain a stable and secure social climate, by paying special attention to political militia and making sure that possible groups unsatisfied with results do not consider return to conflict as a credible and realistic option.

## 4.4 Requirements for SFs participation in a post-conflict electoral process

The preconditions for a full participation of SFs in the post conflict electoral process are essentially based on the reorganization of these forces, rigorous preparation (training, capacity building) and provision of the facilities required to enable them act appropriately, in other words, an administrative, technical and logistic upgrading.

For this to be done, the collaboration and support of partners, be they national, regional or international is a prerequisite for the updating of needs and readjustment in line with the post-conflict context. Indeed, with effective substantial financial support, technical assistance and logistic support, SFs should be prepared for the specific needs linked to the context.

### 4.4.1 The need for an appropriate legal framework

Aside the problems generally posed by the legal framework and its implementation, it is necessary to pay special attention to provisions regarding involvement of SFs in the post-conflict electoral process.

As a matter of fact, after a period of conflict, the legal framework becomes indeed partially ineffective. At such moments, it is necessary to redefine in collaboration with all players the modalities of involvement of SFs in the electoral process. As already indicated, these provisions could be made at the level of the national legal framework or they could be part of agreements signed in mediation operations which led to the end of hostilities and the launching of the electoral process.

The provisions in question should deal with essential aspects of the involvement of SFs in the electoral process. In this case, there should be, among others, an understanding between all players of the security forces authorized to participate in the implementation of the electoral process, the levels of intervention, possibly the necessary resources and assistance etc. It is even possible that at this level already, the key stakeholders in conflict resolution agree on the need or not to involve foreign security forces, for instance in the form of electoral security observation operation to monitor and ensure the credibility of SFs involvement.



#### **4.4.2 Regional and international assistance for upgrading SFs: organization, personnel, resources**

Given that, countries emerging from conflicts are generally, and for various reasons, unable to meet all their security needs, especially in terms of securing the electoral process, the support of foreign partners (regional, continental or international) is often necessary to meet specific needs.

Among these needs, one could note the reorganization of SFs (administrative upgrading), whose functioning—like all other institutions—was probably seriously affected by conflict. This is very true, if in a normal context, the task of SFs in securing the electoral process is often arduous, in a post-conflict situation the expectations and challenges are multiplied.

To secure an electoral process satisfactorily, it is imperative to help in rehabilitating the organizational structure required to coordinate the actions of SFs. It is necessary to also rehabilitate infrastructure, because it should be possible to redeploy SFs across the national territory to ensure that the voting exercise is within every citizen's reach. Similarly, it is often necessary to provide technical upgrading for SFs so that they can be well prepared to address problems peculiar to electoral security missions. In this context, training programmes could be organized for SFs on regulatory stands they must adopt while securing the electoral process.

Finally, logistic upgrade implies that individual and collective equipment for staff, means of transport, communication should be provided to the SFs. These activities require substantial financial resources which the economic situation of the country would hardly be able to accommodate, hence the need for assistance from technical and financial partners.

#### **4.4.3 Problems that could be caused by the participation of SFs in the post-conflict electoral**

In ordinary times, that is in a country which is not emerging from conflict the involvement of SFs in electoral processes is not without risks. In post-conflict situations, risks linked to the participation of SFs in the electoral process are even higher and deserve special attention.

Indeed, in a post conflict electoral process one of the major challenges during post-conflict electoral processes is the establishment of an adequately safe climate conducive for the conduct of free and fair elections. The related security problems are generally linked to the nature of the conflict and the role that Security Forces were able to play, and the consequences on their relations with political and social players, as well as with the populations affected by the conflict.

Consequently, the involvement of SFs in the post-conflict electoral process may not have only benefits, it is possible and even probable that it create other problems which must be quickly dealt with.

#### **4.4.4 Mistrust between SFs and citizens**

Depending on the intensity of the conflict and the lack of trust between SFs and the populations, it may be very urgent to think first of all of restoring trust between the two. It would be necessary for example to make citizens accept the idea that SFs, in spite of the past, are capable of taking over the management of security while respecting their fundamental rights and freedoms. In sum, this amounts to redefining each person's roles and disseminating this information as widely as possible so as to assure citizens that SFs no longer represent danger but rather a form of protection for them. Obviously, this is easier said than done but this does not make it less necessary.

Furthermore, it is imperative to succeed in convincing and assuring citizens that their participation in elections is risk-free, that their security is properly taken care of (against any possible sources of risks, especially residual sources of violence). As it was mentioned before, the other players in the electoral process are not in a quite brilliant position and SFs are in a position to significantly influence the process due to the special context which marks post-conflict elections.

#### **4.4.5 Inability of SFs fulfil their missions**

The inability of SFs to conveniently deliver the services expected from them in the post-conflict electoral processes may stem from several sources. One of them could be the lack of a relevant framework. Another one may be linked to the incomplete nature of the operation setting

up the post-conflict SFs or the incomplete transformation of SFs of the conflict period to post conflict SFs.

In actual fact, the engagement of SFs without a clear and complete legal framework could result in serious and harmful blunders for the reconstruction process of a post-conflict society. Meanwhile, the restoration of a safe environment is made difficult by the more or less advanced breakdown of public security forces. During the conflict, enrolment procedures are often uncontrolled, while training needs are neglected. Any negligence of this point of view may result in a situation where SFs find themselves assuming missions for which they were not prepared through proper training or missions that are not under their purview.

The reorganization of the State involves an update of laws and regulations to fit into the post conflict context. Thus, one of the tasks arising from this would be the reorganization of SFs on more or less wide scale depending on the duration and intensity of the conflict. The inability of security forces and their partners to properly understand the issues at stake and to provide adequate responses could pose a serious problem for the electoral process.

## Summary of Chapter IV

- Security problems specific to post-conflict electoral processes which should be addressed are multifaceted.
  - There is a State decline resulting from a serious institutional weakness: authority is put to a severe test and administration hardly takes into account the nation's needs. As for the elections management body, its establishment and management attract widespread attention and it is often a recurrent source of conflict between opposing parties.
  - There is the legal vacuum in terms of security which sometimes characterizes post-conflict countries, the ill adapted nature of existing regulations for the management of this environment, the existence of non functional institutions and an environment that is not conducive for the development of regulations suitable for the post conflict situation. Moreover, political tensions and residual violence have an influence on the implementation of the electoral process with the affiliation of residual militia to political groups. Parties in the conflict sometimes renounce armed struggle circumstantially,

and the balance of power between former belligerents determines the final abandonment or not of the path to arms; which remains a permanent danger.

- The social balance could be weakened thus increasing the vulnerability of most of the populations as a result of the effects of the conflict at the economic level. At the social level, one notes many victims, traumatism, population movements etc. All of this also heightens the sensitivity of the population's to the presence of public force and its legitimate holders which are the SFs.
- In such a context, the security of elections should be provided taking into account a set of factors namely:
  - The lack of trust between the populations and SFs and the need to take into account the fact that the SFs of the post-conflict period could be made of security personnel from all the factions which took part in the conflict
  - Identification of citizens could be a major problem because destructions, deaths, refugee movements make the establishment of a valid voters' register difficult to conduct elections. Consequently, the establishment of the voters' register may turn out to be an extremely conflict-generating operation.
- The requirements for SFs' participation in the post-conflict electoral processes are essentially based on reorganization, rigorous preparation and provision of the administrative, technical and logistic facilities. For this to be done, it is necessary to attach great importance to the provisions (legal framework and its implementation) on the involvement of SFs in the post-conflict electoral process. At such moments, it is necessary, to redefine in collaboration with all payers, the modalities of involvement of SFs in the electoral process. Regional and international assistance is very important if not a determining factor in upgrading and reorganisation of SFs, assisting in the rehabilitation of infrastructure and organization structure required to coordinate the their actions , providing them training and providing them the means of transport and communication.

As regards problems that could be caused by the participation of SFs in a post-conflict electoral process, one could note that the major challenge lies in the establishment of an adequate and safe climate for the conduct of free and fair elections. These problems are linked to the

lack of trust between the SFs and citizens, especially when it comes to making citizens, for example, accept the idea that the SFs, in spite of the past, are capable of taking over the management of security while respecting their fundamental rights and freedoms. The second problem raised is the inability of SFs to deliver expected services in the post-conflict electoral process. This may stem from several sources. It may be the absence of a relevant legal framework and/or the incomplete nature of the operation setting up the post-conflict SFs.

## PART II APPRAISAL OF THE PARTICIPATION OF SFs IN THE ELECTORAL PROCESSES IN WEST AFRICA: A COMPARATIVE ANALYSIS

Part one of this document was entirely devoted to reviewing the considerations which could be treated as theoretical or even as idealistic. Indeed, it was a matter of highlighting the characteristics of post conflict or normal environments where an electoral process is taking place and the measures necessary for an optimum security of this processes.

Most of the major aspects of an effective security for the electoral process have been reviewed. Whether it is the need to involve SFs in the electoral processes or the various facets of the role they could be called to play; whether it is the requirements for a better participation of SFs, the risks which may accompany their involvement or the relation which should exist between the EMB and SFs for a proper security of elections; each of these aspects has been analyzed.

The second part of the document aims at going beyond the theoretical part to fully explore the actual facts concerning the way SFs were actually involved in the electoral process in countries covered by study. In reality, it is a kind of evaluation of the practice of involving SFs in the electoral process. It is in a way putting the theory to the test of reality, the reality of facts.

In this regard, our approach will focus on three (03) chapters dealing with issues such as the importance accorded to the participation of SFs in the electoral process in the electoral laws (Chapter V), the actual participation of SFs in the said process (Chapter VI) and the actual relations between the SFs and the EMBs (Chapter VII).

## CHAPTER V: LEGISLATION AND INVOLVEMENT OF THE SFs IN THE ELECTORAL PROCESS

It is interesting to focus on what the legislation actually stipulates with regard to the involvement of the SFs in electoral process. This issue will be addressed from three fundamental perspectives, namely, the role of the SFs in electoral process, resources made available to render this role effective and, finally, the framework for managing relations between the SFs and other key stakeholders of the process.

### *Provisions on the role of the SFs in electoral process*

- *"...the INEC shall be responsible for the drafting of texts, acts and procedures to...ensure...security...of the vote"; art. 11, EC, Togo.*
- *"No-one may enter the voting hall with weapons... except members of the police who are legally entitled to do so"; art. 111, EC, Togo.*
- *"The polling station officer shall decide on the number of voters to be admitted into the polling station and prevent any other persons...except the security officer on duty"; EC, Ghana.*

### 5.1 Role of the SFs in electoral process

The role of the SFs in electoral process varies from one country to another, depending on the latter's political history, legal tradition, socio-cultural background, etc. In some countries, legal provisions are relatively extensive, and clearly defined and precise, whereas in others, they are rather general, even succinct and supplemented by specific regulations enacted during election periods. In fact, two levels of legislation can be identified: on one hand, there are general provisions that organize the SFs under the Constitution and, on the other, constitutive acts with provisions in the electoral Code, if need be, that specify the role expected of the SFs in the electoral process.

An analysis of the legal provisions on the role of the SFs in the implementation of the electoral process in the countries surveyed reveals a summary regulation (5.1.1), a tendency to exclude the armed forces in ensuring the security of elections (5.1.2) and keeping the SFs at a certain distance from the effective implementation of the process (5.1.3).

### 5.1.1 A summary regulation on the role of the SFs

The observation is that the provisions on the role of the SFs in the electoral process are, as a general rule, rather brief and do not go into details as to how this involvement could be made operational. Provisions relating to the involvement of the SFs in elections, when this is expressly mentioned, it is written under only one article of the electoral code (or electoral laws), a sentence whose content is akin to the following:

*“The Minister responsible for public security shall ensure the safety of citizens and operations during the entire electoral period ...”*

It should also be noted that the regulation on the involvement of the SFs in the electoral process, when it exists even summarily, is silent in all countries on the period of compiling the voters' register. It is true that mostly, election experts do not consider the compilation of the voters' register as part of the basic functions of the Elections Management Body (EMB). However, this phase is so closely linked to the management of elections that any security lapses during this phase would have repercussions on the rest of the electoral process.

In countries covered by this study, the involvement of the Security Forces in the electoral process is basically enshrined in the electoral code. Their role, as part of the electoral process, is generally to ensure the security of persons and property. In more specific terms, during the electoral process, the role of the SFs is to protect the integrity of the electoral process, all participants, institutions and results. Reference to the involvement of SFs in the process is particularly clear and enshrined in all electoral laws with regard to the right of the presiding officer of the polling station to *requisition* the SFs in case of disturbances or threat to the security of the polling premises under his jurisdiction.

In spite of this relative silence of the legislation on the involvement of the SFs in the electoral process, certain normative measures are taken at the approach of elections to fill the gap. Indeed, in almost all the countries surveyed, regulatory texts (decisions, orders, decrees, etc.) are adopted generally at the approach of elections to supplement the electoral law and specify in clear terms the role of the Security Forces in the electoral process. These texts are adopted either by the government (like in Togo), by the ministries (like in Guinea-Conakry) or by

the body responsible for the management of the electoral process (like in Ghana and Togo).

Hence in Togo, for example, within the framework of the comprehensive political Agreement signed between the main political stakeholders of the country in August 2006 in Ouagadougou, a special Force responsible for ensuring the security of elections is set up by decree at the approach of each election. For the 2007 legislative elections, the 2007 legislative elections security Force (FOSEL 2007) was set up, whereas for the 2010 presidential election, the 2010 Presidential Election Security Force (FOSEP 2010) was set up. The FOSEP 2010 was established by decree No. 2009-278/PR of 11<sup>th</sup> November 2009. Its mission was to<sup>22</sup>:

- To maintain the peace, ensure security and free movement of persons and goods on the entire national territory before, during and after the 2010 presidential election;
- Take all necessary measures to maintain law and order during the organization of the elections;
- Ensure the security of places for meetings and public events during election campaigns, polling stations, candidates, Electoral Commissions, political party leaders and electoral materials by observing absolute neutrality towards all.

There are however country-specificities. Indeed, in certain countries, the SFs are not permitted to stay within the polling station, except when they are requisitioned by the presiding officer at the polling station concerned. In other countries, they are permitted by law. In others, the EMB is allowed to draft texts, acts and procedures that it deems necessary and more relevant in order to ensure security of the vote (see Box above).

Finally, it seems useful to draw attention to the fact that the rather succinct nature of the electoral law stems sometimes unexpectedly from old legislation habits adopted in the former colonies, which could be described as, by forcing the imagination, unconscious judicial or legal imitation. Irrespective of the legal tradition of the former colonies, basic texts (constitution, organic laws of Institutions, Rules and Regulations, Electoral legal and institutional framework, etc.) are generally largely derived, for the least, from those of the colonial power. Yet,

22. Extract from the paper presented by the Commander of the 2010 FOSEP at the workshop of experts on the theme: “The Role of the Security Forces in electoral processes in West Africa” organized by the Friedrich Ebert Foundation in Abuja, Nigeria, on 29 and 30 March 2010.

the colonial powers which are today strongly rooted in democracy, do not find it necessary to resort to SFs in the electoral process, the issue is therefore tackled in the legislation in a succinct manner. This is reflected in the relevant legal framework of the former colonies.

To this should be added another factor, which is specific to West African political stakeholders themselves. This concerns the atmosphere of systematic mistrust of the political class and even of citizens, in general, vis-à-vis the government, and naturally the SFs. Indeed, in the new democracies of the sub-region (and beyond), public servants are considered as being biased in favour of the ruling government and therefore cannot be neutral and objective. objectivity. It must be admitted that extreme politicization of the government in these countries is rather the norm. Consequently, the same logic that led to the adoption of independent structures for the management of elections has resulted in the reduction of the role of the SFs in the electoral process. The silence (or near-silence), by omission of the law, forms part of the clever way to attain that objective.

***Provisions on the roles of the Defense Forces in the electoral process***

- *“Apart from defending the territory and undertaking public works, the Armed Forces can be involved only in as far as the current Constitution expressly authorizes them”; art. 149, EC, Togo.*
- *“The Federation should establish Armed Forces...to defend external aggressions...maintain the integrity of the territory,...carry out all tasks prescribed by law...”; art. 217, EC, Nigeria*

### **5.1.2 Exclusion of the Armed Forces**

In all countries where the study was undertaken, the electoral law clearly expresses the willingness to keep the armed forces (the military) out of the electoral management process. People rather consider, with strong arguments, that the security of elections depends on the maintenance of law and order and security, tasks that are performed first and foremost by the Police and, possibly, by other forces (gendarmerie, customs, fire brigade, etc.), and not by the military, except in case of absolute necessity.

This decision to exclude the Armed Forces from the implementation of the electoral process is, most often,

based on constitutional provisions. Indeed, in almost all the constitutions of countries in the West African sub-region, it is mentioned that the armed forces defend the territory and, apart from this function, they intervene elsewhere only on requisition. In times of election, the armed forces are supposed essentially to be maintained in a state of alert in case of need, for example in case of disturbance whose magnitude is beyond the capacity of the SFs.

In the specific case of Togo, with regard to the designation of the agencies of the SFs authorized to participate in the electoral process, the standard texts (Constitution and electoral Code) are supplemented by the Comprehensive Political Agreement (CPA) of 20th August 2006. Indeed, according to the CPA, “there is the need to distinguish between the functions of the Army, on the one hand, and those of the Police and the Gendarmerie, on the other, so as to allow the Army to concentrate on its mission of defending the integrity of the national territory, and the Police and the Gendarmerie on their missions of maintaining law and order and public security”.

Rather briefly, without providing details, it can be said that this mistrust for the SFs is due much to the socio-political history of the countries concerned and, more specifically, the role the Army played during the era of dictatorship (most often military) and the one-party system as well as the role played by the military in political repression. On the other hand, among other explanations, the SFs are perceived as having been less involved than the military.

### **5.1.3 Maintaining the SFs at a distance**

Although the SFs, unlike the Armed Forces, are authorized to take part in the management of elections, they are not involved unreservedly. In most of countries covered by the study, some distance is always maintained between the centres that manage directly the electoral process and those of the SFs.

Indeed, except Ghana, the common feature of almost all the countries is that the law keeps the SFs at a reasonable distance from the electoral process, particularly by reducing to the minimum their involvement in the concrete and direct management of the said process. Thus, all the electoral codes and texts in force have felt the need to contain the involvement of the SFs in a position of dissuasion and alert, which, in fact, means, in the first



instance, posting them in the neighbourhood where voting is taking place, and, in the second instance, placing them at strategic and known places to be deployed in case of need, not without organizing beforehand intelligence.

