

Summary

From the literature and lessons learned on electoral security, two separate but inter-linked approaches can be discerned that are both valid: A broad and a narrow definition of electoral security. The broad definition takes the entire electoral cycle into account and allows framing a variety of actors and phases as relevant for electoral security. These include election administrators, security sector agencies, legislators, the judiciary, political parties and candidates, the media, civil society organisations, and election observers. EMB integrity, and perceptions thereof, is a crucial safeguard against electoral violence. At the same time, election management bodies are often only peripherally involved in electoral security arrangements at the peak of the electoral cycle, during the campaign and around election day, and in particular so in countries that experience armed conflict. Here, electoral security lies predominantly in the hands of those national entities responsible for law enforcement and overall security maintenance, normally the police.

The case of electoral security reveals inter-agency dependence and the need for inter-agency understanding of distinct mandates and communication. A narrow focus on electoral security can come at the expense of a more useful discussion around the balance between security and inclusive participation in countries in political transition or conflict-affected states. Discussions are needed between EMBs and actors with constitutional responsibility for state security around election day. One way to do this can be the installation of joint electoral security management committees that involve EMB representatives, security agencies, as well as other stakeholders. This argument is elaborated against the backdrop of electoral conflict and violence in post-conflict environments and is exemplified with cases from Southeast Asia.

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From the literature and lessons learned on electoral security, two separate but inter-linked approaches can be discerned that are both valid: A broad and a narrow definition of electoral security. The broad definition takes the entire electoral cycle into account and allows us to frame a variety of actors and phases as relevant for electoral security. The composition and performance of the election administration, the effects of the electoral system, the process of voter registration and the modalities of electoral dispute resolution all shape the field. EMB integrity is a crucial safeguard against electoral violence.

At the same time, we must acknowledge that election management bodies are often only peripherally involved in electoral security arrangements at the peak of the electoral cycle, during the campaign and around election day, and in particular so in countries that experience armed conflict. Here, electoral security lies predominantly in the hands of those national entities responsible for law enforcement and overall security maintenance, normally the police. The case of electoral security reveals inter-agency dependence and the need for inter-agency understanding of distinct mandates and communication.

I organize my intervention in three sections: First, I speak about post-conflict dynamics and electoral violence before turning to electoral security. Second, I like to provide examples from a region external to the Council of Europe and the Venice Commission, that is Southeast Asia, to enable comparison. Third, I will summarize my findings with some additional considerations.

The holding of democratic elections as such is widely considered as a conflict resolution tool to navigate differences among societies in any given state. Elections are also seen as a way out of conflict and stand as transitional events at the end of intra-state war, mark the birth of independence of new polities, or signify the end of long-standing undemocratic regimes as well as the advent of a new democratic order. However, the idea that elections are directly fostering peace is counter-intuitive, as they always introduce a level of competition.

In countries emerging from conflict, institutional arrangements and schedules pertaining to the administration of elections can be determined by peace treaties. Electoral calendars, which tend to be increasingly structured and tight the closer they come to election day, may conflict with peacebuilding processes, which are usually less structured or open-ended and are prone to setbacks, without a clear calendar at hand. These timelines can mutually reinforce each other, but might also distract each other. Elections might even lead to a halt in peace processes, and might alter their course depending on the electoral outcome.

More often than not, the transition from war to peace is blurred. These neither-war-nor-peace situations have become the norm in many countries electoral assistance providers and election observers operate in. Hopes that peace can be re-installed quickly with the

election of a new, democratically legitimate government have repeatedly been disappointed as elections were called too soon and international support moved on to new arenas. It might take several election cycles for a new political order to take roots, and for elections to become the primary and peaceful tool to regulate conflict. If we view elections not as one-time events, but as longer-term processes that require longer-term attention, we can adjust expectations, but also need to invest more in the understanding of how exactly electoral processes contribute to or mitigate tensions.

In reflecting on electoral security measures, we want to be aware of both the root causes of conflict, which are highly context-dependent, as well as the risks for conflict to turn violent, which can be more generalized. Electoral violence can be inflicted intentionally or unintentionally. People can become targets or victims of electoral violence as much as electoral installations and materials. Studies have shown that candidates are the most frequently targeted stakeholders of electoral violence, while perpetrators and their motivations can vary. The risks for electoral conflict to turn violent rise with the campaign period and the proximity to election day, and is often most critical in the immediate aftermath of polling when results are consolidated and announced, as the case of Kenya has taught us since 2007.

