

**SECURITY CHALLENGES IN ELECTION MANAGEMENT:
TOWARDS NIGERIA’S 2011 ELECTIONS, “CASE STUDY OF
SECURITY CHALLENGES IN KENYAN ELECTIONS”**

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1.0 INTRODUCCION

The Interim Independent Electoral Commission of Kenya (IIEC) was established by the Government of Kenya under s. 41 and 41A of the immediate former Constitution as part of the wider reforms to be undertaken under Agenda 4 of the Kenya National Accord and Reconciliation Act. Following the announcement of the 2007 general election results on December 30, 2007 law and order nearly broke down and security of the nation was threatened to the extent not witnessed before. The unprecedented violence that followed resulted to over 1300 innocent deaths, scores left homeless and property destroyed. IIEC was set up to replace the disbanded Electoral Commission of Kenya (ECK).

IIEC was set up with a Chairperson and 8 Commissioners with the aim to reform the electoral process and restore people's confidence in the country's electoral system. The new body, which was gazetted on May 8th, 2009, was tasked with the following mandate -

- Reform of the electoral process and the management of elections in order to institutionalize free and fair elections;
- Establishment of an efficient and effective secretariat;
- Promotion of free and fair elections;
- Fresh registration of voters and the creation of a new voters' register;
- Development of a modern system for collection, collation, transmission, and tallying of electoral data;
- Conducting of the referendum for the new constitution;
- Facilitation of the observation, monitoring and evaluation of elections and referenda;
- Promotion of voter education and culture of democracy, and
- Settlement of minor electoral disputes during an election as may be provided by law.

This is a heavy mandate for any electoral management body, and more so an interim one. The Commission however took on an unaccustomed burden and responsibility to prepare the country for fresh registration of voters¹ in the midst of unplanned by-elections, and the national referendum on the new Constitution².

The Commission within short sixteen months since its inception, has taken bold and unprecedented steps to re-establish and reform electoral processes and management practices whose results are manifested by the successful referendum, 8 Parliamentary and several Civic elections.

While there are many challenges that IIEC has to cope with, one of the major challenges is that of ensuring that political campaigns, elections logistics and voting processes are characterized by high level of security without which no free and fair elections can take place.

Security is a constant variable throughout the electoral cycle. It must feature as part and parcel of all the electoral processes, from registration of voters, voter education, during campaign periods, the actual polling day and of course during the counting, tallying and declaration of the final results. Experience has shown us that if any of these processes is not properly handled or any dispute arising is not well managed, security becomes even more imminent to contain disgruntled parties and their supporters.

¹ Considering that there was no Voters Register in existence once the former ECK was disbanded.

² The referendum on the new Constitution was held on 4th August 2010 and the new Constitution promulgated on 27th August 2010.

2.0 SECURITY CHALLENGES IN ELECTIONS MANAGEMENT IN KENYA

Security in any process allows a situation where members of the general public can freely and fully exercise their democratic rights to elect a person of their choice. Among many factors that influence this, security is the bedrock that ensures free and fair elections and provides a shield behind which democracy flourish and prevails.

Security in the electoral processes encompasses many things including the following -

- (a) Security of IIEC Logistics Installations i.e. Warehouses, Go-downs and Stores. The Commission recruited warehouse managers to receive, record, pack and dispatch election materials, at the national warehouse, the regional, and during referendum, at the constituency level;
- (b) Security of Administrative Establishments i.e. Security of IIEC premises in all 17 regional, 210 constituency and the headquarter offices;
- (c) Security of IIEC Commissioners, permanent and temporary staff;
- (d) Logistics Security i.e. security during movement of equipment, material and personnel throughout the country;
- (e) Security in the Voting Stations – during preparations, during the actual polling and finally in the counting and announcement of results;
- (f) Security in the Tallying Stations – when transporting and receiving results from polling stations, tallying and declaration of constituency tallies;
- (g) Security of members of the public during campaigns, voting and throughout the process;
- (h) Security and reliability of data and transmission of results.

So far some notable work has taken place towards ensuring security but the landscape in Kenyan political arena is marked by changes that are breath-taking in character, dimension, pace, cost and risks. IIEC has, in this respect, established a Risk and Compliance Department whose one of the major tasks is to constantly and continuously assess and advice the Commission on security related matters.

In Kenya Political Parties by and large tend to follow a pattern of ethnic alignments. This state of affairs poses a great challenge in electoral security arrangements that IIEC has to cope with. It is worth mentioning that even the law governing conduct of campaigns as is currently is not full proof and requires reforms. IIEC is in consultation with all stakeholders to address this issue.

2.1 Security of Staff & Materials

Election materials must be well guided from the time of their development to transportation and dissemination to the relevant stations. Election staff and providers of such services must also be guaranteed of their safety.