That is why, for example, lawmakers have felt the need to impose a physical distance on the SFs in relation to their presence at the polling stations, and they have made it in such a way that, in most cases, they are not allowed to be inside, neither within the immediate surroundings of the polling stations, except on requisition by members of the body responsible for the management of elections, particularly the presiding officer at the polling station under whom they operate. Recourse to the SFs is therefore, in fact, restricted. In *Senegal*, for example, requisition must be done through a mission report sent to the State Prosecutor, CENA, Governor, Regional Minister or District Chief Executive<sup>23</sup>, within the shortest possible time and through every appropriate means.

A few specificities however exist. For example, in *Guinea-Bissau*, SFs are obliged to stand at a distance of at least 500 metres from the polling stations and to act only within the framework of their general mission of ensuring the security of persons and property. Under no circumstances should they interfere in the electoral process, except in those entrusted with to the transportation and management of election materials. In *Senegal*, regulatory provisions give details of the involvement of the SFs in the protection of election staff, ensuring the security of electoral operations, election materials and documents during all the three stages of the electoral process, namely before, during and after the elections.

## 5.2 Resources provided for the involvement of the SFs in the electoral process

The situation is almost the same as above with regard to measures formally put in place for the involvement of the SFs in the electoral process in the sub-region. Indeed, as a general rule, regulatory texts of the countries surveyed are all silent on procedures to determine and make available the necessary resources to accomplish the mission entrusted to SFs as part of their involvement in the electoral process.

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23. Article L68 and L73 of the electoral code

This silence in the texts on the method of determining and making available the necessary resources for the involvement of the SFs in the electoral process can easily be understood. Indeed, this silence can be analyzed as the logical and almost inevitable consequence of the near-silence of the law on the involvement of the SFs in the electoral process. As it is neither detailed, clear nor specific on the involvement of the SFs in elections, it would be difficult to imagine that the law (or even the regulations in general) would be more detailed on the method of financing such an operation.

The consequences of such a situation are easy to imagine. Depending on the circumstances of individual countries, the SFs will employ all available means to mobilize, as far as possible, the necessary resources for their involvement in the electoral process. It is therefore easy to imagine situations where resources for the involvement of the SFs are normal resources, i.e. those for day-to-day use (ordinary budget of the SFs), even if there are arguments on the budget to take into account preparation for elections. One can also imagine situations where through *ad hoc* procedures (e.g. through cooperation with EMB, which supports the request for resources for the SFs from the government and/or technical and financial Partners), resources are mobilized for the involvement of the SFs in elections.

In all cases, particularly in case of crisis or in post-conflict situations, it is obvious that during elections, inadequate or lack of necessary resources already constitutes a big handicap for the accomplishment of the missions of the Security Forces, whereas the resources required should enable them to carry out their mission successfully. These resources find expression mainly in adequate staffing, both in quality and quantity, means of transport and communications, supply of food during missions and related allowances. The resources should also help to prepare adequately (training and others) prior to the involvement of the SFs in the electoral process.

## 5.3 Framework for the management of relations between the SFs and other stakeholders in the electoral process

The institutional framework for the management of relations between the SFs and the other key stakeholders in

the electoral process, beginning with the Election Management Body (EMB), also deserves special attention. Indeed, the chance of guaranteeing security and peace during the electoral process depends mainly on the proper coordination of actions on the field among all stakeholders of the process. Proper coordination of actions means any arrangement that promotes effective collection and circulation of information required to ensure the security of the electoral process.

The institutional framework for the management of relations between the SFs and the other key stakeholders of the process may differ from country to country and depends on the circumstances. In principle, there is no single form applicable everywhere. Thus, it can be a body formally recognized by law to bring together the SFs and all or some of the stakeholders of the electoral process in order to deal with specific issues of ensuring the security of the electoral process. However, it can also concern a legal obligation of the SFs to maintain continuing relations (for example, periodic meetings) with certain key stakeholders in order to enhance chances of ensuring the security of the electoral process.

Precisely, from the point of view of relations management framework between the SFs and the other key stakeholders of the electoral process, this study reveals that in the countries surveyed, texts on the electoral process are almost all silent over the issue. With the exception of some rare cases where contacts are planned between the SFs and the other key stakeholders of the electoral process in a bid to ensure the security of elections, the law almost provides for nothing or the provisions to that effect are so vague that they serve no purpose.

Two specific cases may be mentioned here under what can be considered as exceptions. First, *Togo*, where the electoral code states that, the EMB shall play a certain role in the involvement of the SFs in the electoral process. Then *Nigeria*, where the Guide, which determines the conduct of the Police in the electoral process, evokes the possibility of collaboration between the EMB and the Inspector-General of Police (IGP).

Electoral laws of the countries surveyed are totally silent over possible relations between the SFs involved in the electoral process and political parties, the media and civil society. It is true that it is possible to foresee a form of collaboration between certain stakeholders and (political parties, SFs) as part of the functions of ensuring

security of the electoral process, which are entrusted to the SFs in all countries.

Once the effective content of the legal framework of the countries surveyed is dealt with, particularly with regard to the involvement of the SFs in the electoral process, there is a logical need to explore the reality of involvement of the SFs in elections in the said countries.

#### *Provisions on relations between the SFs and other key stakeholders in the process*

- *“INEC shall be responsible...for the security of votes, and also supervise the security system put in place by the...Ministry”; art. 5, EC, Togo*
- *“INEC, in consultation with the IGP, shall determine and inform the Commission of Police services of measures to ensure that incidents reported by and on the SFs involved in the process are promptly dealt with”.  
Guide for the conduct of the Police involved in elections, Nigeria.*

## Summary of Chapter V

- Legal provisions on electoral process management are generally enshrined in the basic texts, such as Constitutions and electoral laws (electoral codes). These basic texts are supplemented by lower norms (decrees, orders and other decisions) and sometimes, depending on specific circumstances of certain countries, by political Agreements.
- Legal provisions on the role (involvement) of the SFs in the electoral process are also enshrined in most of the texts mentioned above.
- Basic texts on the role of the SFs in the execution of the electoral process in the countries surveyed reveal:
  - a succinct and vague regulation
  - Exclusion of the Armed Forces from ensuring the security of elections. At that level, the electoral law expresses in clear terms the need to keep the Armed Forces (the military) out of the electoral process management, while permitting the intervention of the Police in maintaining order and public security and, possibly, the Gendarmerie, Customs, Fire Brigade, etc.;
  - Keeping the SFs at a certain distance from the effective execution of the process in all countries, by limiting to the maximum their involvement in the concrete management of the said process.

- With regard to resources for the involvement of the SFs in the electoral process, the regulatory texts of the target countries are all silent over procedures to determine, provide and control the use of the necessary resources (particularly the resources required) for the accomplishment of the mission of the SFs.
- In post-conflict countries, resources constitute a great handicap for the SFs in the accomplishment of their mission; this, for example, is a particularly sensitive issue in Guinea-Bissau.
- With regard to the framework for managing relations between the SFs and the other stakeholders of the electoral process, the texts also remain, generally (with only one exception), silent.
- The electoral laws of the countries surveyed are totally silent over the possible relations between the SFs involved in the electoral process and the other key stakeholders of the said process (particularly the political parties, media, civil society and even ordinary citizens in general).

## CHAPTER VI: REALITY OF THE INVOLVEMENT OF THE SFs IN THE ELECTORAL PROCESS

Basically, to attempt to assess the issue of the reality of the Security Forces' involvement in the electoral process is to explore with realism the essential aspects of the effective involvement of the SFs in elections organized over the past few years in the countries concerned.

To that end, the issue will be assessed through the reality of the role played by the SFs in the electoral process (6.1); the reality of the resources available for the involvement of the SFs in the electoral process (6.2); and the other stakeholders of the electoral process (6.3).

### 6.1 Reality of the role played by the SFs in the electoral process

To be able to assess properly the reality of the involvement of the SFs in the electoral process, the role which the SFs effectively played in elections organized in the sub-region over the past few years constitute, without doubt, a particularly interesting indicator. To that end, it is instructive to review the tasks, which the SFs usually perform during their involvement in the electoral process. These include, for example, compliance with regulations, logistic assistance, success or otherwise of the mission of ensuring the security of the electoral process, security of the key stakeholders of the electoral process, etc.

#### *Provisions on the involvement of the SFs in the electoral process*

- *“the INEC contributes to the training of security agents through the Ministry responsible for Security”; art. 13, EC, Togo*

#### 6.1.1 Technical aspect of ensuring the security of elections

##### a) Compliance with regulations

Although this is not a task expressly entrusted to them, it is very true that compliance with regulations should be one of the very first duties of the SFs and, therefore one of the first legitimate expectations of the citizens. In-

deed, it would be difficult to imagine SFs combining both violation of laws and regulations and efficiency, while enjoying the necessary authority and legitimacy to get ordinary citizens to comply with the law.

From observation, the level of compliance with regulations by the SFs, as part of their involvement in the electoral process, is not easy to assess. This can be explained in different ways. First, the fact is that regulations on the involvement of the SFs in the electoral process are generally very succinct. It is often summarized in only one article of a few lines, and, sometimes even just in one sentence; this does not prevent it from being generally silent over the essentials (who does what, when, how, with what resources? etc.).

Secondly, legislation on the involvement of the SFs in the electoral process is a little too general, and even vague. As it has already been said, it is often just one sentence, affirming only that the SFs shall ensure the security of the electoral process. Sometimes, the regulation evokes, also in vague terms, the need to involve other key institutions of the electoral process in setting conditions for the involvement of the SFs in the said process (see box).

Under such circumstances, to assess compliance of regulations by the SFs during their involvement in the process becomes rather difficult, and even somehow illusive. Indeed, the silence and the too general aspect, and therefore vague, of the legislation on the involvement of the SFs in elections, open the door for all sorts of interpretations. That creates also conditions for easy manipulation of the involvement of the SFs in the electoral process. All this strongly goes to blur the understanding and appreciation of what the people (and democracy) are to expect from the SFs.

##### b) A relatively problematic involvement

In view of the situation described above, it is not because one is unable to appreciate violations of regulations on the involvement of the SFs in elections that these violations do not exist. Indeed, one is at liberty to observe certain violations in the countries covered under the study. It should however be admitted, fortunately, that, with a few exceptions, cases of serious violations of the legislation by the SFs during the electoral process are few and far between.

Among the cases that could be considered as serious breaches of conduct are the elections in Togo (2005) and in Nigeria (2007), where direct involvement of members

of the SFs in the electoral process was observed. This was in flagrant violation of demands for neutrality, objectivity and respect for democratic values that should be a mark of their involvement. That was why, in the cases cited above, acts of intimidation, intrusion into polling stations and theft and/or destruction of electoral materials (ballot boxes, documents, etc) were observed. However, it is important to note that these facts, despite their seriousness, can result both from the acts of uncontrolled and zealous members of the SFs and from acts deliberately orchestrated and planned by leaders of the SFs.

Although serious cases of violations of regulations on the involvement of the SFs in the electoral process are not common, in the other countries surveyed, the situation is not really encouraging. Indeed, it is an established fact that, in the other countries, the behaviour of the SFs is not completely above reproach. Attempts at intimidation, discriminatory treatment among supporters of the ruling government and the opposition, over-zealousness and/or inaction or reaction, which are however obviously necessary are observed and condemned in these countries. It is also important to mention that these facts which, sometimes, make people believe that the SFs would support the government in power, are generally isolated and have no link with the hierarchy of the SFs.

Another major phenomenon should be added to all these problems: lack of trust between the SFs and the people observed at various levels in all the countries surveyed. This lack of confidence is even more telling, when it has to do with relations between politicians (particularly those of the opposition) and the SFs as far as the involvement of the SFs in the electoral process is concerned.

The consequences of this state of affairs on the quality of ensuring the security of elections are easy to imagine. This lack of confidence distorts people's perception about the positions and behaviours of the SFs during the electoral process. It prevents the citizens, particularly politicians of the opposition, from appreciating objectively certain positions of the SFs who, in delicate situations, have no other option than to choose between the bad and the worse.

An analysis reveals that the lack of trust between the SFs and the people, and the politicians, has two sources. First, the political history of most countries of the sub-region is characterized by the intervention of the SFs in the management of the affairs of our individual countries. As indicated earlier, not only have they interfered in

the management of State power; they have also interfered in a context of authoritarian and dictatorial regimes that have left the citizens with very bad memories, as regards respect for public rights and fundamental liberties. The consequence is that the man in uniform is perceived as a supporter of the ruling government, a violator of the peoples' freedoms.

Secondly, the fact that the SFs are hierarchically tied to ministries that depend on the government (Interior, Defence, etc.) tends to reinforce the lack of trust of the citizens in the SFs in so far as, in Africa and, for that matter the West African sub-region, the career of State employees is often managed subjectively and depends basically on the special relationship between the employee and his bosses. Worse still, the excessive politicization of the Administration that permeates all sectors, including the Security Services, constitutes a factor that worsens the lack of trust already mentioned. Indeed, members of the SFs, like all State employees, who are concerned with their careers, are more capable of showing zeal, anticipating the favours they seek from their bosses, and have an attitude which, instead of creating, encouraging and maintaining confidence, would rather promote mistrust.

#### **c) A fairly acceptable security for the electoral process**

Fortunately, assessing the involvement of the SFs in the electoral process in the target countries is not limited to the already mentioned aspects, whether they are cases of serious interferences in the process or isolated cases in the behaviour of members of the SFs. In other words, the involvement of the SFs in the electoral process is not only a situation where the SFs themselves become the causes of insecurity and instability. On the contrary, one can assess with realism that the security of elections has rather been a success in the West African sub-region. In general, apart from a few isolated cases, elections take place without serious incidents.

In fact, in the other countries surveyed, the balance sheet of ensuring the security of elections is rather positive. With the exception of isolated cases, this has been the situation in Ghana since the country joined the third wave of democratization in 1992. This has also been the case in Senegal since the country gained independence in the early 1960s; finally, this has also been the case in

Togo, much more recently, since the 2007 legislative elections<sup>24</sup>.

Despite relative improvement mentioned in the previous paragraphs, a remark should be made on the actual causes of the relative success observed in election security in the target countries. Indeed, it must be emphasized that it is difficult to assess the ability of the SFs of these countries to cope with the major challenges posed by election security in so far as, on the basis of information collected, and in spite of preparation efforts made in each country, it is difficult to establish or prove that the absence or few acts of insecurity are linked to their actual and effective ability of prevention, dissuasion and/or repression.

#### **d) Assistance for the deployment and protection of election staff and materials**

Apart from ensuring the security of elections, the SFs intervene also to protect staff responsible for the management of elections and election materials. It happens that the involvement of the SFs goes beyond these aspects and includes also resorting to logistic resources of the SFs, even the defence forces, to supplement the needs of the EMB. The situation is therefore not the same in all countries, even if common grounds exist in all the countries surveyed.

In fact, in almost all the countries, with the exception of *Guinea-Bissau*, the SFs are responsible for the protection of both election staff and election management materials, namely protection of individual members of the EMB (chairman of the Body and other officials); election officers (census takers and polling station officers); protection of election materials, both at the production stage (where necessary if, for example, ballot papers are produced locally), transportation stage and storage stage, including protection of the storage premises.

In *Guinea-Bissau*, the situation is slightly different. Indeed, the National Electoral Commission (NEC), which is responsible for the management of elections, recruits and trains its own agents to ensure security and transportation of electoral materials. The security services of Guinea-Bissau's NEC are made up of persons recruited

for that exclusive purpose and are trained to be equal to their tasks. This training is undertaken by NEC with the assistance of civil society, partner organizations like UN, AU, ECOWAS, etc. Observation reveals that security forces of the NEC succeed in protecting staff and election materials.

*Guinea-Bissau* is not the only exception in the sub-region. Indeed, specificities exist in other countries of the sub-region with regard to deployment and protection of election materials management staff. For example, in *Ghana*, the SFs intervene in the deployment of staff and election materials. In most cases, they are even the defence forces—classically excluded from the electoral process—who help in this task, especially in the inaccessible areas. Here also, the Ghana defence forces who, moreover, would like themselves to be excluded from the election process, carried out these tasks properly.

#### **e) Security of the key stakeholders in the electoral process**

Apart from protecting election staff, the SFs are also responsible for ensuring the security of the other key stakeholders of the electoral process. They ensure, among others, the security of politicians, and therefore potential competitors, leaders of the other key institutions of the electoral process, as well as the population in general. Protection is carried out in a static manner on premises where these stakeholders are located, and in a dynamic manner, for example, in election campaigns and travelling/movements associated with the electoral process management.

This explains why assessing this aspect of ensuring the security of elections is not uniform. Indeed, here again, the situation differs, depending on the political history and evolution of the individual countries. For example, in *Togo* and *Nigeria*, politicians, particularly those of the opposition, are very critical of the services of the SFs during the electoral process. Opinions expressed on this issue by civil society organizations and citizens of these two countries are generally not very different.

On the other hand, in countries like *Ghana* and *Senegal*, the situation is slightly different. Indeed, politicians and civil society organizations and citizens generally complain less about ensuring the security of stakeholders of the electoral process. If such criticisms really exist, it should be admitted that almost all stakeholders men-

24. It is true that there have been a few problems during the 2010 presidential elections, but we still must wait to assess the magnitude of the phenomenon, especially its real determinants. From available information, it seems that it is rather about a quarrel or a disagreement among politicians than a problem linked to intrusion of the SFs in the process. For the time being, there is nothing to prove that such an intrusion had taken place.



tioned agree that the SFs play their role quite well in ensuring the security of the electoral process.

## 6.2 Reality of resources for the involvement of the SFs in the electoral process

Resources made available constitute another major dimension by which the reality of the involvement of the SFs in the electoral process in West Africa must be measured. Resources in this context mean human (6.2.1), material and financial (6.2.2) resources.

Assessing resources made available for the involvement of the SFs in the electoral process will therefore be done as part of preparations before their involvement in the electoral process, and in relation to procedures to determine conditions or the release of the budget allocation for this involvement.