With few exceptions, elections are not the root cause of conflict, but can be a trigger for pre-existing tensions to escalate. Programming for electoral security can influence the direction these tensions are taking. Pre-existing conflict dynamics need to be analysed in conjunction with a deep understanding of the electoral cycle to develop risk assessment tools with early warning indicators, monitoring mechanisms, as well as institutional design, mitigating strategies and multi-sectorial provisions for tailored and appropriate electoral security.

Electoral security concerns a variety of stakeholders such as legislators, EMBs, security forces, political parties, candidates and their supporters, voters, civil society organizations as well as national and international election observers, who can all contribute to mitigating tensions in their own right. Let us now turn to a few examples from Southeast Asia. These examples do not only reveal best practices, but a mix of experiences and lessons learned that reveal challenges and transformations of electoral security arrangements over time:

Timor-Leste

It has become rare that elections are held under UN security council mandates, with international troops responsible to provide or contribute to electoral security. Prominent cases for this include Cambodia, Timor-Leste, Liberia, or South Sudan. Since its independence from Indonesia in 1999, Timor-Leste in particular has seen an evolution of autonomy in the conduct of its domestic electoral processes. National elections were held or supported by the United Nations from 2001 until 2012, with decreasing involvement. A state

crisis in 2006, triggered by the grievances of former combatants, heightened the risks for electoral violence around general elections in 2007, with rivalling political parties as primary instigators. As a response, and against the backdrop of weak state institutions and the partisan role of security actors, a civil society based monitoring and early warning system was installed to map incidents of electoral violence and contribute to their mitigation. This successful example of non-state actor engagement was subsequently repeated in other countries. With a by now better trained and less partisan national police force, electoral violence is not anymore seen as a prominent problem as Timor-Leste is moving towards early parliamentary elections next month.

Aceh, Indonesia

On the other end of the Indonesian archipelago, following the tsunami of 2004, a Memorandum of Understand (MoU) could be found between the Government of Indonesia and the Free Aceh Movement, ending over thirty years of civil war in the province of **Aceh**. Based on this peace treaty, subsequent legislation established separate election management bodies for the now autonomous province, which leads to some confusion regarding overlapping responsibilities until today. The local elections of 2012 were coined by severe electoral violence, mainly inflicted by factions of the former rebel groups who had become political contestants against each other. Although the risks for electoral violence reduced over time, in 2017, special security measures were still in place, for example intensified policing for areas considered as hot spots due to their conflict history and intense electoral competition. The police and military were barred from voting by law to reduce a potential negative impact of security forces on the election. Unarmed and separately trained security guards were recruited to maintain order inside polling stations. However, civil society monitors who intended to continue their work of 2012 hardly found the funding to do so, as international donor attention had moved onwards.

Myanmar

Within a decade, Myanmar will have seen three major electoral events. In 2010, the country saw the first general election in decades, leading to the abolishment of an institutionalized military regime for the instalment of a formally civilian government. However, the electoral playing field was limited from the outset, and the elections were considered as manipulated. In 2015, instead, the Union Election Commission enabled a genuine and much more transparent process which led to the coming to power of long-time opposition leader Daw Aung San Sun Kyi. The electorate turned out to vote in large numbers, opted against decades of military rule and voted for the most prominent alternative. The new government, which still carries the burden of long-standing authoritarian regime, cannot meet all voters' expectations and also faces new challenges. The next general elections in 2020 will likely see a different level of electoral competition, and possibly also new challenges for electoral security.

Seen from the outside, the 2015 elections in Myanmar were largely peaceful. Although few acts of electoral violence occurred, the electoral process was not without conflict. Already one year prior to election day, the Muslim minority of the Rohingya and others who were holders of temporary residence cards had lost their right to be members of political parties in a political climate with rising anti-Muslim sentiments that became exacerbated by the electoral process. The people concerned subsequently lost their right to vote, which constituted a departure from historical practices.