With regard to production and development of materials, the Commission put in measures to ensure that strategic materials incorporate additional security features that can stand election fraud. For instance the ballot papers and the new voters cards incorporated a hidden watermark with IIEC enhanced features that were only visible with an ultra violet light.

Forms 16A and 17, forms used to declare results at the polling station and constituency tallying centers respectively, also incorporated these additional features for enhanced security. Unlike before these forms contained pre-printed names of candidates as per the ballot papers and were also serialized.

As an additional mechanism, original copies of these forms signed by all agents and the Presiding/Returning Officers were given to the agents, one was pinned outside the station, one was sealed in the ballot box with the ballot papers and one was physically submitted to the constituency/national tallying centre. This not only enhanced transparency but also ensured that even if one form went missing, a back-up original form would be readily available.

Election fraud was rife in Kenya and such a move tremendously enhanced public confidence in the handling of such strategic materials by the Commission.

The movement, storage and dissemination of such materials was executed according to a well-thought out security plan. For instance every dispatch was accompanied by security personnel and a back-up was readily available in case of any eventuality. In addition, the national and regional warehouses are well guarded and movement of materials is under strict control. Before any material is dispatched to the region/constituency, it is recorded in the log, packed and sealed for that particular destination. The seal is then broken upon arrival in the presence of the agents of the candidates/sides.

This mechanism pre-empted any claims of lack of transparency on the part of the Commission and thus enhanced confidence of the opponents and of the voters in the exercise.

2.2 During the Constitutional Referendum

In order to develop an effective security operational plan for the referendum exercise, security agencies required from the Commission the total number of voters disaggregated into polling stations, constituencies and provinces. This information was used to develop a criterion to man the polling stations depending on the number of voters and/or the political environment of the area.

The security agencies designated the country into what they called “security zones” depending on the volatility of the area and possible eruption of violence. Some areas which were considered hot spots, either because of past experience in the 2007 general elections and its aftermath or based on reports of those monitoring political campaigns, were accorded extra attention and therefore more security personnel deployed.

The development of the security plan was very methodical; it commenced with identification of the need, based on the set criterion, on the number of security personnel required. Every OCPD was required to present their needs from the divisional level, district, provisional and finally this was consolidated at the national level. The information was collated and a comprehensive report was developed and shared with the Commission.

The need for security is core in any operation. This need was even more important during the referendum exercise, considering the aftermath of the 2007 post-election violence was still fresh in Kenyans’ minds. The referendum was an exercise in equal magnitude to the general election, the only difference being that there were opposing sides rather than opposing parties.

The strategy used by the security agents to boost their capacity was to borrow additional personnel from other uniformed services such as the Kenya Wildlife Services and the Prisons Department. These officers were appointed as police officers for the period in question.

The security personnel are not trained to manage elections. There was therefore a need to orient the uniformed men and women on some basic guidelines on their roles and responsibilities in the exercise. Each polling station was manned by at

least 2 security personnel who were directly answerable to the Presiding Officer during the exercise. Some polling stations would have more due to higher numbers and streams.

For proper coordination, IIEC officials at each polling station were in direct contact with the commanding police officer in charge. This practice proved relevant, especially where urgent action was required.

2.3 Security Challenges

Political campaigns in Kenya have in the past been characterized by widespread violence in some parts of the country especially those occupied by multiethnic communities. While security of these areas is clearly the responsibility of the Government, the Commission has to constantly work with the security agents to ensure that electoral processes take place in an environment of relative safety.

To ensure security was guaranteed, the Commission was faced with the following challenges: -

- (a) The Commission had to identify hotspots countrywide and put in place the necessary contingent plans to forestall or alleviate the problem;
- (b) Security is an expensive affair. It is costly to engage and deploy security forces in guarding election material, at the polling and tallying stations to ensure that voting and tallying operations are conducted peacefully, in the transportation of election materials between and across polling stations, and other logistical support;
- (c) Security of data and its transmission between and across regional offices and the headquarters. The newly piloted Electronic Transmission of Results as one of the latest reforms in elections is very efficient and enhances transparency but is also very costly. Security of data and network for

transmission was well guarded and was limited for exclusive use of the Commission;

- (d) Security forces in Kenya are not properly structured to be deployed away from their stations of operations. IIEC therefore had the challenge of planning for their logistical support accordingly.

Overall therefore, IIEC had to take on an additional financial and logistical burden in order to ensure adequate security was available for the staff, election materials and the election process.