### 6.2.1. Human resources for the involvement of the SFs in the electoral process

Human resources are a major and crucial factor in the success of the mission of ensuring the security of elections entrusted to the SFs. Irrespective of the level of material and financial resources, only men can make optimal and efficient use of them. Indeed, even where other resources are scarce, men can make the best of available resources. On the contrary, without resources, even where other resources are in abundance, ensuring security can be seriously affected. Human resources are therefore the first resource, an indispensable one indeed.

The realistic assessment of the human resource required for a given task should be done with two factors in mind: quantity (personnel) and quality (training, preparation). Indeed, if the number of men is inadequate and/or if they are ill-prepared for the mission assigned, the quality of their involvement will be affected. Besides, as has already been indicated, a lot of financial resources or sophisticated materials will be of no effect or, worse, could even become counter-productive, given that, in any case, this abundance cannot make up for inadequate numbers and, especially, the quality of human resources.

In the light of the foregoing, there are two aspects of the situation of human resources involved in the electoral process. First, there are factors common to all the countries surveyed; and secondly, there are differences between these countries. All these countries are therefore characterized by inadequate personnel of the SFs (Police and Gendarmerie) and a minimum level of preparation of these forces to get involved in the electoral process. On the other hand, the situation differs from one country to another with regard to the specific preparation of the SFs before their involvement in the election process.

In *Senegal*, all SFs have schools, where the programmes are conventional and take into account problems inherent in modern management of security issues, particularly those relating to Human Rights, maintenance of law and order and legislation. As a complement, at the approach of elections, specific upgrading seminars and simulations are organized for SFs personnel; and on voting day, manuals are distributed to them, recalling the practical steps for their intervention.

In *Guinea-Bissau*, a country characterized by several years of political instability, the situation is different. Basic training and pre-involvement preparation of the SFs in the electoral process raise some problems. Indeed, the process of historical and even current integration into the SFs of the country forms an integral part of the problem. Most of the personnel are veterans of the war of independence, integrated informally and without retraining after the war. The atmosphere of instability that characterizes this State has not favoured a well-thought out transformation of the Security Forces; this is evidenced in problems of overstaffing, qualification, upgrading and replacements. There is a real political will to solve the veterans issue and to reorganize the SFs; however, there are serious social and financial implications that limit the scope of manoeuvre of the country's authorities, especially in the context where political instability, against the background of instability in the military establishment itself, tends to become chronic.

In the *Federal Republic of Nigeria*, it has been observed that it is quite difficult for the SFs to ensure the security of the electoral process<sup>25</sup>. Indeed, several factors, which

25. See, to that effect, the 2008 annual report of the NPF

are not often observed in the other countries covered by the study complicate and render more complex ensuring the security of the electoral process in this country. First, there is the size of the population; Nigeria is a country of about 125,000,000 inhabitants, with more than 120,000 polling stations spread in the States of the entire Federation. There is the second factor linked to the climate of violence that has always characterized elections in that country, and which adds additional constraints to the actions of the Security Forces.

To these constraints in the management environment of elections must be added the weaknesses of the SFs of the country. The inadequacies in question concern the content of standard training for the SFs and the specific preparations made before their involvement in the electoral process. The initial and continuing training of staff of the SFs reveals important lapses, whether in relation to the modules on Human Rights and electoral standards or to their role and responsibility during the electoral process<sup>26</sup>.

The consequences of this situation for ensuring the security of elections in Nigeria are numerous. Observing the involvement of the SFs in the electoral process in this country reveals not only shortage of staff utilized (which, to say the truth, is not limited to Nigeria) but also lack of adequate preparation. In fact, it can be observed in several countries the inability of the SFs to manage properly (for example, in terms of respect for the fundamental rights and liberties of citizens) the movements of crowds and situations that election agents cannot cope with, owing to inadequate numbers of the SFs.

#### ***Some observations on the involvement of the SFs in the 2007 elections***

- *“Personnel of the Army and the Navy involved seemed not to be ready to manage civilians during the process”*
- *“In a number of States, the SFs were overwhelmed by trouble-makers”*
- *“Insufficient numbers of the SFs made management of the polling stations difficult for certain polling station presiding officers”. Monitoring the conduct of the security personnel, April 2007 General Elections*

In order to make up for insufficient numbers of the SFs to ensure the security of the electoral process, other uniformed agencies are called upon. That is why in Nigeria,

apart from the Police, several other civilian and military defence bodies are involved in the electoral process. To be more specific, this concerns road security personnel, the customs, prison guards, immigration service personnel...and even members of the Army, the Air Force and the Navy. This state of affairs has its own problems, namely, for example, the problem of preparation before the forces are involved in the electoral process.

*Ghana* offers yet another dimension as to the use of human resources by the SFs to ensure the security of elections. Indeed, even if there are efforts to be made, particularly with regard to personnel, the situation has considerably changed since the beginning of the democratic renewal in the country in 1992. From the point of view of preparing the SFs, substantial and appreciable progress has been made.

However, with regard to personnel, some twenty years after the beginning of the democratic process in *Ghana*, staffing of the Police, the force that, constitutionally should be responsible for the security management of elections, has not changed much. Indeed, observations have revealed that the Police in Ghana do not yet have the required number of personnel to cover the needs of the country (with over 23 million inhabitants<sup>27</sup> and over 21,000 polling stations) in matters of ensuring the security of the electoral process. Consequently, all bodies in uniform are, in one way or another, involved in the electoral process.

The level of involvement of the uniformed agencies differs. The defence forces, particularly the military, are solicited to deploy electoral materials and staff, particularly in inaccessible areas. They are also mobilized as intervention reserves to, in case of need, maintain and restore law and order in support of other components of uniformed agencies. This is the case, for example, when the capabilities of the other uniformed agencies are exceeded or stretched by the magnitude of disturbances.

Beyond the defence forces, the other uniformed agencies—beginning with the Police which play leading roles—are directly involved in ensuring the security of the electoral process. Apart from the Police, the bodies in uniform, such as Customs, immigration service personnel, prison guards, fire brigade, etc. are all available to make up for insufficient Police personnel in ensuring the security of elections.

26. Idem

27. Statistics obtained on the website of the World Bank (Quick Facts—Ghana) on 09 May 2010.

In preparing the SFs, it can be said that, in that area too, appreciable efforts are being made. This preparation is done, not only because of the training needs of the SFs, but also because of the growing need for security during the electoral process. Indeed, training modules are organized for all bodies of the Security Forces involved in ensuring the security of elections, including national defence forces. These modules are supposed to equip the SFs with the necessary technical knowledge for the accomplishment of their missions.

***Factors regarding the involvement of the SFs in the 2008 elections***

- *“The SFs should be more courageous and proactive in the arrest and prosecution of cases of violence brought to their notice”*
- *“Adequate numbers of, and sufficiently alert SFs should help to improve the quality of security of the electoral process”, Final Report on Ghana’s 2008 presidential and parliamentary elections, CODEO, 2009*

Apart from these training workshops, opportunities are also created to enable the SFs to better appreciate the need to ensure the security of elections. Indeed, at the approach of elections, seminars are organized for the SFs and almost all key stakeholders of the electoral process. These meetings are supposed to help compile the concerns and expectations of all in relation to the SFs during the electoral process. According to all stakeholders of the electoral process in Ghana, these seminars have been instrumental in the proper preparation of the SFs for their involvement in the said process.

In spite of remarkable efforts to provide the SFs with appropriate preparation for their involvement in the electoral process, some difficulties still remain. For example, the heterogeneous nature of the bodies involved in the process does not make drafting of the content of the training modules easy. Likewise, the state of mind of the people, particularly that of potential trouble-makers, in relation to the bodies involved, is not exactly the same. Indeed, the people make the difference between those who are well-trained from the very beginning and have the resources to cope with crowd movements, and those who are not.

In Togo, the situation is slightly different from those observed in the other countries surveyed. The difference can be seen both at the level of the bodies in uniform involved in the electoral process and at the level of initia-

tives taken to prepare them. Thus, in Togo, in conformity with the provisions of the 2006 Comprehensive Political Agreement (CPA), the Defence Forces, i.e. the military, are completely excluded from the electoral process. Better still, only the Police and Gendarmerie are effectively involved in ensuring the security of the electoral process.

Substantial progress has been made since the 2007 legislative elections in the area of preparation of the SFs before their involvement in the electoral process. Indeed, since that time, no member of the SFs can be involved in the electoral process without prior notice. Training, like what obtains in Ghana, begins several months (sometimes more than 6 months) before voting and is done hierarchically. In other words, training of trainers is done at the national level, often in the capital. The trained trainers go down to the grassroots to train others (cascading training).

In the specific context of Togo, training involves several categories of stakeholders. In the past, the training was done with the collaboration of the French Police and UNDP, guided by the experience of the Democratic Republic of Congo (DRC) with the involvement of UNOMC. These training sessions involve also Togolese and/or international civil society organizations. That is why organizations like the United Nations High Commission for Human Rights, ICRC and the Regional Centre for Disarmament and Peace have also been instrumental in these series of training sessions.

***Some provisions of the 2006 CPA***

- *“...measures shall be taken to...for effective compliance...distinguish between the functions of the Army on the one hand, and those of the Police and the Gendarmerie on the other, to allow the Army to devote itself to its mission of defending the integrity of the national territory and the Police and the Gendarmerie to their missions of maintaining law and order and public security” (2.1.1)*
- *«...Stakeholders in the dialogue shall recommend increase in personnel and resources for the Police and the Gendarmerie to enable them...to ensure the security of activities of the political parties and electoral operations.» (2.1.3), Comprehensive Political Agreement, August 2006*

Still in Togo, training of the SFs for the electoral process focuses on various aspects of ensuring the security of elections. Indeed, it is made up of modules on mainte-

nance of law and order, humanitarian international law, disarmament, first aid, etc<sup>28</sup>.

Beyond such training sessions, other meetings are organized between the SFs and the other key stakeholders in the electoral process so as to enhance the chances of ensuring maximum security during elections. That is why several meetings and seminars are organized between the SFs and the other stakeholders in the electoral process, including political parties, the media, civil society organizations, women's and youth organizations, etc.

Here also, in spite of the remarkable progress made, to ensure quality involvement of the Togolese SFs in the management of elections in that country, some difficulties still persist. That is why, for example, with regard to personnel, although recruitments have taken place several times over the past few years, there is always a shortfall. Again, that is why, in spite of the substantial support provided by development partners, there is still room for improvement in the area of resource provision. It must be ensured, for example, that the series of training sessions take place under good conditions.

The various experiences given above show that, efforts are being made in most of the countries surveyed to enhance the quality of involvement of the SFs in the electoral process. However, there is room for improvement at all levels with regard to personnel and measures to ensure adequate level of training for the appropriate involvement of the SFs in the management of elections in the sub-region. And this demands resources.

### 6.2.2. Financial and material resources required for the involvement of the SFs in the electoral process

Speaking about the reality of resources required for the participation of the SFs in the electoral process, the first question that comes immediately to mind is the availability of financial and material resources. Two aspects should be considered at this juncture: procedures to determine the budget for the involvement of the SFs in the electoral process and conditions for the release of these resources.

Before proceeding further, it is important to recall one major fact mentioned earlier, namely the legislation is

very succinct, if not entirely silent over the involvement of the SFs in the electoral process. Under these circumstances, it should not be surprising to discover some problems both in the procedure to determine resources and in their effective release. In fact, on this issue, a close look at the facts reveals that, although the situation differs from one country to another, one can group the countries within the scope of the study into three categories, depending on the level of relative precision of the legislation. Of course, between these categories and even among some of them there are differences; however there are also some common grounds.

The first category includes only *Senegal*, a country where elections are managed directly by the Ministry of the Interior, i.e. by the Ministry in charge of the Security Forces. This confusion between the elections management body and the authority in charge of the SFs is, in this particular instance, advantageous. Indeed, the process to determine the budget for ensuring the security of the electoral process and the procedures for the release of resources exist already and facilitated, since they should be close to those that are normally utilized by the Ministry. Consequently, one should expect that this Ministry would strive to obtain from the government available resources to ensure the security of the electoral process, without much difficulty. And yet!

In spite of the fact that in Senegal, elections are managed by a ministry via the government, there are problems with resources. A major fact that emanates from the example of Senegal is that, logistically, total deployment of the SFs at the appropriate time faces some problems. Mobility is a very important aspect in ensuring the security of the electoral process, and the lapses noted at this level have an impact which is expressed, among other things, in delays, availability of electoral materials and deployment of Security Forces.

The second category includes countries that have just come out of crisis, namely *Guinea-Bissau* and *Togo*. In each of these countries, the situation regarding the security of elections is characterized by strong intervention from external partners. It is also characterized by a particularly high need to put in place specific mechanisms to help reduce the relatively high level lack of trust between the SFs and the other stakeholders of the electoral process, particularly the citizens and politicians. In these countries, because of the post-conflict situation, the legislation goes farther than elsewhere and is relatively more specific on conditions of involvement of the SFs in the

28. See, in appendix, the content of a workshop organized for the SFs on "Maintaining of law and order and security in the electoral process".

electoral process. However, in spite of the relatively high level of assistance from partners, there is the need for more assistance.

In *Togo*, the procedure to determine the budget for the involvement of the SFs in the electoral process is initiated at the Ministry of the Interior. The draft budget is then submitted to the government which, after study and amendment, can seek the assistance of financial partners for its financing. It happens also that the draft budget from the Ministry is discussed at the Independent National Electoral Commission (INEC) before being jointly defended at the governmental and partners' levels.

In the opinion of all stakeholders interviewed during the study, since 2007, through the contributions of development partners, particularly the European Union, UNDP and others, considerable material resources have been made available to the SFs involved in the electoral process, namely vehicles, helicopters, transmission equipment and equipment for maintenance of law and order.

In spite of the resources available for the involvement of the SFs in the electoral process, there are still serious problems. That is why, for example, most often the necessary resources are not released on time; hence, the difficulties encountered in the implementation of plans for the involvement of the SFs in the electoral process.

In *Guinea-Bissau*, there are no resources, like everywhere else, and probably worse. It should however be pointed out that in that country, the State budget for the organization of elections take into account, as far as possible, the needs for the involvement of the SFs. Like the situation in *Togo*, the country's partners intervene substantially in the provision of resources needed for the involvement of the SFs in the electoral process. That is why, during the last presidential elections, ECOWAS, for example made substantial contribution (communication and transportation equipment, and even salaries) with a special flight chartered from *Nigeria*.

From the foregoing, it can of course be seen that, in fulfilling their mission to ensure the security of the electoral process, the SFs face difficulties related to the provision of equipment, means of transport, food for the troops and logistics; all this undermines the morale of the personnel and prevents a valid and rational consideration of the missions of the SFs.

The third category includes countries like *Nigeria* and *Ghana* which are not in post-conflict situation. These are countries where the situation can be described as normal, compared to cases of the second category. In these

countries, *a priori*, legislation does not seem to provide for specific provisions.

In *Nigeria*, information is not available on the method of determining the budget to ensure the security of elections. However, it is easy to state that the SFs involved in the electoral process (for example that of 2007) did not have enough resources to accomplish their mission. For example, according to the report produced by the National Commission on Human Rights on the conduct of the SFs during the 2007 elections, the SFs lacked everything: vehicles, means of communication...not to mention adequate conditions for feeding the personnel involved.

In *Ghana*, the method of determining the necessary resources or the involvement of the SFs in the electoral process is similar to that of *Togo* with, however, a slight difference. In fact, the greater part of the budget for ensuring the security of the electoral process is determined by the hierarchy of the SFs, Ministry of the Interior and the Government. However, the per diem of the field agents is directly taken care of by the Electoral Commission; but salaries are not exactly the same for all uniformed agencies who intervene in one way or another in the electoral process.

According to all stakeholders interviewed, resources available to the Police and almost all the other SFs involved in the electoral process are inadequate. Only the military, which intervenes in the deployment of election staff and the necessary materials and constitute also an intervention reserve, complained about the fact that they are involved in the electoral process using their normal annual budget.

### 6.3 Reality of the framework for managing relations between the SFs and the other stakeholders in the electoral process

A management framework presupposes a structured entity, with a status known to the stakeholders, a framework in which the SFs find themselves with the stakeholders concerned in order to reflect and find solutions to problems encountered.

This management framework deserves to be reflected upon, as it is not implemented in a formal manner, and collaboration between the various stakeholders should be enhanced substantially in almost all the target countries.

To this end, the example of Guinea-Bissau is instructive, as it illustrates over and over again the problems that arise. The last elections were held in a tense atmosphere, following the double assassination of the incumbent president of the Republic, Mr. Nino VIERA and the Chief of Defence Staff, Tagme Na WAI, followed later by the assassination of Mr. Basirou DABO, a presidential candidate. A decision was then taken to put in place mechanisms to ensure the security of the electoral process. This *ad hoc* Commission, with the Minister of the Interior, Minister of Defence and Chairman of NEC as members, was expected to be abolished after the elections.

On that Commission, a special administrative staff, headed by Assistant Commissioner Armando NHAGA, spokesman for the Ministry of the Interior, planned an initiative that resulted in the engagement of 2,997 men by the Ministry of the Interior and 1,000 men by the Ministry of Defence, mainly elements of the Military Police<sup>29</sup>.

It is important that all stakeholders should play the game of dialogue within these well-defined frameworks for meetings that can promote mutual understanding and fruitful collaboration. Since the nature and number of election conflicts have an impact on the vote, it is the duty of all stakeholders in the electoral process to find ways to limit them.

In the case of *Ghana*, there is no special framework that brings together the SFs and the other stakeholders of the electoral process, apart from the Electoral Commission. However, the Task Force established to ensure the security of elections initiates meetings with stakeholders when it deems it necessary. Such meetings have already been organized, for example, with the political parties, civil society organizations and the media.

There is need to state that *Ghana* portrays some specific characteristics that should be stressed at this juncture. The SFs, particularly the Police, have a fairly sophisticated communication system, which enables them to sensitize citizens as to their duties during the electoral process, as if they partly take the place of the National Commission on Civil Education. This sensitization also has its preventive and dissuasive aspect, since it also focuses on the Police's capacities, namely suppression of violations of the law. The SFs even publish sensitization leaflets for citizens (cf. Appendices) on 'dos' and don'ts'

during the electoral process. Everybody admits that these actions have helped to effectively dissuade, even if partly, some of the potential trouble-makers.

In Togo, in practice, a networking system of the national territory called 'spider system' is put in place. The system comprises zoning of the country, mobile teams working on a 24-hour basis and telephone numbers (on patrol cars) that can be contacted, if need be.