The disenfranchisement of the Rohingya can be interpreted as a measure to prevent violent escalation – which is certainly not a good practice, but highlights how political dynamics can influence the electoral process and vice versa. At the same time, Myanmar experienced the rollout of a highly complex peace process in which at least fourteen different armed groups engaged with the Myanmar state army. The process culminated in the partial signing of a Nationwide Ceasefire Agreement, which took place less than a month prior to election day. This agreement, as well as the process leading to it, foresaw no provisions for electoral security, partly due to the reason that it was kept institutionally apart from the election administration. In fact, potential opportunities for a positive conversion of the electoral and peace processes were not taken. Elections were also cancelled or postponed in some parts of the country where the state administration had no reach, but where non-state armed groups are still the primary governance actors.

The case of Myanmar reveals that electoral security preparations could be part of overall peace making and peace building as well as security sector reform considerations, however, the process also has to be ripe for such an approach – which goes well beyond the capacity and responsibilities of election administrators. In Myanmar, as well as in many other countries, the responsibility for electoral security lies very much in the hands of the police force, and as such under the auspices of the Ministry of Home Affairs, which continues to be military-led. The overall trust in the security apparatus, as well as in the election administration, was low prior to the election. This provided for a challenge, for example when the police had to recruit auxiliary men to reinforce personnel for election day. This is to highlight that the provision of electoral security, in particular in transitional situations, is a highly complex affair that requires a great deal of conflict-sensitivity and goes beyond the authority of election administrators and election day.

As an additional contribution to the process, but with different stakeholders involved, the Union Election Commission presided over the signing ceremony of a Code of Conduct for political parties, which obliged the signatories to refrain from hate speech and incitement to violence, and propagated the peaceful acceptance of results. Such codes of conduct are increasingly common around the world, but depend on the acceptance of the stakeholders concerned. In Myanmar, the model of a code of conduct travelled well beyond institutional

boundaries and was endorsed not only by political parties, but also by the media for election-related reporting, by national election observers for non-partisan coverage, by the police force who carried summaries of their code of conduct in their pockets on election day, as well as by the EMB itself for their professional and independent conduct of the elections. However, such codes of conduct are usually not set forth in the law and thus not legally binding. They are voluntary, self-imposed commitments that remain toothless if they are not widely publicized or if the stakeholders concerned do not actively promote them within their ranks. How this can be done is again highly context-dependent.

To sum up

An exclusive focus on electoral security can come at the expense of a more useful discussion around the balance between security and inclusive participation in countries in political transition or conflict-affected states. International experiences seem to concur that assessment, prevention and mitigation are inherently multi-actor challenges that require multi-actor solutions. Indeed, the case of electoral security highlights the interdependence of national stakeholders to prevent and mitigate electoral violence, and to promote maximum participation in the electoral process. Discussions are needed between EMBs and actors with constitutional responsibility for state security around election day. Lessons from Myanmar, but also from Nepal and Afghanistan in that regard, demonstrate the central role of the Ministry of Interior or Ministry of Home Affairs, in electoral security arrangements, and the comparatively peripheral role of EMBs in that regard. The concerned EMBs had to rely on requests for collaboration to extract some information on risks, often limited to operational data on the numbers and locations of polling sites and electoral transports. Non-security actors must understand the need for confidentiality in what concerns threat assessments, force deployment plans, and criminal investigations, and thus the institutionally limited ability of the security sector to share information with EMBs.¹

However, security actors require election-specific training and awareness and can benefit from outreach to other stakeholders – be they election administrators, contestants, journalists, civil society organisations, or voters. One way to do this can be the installation of joint electoral security management committees that involve EMB representatives, security agencies, as well as other stakeholders. We can discuss this in more detail during the working group. Electoral Security is not the responsibility of election administrators or of the security apparatus alone. Cross-institutional communication is vital, in and beyond post conflict situations, to facilitate peaceful and inclusive elections with credible results that can be accepted by all stakeholders.

¹ This paragraph leans on Morrice, Adrian: *Reflections on the Secure and Fair Election Workshop, Sydney, 23-26 September 2014*.

Selected further reading

International IDEA/ UNDP/ Electoral Integrity Project (EIP): Secure and Fair Elections (SAFE) Workshop. Model Curriculum. December 2015

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