3.0 INTER-LINKAGES BETWEEN SECURITY AGENCIES, MONITORING AGENCIES AND THE IIEC

In order to effectively operationalize election activities, the Commission had to work hand in hand with the security agencies. These consultations were structured in a formal engagement through a committee on security. The committee was composed of officers from all the relevant departments and the Commission. The direct link with the Commission with regard to security operations was through the Ministry of Internal Affairs, but working closely with the Commissioner and Deputy Commissioner of Police. In addition, the Commission was also in consultation the Office of the President, Departments of Registration of Persons and Immigration, and the Ministry of Justice, National Cohesion and Constitutional Affairs.

Following the ruling of the IICDRC³ ordering IIEC to register inmates in prisons for the constitution referendum held on 4th August 2010, the Commission initiated structured engagements with the Commissioner of Prisons and his officers. This linkage was important not only with regard to the details of the number of the

³ The Interim Independent Constitution Dispute Resolution Court set up to deal with disputes during the constitution review process

inmates and ensuring that they had their documents for the registration exercise, but also to ensure that tight security was available during the exercise, particularly in the maximum security prisons where murder convicts are held.

Mechanisms were also put in place to ensure that campaign period went on smoothly, peacefully and without any animosity between opposing sides. After the terrible experience of 2007 general elections and the crisis that followed, Kenyans were more cautious on their actions, reactions and utterances. This state of mind was further enhanced by the existence of agencies monitoring the campaign period, which acted as a watchdog.

The National Cohesion and Reconciliation Commission, the Kenya National Human Rights Commission and other non-state organizations were on the lookout for any hate speech, inciting utterances or gestures that created tensions between sections of the society. In the run up towards the referendum, a forum known as *Uwiano*⁴ platform initiated by civil society was established to provide a coordinated approach towards this course and to facilitate consensus building and understanding between opposing sides.

This initiative was very effective as it led to some degree of civility in the management of campaigns by the two sides. In addition actions that were likely to create divisions or tensions were publicly condemned and persons responsible warned. Some were even charged for incitement and this served as a lesson for others.

4.0 CONCLUSION

Security is without a doubt a key ingredient in any effective election management. Too much physical security may however be a challenge in itself if not properly

⁴ This is a Kiswahili word meaning “Understanding and Consensus Building”

organized, where security personnel are not well briefed, the chain of command is unclear⁵ or due to sheer indiscipline by the officers. It is therefore of utmost importance that the security agencies to be deployed in the election operations be thoroughly briefed on their roles and responsibilities and the extent of their powers.

One of the greatest challenges in ensuring security in election management is inadequate facilities. Sometimes communication structures at the disposal of the security agencies is undeveloped and in most cases ineffective to deal with security issues. For instance our security surveillance is inadequate and many complaints are neither investigated nor detected.

It is also a fact that the law enforcement is sometimes neither firm on taking action against perpetrators of such braches and most times, with a lot of impunity. It is on this backdrop that the IIEC seeks for some additional powers to prosecute such kind of minor offences, particularly in election related offences.

Another aspect that indirectly links with security concern is the competency of election staff. Competency of election staff may not on the face of it appear as a strategy towards ensuring enhanced security in elections management. However, it has everything to do with it. It is through professionalism, competency and discipline of the election staff that the candidates and the general public are at ease with the way they engage in the processes. Election staff who are either incompetent, unfamiliar with election rules or simply indisciplined is a sure disaster in waiting. One of the recommendations of the Kriegler Commission for the election management body was that, in order to redeem the image and to quell fears of the general public on the possible mismanagement of elections, the

⁵ Conflict in following orders may arise where security agents are appointed to act as election officials at a polling station; are they under the orders of the Presiding Officer or their immediate Command?

Commission must set up an effective and efficient secretariat. The IIEC prides itself for having effectively implemented this recommendation and we are continuously improving on the basic foundation of the Commission. We are also in the process of finalizing the Commission's Strategic Plan that sets out the structures, taking into account the requirements of the new Constitution, and the strategies for the next five years.

This strategy has worked tremendously well for the Commission, as a lot of emphasis was put in the quality of staffing in the recruitment.

Maintenance of security during any voting process is the bedrock to a free and fair election. Without Security there will never be an election that the people will believe in. With this realization, IIEC takes a serious view of security and is working with the various security agencies to ensure that all elections are conducted in an environment of relative security. The challenges are many and complex due to lack of adequate resources and not well-defined rules of engagement. The Law will need to be refined and strictly enforced to give confidence to the people.

It is without a doubt therefore that several variables are at play in ensuring that elections are free and fair. Security is key in any combination of these variables; in fact it is incorporated in each one of them; in voter registration, in voter education, during campaign period, in the actual polling and of course in the counting, tallying and declaration of results. Security planning should therefore form part of the cornerstones of election management and not left in the periphery as an accessory to the process.