## Summary of Chapter VI

- The fact that the regulation on the involvement of the SFs in the electoral process is succinct in the target countries makes all interpretations possible and assessment of what is effectively expected from the SFs fairly difficult. In spite of that, cases of serious violations (intimidation, intrusion into the polling stations and theft and/or destruction of electoral materials) were observed in a few of the target countries (Togo—2005; Nigeria—2007). In the other countries, isolated cases, with no significant scope and impact on the results of the electoral process, were observed.
- To the foregoing must be added, as a factor that influences the quality of ensuring real security of elections by the SFs, lack of confidence between the SFs and politicians (especially those in the opposition). Two factors explain this state of affairs:
  - The political history of most of the countries of the sub-region is characterized by the intervention of the SFs in the management of public affairs. This is done under conditions which, in almost all cases, have left bad memories on the minds of the people;
  - The fact that the SFs are hierarchically tied to the Ministries that depend, as a result, on the government, worsens this lack of confidence of citizens in the SFs.
- With the exception of cases where the SFs become themselves causes of insecurity and inactivity, the security of elections seems on the whole to be a success in the West African sub-region. For example, this is the case in Ghana, Senegal and Togo since the 2007 legislative elections.
- With regard to the involvement of the SFs in the deployment and security of election personnel and materials, the situation is not uniform. In certain coun-

29. Broken down as follows: 600 in Bissau, 200 in the Northern Zone—there had been some problems in this zone in November 2008, hence the strengthening of staff -, 100 in the East and 100 in the South



tries, the SFs intervene in the distribution of electoral materials (Ghana), whereas in others, the body in charge of elections recruits and trains its own agents to ensure security and to transport electoral materials (Guinea-Bissau).

- Concerning the security of key stakeholders in the electoral process (ensuring security of election campaigns, among others), observations vary, depending on individual countries and their political history. While in Togo and Nigeria, politicians, especially those of the opposition, are not satisfied with services rendered by the SFs during the electoral process, in Ghana and Senegal there are not many complaints.
- With regard to preparation (training) of the SFs prior to their involvement in the electoral process, the situation is also not uniform.
  - In certain countries, a fairly rigorous, full and compulsory preparation is given beforehand to all uniformed agencies who are likely to be involved at one time or another in ensuring the security of the electoral process (e.g. Ghana).
  - In other countries, preparation, which is also fairly rigorous, complete and compulsory, concerns only the SFs, i.e. only forces that are legally mandated to take part in security operations of the electoral process (e.g. Togo).
  - In the other countries, on the approach of elections, a summary preparation (accompanied sometimes with the distribution of guides) is organized for personnel of the SFs.
  - At the logistics level, the situation, without being identical everywhere is generally marked by inadequate resources placed at the disposal of the SFs to ensure security of elections. The situation is a little more worrying in two of the target countries, namely *Guinea-Bissau* and *Nigeria* and rather manageable in the other countries.
- As for the reality of the relations management framework between the SFs and the other stakeholders of the electoral process, it can be noted that with the series of assassinations that have shaken *Guinea-Bissau*, an *ad hoc* Commission responsible for the implementation of mechanisms to ensure the security of the electoral process was established during the last elections. In the case of Ghana, a Task Force that brings together all the uniformed agencies and representatives of the Electoral Commission has been es-

tablished to manage security matters of the electoral process.

## CHAPTER VII: THE REALITY OF THE RELATIONSHIP BETWEEN SFs AND INSTITUTIONS IN CHARGE OF THE MANAGEMENT OF THE ELECTORAL PROCESS

In West African countries, in general, and the countries covered under this study, in particular, independent or autonomous electoral commissions are used in one form or another. These electoral commissions, to the notable exclusion of the Autonomous National Electoral Commission of Senegal (CENA), are supposed to manage the essential tasks that go into the organization of elections. Though it does not directly organize elections, the CENA of Senegal is legally in charge of the supervision and control of all stages of elections and referenda.

In all the examples mentioned, the securing of elections which is one of the important aspects of electoral management should also be done under the supervision of the Electoral Commission. This chapter primarily aims at assessing the effectiveness of such supervision. (7.2). It also seeks to bring to the fore the factors that contribute to the creation of the environment for the supervision of the SF involved in the elections by the electoral commissions (7.3) or preferably, the factors that determine such an environment and either make it favourable or not. But before all this, one should try to understand the reality of existing organisational structures. (7.1).

### 7.1 The reality of existing organisational structures.

In most of the countries, collaboration between the EMB and the SF is manifested in meetings by ad hoc committees where all the stakeholders contributing to the security of the electoral process are represented.

The context of Senegal is unique compared to other countries surveyed. According to the legislation governing the electoral process in the country, management is shared between the two entities of the Ministry of Interior and the CENA. Each entity has clearly defined functions: the former is in charge of organisation and the latter in charge of supervision. The CENA has, for the

purpose, two permanent representatives at the Ministry of Interior to be able to supervise the entire process.

Obviously, it should be possible to improve the framework of collaboration between the CENA and the Ministry of Interior. Indeed, certain events could lead to the belief that in reality, relations of collaboration are not as open as they should be, and that it is still dependent on the minister of interior of the ruling government<sup>30</sup>.

In *Guinea Bissau*, as already mentioned in previous sections, a Special and ad hoc Staff was put in place under the leadership of NEC (through its chairman) alongside the authorities in charge of the defence and security of the country, notably the army and the police. This special force was entrusted with the specific mission of transporting the ballot boxes, guarding the polling stations, and protecting the headquarters and annexes of the NEC, as the rest of the SF take care of the general security of the country.

Again, the collaboration needs to be perfected since this mechanism did not prevent the assassination of a candidate during the electoral campaign. This is especially true as the lack of responsiveness of the SF partly explains this tragedy, given that the NEC, way before the assassination, had called the attention of the relevant stakeholders to the need to protect the candidates and, where appropriate, beef up the protection. Beyond these shortcomings, this event brings to the fore special dimensions in terms of security needs and, consequently, the need to implement the collaboration framework between the SF and the management body right from the start of the election process.

In *Nigeria*, a security committee exists between the PNF, the States security services, the army and the INEC. Regular meetings are held, but one must emphasise that the role of the INEC is limited to broad guidelines, notably analysis of the situation and proposal of appropriate responses since operational implementation or deployment is the sole preserve of the SFs.

In Ghana, things are a bit more structured. When elections are near, a National Election Security Task Force (NESTF) is constituted to oversee the security dimension of the electoral process. Some remarks may be made here.

- This Task force exists at national level with divisions at the regional and district levels.

30. See the interview granted by the former chair of the ANEC on this, shortly after his resignation <http://www.lagazette.sn/spip.php?article1091>

- Its composition includes all those who have a formal role to play in securing the electoral process, including representatives of the EC, the army, etc. It is led by the Inspector General of Police and a decentralised leadership of the Police at the district level.
- The Task force has created sub-committees within it: e.g. education and publicity, transport (including transportation of election materials, and arrangement of escorts), finance, security, among others....
- The Task force meets regularly and tasks are assigned and evaluations made of the specific accomplishments of tasks previously assigned.

The use of this Task Force is not entirely blameless, even if we all recognise that it has contributed to improving the participation of the SF in the election process in *Ghana*.

In *Togo*, although there is actually a link of supervision as indicated above, there is no specific framework created to bring the SFs and the EC together to better secure the electoral process.

## 7.2 The effective supervision of the involvement of the SF in the electoral process by the EMB

Although in all the countries surveyed, supervision of elections security is within the purview of electoral commissions, the reality is quite different. Indeed, the electoral laws when they mention the issue, are generally very vague and almost do not make any provision concerning the conditions in which supervision must be done. Where these provisions are available<sup>31</sup>, they are reduced to phrases such as: «the ministry responsible for public security shall ensure the security of citizens and operations throughout the electoral period ...», or even: «... the SF shall in collaboration with the EC ensure the security of the electoral process ...».

In the face of this near-silence of the election legal framework on the conditions to ensure the operationalisation of relations between the SF and the EMB, the stakeholder in the election process, notably the EMB officials and those of the SFs involved in the electoral process, manage election security within the limits of their

ability. The reality of relations in terms of supervision of the SFs involved in the organization of the elections by the EMB are therefore essentially based on *ad hoc* arrangements among the various players mentioned, depending on the peculiar conditions in each country.

### *Provision on the supervision of the SFs by the EMB during elections*

- «*The INEC shall supervise...the security mechanism... and the election campaign in collaboration with...the ministry in charge of security*», *Togolese electoral code (Act n°2007-012 of 14 June, 2007)*
- «*The ministry of interior shall be the administrative authority to organize elections in collaboration with the INEC...*», *Amending Act of the election code of 19 May, 2007.*

In reality, in the countries visited to conduct this study, there is no mechanism for an effective supervision of the involvement of the SF in the electoral process by the bodies in charge of the management of elections. An observation of the situation on the ground reveals that the security of the electoral process is essentially left to SFs or is guaranteed within a framework of compromise between the two institutions (in which each party tries to avoid situations that could be offensive and lead to conflict).

Established by Act 2005-07 of 11 May, 2005, the CENA (Autonomous National Electoral Commission) of *Senegal* is «the fruit of a consensus reached between the political parties on the Majority side and those of the Opposition during their meeting held from 29<sup>th</sup> November, 2004 to 27<sup>th</sup> January, 2005».

It has the following general functions:

- has legal status and financial autonomy,
- responsible for supervision and control of all the stages of all operations related to elections and referenda,
- has significant enforcement powers (injunction, rectification, substitution) in case of violation of the election law.

For the record, in accordance with the statutory provisions, the CENA «controls and supervises all elections and referenda. It notably sees to its efficient logistical organization and makes the necessary corrections to all anomalies observed». All through the electoral process, from the opening of registration to the swearing in of

31. There are countries in the sub-region where the laws are dumb silent regarding what is expected of the SF during the election process.

elected officials, the CENA supervises activities carried out by the Ministry of interior; to this end, it has two permanent representatives in this institution, as earlier mentioned.

In *Guinea-Bissau* where it is the National Electoral Commission (NEC) that is responsible for organising elections, the SFs come in when the NEC finds it necessary and within the framework of relevant regulatory provisions. To this end, during the last presidential elections, there was a working meeting of the chairman of the NEC and the Ministers of Defence and Interior.

In Nigeria, it is the INEC, a federal institution established by article 153 (1) F of the 1999 Constitution of the Federal Republic of *Nigeria*, which plays the leading role in matters of election. Indeed, the functions of this institution, as provided under the Constitution, are as follows:

- organise, conduct and supervise all elections to the post of president and Vice-president, governor and Deputy Governor of a State, and election of members of the Senate, the House of Representatives and the Assembly of each State of the Federation;
- register political parties in consonance with the provisions of the 1999 Nigerian Constitution and the law on the National Assembly;
- undertake monitoring of the organization and functioning of political parties, especially their finances;
- organize the review and annual audit of the finances and accounts of the political parties, and publish a report which reflects this review and audit;
- organise and lead the registration of qualified persons to, prepare, update and revise the voters register for all elections within the framework of the provisions of the 1999 Nigerian Constitutions;
- monitor election campaigns and prescribe regulations to govern political parties;
- ensure that all the electoral commissioners and Returning officers swear an oath in consonance with the law;
- delegate all powers given to it to a resident electoral Commissioner;
- carry out other duties provided under the 2006 Electoral Law.

In view of these functions, it is clear that the INEC plays a crucial role in the organisation of free, fair and credible elections. To consolidate this power, it is spelt out in the constitution that the chairman of the Commission shall be appointed by the President of the Republic, subject to

approval by parliament. This independence is consecrated in article 158 of the constitution which states: «The Independent National Electoral Commission shall not be under the direction or control of any authority or person, whatsoever».

Meanwhile, it has been observed that the last presidential elections in 2007 seriously compromised its independence, responsibility and transparency, so much so that an electoral reform committee had to be set up following consultations.

In *Ghana* and *Togo*, disagreements ensue because the SFs are concerned about security at all cost, as a priority, whereas the bodies in charge of elections have efficiency and effectiveness at the core of their concerns. In both countries, the players, including the members of the SFs, recognise that in case of disagreement, the SFs should accept the decision of the body responsible for managing elections. This can be considered, at least in these two countries, as a sort of *de facto* supervisory power of the SF by the electoral commissions regarding their involvement in the electoral process.

### **7.3. Factors that are taken into account in determining the environment for the supervision of the SFs by the EMB**

To the extent that the supervisory relationship of the SF involved in the management of elections by the EMB are not expressly organised or regulated and enshrined in electoral laws, it is essentially based on *ad hoc* arrangements among the various players. Thus, in view of their short term nature, these arrangements can be influenced by other factors.

It seems useful to review some of these factors that may influence the relationship between the SF and the EMBs in securing the electoral process. There are factors that contribute to a useful and effective collaboration between the SFs and the EMB in securing the elections (7.3.1). Similarly, there are factors that can be obstacles to effective collaboration between the SFs and the EMB (7.3.2).

### 7.3.1. Factors conducive to the supervision of SFs by the EMB

As already stated, in the countries visited for the purpose of this research, legislations remain silent on the nature of supervision of the SF as well as how such supervision will work. Consequently, the players on the ground are doing their best to manage collaboration between the two entities—EMB and SFs—to secure the electoral process. This section takes a look at a number of factors that could increase the chances of a more effective and efficient collaboration between the SF and the EMB

#### 7.3.1.1 The personality of the leaders of the EMB

Generally, the image that heads of the institutions in charge of managing the electoral process, especially the EMB, should portray to the other stakeholders in the process and public opinion is important. Within the framework of an independent management body, the personality of its leader should be as consensual as possible and win the support of all parties involved. A candidate that is able to rally people around him will have more credibility in the eyes of the stakeholders, will be better listened to and will more easily rally the membership around a consensus building dynamics.

In the case of a joint management, as is the case in Senegal, this deal becomes even more significant because if it is the Ministry of Interior that organises elections, supervision and control should be the preserve of the CENA. The choice of persons with a deep understanding of democracy will foster sincere collaboration among the various institutions.

In Senegal, an interesting experiment was to entrust the Ministry of Interior to retired active general army officers. The idea was to appoint a person with an impeccable neutrality to head the electoral management body, and one must acknowledge that the results have generally met expectations. In contrast, the counter argument provides an avenue to illustrate that entrusting the headship of the body in charge of managing the election process to a person aligned with a political party, who is a supporter or is strongly perceived to be so, is not the kind that will ensure a peaceful electoral process whose results will be accepted by all.

#### 7.3.1.2 The existence of a framework for collaboration all through the electoral process

The SFs, just like any other institution, jealously guards its prerogatives. It is therefore important to properly define the powers of each structure and the distribution of roles regarding management of the process, even though it has been observed that the institution participates in identifying security needs and provides advice for the implementation of suitable responses, with the understanding that deployment and execution are the preserve of SFs. This is often done within the framework of a joint committee that brings together the parties involved in securing the electoral process.

This framework of collaboration should draw up a schedule of projected activities, identifying milestones in the process in terms of security and should be committed to always ensuring good information sharing which often make it possible to anticipate certain occurrences, thus allowing the SFs to intervene to nip any crisis in the bud.

#### 7.3.1.3 Preparation of the SFs and other stakeholder in the process

Generally, in order to guarantee an environment conducive to fruitful collaboration among the SFs and the EMB and other key stakeholders in the electoral process some kind of preparation is necessary. Indeed, this should include activities to sensitise all the key stakeholders to the demands of securing the electoral process or, where appropriate, consolidate the achievements in this area among stakeholders. This activity should be organized for members of the EMB, other key players as well as members of the SFs involved in the management of elections.

It should be recalled, once again, that special emphasis must be laid on the preparation of the SFs so they can understand issues related to the electoral process, its impact on democratic progress and more generally, on the good functioning of the nation. But the impact of this preparation will have a greater and more beneficial impact if care is taken to inform the rest of the stakeholders about it, to involve them as much as possible in the planning process of this training, ideally with CSO involvement. Such an approach has the essential advantage of

reassuring the other stakeholders since it will point to the ability of the SFs to meet the various expectations and demands.

Regarding the content of the preparation, it is necessary to design a curriculum on electoral education and put it to use. Capacity building should become the norm as elections draw near. It is also necessary to develop a culture of individual accountability, especially at the higher echelons of the SFs.

In some of the countries visited, this type of preparation is already being done, although there is need for improvement. Examples are the cases of *Togo* and *Ghana* where, as elections draw near, communication activities are directed at the citizenry to create awareness about the needed elements to effectively ensure security of the electoral process. These actions generally seek to inform citizens about the resources that the SF have for providing security during the elections and the attitudes and behaviour that will be tolerated or not throughout the elections.

#### 7.3.1.4 Broadening the dialogue framework

Supervision of the involvement of the SF in the electoral process by the EMB can be improved by adequate broadening of the framework for collaboration beyond the SF and the EMB. It may be useful and relevant, for example, to involve Civil Society with a view to increasing the chances of effective supervision of the SFs participation in the electoral process and, consequently, better security during the elections.

The participation of CSOs in this exercise may assume several forms. For these organisations, their function would consist in initiating support activities to facilitate collaboration among the various institutions and bodies through specific training, awareness creation communication campaigns, etc.

CSOs can also contribute to supervision through actions that would increase the possibilities of gathering relevant information for this purpose. It could take the form of checks and monitoring and evaluation of the participation of the SF at all stages of the electoral process. This diagnosis, done by an outsider, allows for a better definition of what expectations are like regarding the SF, inadequacies observed and improvements to be made for future elections.

Thus, in *Nigeria*, for example, an initiative facilitated the monitoring of the role of the SF during the 2007 presidential elections. Financed by UNDP and implemented by the *Nigerian* Commission on Human Rights, it specifically made it possible to observe the role of the SF in the process. The involvement of NGOs through the monitoring of activities of SFs during the same elections is important and this experience needs to be replicated. Actions of SFs should be monitored, checked and assessed throughout the electoral process.

#### 7.3.1.5 The security sector reform( SSR) programmes

Security Sector Reform (SSR) is the last factor for improving supervision of the SFs involved in the election process by the EMB. Indeed, the SSR programme which, in the last few years, has assumed growing importance in countries of the sub-region, constitute an important support mechanism. It is true that in general, their scope of application is clearly beyond the SFs sector and their involvement in securing the electoral process.

Meanwhile, reform can and should deal with concerns regarding the relationship between the SFs and the other key stakeholders in the electoral process, notably the EMB, to better secure the electoral process.

Several SSR initiatives are currently underway in the West African sub-region. It is currently the case in *Guinea Bissau*, for example, where a major SSR programme is being implemented, piloted by the European Union. It is, however, necessary to further involve Civil Society Organisations and get them participate in this programme.

This is also the case in *Togo*, where a SSR pilot is underway with the support of the United Nations, through the United Nations Centre for Peace and Disarmament in Africa (UNREC). Hence, since 2001, UNREC is in active collaboration with the government of Togo and development partners of the country with a view to contributing to a harmonious reform in the security sector, in the interest of good political governance. To this end, UNREC has since July, 2001, developed a programme on Military—Civilian relations in Africa and, in February, 2007, it launched the (African Security Sector Reform (ASSEREP) project. The project is essentially based on advocacy and capacity building activities for the Armed Forces and Security Forces, parliamentarians and Civil Society.



In addition, great efforts are underway in *Guinea-Bissau* to provide the SF with a Legislative Framework, as comprehensive as possible, which may govern all their activities in the service of the Nation. At the time of the research, draft legislations are being considered by the various parties involved. What is more, there is clear awareness and a will to take a new path towards a resolute engagement in democracy, respect for human rights and application of the laws of the Republic, staff rejuvenation, capacity building, etc.

A good initiative by ECOWAS could be to establish a platform (a forum, for example) for experience sharing, not only among the security forces of the sub-region, but also among all the stakeholders that are necessary for securing elections in West Africa. This type of exercise will necessarily help to, among others, develop a healthy emulation in the management of security in their respective countries.

### 7.3.2. Factors unfavourable to relations between SFs and the EMB

After presenting some of the factors that are likely to help improve supervisory relations between SFs and the EMB, this sub-section reviews a few factors that could produce the opposite results.

*Some legislations adopted in Togo as part of ongoing security and Armed Forces reforms.*

- «Law n°2007-010 on military personnel of the Togolese Armed Forces General by-laws»
- «Decree n°2008-006/IPR on the powers of the Chief of the general Staff, Chiefs of Defense Staff and the Inspector General of Police»
- «Decree n°2008-012/IPR on the creation and functioning of courts of enquiry for military personnel».

#### 7.3.2.1 An inappropriate legal framework

The legal framework, which comprises the actual law, as well as all the other normative texts, is a major determinant of the quality of relations between SFs and the EMBs. Indeed, the legal framework defines the basic elements necessary for ensuring the security of the electoral process. It is this framework, for example, that defines the role of each of the stakeholders involved in securing

the process, stakeholders to bring on board, institutions necessary to do this, the relations among them, etc.

Consequently, the lack of clarity and precision in the legal framework may lead to disagreement in the sharing of roles, on accountability in the event of shortcomings or poor performance in ensuring the security of the electoral process, etc. hence the need to complete the laws and rules in to define clearly the prerogatives and responsibilities and make the framework of collaboration among relevant institutions operational.

#### 7.3.2.2 Failure to ensure proper financial management of the participation of the SF in the electoral process

Another major factor that may constitute a handicap in efforts to secure the elections has to do with financing the involvement of the SFs in the electoral process. An effective and efficient financing of the participation of SFs in the electoral process supposes that the cost involved will be reasonably determined, that funds allocated will be properly managed and that accounts in respect of same will be rendered to the competent authorities.

Deficiencies at any level of this logical approach could have damning consequences for the quality of security for the elections. For instance, if the cost is not properly determined, it could lead to shortage of funds necessary to ensure security for the electoral process. It could happen that the per diem of security agents cannot be paid or can only partially be paid, or even that security agents are left without the needed equipment to carry out their assignment.

On the other hand, a poor appreciation of the cost of participation that leads to significant surplus of funds could equally lead to problems. If these resources are properly managed—which is a real challenge in our environment—an over-evaluation of funds would leave the SF with useful and even necessary supplementary funds. But it could also bloat the coast of the elections, which is already generally thought to be too high in most countries of the sub-region, while other sectors are deprived of necessary, if not indispensable resources.

Beyond determination of the correct cost for the participation of the SFs in the electoral process, attention must also be paid to the way resources provided are managed and conditions of accountability. It is, indeed, of no use to make sufficient resources available where

there is no guarantee that it will serve to adequately equip the SFs for their participation in the electoral process.

### 7.3.2.3 The lack of an appropriate channel for communication for election security

To ensure security of the electoral process, it is important to pay special attention to information management. Indeed, sound security for the electoral process depends, first and foremost on the timely availability of relevant information. Hence, the lack of a really functional channel of communication between the SFs and all the other stakeholders of the electoral process, particularly the EMB and its Divisions, could lead to serious shortcomings that may compromise the security of the elections.

A relevant framework for information gathering and sharing on the major aspects for the security of elections is therefore essential. This framework, with due regard to the priorities and constraints of each entity and each country, facilitates sharing of relevant information, in confidence and in good time. It should also facilitate information sharing between the SFs and almost all the other key stakeholders such as the EMB and its agencies, civil society, the media, political parties and even ordinary citizens.

There are already examples in some of the countries visited, although all have substantial improvements to make. In *Ghana*, as earlier mentioned, the Task Force (NESTF) sometimes opens its meetings to civil society organizations and political parties. These arrangements are made to enable civil society and political parties to contact at any moment officials of NESTF and its agencies, for example, by telephone.

In *Togo*, there are also mechanisms to facilitate some level of information flow. In that country, the members of the Elections Security Task Force (FOSEL or FOSEP) depending on whether one is talking about presidential elections or parliamentary elections) are primarily noticeable by their special uniform which makes them easily identifiable by the citizenry. Furthermore, a mechanism called «araignée» or «spider», which consists in dividing the whole national territory into zones that are patrolled on a 24-hour basis by mobile teams of SFs. The patrol vehicles that are on constant patrols have telephone numbers written on their sides for any need of intervention to be communicated to them.

Beyond these examples, a more in-depth research is needed to assess the actual effectiveness of measures taken in each of the countries involved. This will be to assess existing mechanisms in place in each country and the relevant players in the process. It will also be a question of assessing the existing mechanism for the gathering and dissemination of information to adequately secure the electoral process.

### 7.3.2.4 The lack of a good information system

To this lack of a good communication channel between SFs and other major stakeholders, one may add another very essential issue, which is the absence of a good information gathering system. Indeed, it is becoming increasingly necessary to use more elaborate, more sophisticated logistics, for gathering and processing information with a view to better securing the elections. In the face of growing terrorism, cross-border crime and, sometimes, militias sometimes used by some political groups during elections, ordinary and traditional means of security have become inadequate.

To help combat this phenomenon whose impact on the security of elections cannot be overemphasized, we need to adopt measures that are more sophisticated than those typically available to SFs. For example, a good information system can help predict certain events. To this end, the elections management body, through its agencies, can be of enormous help to the activities of the SFs provided the terms of such collaboration are put in place and clearly defined.

## Summary of Chapter VII

- In reality, and as a general rule, the security of the election process is either left to the SF, or ensured through an arrangement between the two institutions (SFs and EMB).
- With regard to the reality of existing organizational structures for collaboration between these bodies and the security forces, it can be noticed that in most countries, ad hoc committee meetings are held in which all stakeholders responsible for securing the electoral process are represented.

- As regards the factors that foster positive relationship between the SFs and the bodies in charge of managing the electoral process, five of them have been identified.
  - The first has to do with the image or, better still, the personality of the leaders of these bodies, which is very important, for the ideal thing would be to appoint as leader of the elections organizing body a personality whose neutrality would be difficult to question.
  - The second positive factor is the development of a framework for collaboration throughout the electoral process.
  - The third favourable factor is the fact that the planned preparation of the SF is known to the other stakeholders involved in the process including, ideally, CSOs, is reassuring since this presupposes the ability of the SFs to address the various needs and demands.
  - The fourth factor is precisely that of expanding the scope of dialogue to include civil society because it broadens consultation. It also makes it possible to monitor and evaluate the activities of the SFs during the electoral process, which helps better define expectations in relation to the SFs, shortcomings observed and the kind of improvements to be effected.
  - A final positive factor is that the SSR programmes which are becoming increasingly important in the countries of the sub-region are an excellent support system. In general, it is necessary to further engage civil society organizations and have them participate. This can help create awareness and a genuine desire to respect human rights, enforce the laws of the Republic, rejuvenate the personnel and to build capacity within a democratic framework.
- The adverse factors include the following:
  - Lack of clarity and detail within the legal framework, which may cause disagreements regarding the sharing of responsibilities as well as accountability for failures with regard to the security of the electoral process;
  - Lack of a clear and precise mechanism for determining the cost of involving SFs in the electoral process and the provision of the necessary resources;
  - The absence of a fairly functional communication channel between the SFs and all stakeholders in the electoral process.
  - Besides, it is worth noting that a good information system can help anticipate events. To this end, the management body, through its agencies, can be of enormous help to the activities of the SFs provided the terms of such collaboration are effectively determined.

## PART THREE

### PARTICIPATION OF SFs IN THE ELECTORAL PROCESS IN WEST AFRICA: PROSPECTS

The first two parts of this study enabled us to draw four (04) major conclusions. First, the management of elections in the countries of the West Africa sub-region particularly in the countries visited during this study remains a major source of conflict. Second, whether it is the EMB, the SFs, political parties, civil society, media or ordinary citizens, all key stakeholders in the electoral process in the sub-region are aware of and consider the involvement of the relevant SFs in that process as a positive step in reducing potential conflicts related to the management of elections in the present state of affairs.

The third major conclusion is another observation about the fact that the legal framework for the management of elections is, in almost all countries covered, almost silent or very sketchy and vague on the modalities for the involvement of the SFs in the electoral process. However, in spite of this observation and as a fourth major finding, modalities for the involvement of the SFs have been adopted in all countries visited and some were quite elaborate (as in the case of Togo and Ghana), but these require a more elaborate documentation.

If we consider the fact that democratic elections should remain the only means of power transfer in the countries of the sub-region, and if elections continue to be a potential source of conflict, it is imperative that particular attention be paid to the provisions of the law pertaining to the involvement of SFs in the electoral process. Beyond the “fashionable” logic of electoral consultations, the people of the sub-region want to see the security forces contribute effectively towards the strengthening and consolidation of democracy.

Aptly, and as a logical outcome of the first two parts of the study, the third and last part of the study is mainly devoted to prospects for the involvement of SFs in the electoral process in the sub-region. To this end, it proposes some major areas and lines of inquiry with a view to improving the participation of the SFs in the electoral process in West Africa (Chapter VIII). It also, suggests forms of assistance available to countries in the sub-region to improve the involvement of the SFs in the electoral process (Chapter IX).

The lines of inquiry discussed are important in many aspects. Drawing on the current situation described above, it will be a question of highlighting the aspects of the involvement of SFs in the electoral process that deserve special attention. Essentially, it will involve improving the legal framework and improving on some interesting experiments underway in the countries of the sub-region in terms of participation of the SFs in the electoral process.

With regard to the forms of assistance that the countries of the sub-region can benefit from to enable SF to better secure the elections, they centre mainly on the same lines. Thus, the discussion here will focus on the essential features of the initiatives that can be taken so as to contribute to improving the participation of the SF in the electoral process in West Africa. More specifically, the various axes of reflections would help identify the possible actions, levels at which they may be carried out and stakeholders likely to take the initiative.

Before going further, there is the need to stress on an observation that appears quite important: the suggestion of actions for improving the participation of SF in the electoral process should not be seen as an excuse for the massive presence of SFs during elections. This should rather be considered as a temporary solution, pending the reduction of most sources of insecurity during the election period in the countries concerned. In fact, as pertains in most democracies both old and / or established, the ideal thing is to hold elections without having to resort to the involvement of SFs.

## CHAPTER VIII: SOME AREAS OF IMPROVEMENT IN THE PARTICIPATION OF SFs IN THE ELECTORAL PROCESS

The possible areas of improvement in the participation of SFs in the electoral process in West Africa may be analyzed in relation to the major aspects of election security, by focusing mainly on two (02) dimensions.

The first dimension of analysis of the major aspects of securing elections has to do with the requirements for a more effective involvement of SFs in the electoral process (8.1). This first dimension will be analyzed from three (03) angles, namely the legal framework relating to elections (8.1.1), the institutional framework for electoral management (8.1.2) and what may be called the “psychological” angle (8.1.3).

The second dimension of the analysis is centred on the possible sources of security problems posed by management of the electoral process (8.2). It will analyze the requirements for risk reduction in connection with election security and highlight the lines of action to be taken in order to improve the environment of elections in terms of security in the sub-region. It is, in effect, a sort of extension of the previous reflections within the context of the global framework of Security Sector Reform (SSR).

### 8.1 Provisions for greater participation of SF in the electoral process

This section is mainly intended to highlight the conditions that are likely to a better participation of SFs in the electoral process in West Africa. These provisions can be grouped in three (03) categories according to whether they relate to the legal framework (8.1.1), the institutional framework (8.1.2) or the psychological aspect of elections (8.1.3).

#### 8.1.1 Provisions relating to the legal framework on elections

It is possible and, therefore, very necessary to improve upon the legal framework for elections to enhance the participation of SFs in the electoral process in the long

run. This is justifiable since, as we all know, the quality of the legal framework is crucial to the process as a whole and for the environment of the said process (a). In this way, the legal framework determines the role of SF in the electoral process (b) and the necessary preparation prior to their involvement (c). The legal framework sets forth, inter alia, the conditions under which the means or resources necessary for the involvement of SFs in the electoral process are determined and provided (d) and establishes the relationship that should exist between SFs and other key players in the Electoral Process (e).

#### a) Quality of the legal framework

Under this section, a number of major lines of thought for improving the quality of the legal framework governing elections will be highlighted. The quality of the legal framework refers to the numerous and varied key factors which, if taken into account during the preparation of the framework, could help increase the chances of its implementation and its effectiveness. Some of these are as follows:

The accessibility of laws and regulations that form the legal framework is an essential prerequisite for the quality of that framework. The accessibility of regulations, in this context means both physical availability (everywhere, if necessary) and their intelligibility (a kind of intellectual accessibility) for those to whom it is intended, (that is to say, both the users and those responsible for monitoring its implementation) as well as for the common man. Physical accessibility requires, for example, that the law be publicized as widely as necessary to all relevant targets so as to facilitate the management of the electoral process.

Also, to ensure the quality of the legal framework relating to elections, actions should be initiated to improve the process of preparation of the framework. This process must be able, for example, to take into account, as much as possible, the essential characteristics of targets, particularly those to whom it applies and those responsible for monitoring its implementation. In this case, the legal framework relating to elections must take into consideration the specific needs of SFs in the aspects that relate to the participation of the institution.

At this juncture, it will be necessary to consider ideas, followed by the relevant actions, towards a better involvement of the SFs in the preparation of the legal framework on elections, especially those aspects relating to their involvement in the electoral process.

### b) The role of SFs in the electoral process

As long as a better tomorrow for elections under the sun remains a thing of the future, when they hopefully would have lost a substantial part of their conflict generating attribute, the need to involve the SFs in the electoral process is fairly well accepted by almost everyone, today, be they actors at various levels or members of the public in general.

Better still, there seems to be some unanimity on certain roles to be played by SFs in their involvement in the electoral process. Indeed, everyone recognizes that they are essential in ensuring the security of persons and materials involved in the electoral process.

Notwithstanding this consensus, at least tacitly, questions still remain about some aspects of the role to be played by the SFs at each stage of the electoral process. Indeed, in the countries visited, the report reveals that there is yet to be a consensus on the role that the SFs can play in the areas outlined below.

- **Transportation of electoral materials:** While in some countries the SF, and sometimes even the defence forces—that is to say, the military—are involved in the transport of electoral materials and personnel, in others it is a real bone of contention among political stakeholders. The double-pronged question is whether it may be necessary and effective to involve the SFs at this level of the electoral process and, if so, under what conditions and with what limitations, etc.? If this issue arises in relation to staff deployment and the distribution of election materials, it also arises in the course of gathering electoral materials at a central point, these materials being very sensitive in this case. And the problem must be to find out how to involve the SFs right from the time the regulations constituting the legal framework are being formulated, while fully respecting the role of the EMB in supervising the entire process.
- **Procedure for arrest and prosecution of electoral laws breakers:** In all the countries visited during this study, the stakeholders in the electoral process did not exhibit a clear knowledge about the role of SFs in the event of a violation of election laws. Once the violation of the law is detected, the procedure shall involve, in one way or the other, the SFs, the EMB (and its branches) and the judicial authorities, depending on the specific context. To these stakeholders are sometimes added other categories of stakeholders (political parties, civil society, the media etc.). Basically,

the issue that arises here is that of clarifying the roles of these different categories of stakeholders in the suppression or punishment of acts of violation of election laws. It is also necessary to identify possible sources of obstacles to the smooth functioning of mechanisms so as to punish violations of the law. The predominance of hierarchy in the SFs, the concern for the future of their careers by some members of the SFs, interference by politicians, the possible politicization of certain institutions and the occasional ambiguous role of some so-called stalwarts, etc., etc., are all factors that hamper the smooth functioning of the mechanisms of suppression / punishment provided by the law, all of which ultimately combine to create the impression of the so-called impunity that too often characterizes all manners of breaches of electoral legislation.

- **Time and space allocation for political meetings, especially during electioneering campaign:** The issue in question at this point borders on the effective and optimal utilization of the services of SFs with a view to achieving an adequate reduction of the risks of insecurity and clashes between opposing political groups, for example, during the campaign period. To achieve this goal, we must first of all put in place an effective mechanism that makes it possible for the SFs to be regularly informed of all movements of crowds organized for a specific purpose and, at the same time, for them be able to “produce” the desired state of security. The required information may include areas such as the potential risks of violence, organization of meetings or arrangements to be held at the same venue by several rival political groups, etc. in the areas concerned. The mechanism must necessarily help avoid security risks without being manipulated by anyone for political goals.
- **Reconciling election security with overall security:** To determine more effectively the role of SFs in the electoral process, it is necessary to do everything possible to reconcile the security of the electoral process with overall security, that is to say that we must be able to ensure both the security of the elections on one hand and ordinary, conventional and traditional security on the other hand while endeavouring not confuse the two. In other words, the security of the elections should not be an isolated act, completely disconnected from general security. Ideally, it should be easier and will most likely be successful if it fits



smoothly within the broader framework of general security. However, it still depends on the context and this issue should therefore be handled with some caution. This aspect of the issue is important because, in effect, during elections, it is quite possible that security operations are really politicized or made to appear as such. It is no news that the inability to determine the factors that may be detrimental to the credibility of the SFs involved in election security could emanate from either the camp of those who hold power or the other camp, i.e. the camp of those who seek to capture it. While the former may seek to exploit regular security operations to their advantage, the latter may also, in pursuit of their cause, try to present regular security operations that are usually devoid of any ulterior political motive, as politicized operations. As we said earlier, this situation may undermine the credibility of the SFs, or even the quality of the security of the elections, and consequently have negative consequences on the elections in general. This issue is of even greater importance in countries characterized by a high degree of suspicion, a lack of trust between SFs and some other major players in the electoral process, particularly political actors (of the opposition) and the citizenry, among others.

- **Ensuring the security of certain stages of the electoral process:** Although there is near unanimity on the fact that SFs must ensure the security of persons and materials throughout the electoral process, certain murky areas still remain. It would be useful and necessary to initiate in-depth discussions on the security issues that may arise at certain times and on the behaviours that SFs should put up. For example, how far can agents of the SF go in ensuring the security of a ballot box or a voting centre? How far can they go in ensuring the security of storage and /or transport of sensitive material (either in the course of distributing the materials or assembling sensitive electoral documents at a central point after the election)?

The answers to these questions should depend on the particular context of each country.

#### c) Preparation for the involvement of SF in the electoral process

On this point too, there is almost total consensus on the need to prepare the SF, by providing them with the most adequate training possible, prior to their involvement in

the electoral process. However, in countries covered by the study, the findings reveal some discrepancies in the content of training courses and their timing as well as the agencies of the SFs that are trained. Accordingly, it is necessary to initiate reflections on:

- The necessary and relevant content for ensuring the security of elections to be added to the conventional training program for the various uniformed agencies (security and defence forces), in general, and the timing this preparation, ideally in the period before the elections;
- Uniformed agencies which because of the effective role they have to play in the electoral process deserve to receive appropriate training, etc.

Reflections along these lines should also take into account the need to harmonize the content of programs meant for the preparation of SFs prior to their participation in the electoral process.

#### d) Control of the resources necessary for the participation of SF in the electoral process

The control of resources required for the successful participation of SFs in the electoral process is also a major issue which, like the previous ones, is worthy of consideration. Control refers not only to the determination of the resources but also mobilization procedures as well as the provision of means to monitor their use. In the countries covered by this study, the findings revealed and highlighted the lack of clear procedures for controlling of the means or resources necessary for the involvement of SF in the electoral process.

A strict control of the said resources presents several advantages. For example, it enhances accuracy in assessing the true cost of elections. In most of the countries visited, due to the similarity in the level of involvement of SFs, the current situation is that the cost of elections officially announced does not include resources devoted to the participation of SF.

Another advantage of strict control of the means required for the participation of SFs in the electoral process is the ability to help streamline the use of scarce resources in our countries where the resources that are actually available still fall short of the amount of funds required. Finally, a careful supervision of the use made of resources available to SFs enhances their credibility and improves governance in the country, on the whole.

The establishment of mechanisms to control the resources needed for the participation of SFs in the electoral process in West Africa is therefore a major concern which should be given special attention.

#### **e) Relationship between SFs and other key stakeholders in the electoral process**

The last point under this section concerns the relationships that should be established between SFs and the other categories of major stakeholders in the electoral process, first and foremost the EMB. All the stakeholders interviewed in this study are unanimous on the need for the involvement of SFs in any electoral process to be done under the supervision of the EMB. The same stakeholders believe that ensuring the security of the electoral process would be easier if it were possible to establish some form of relationship between the SFs and other major stakeholders involved in the process. These stakeholders include political parties and their candidates, the media, civil society and, in some cases, the people in general.

Observations in countries surveyed have revealed that there are ongoing experiments in some countries, which call for further study. It is therefore necessary to:

- Deepen the reflection on the appropriate legal framework for establishing the necessary and relevant supervisory relationship between SFs and the EMB;
- Deepen the reflection on the need and, possibly, the form of a regulation on the relationship between SFs and other key players in the election process (political parties, civil society, media, people). One might consider the possibility that the EMB serve as an intermediary or liaison between the SFs and these key players;
- Organize brainstorming sessions on how to regulate the collaboration between the uniformed services that are required to act under the supervision of EMB (police and gendarmerie). This issue is important because currently, most countries in the sub-region are forced to use almost anybody in uniform (including customs, prison guards, fire-fighters, etc.)

Improving the legal framework for the involvement of SF in the electoral process in West Africa may require the organization of further brainstorming sessions beyond the points presented.

### **8.1.2 Conditions relating to the institutional framework**

Issues relating to institutional management framework for the involvement of SFs in the electoral process could have been raised in the previous section. Indeed, these issues can and should also be resolved through regulations, if even in part. This section focuses on the form that the institutional framework may take; in other words, the institutions that should be created, how to form them and how to organize them in order to maximize the involvement of the SFs in the electoral process in the West Africa sub-region. The areas of discussion indicated above are based directly on observations made on the ground.

#### **a) Framework to ensure effective supervision through the involvement of the SF by members of the EMB.**

On the issue of the institutional management framework for the participation of SF in the process, there should at least be a body that establishes a link between SF and the EMB. The supervision of the SFs by the EMB or the effectiveness in securing the electoral process cannot be done without an appropriate framework. To gain further insights on this issue, it is necessary to make a further documentation of ongoing experiences in several countries of the sub-region. This includes the experiences of Ghana, Togo and Guinea Bissau where ad hoc frameworks are established at the approach of elections to manage the collaboration between SFs and the EMB. The application of these frameworks is sometimes extended to other key stakeholders in the electoral process such as media, political parties and civil society, as is the case in Ghana.

#### **b) Framework for collaboration between the SFs and other key stakeholders in the electoral process**

The previous discussion can be extended to the search for frameworks that could facilitate collaboration between SF and other key stakeholders in the electoral process. It is generally accepted that one of the primary conditions for a good security, i.e. one that is preventive, efficient and optimal, is the timely availability of information and information that is relevant and timely. Therefore, it will be appropriate to find ways to establish a relationship of cooperation between the SFs and some or all of the other key players in the electoral process and to create an environment conducive to the identification of

possible sources of relevant pieces of information, their collection, processing and use.

The usefulness, necessity and importance of such relationships are universally recognized by all stakeholders in the electoral process interviewed in countries covered by this study. However, on the issue of the form this relationship should take, opinions vary between those who want a formal regulation of relationships and those who prefer that they remain informal.

It is therefore necessary to initiate and deepen the debate on the question of whether or not to formalize the collaboration between the SF and the key players in the electoral process, such as political parties, media organizations, civil society, people etc. and, if necessary, the form this type of collaboration should take.

### 8.1.3 Conditions relating to the “psychological” aspect of security during elections

There are at least two dimensions to the participation of the SFs in the electoral process with a view to ensuring its security. There is, first, the dimension that could be described as physical, having to do with the physical and practical arrangements (law, public bodies, means, etc.) put in place to increase the chances of ensuring better security for the process. This dimension is also the best known. But there is, on the other hand, the dimension described in this study as “psychological,” that is to say, the dimension that derives from the mind, from the state of mind or, better still, the way the various players involved in the electoral process and public opinion perceive the SFs and their performance.

In all countries surveyed, one thing is obvious: the SFs involved in the electoral process do not enjoy a high level of confidence from key players and the public or the populace and this is true to varying degrees. This lack of confidence in the SF affects their behaviour and attitudes, and sometimes the SFs in turn have some suspicions towards certain categories of key stakeholders in the electoral process.

From observations made during the field study, we suggest that this problem be tackled in two ways: first, by seeking mechanisms to restore confidence (a) and, secondly, by reflecting on the instruments that could lead to an increase in the level of credibility of the SFs (b) until confidence is restored.

#### a) Trust between the SF and the others

The relatively low level of trust in the SF, within the framework of securing the electoral process, is one that calls for a careful look and a reflection on the conditions for the restoration of this confidence. In this context it should be noted that some initiatives are being tried in several countries in the sub-region to reduce the level of distrust between the SFs and stakeholders in the electoral process. Indeed, seminars and meetings are organized between the SF and various stakeholders in the electoral process to discuss the problem of election security or security issues in general.

These meetings, organized in some countries visited, were attended by various categories of stakeholders in addition to SFs. In Togo for example, women, youth movements of political parties, political leaders, civil society in general, media professionals among others, have, either separately or collectively, participated in brainstorming workshops with the SFs. Similar experiments have also been initiated on a minor scale in Ghana.

This point basically focuses on the need to initiate systematic reflections on actions needed to reduce the lack of trust currently observed between the SF and stakeholders in the electoral process.

#### b) Credibility of the participation of the SF

Some initiatives may help reassure stakeholders in the elections on the issue of the behaviour and attitudes of the SFs during elections. They are necessary, pending the restoration of confidence of citizens vis-à-vis the SF and/or until elections can be organized in the sub-region without the involvement of the SF.

Such initiatives are, in fact, experiments already under way in the sub-region that can be presented as approaches to possible solutions to the problem raised. These include, the ECOWAS observer mission on security (already mentioned above) sent to *Togo* and *Guinea-Bissau*, tasked with reassuring people about the behaviour of soldiers during the election period. They also include the Nigerian experience, which consisted of a local observer mission on the participation of the SFs in the electoral process initiated by organizations of civil society in Nigeria. We could also talk of the Ghanaian experience, which is close to that of *Nigeria* albeit on a lesser extent.

It would, therefore, be extremely useful to make a more thorough documentation of all these experiences and to initiate actions that could contribute to finding appropri-

ate and effective solutions to the crisis of confidence between the SF and stakeholders in the electoral process.

## 8.2 Potential sources of security concerns in elections

As has been widely noted in the first part of this study, the security forces are not the only players that determine (either as potential sources of insecurity or, rather, as agents of security) the level of security for the election period. Indeed, all the stakeholders in the electoral process can be sources of insecurity and this, at every stage of the process.

Therefore discussions on ways to improve security during elections in West Africa must also take into account these different players. The main objective of this section is to highlight a number of points for consideration to improve safety and security of elections through an appropriate training of each of the stakeholders in the electoral process.

Although the major players in the electoral process are all potentially affected by the issue of security, only some will be taken into account in this section. Essentially, these are the three branches of government, that is to say, the Legislature, Executive and the Judiciary (8.2.1). However, it will also be important to discuss other non-institutional actors such as political parties and candidates, civil society organizations, media and people (8.2.2).

### 8.2.1 Institutional players

By institutional players, we mean leaders of major powers of state, cited earlier in this study. There is no need to revisit the ways in which each of these powers can be a source of insecurity in elections. It is simply enough to remember that these actors can contribute to insecurity in the elections, should they decide to use their positions to try to influence election results. This, in almost all cases, pushes their opponents or those who may suffer from such manoeuvres to resort to violence and, generally speaking, to extra-legal means.

Basically, this sub-section seeks to highlight a number of lines of enquiry that can help enhance the contribution of institutions toward the provision of security for elections in the sub-region. These lines of inquiry should

focus on limiting the ability of stakeholders to abuse the powers of their offices in order to skew the election results, hence the formulation of a series of proposals, depending on the type of institution.

Regarding the legislative power, it is essential to initiate discussions on ways to reduce the capacity for manipulation of the law or even of the legislature itself, by through a mechanical majority, regardless of its form. A political group that may be of the ruling majority—which is often the case—but also of the opposition—which is not so rare—may, in fact, use its majority in Parliament to influence election results, for instance, by skewing all or part of the essential parameters of the electoral process. Such a group may try to manipulate the criteria for eligibility and candidature, the electoral boundaries and their size (which ensures a majority vote even before the elections), the voting criteria, the criteria for establishing the electoral register etc.

It is also possible for the Legislature to influence the quality of the security of elections through the quality of electoral legislation. Indeed, a poor legislative instrument on elections is cumbersome and generally ineffective. Without necessarily being the result of a deliberate attempt to manipulate elections, this can lead to malfunctions which could ultimately result in violence and insecurity. Several such situations have already occurred in the sub-region.

It is therefore appropriate to initiate or continue discussions with a view to identifying mechanisms to help reduce the chances of the Parliament, the embodiment of the Legislature, becoming a source of insecurity during the elections. To do this, we could think about actions:

- likely to discourage the unilateral amendment of important instruments (the Constitution and the Electoral Code) anytime elections are around the corner; efforts to enforce the provisions of regional and continental regulations<sup>32</sup> could be useful from this point of view;
- on the establishment of mechanisms for “learning by doing” to help the Legislature to improve the quality of the electoral legal framework.

Regarding the leaders of the executive, including the Head of State and Government, the discussions are just as necessary to reduce the risks of them exploiting their

32. For example, the ECOWAS Supplementary Protocol on Democracy and Good Governance and the African Charter on Democracy and Good Governance.

power to their advantage by influencing election results. In fact, they may try to influence elections through implementation of electoral laws and /or manipulation of organizations and public service bodies.

The leaders of the executive often resort to the use of a series of tricks to influence the electoral process and skew the results. This can be achieved by manipulation of the legislative process or through some use of the parliamentary majority, where applicable, or the exploitation of its legislative powers to its advantage. This may also be done through the late arrival of resources needed to manage the process and / or discriminatory acts with regard to equitable access by all political actors to certain public services that are crucial to participation in elections, such as a public media, public financing of elections, public information, among others.

The discussions should, therefore, help:

- reduce the risk of manipulation of the legislative process (the suggestions made above remain relevant here too);
- reduce the risks of exploitation of the Electoral Commissioner;
- guarantee equal treatment for all political actors in the use of public property in elections;
- contribute to containing “the benefit of power” (incumbency advantage) for candidates for office within reasonable limits, that is to say the power should not be abused;
- ensure the timely provision of resources for managing the electoral process.

These discussions will focus both on improving the legal instruments and the use of civil society organizations as well as on strengthening the parliamentary institution.

The problems posed by the Judiciary and / or Courts are related to the management of electoral disputes. It may happen, and it has already happened in our sub-region and elsewhere in Africa, that disputes related to the implementation of the electoral process are settled in an unfair and biased manner. The mismanagement of the electoral disputes may be the result of manipulation of the judiciary or the courts or simply because of the inability of this unit (in its normal functioning) to meet the specificities of the electoral process. In both cases, it is necessary that action be initiated in order to find the necessary and possible remedies to the situation.

Therefore, as regards the Judiciary and / or Courts, the main purpose of critical thinking should be to reduce

risks of mismanagement of electoral disputes. Indeed, experience has revealed that, both in the sub-region and elsewhere in Africa, a dubious or wrongful management of this aspect of the electoral process easily leads to disputes, violence and insecurity. The search for solutions can be geared towards reducing the risk of manipulation of the judicial system by parties having an interest therein.

Brainstorming sessions are also needed for better adaptation of the traditional justice system to the specifics of the electoral process. We must find mechanisms for managing the electoral disputes that are fairly quick (without jeopardizing the guarantees necessary for the manifestation of truth), fairly reliable and fairly objective. The regular court system may have characteristics incompatible with the qualities mentioned above.

### 8.2.2 Other stakeholders

The quest for solutions to improve the security of the electoral process should not be limited to the institutional players mentioned, but must also take account of security concerns raised by the direct participation of other major categories of stakeholders in any electoral process. In this case, the stakeholders in question are the EMB, political parties and political actors, civil society organizations, media and people who are also potential sources of conflict during the electoral period.

From the viewpoint of securing the elections, improving the quality of participation of these stakeholders in the electoral process has a dual effect. It does not only help reduce the risk of violence and insecurity associated with the management of elections, but also helps maximize the involvement of SFs in elections.

Given that previous sections (Part 1) had already shown how each of the key stakeholder in the process can be a potential source of insecurity and electoral violence, the rest of this sub-section will be devoted mainly to indicating, for each category of stakeholders, some initiatives that may help reduce the risks identified.

#### a) The EMB

The Electoral Management Body (whether or not it is independent) is a potential source of violence and insecurity during election periods because it is responsible for the major aspect of the technical management of the electoral process. As we know, poor management of elections by the EMB or, more precisely, an election ad-

ministration that is seen by some or all of the other key players in the process as likely to influence the election results may lead to violence and insecurity<sup>33</sup>.

Accordingly, the lines of inquiry to enhance the contribution of the EMB to securing the elections can go in many directions. It would be useful and necessary to initiate discussion on the issues that are likely to help:

- Improve the quality of the technical management of the elections by EMB. All capacity building initiatives by EMB contribute in one way or another, to reducing the risks of insecurity and violence;
- Reduce the risk of manipulation and exploitation of EMB by any power whatsoever in the sub-region;
- A transparent electoral process put in place by EMB;
- Increase the capacity of EMB to create an environment conducive to their cooperation with the majority of the other stakeholders who can assist in securing the elections.

#### **b) Political parties and candidates**

Although elections in a democratic environment are, first and foremost, a mechanism par excellence for citizen participation in the management of the affairs of the nation, political parties and the candidates contesting the elections are literally the first to be affected by and concerned about not only the quality of the management of elections but also by the results. They are one of the major sources of violence and insecurity during the election period.

They may, in effect, be the first to be interested in compromising the factors (including the actors) that determine election results. They are the ones who still can exaggerate the problems resulting from the management of elections and the behaviour of other key stakeholders. Finally, they are the very people who may try to manipulate their supporters and members of their political parties to create violence and insecurity during the elections.

It is also possible at this stage to propose some actions to improve the contribution of political parties and candidates towards the security of elections. Actions could therefore be initiated to help:

- Increase transparency in the management of elections. This requires, inter alia, that consideration be given to improving the legal mechanisms stipulated in the election codes of different countries in the sub-

region to allow the monitoring of the management of election by:

- political parties and candidates
- civil society organizations, media and people in general;
  - Increase the control of the behaviour and activities of political actors. These include, for example, providing and ensuring the implementation of codes of conduct and other standards put in place to reduce the temptations of deliberate manipulation of the electoral process;
  - Improve the ability of political parties to adequately supervise their members and supporters.

#### **c) Civil society organizations, the media and people in general**

This latter category of stakeholders includes citizens who should not have direct personal interest in the outcome of elections. These stakeholders are supposed to be primarily concerned with the success of the elections for the common good, the consolidation of democracy, and the development of the society. Unfortunately, reality has shown that these stakeholders are sometimes capable of acting, deliberately or otherwise, in ways that may have a negative impact on the quality of elections. In other instances, the same actors may also be subject to manipulation by other stakeholders in the electoral process.

In short, it appropriate to seek ways and means to ensure a quality contribution of these stakeholders towards securing elections. Here, the discussion must centre on finding ways to:

- Build their capacity to enhance the degree of transparency in the management of the electoral process, for instance, by improving the criteria for enforcing the provisions provided under the electoral codes to that effect, in countries in the sub-region;
- Improve both the quality of information available on the electoral process and its management as well as the techniques for its dissemination (spread);
- Better manage the behaviour and activities of the various stakeholders. This may involve:
  - the adoption of codes of ethics and / or conduct for leaders of civil society organizations and the media,
  - appropriate Initiatives to raise awareness among the people through civic education, for example;

33. Indeed, an election may be poorly managed without raising any major problems if all the key players play their roles well.



- Improve the independence of each category of actors. This includes, for example, improving the working environment of media men and civil society organizations.

It is obvious that the list of factors or actors mentioned above is not exhaustive and that many others may also, in one way or another, influence the level of election security. Similarly, we could also deal with the link between poverty, external actors such as international organizations, development partners or cross-border crime... and elections security.

The various points raised in Chapter VIII confirm the important fact that election security is an extremely broad subject that embraces almost all sectors of security in a country.

Elections may, therefore, constitute a point of entry for reform efforts of security sector currently underway in some countries of the sub-region, which are worthy of emulation in other countries. They also provide an ideal environment to test the success of the security sector reforms in a country.

## Summary of Chapter VIII

- The possible areas for improvement in the participation of SFs in the electoral process in West Africa has been analysed based on two major aspects in ensuring the security of elections:
  - Requirements for a better involvement of SFs in the electoral process, and
  - Possible sources of security problems resulting from the management of elections
- The conditions for the participation of SFs in the electoral process in West Africa are in three (03) categories.
  - The first category includes requirements related to the legal framework on elections: the legal framework for the involvement of SF in the electoral process is in itself a major factor. But in addition, it determines the role of SF in the electoral process, the necessary preparation prior to their involvement, and also stipulates the requirements for determining and controlling the use of resources available to SFs and determines the relationship between them and other key stakeholders in the electoral process.

- The second category includes requirements of the institutional framework on managing the involvement of SFs in the electoral process. This framework is needed to ensure the supervision of SFs by the EMB and to encourage collaboration between SF and all or some of other key stakeholders in the electoral process.
- The third category includes requirements relating to the psychological aspect of security during the elections. It borders on the lack of trust between the SF and other stakeholders in the electoral process, starting with the populace.
- The second major aspect concerns other possible sources of security problems associated with elections. In this document, they are grouped into two (02) categories:

Institutional actors, that is to say, the leaders of the main arms of government namely the Legislative, the Executive and the Judiciary and / or Court. Each of the leaders of these powers may, through the abuse of their powers and duties, contribute to violence and insecurity.

Other players, starting with members of the EMB, but also leaders of the media, members of civil society organizations, members of political parties etc.. Each of the actors in these categories can, through their behaviour and activities, contribute to violence and in security.

## CHAPTER IX: FORMS OF ASSISTANCE FOR THE INVOLVEMENT OF SFs IN ELECTORAL PROCESSES IN WEST AFRICA

Chapter XIII of this document gave an overview of some of the major challenges concerning the involvement of SF in the electoral process in countries of the West African sub-region and also proposed some lines of inquiry to explore in order to improve the current situation. This last chapter seeks to complement the preceding chapter by proposing solutions to the challenges facing the management of elections in West Africa. These proposals could be implemented at the supranational level especially within ECOWAS (Economic Community for West African States) and/or with the assistance of development partners (international organisations or partner countries).

Maintaining peace and security in West Africa, especially during the electoral period are, in actual fact, some of the priorities of ECOWAS which has realized early enough that there can be no economic development in the sub-region without an appropriate political framework that is likely to promote peace and the expression of the ingenuity of citizens of the region. The Community is gradually setting up regional legal and institutional frameworks which are necessary to face the challenges of establishing and consolidating democracy and avert security threats in most countries of the sub-region. We can cite as example the 1999 Protocol on the Mechanism for Conflict Prevention, Management, Resolution, Peace Keeping and Security and its 2001 Additional Protocol on Democracy and Good Governance. We can also mention the establishment of institutions like the Defence and Security Committee, the Council of the Wise, the ECOWAS Ceasefire Monitoring Group (ECOMOG) etc.

The sub-regional legal framework of the Community has defined the mandate of ECOWAS and its member countries towards most of the challenges facing them today. Specifically, the regional legal framework, especially the Protocol on the Mechanism for Conflict Prevention, Management, Resolution, Peace Keeping and Security as well as its Additional Protocol on Democracy and Good Governance explicitly define the mandate of ECOWAS as regards election management challenges in ECOWAS member countries.

These two instruments have explicitly defined the mandate of ECOWAS in terms of consolidating democracy, particularly in the management of elections in member countries. For example, they provide that ECOWAS has the mandate to assist in preparing, organizing and supervising elections in member countries of the Community. More specifically, these regional instruments stipulate that ECOWAS may, at the request of Member States, help and offer the assistance it deems appropriate in the organisation and conduct of any election in these countries. As the date of election draws near, ECOWAS is expected, under such circumstances, to send a fact-finding mission to the country concerned. This could be followed by a reconnaissance mission and an observer mission for the said elections.

As part of the implementation of this mandate, ECOWAS has already intervened and offered various forms of assistance to most West African countries. In accordance with the provisions of the Additional Protocol on Democracy and Good Governance, its intervention generally begins with sending a pre-electoral mission to the country preparing to organize elections. Based on the findings of the pre-electoral mission, ECOWAS then determines how to assist the country concerned in managing the electoral process.

This support is most often limited to sending the conventional group of observers made of civilians as was the case in several countries including Senegal, Nigeria, Mali, Sierra Leone, Togo, Côte d'Ivoire, Gambia, Benin, Ghana, Guinea Bissau, Equatorial Guinea etc. Where the situation so demands as was the case in Sierra Leone in 2007, ECOWAS sometimes provides logistic support whose timeliness and usefulness were commended across the board, beginning with members of the Sierra Leonean Electoral Commission. More importantly, ECOWAS has, since the 2007 legislative elections in Togo, also sent security observation groups based on the findings of the pre-electoral mission.

Security observation missions are actually military observation missions that are being imposed gradually as a precondition and, at times, on the request of key stakeholders in the electoral process. The deployment of military observers is preceded by a preparatory group which meets with the authorities of the country including military officers. The mandate of military observers essentially revolves around early warning in view of liaising permanently with the military officers of the host coun-

try and conducting investigations when necessary. It is mostly made up of many high ranking officers.

ECOWAS initiatives aimed at improving the management of elections in the sub-region transcends assistance during the period of elections. In recent years, ECOWAS has actually embarked on improving the quality of elections organized in the sub region and the security situation in general. For example, it is in line with this that ECOWAS contributed to the establishment of a network of electoral authorities in West Africa and the organization of workshops on diverse issues to build the capacity of electoral commissions (EMB) in the sub-region. ECOWAS has also organized a series of workshops on peace-keeping and security in the sub-region, for example, the international conference on “Two Decades of Peace Processes in West Africa” in March 2010).

These efforts notwithstanding, everyone agrees today that there are obviously many more challenges to be addressed in order to attain the desired quality in the management of elections in the sub-region. More specifically, the adequate involvement of SFs in the electoral process is almost an abandoned area in the new democracies in West Africa. Some examples of such challenges in ECOWAS member countries, to mention a few, include the brief and vague nature of the legal framework for the involvement of SFs in the management of elections, poor preparation of SFs for their involvement in the electoral process, poor sensitization of key stakeholders in the electoral process as far as the requirements for the participation of security forces in the management of election is concerned, manipulation and abusive use of public authorities and services in order to rig election results etc.

The present challenges which transcend the involvement of SFs in the management of elections in ECOWAS member countries also assume sub regional dimensions. This is why the disparities in the legal and institutional mechanisms in member countries, for example, do not make it possible to share experiences and draw lessons from good and bad practices. Similarly, there is no real functional framework for consultation between actors involved in the management of elections in countries of the sub-region and this, *inter alia*, makes learning from one another difficult.

To help address these challenges ECOWAS has put in place the legal and institutional arrangements. Beyond the mandates stipulated in the regional legal framework, ECOWAS has created an Electoral Unit designed to ad-

dress most of the challenges facing its member countries in the management of elections. The electoral unit has been placed, as expected, under the Committee in charge of Political Affairs, Peace and Security in the Political Affairs Department.

The Electoral Unit and the other departments of the Commission in charge of Political Affairs, Peace and Security are provided with the resources to improve election security in the sub-region. For example, the aim of the Community's Electoral Unit is to build the capacity of Member States in the conduct of elections, develop an ECOWAS code of ethics in electoral matters, improve the quality of observer missions and assist the electoral commissions of the sub region to streamline the cost of organising elections.

Although the resources available at the ECOWAS Commission can be improved, they still offer member countries a series opportunities in their bid to resolve problems pertaining to elections management, especially in terms of improving the involvement of SFs in the electoral process in the sub-region.

This chapter will also dwell on the types of support ECOWAS can provide to member countries as far as the involvement of SFs in electoral processes is concerned. These are: capacity building initiative (9.1) and future actions and proposed solutions (9.1).

## 9.1 Capacity Building

The first form of assistance that ECOWAS could offer its member countries in terms of managing elections is capacity building. These are activities designed to supplement those earmarked or those already undertaken at country level to improve the capacity of member states to enhance election security and notably the involvement of SFs in the electoral process. In fact, the weaknesses regarding the involvement of SFs at all stages of the electoral process and improving election security in the sub-region bring to the fore a number of capacity building needs for stakeholders in the electoral process in all ECOWAS Member States.

Resolving the multiple problems caused by the involvement of SFs in the electoral process in member countries of the Community could be done at two levels -national and regional. In fact, while it is rather easy to explore the range of activities that could be better carried out at

country level, it is neither feasible nor advisable to ignore activities that could be better implemented by regional institutions such as ECOWAS. Such capacity building activities may range from providing training to stakeholders in the electoral process (beginning with elements of the SFs) to improving, in some specific aspects, the involvement of SFs in electoral processes. Examples of such aspects are the legal framework for elections, the preparation of SFs prior to their involvement in the said process, the identification and control of the available resources for their involvement etc.

### 9.1.1 Training initiative

Training initiatives should involve most of the key stakeholders in the electoral process as observed in the previous sections of the document. It should therefore target institutional stakeholders such as authorities of the executive, legislative, judicial/legal institutions directly concerned with the electoral process. They should also cover EMB members, their branches and agents of SFs, that is, all members of the uniformed agencies who could be deployed at one point or another to intervene to secure elections.

Such training ought to be extended to non institutional stakeholders, especially leaders of civil society organizations which play an essential role in ensuring the security of the electoral process, leaders, militants and sympathisers of political parties, which are considered as one of the main sources of insecurity and violence during the electoral period. To these should be added two categories of stakeholders, media practitioners and ordinary citizens as far as possible.

All categories of key stakeholders ought to be educated on the issue of security during elections. This essentially involves creating avenues for the said stakeholders to exchange views on the need for SFs to be involved in the electoral process and their contribution to guarantee optimum security for the process. Special emphasis should be laid on creating a platform that could build the mutual trust that must exist between SFs and other stakeholders in the electoral process in a bid to boost security during elections.

Given that they are organized under a sub regional initiative, these training programmes should fulfil at least one major objective: provide target groups with the opportu-

nity to share the lessons drawn from experiences in the sub-region through a relevant intervention by ECOWAS.

These training programmes may be in the form of workshops organized for all or some of the key stakeholders in the electoral process of a given country. Such workshops should be organized in a way that will enable the participants, mostly nationals, to identify, brainstorm and propose solutions to problems caused by the involvement of SFs in the electoral process of their respective countries by drawing inspiration from the experiences of other countries in the West African sub-region. For this to be achieved, these workshops should be facilitated by seasoned experts with valuable knowledge and experience in the field of involving SF in electoral processes in the sub-region and/or elsewhere.

Training could also be provided through regional meetings bringing together the various stakeholders from countries in this sub-region. Such meetings would offer these stakeholders the opportunity to share experiences on good practices and brainstorm on poor practices and how to curb them. These regional workshops should include experts with the requisite knowledge that will enable them go beyond the individual experiences of member countries in order to come up with findings that would be profitable for the whole sub-region and probably measurable to experiences elsewhere. At this point, we need not elaborate on the importance and benefits of experience sharing in the learning process.

To these two direct forms of training stakeholders in the electoral process (at the national and regional levels) could be added a third category of initiatives which has the same aim, that is to create a platform of information and/or expertise that could address or, at least, explore ways and means of addressing the pressing needs of stakeholders in the electoral process of a member country of the Community. For example, this could be achieved through an ECOWAS web site which would provide information on the practice of involving SFs in the electoral process, country specific problems in the sub-region or elsewhere, relevant model solutions, lines of thinking etc. This could also involve establishing a team of experts under the auspices of ECOWAS and/or within the ambit of countries that are able, without undue delay, to urgently propose solutions to specific concerns regarding the involvement of SFs in the electoral processes and, more broadly in terms election security as expressed by stakeholders in ECOWAS member countries.

### 9.1.2 Identification and proposal of specific support

The specific support is meant to correct weaknesses in terms of SFs' participation in the electoral process. In fact, sensitizing (training) key stakeholders in the electoral process on the involvement of SFs in the electoral process, its requirements and the contribution expected of them are not the only concerns for which ECOWAS support is very crucial in the new democracies in the sub region. Another dimension of the electoral process that can benefit from the intervention of ECOWAS structures concerns the necessary conditions for an improvement in the participation of SFs in the electoral process that cannot be achieved through training and sensitization alone.

Such conditions could be related to all or some of the factors which contribute to good performance aside the individuals' own capacity which is precisely developed through training. These are factors which can limit the effectiveness of elections security even with the most skilled and well trained stakeholders. Some examples of aspects which may be typical of the environment where SF are involved in the electoral process include the legal framework, the institutional framework etc. They may also concern the resources provided to facilitate the involvement of SFs in the electoral process in nascent democracies in West Africa.

At the level of SFs, these conditions, especially those linked with the environment within which they participate in the electoral process may be related to the legal framework. In actual fact, a legal framework which is unsuitable because it is vague and incomplete may seriously undermine the efforts of SFs to guarantee acceptable standards of security during elections. In the same vein, an inadequate institutional framework for the involvement of SFs and/or relations with other key stakeholders will certainly undermine the quality of security during the electoral period. The same situation would apply if procedures for identifying, allocating and controlling the management of resources for the involvement of SFs in the process are not well designed.

The foregoing conditions relating to SFs also apply to other stakeholders in the process. The legal and institutional frameworks for the involvement of SFs in electoral processes and the available resources may affect the contribution of the various stakeholders to the security of elections. Civil society organisations, the media, political parties, their militants and sympathisers as well as

ordinary citizens may, because of the foregoing factor, be unable to contribute to ensure security during elections

ECOWAS' contribution to the resolution of these problems may take various forms. It may include the provision logistic support as in the past, especially in countries such as Sierra Leone where in 2007 it provided logistic support for SFs to ensure security for the elections. ECOWAS may also train and impart skills in specific aspects of the involvement of SFs in the electoral process. The training options already mentioned are also useful and can be implemented within frameworks of experience sharing.

#### a) Resolving problems pertaining to the legal framework for elections

One of the problems ECOWAS can help resolve is the weakness of the legal framework. In fact, the quality of the legal framework on elections is one of the most striking with regard to the environment within which SFs are expected to provide security during electoral periods in countries visited. As already indicated, the legal framework of elections in all countries visited is almost silent on the participation of SFs in the electoral process. We will not at this point revisit the causes which have already been dealt with in previous sections.

Model approaches and solutions to these problems could be sought at the sub-regional level. ECOWAS could start by identifying problems caused by the involvement of SFs in the management of elections in the sub-region, existing solutions and how appropriate such solutions have been in specific cases. This should be followed by an appropriate forum for brainstorming and exploring mechanisms to mitigate them. These efforts, like those already mentioned, could either be deployed at country level in line with lessons learned elsewhere or at sub-regional level through consultations on the electoral process by stakeholders from several member countries.

#### b) Resolving Institutional framework problems

As demonstrated in previous sections of the report, the institutional framework for the involvement of SFs in the electoral process is supposed to create the right conditions for gathering, sharing, processing and using the necessary information to guarantee the security of elections. The flaw in this type of framework can affect the performance of SFs in securing elections because they may lack useful information that should enable them perform their tasks effectively.

Model approaches and solutions to these problems be-setting the institutional framework could also be sought at the regional level. In this regard, ECOWAS can initiate actions aimed at strengthening the documentation of relevant experiences in some countries in the sub region and then, in the light of lesson learned from the situation on the ground or elsewhere, create appropriate structures (mobilising all stakeholders who are likely to make some contribution) for brainstorming to identify feasible and relevant solutions.

Options in terms of possible framework for the involvement of SFs in the electoral process should normally take cognizance of the peculiarities of each country. The above actions could, depending on the lessons learned from elsewhere, be implemented at country level or at sub-regional level by involving stakeholders in the electoral process from several member countries.

#### **c) Resolving psychological problems of election security**

Special attention should be accorded to the lack of trust between the SFs involved in the electoral process and other stakeholders in the process. Previous sections have highlighted not only the almost systematic suspicion of key stakeholders in general between towards SFs and but also the mutual mistrust between SFs and some key stakeholders in the electoral process.

Like those that have already been addressed, these problems may be totally or partially resolved at the sub-regional level. In this respect, ECOWAS may also assess the problem in countries of the sub-region including the model solutions currently being experimented in some countries. This should be followed by consultations among key stakeholders in order to review previous findings while ensuring that it is done within an appropriate framework comprising the most prominent stakeholders.

#### **d) Resolving the problems of key stakeholders in the Electoral Process**

Given that every key stakeholder in the electoral process, may be a potential source of election insecurity, it is important to find ways and means of mitigating their potential to generate conflicts during the period of elections. It would also be worthwhile to define the conditions under which stakeholders could be involved in ensuring security during the electoral process.

Model solutions to these problems could be also sought at the national level within a supranational framework, for example at the sub-regional level. In this regard, ECOWAS can initiate brainstorming session on the conflict potential of the involvement of other stakeholders in the electoral aside the security forces. Apart from the fact that every stakeholder is a source of potential conflict, it is possible to analyse the possible election security risk that the alliance among the various stakeholders, on one hand, and between the said stakeholders and SFs during the period of elections, on the other. In addition, one can envisage platforms which bring together the stakeholders concerned alone or with the SFs to find possible options to improve the involvement of these stakeholders in election security in countries of the West African sub-region. These activities, could, in line with the lessons learnt elsewhere, be carried out at country level or at the sub-regional level with the support of electoral stakeholders from several member countries.

## **9.2. Initiatives to proposed solutions and prospects**

This section is essentially devoted to initiatives taken by the Community with the view to engaging discussion, identifying and proposing solutions to major problems associated with the involvement of SFs in the electoral process in West Africa. These are actions that must be initiated prior to those stated above and to some extent the region equivalent of “leaning by doing” initiatives.

In this regard, ECOWAS could provide a special support by initiating a series of actions. Concretely, ECOWAS can help:

- Create a framework to identify and update problems caused by the involvement of SFs in electoral processes of the sub-region;
- Initiate in-depth discussions on the main problems related to the security of the electoral process;
- Initiate discussions on trends in the electoral laws and practices in the various countries of the sub-region in order to contribute to the harmonisation of standards pertaining to the involvement of SFs in electoral processes as proposed by ECOWAS through the Additional Protocol on Good Governance and Democracy
- Etc.



## Summary of Chapter IX

- The forms of assistance ECOWAS can provide are presented as solution approaches to security challenges in the management of elections in West Africa. This is all the more justified because security and peace in West Africa are some of the priorities of ECOWAS which is gradually creating legal and institutional frameworks that are necessary to address these challenges.
- In line with the provisions of the afore-mentioned frameworks, ECOWAS has intervened in almost all the countries of the sub-region. However, its assistance was mainly in the form of elections observation missions and some expert meetings without any discernible overall logic or basis for the establishment a really organized and structured framework. On the other hand, the situation seems to be evolving positively as far observer missions are concerned. In fact, for some years now, they have been extended to logistic support for uniformed agencies and security monitoring missions with some degree of success.
- Considering the challenges posed by the involvement of SFs in the electoral process of the new democracies of ECOWAS, it is feasible to provide two forms of assistance.
  - Capacity Building. It only supplements all what has been done or earmarked at country level to increase the capacity of member countries to improve election security and especially the involvement of security forces in the electoral process.
  - Future actions and model solutions.

## Conclusion

Since the late 1980s, West African countries, without any exception, have decided to liberalize their political systems. Consequently they have all adopted constitutions derived from those of the old model and/or well established liberal democracies with the organization of elections as the mode of choosing those to govern. As a result, since the early 1990s, over hundred more or less competitive elections have been organized in the sub-region either to elect Heads of State, parliamentarians or local officials.

In spite of the efforts deployed in a few areas to improve the quality of the electoral process after close to twenty years, difficulties and shortcomings still persist. Improving the security of election in other words reducing the risk of insecurity and instability occasioned by elections is one of those areas where there is still much to be done especially as election is a potential source of violence and conflicts in the new democracies of the sub-region.

The countries of the sub-region have sought ways of mitigating the risk of insecurity and violence associated with the organisation of elections. As expected, the solutions have so far varied depending on the political history and the legal tradition in each country. Similarly, the performance of SFs in proving security varies from one country to another depending on the peculiarities of the country and the conditions under which SFs played their role.

The primary objective of this study has been to make a comparative analysis of the involvement of SFs in the electoral process in six countries of the sub-region. It also sought to use the information gathered in the countries visited to highlight the problems caused by the involvement of SFs in electoral processes in the sub-region and to propose the forms of assistance that these countries could accordingly receive from ECOWAS.

This comparative study made it possible to analyse the various regulations and the situation on the ground vis-à-vis the involvement of SFs in providing election security in the countries visited. The analysis of both the regulations and the situation on the ground as concerns the involvement of SFs in electoral processes in the countries visited have brought some similarities and differences to the fore.

Thus, the study revealed that in all the countries surveyed the legal framework for the management of the

involvement of security forces in electoral processes is brief and vague. It also emerged from the findings of this study that stakeholders are unanimous on the fact that the men and women in uniform are needed to guarantee elections security and that only the SFs should provide security during election and they should not under any circumstances be directly involved in the actual management of the electoral process.

The findings of this study show that, depending on the peculiarities of each country, more efforts are necessary, though admittedly in varying degrees, to create appropriate conditions for SFs to play a relevant role in providing election security. Finally, it logically emerged from the situation on the ground in the countries visited that there is, admittedly in varying degrees, lack of trust between SFs and the other stakeholders of the electoral process.

In addition, an analysis of the findings of this study shows that there are divergent views with regard to the involvement of SFs in providing security during elections. For example, this is why some countries prepare the SFs well prior to their involvement in the electoral process compared to others. The same applies to institutional framework set up to guarantee the necessary collaboration between SFs and the other key stakeholders of the electoral process. Lastly, there are disparities in terms of efforts to boost trust between SFs and the other stakeholders of the electoral process.

This study has gone beyond highlighting the involvement of SFs in electoral processes in West Africa and identifying the similarities and differences between the countries visited. Based on the lessons being learned and the situation on the ground, it has provided the general guidelines on the possibilities for improving the involvement of SFs in providing election security in West Africa. It also proposed the various forms of assistance that ECOWAS could give to the new democracies within the community in order to help them improve the role played by SFs in ensuring security during the electoral process in the West African sub-region.

## Glossary

**General Political Agreement (GPA):** This agreement was signed between the Rally of Togolese People (RPT) and five (5) traditional opposition parties: the New Deal Committee for Action (CAR), the African People Democratic Convention (CDPA), the Pan-African Patriotic Convention (CDPA), Democracy and New Deal Party (PDR), Union of Forces of Change (UFC), the government and two civil society organizations, namely the Women's Group of Reflections and Action for Democracy and Development, (GF2D), the Network of African Women Ministers and Parliamentarians (REFAMP/T) on 6 July 2006 in Ouagadougou (Burkina Faso). The GPA is one of the major outcomes of the nation-wide dialogue between the afore-mentioned actors in line with the 22 commitments made on 14 April 2004 by the Government of the Republic of Togo at the end of consultations with the European Union and in a bid to promote democracy, national reconciliation and social peace.

**Electoral Activity:** This refers to part of the electoral task that can be assigned to one or more persons. The term "activity" as used in some operational electoral programmes is synonymous or interchangeable with the term "task".

**Electoral Administration:** Concerns all measures which contribute to the day to day management of elections; measures required for the implementation of any aspect of in the electoral process.

**Local Authority:** Within the framework of decentralisation, it is a body established as a legislative or an executive arm of government or as an organ elected at any level sub national level below the provincial, regional level or the equivalent.

**Electoral Budget:** This is a document which presents a detailed summary of the estimated resources and expenditure on the organization of electoral activities.

**Legal Framework:** Comprises all the structural normative provisions governing the electoral process. Its main components are constitutional provisions, electoral laws, other legislative instruments which affect the electoral process, decrees, decisions and other regulations such as the charter of political parties (or other laws on political parties) and the law defining the struc-

ture of legislative organs, decrees backing the implementation of the various electoral laws, other relevant decrees and decisions, supplementary rules, code of conduct.

**Electoral Calendar:** It is a document containing the planning of a number of tasks, date, time lines for the implementation of these tasks in preparation for an electoral event or forthcoming elections.

**Electoral Campaign:** It comprises political activities such as meetings, rallies, tours, speeches, parades, televised debates and other media events during a period defined in the relevant regulations and immediately preceding an election and designed to inform voters or to canvass support for a party's programme or a candidate during elections. It may also involve a proposal for voters to make a choice through a referendum. In this case, it is referred to as referendum campaign.

**Candidate:** A person who has met the prescribed criteria and is authorized to stand for election on the ticket of a political party or as an independent candidate

**CENA:** National Autonomous Electoral Commission

**INEC:** Independent National Electoral Commission

**Constituency:** It is synonymous to an electoral constituency which is commonly used in some English-speaking countries.

**Electoral constituency:** A geographical area carved out in a country or region for electoral purposes.

**Code of Conduct:** A set of general behavioural rules prepared and adopted by parties and meant, for example, for the staff of a NEC, or political parties as regards their participation in the electoral process

**Electoral Code:** A set of legal provisions and regulations which govern all electoral matters within a given national or supranational space.

**Constitutional Council:** An organ which could either be a branch of the judiciary of an autonomous organ in charge of ruling on the constitutionality of laws and, in

some cases, discharging other tasks including those associated with the electoral process.

**Electoral Disputes:** Any disputes concerning the entire electoral process.

**Electorate:** All the citizens of a country with civic rights and who have fulfilled the necessary conditions prescribed by law to be voters (e.g. be registered on the voters' register if this is not compulsory and/or systematic).

**Constitutional Court:** Established based on the principle of Constitutional Council, but with much more authority in the implementation of decisions. Most often decisions of a Constitutional Court are binding, which is not the case for those of a Constitutional Council. In many Countries, the Constitutional Court is responsible for the management of electoral disputes.

**Electoral Cycle:** A complete series of the various phases (pre-electoral, electoral and post electoral) involving the preparation, conduct and evaluation of an election or an instrument of direct democracy which is considered as an electoral event in a continuous series. It encompasses pre—electoral activities, to wit the revision of legal provisions and the procedure for registration on electoral registers, the actual electoral activities as well as post electoral activities, including post electoral evaluation and/or an audit, preserving the institutional memory, the process of consultations and planning for the next electoral process.

**Democracy:** This is a political system in which the people are sovereign and their sovereignty is either exercised directly or through their elected representatives.

**Democratization:** It is the process of promoting the democratic principles of a political regime (reforms). The process of transforming a political regime of an undemocratic State into a democratic regime, based on the constitutive principle of liberal democracy.

**Direct Democracy:** A form of democracy where people as a body participate in the management of public affairs.

**Electoral Democracy:** This is a political system (which is supposed to be democratic but) which is democratic

only because it organizes more or less acceptable elections on regular basis.

**Representative democracy:** This is a form of democracy which is founded on the principle of elected individuals representing the people who do not directly manage public affairs.

**Nomination of Candidates:** The procedure through which political parties or political forces chose one or several candidates based on criteria which take into account their intention to contest and conditions set by law or possibly by a programme etc.

**Donors:** A country or intergovernmental or non governmental organisations offering assistance in cash or in kind and /or in the form of technical assistance for the electoral process in another country.

**Tenure:** The legally prescribed time to hold an office between two elections or after a nomination to the position concerned.

**Civic Education:** An information and/or educative programme which seeks to inform and train citizens on their rights and obligation or make them aware of such rights and obligations. .

**Electoral Civic Education:** A process through which voters are informed about the electoral process especially on their relevant rights and obligations. For example, this may cover information on registration and voting procedures, monitoring of vote counting etc.

**Voter:** A person who is eligible to vote in an election.

**Election:** The mode of choosing or nominating by vote candidates to occupy a political, economic or social position: the elected.

**Post Electoral Evaluation:** This is a retrospective evaluation of the conduct of the electoral process as a whole or some specific phases of this process after the electoral period.

**Security Forces (SFs):** These are forces which are in charge of security in a country and usually comprise the

Police and the Gendarmerie. The Armed Forces are not included.

**Legislative Election Security Force:** A force essentially made up of the Police and the Gendarmerie corps that operated as an ad hoc structure in Togo in order to provide security during legislative elections.

**Presidential Election Security Force:** A force (essentially made up the Police and the Gendarmerie) that operated as an ad hoc structure in Togo to provide security during presidential elections.

**Election Management:** The process of carrying out activities, performing tasks and functions related to the electoral process.

**Registration of Voters:** This consists of recording the names and other details of qualified voters in an electoral register.

**Registration of Political Parties:** A list of political parties that have complied with legal or statutory provisions and the conditions required to benefit from privileges such as proposals for nomination of candidates for election.

**Instrument of Direct Democracy:** An instrument which grants citizens the rights to be directly involved in the political decision-making process. It can take any of these three forms: referendum, the people's initiative or rescheduled elections.

**Electoral Law:** One or several laws governing all the aspects of the electoral process.

**Qualified Majority:** It is the majority required beyond the absolute majority (50% + 1) for some legal texts to be passed. Thus, for this kind of text to be adopted, it may require for example 2/3 or ¾ of votes, depending on the relevant constitutional or legal provisions.

**Simple Majority:** This means that potential candidates for election (potential in an instrument of direct democracy) should obtain the highest number of votes cast.

**Member of an EMB:** A person nominated or elected to sit on a body or committee that organizes the elections

and who exercises the mandate and functions of the body.

**Non Partisan Members:** A member of an EMB who is not nominated as a representative of a political party.

**Governmental Model of Election Management:** A model of election through which elections are organized and managed exclusively and solely by an executive branch of government like the Ministry of the Interior and/or by local authorities. This model does no longer exist in the West African sub-region.

**Independent Model of Election Management:** A model of election management through which elections are organized and managed by the EMB which is an institutionally independent and autonomous of government (executive power) and which has and manages its own budgetary autonomy.

**Mixed Election Management Model:** An election management model with a dual structure having a political monitoring component or the surveillance of the EMB which is an independent executive branch of government; a body in charge of managing the electoral process placed under the Ministry of State and / or local authorities. It can also imply the distribution of functions (in the actual management of the electoral process) between an independent body and a structure placed under government authority.

**National Election Security Task Force (NESTF):** A committee set up in Ghana at the approach of elections to manage the aspect of security in the electoral process. It generally comprises representatives of the EMB, SFs and all the uniformed agencies that could be called upon to contribute to the security of the electoral process.

**National Police Force:** National Police Force in English-speaking countries.

**New Democracies:** These are countries which have recently chosen a democratic system as the management option of their country by creating more or less favourable conditions for its implementation. These are mainly countries are part of the third wave of democratization between 1989 and 1990 after the fall of the Berlin Wall.

**Observer:** a person accredited to observe, note, witness and assess an electoral process without intervening in it.

**International Observer:** A representative of an international organization, an association or international NGO, a government or a professional organization authorized and accredited to observe and assess the preparation or conduct of an electoral process in a foreign country.

**National Observer:** An individual or representative of an organisation—mostly and NGO—which is authorized and accredited to observe and evaluate the electoral process in his/her country.

**Electoral Observation:** A set of activities for monitoring the implementation of part or the entire electoral process by accredited observers backed by a report assessing the electoral performance and highlighting, among others, compliance with the national legal framework and relevant international standards.

**Election Management Body:** Any governmental, mixed or independent organ created to be in charge of managing all or some of the essential activities that forms part of the implementation of the electoral process.

**Electoral Period:** This is the main part in the electoral cycle consisting of crucial stages in the electoral process beginning with the official announcement of the date of the ballot and ending with the announcement of the final results.

**Post-Electoral Period:** one of the three phases of the electoral cycle during which an evaluation and/or an audit are made and the legislation, rules and the electoral administration are reformed and developed.

**Pre-Electoral Period:** This is one of the three periods in the electoral cycle during which there is planning, preparation to conduct election and the review of legal provisions and procedures.

**Plan of Operations:** A plan which defines responsibilities and the timelines during which all the activities are expected to be carried out to attain the strategic objectives.

**Chairman of the EMB:** This is the official appellation of the chairman of the body in charge of the electoral process (e.g the Electoral Commission).

**Electoral Process:** This refers to the necessary stages in the preparation and organisation of an election. The electoral process generally encompasses the promulgation of the electoral law, registration on the electoral registers, nomination of candidates and/or designation of political parties or registration of proposals, campaigns, voting, counting and collation of votes cast, resolution of electoral disputes and the declaration of results.

**Referendum:** It is an instrument of direct democracy. It is a vote taken on an important issue such as the amendment of the constitution or a bill by all the electorate of a country. The results of the vote may either be binding or consultative.

**Security Sector Reform:** This is a broad concept which spans across many disciplines, stakeholders and activities. In simple terms, it revolves around security concerns through policies, legislation, structures and monitoring which are in line with established democratic standards and principles.

**Civil Register:** This is a central data base of information generated by the competent administrative authorities from various source. It contains details such as the name, sex, nationality, age, marital status and address of all citizens. Electoral registers and other documents may, when necessary, be compiled by obtaining data from the civil register.

**Electoral Register:** This is a list of persons qualified to vote. It is known as the "Electoral list" or the "voters' register" in some countries.

**Electoral Rules:** These are rules to supplement the law and which are often prescribed by the election management body (EMB) or the ministry as stipulated in the electoral law which governs the organisation and the running of an election.

**Financial Rules:** These are rules to supplement the law and which are often defined by the electoral legal framework or the ministry in charge of financial manage-



ment in the public service or responsible for financial management related issues.

**Electoral Complaints:** These are complaints concerning the entire or part of the electoral process presented by various stakeholders in the electoral process. They are normally received, examined and resolved within the framework of electoral disputes but it may happen that a simple decision of the EMB will be enough, depending on the case presented, and in accordance with the legal framework in force.

**Resolution of Electoral Disputes:** The process of examining, and resolving /ruling any complaint, petition or dispute related to any stage of the electoral process by the competent electoral authority.

**Party Symbol:** This is a figure or an identification sign given to a candidate or a political party in accordance with the electoral law.

**Electoral System:** This is a set of rules and procedures which make voting incumbent on electors and such votes are reflected in seats won by political parties and candidates in the Legislative Assembly.

**Electoral Court:** A competent electoral jurisdiction which receives and deals with complaints, petitions, protests etc. related to the electoral process.

**Diaspora Vote:** This is the mechanism through which voters who are permanently or provisionally out of their country are able to vote. It is also known as the vote of nationals resident abroad.

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Elections remain a main trigger of violence and insecurity in West Africa, and security forces (police, gendarmerie, military) do play a key role in electoral processes in the region. The study at hand provides insights for those interested in improving electoral management and organizing free and fair elections, about how to securitize electoral processes

and structure the involvement of security services. Moreover, the study is meant to feed into the debate about security sector governance/reform and the roles and responsibilities of security forces in West African democratic systems.

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