

The Democratisation and The Establishment Of Sustainable Policing In The Democratic Republic Of Congo (DRC)

October 25 – 27, 2004

A week of seminars and workshops visits hosted by the South African Police Service (SAPS) in partnership with the South African Independent Electoral Commission (IEC), facilitated by the Institute for Democracy in South Africa (Idasa), and funded by the Japan International Cooperation Agency (JICA)

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TABLE OF CONTENTS

INTRODUCTION	3
SEMINAR.....	3
1. MR. JACKIE SELEBI	3
2. MR. SHINICHI ITO	5
4. MR. KATSUVA,	5
INSPECTOR GENERAL (NATIONAL COMMISSIONER)	5
DRC NATIONAL POLICE (PNC)	5
4. MR. GARY KRUSER	6
5. MR. VASU GOUNDEN	7
6. MR. BEHROOZ SADRY	9
SUMMARY OF DISCUSSION	11
7. JUDGE JOHAN KRIEGLER	11
8. REVEREND MUHOLONGU MALUMALU	13
SECOND VICE PRESIDENT	13
SUMMARY OF DISCUSSION	13
9. MR. CHRIS BOTHA	14
10. MR. CHALWE NGWASHI RAUS	15
SUMMARY OF DISCUSSION	16
POLICE-IEC WORKSHOP ON ELECTION SECURITY.....	18
1. ASSISTANT COMMISSIONER FRYER, SAPS OPERATIONS	18
DISCUSSION	19
2. MR. MICHAEL HENDRICKSE, INDEPENDENT ELECTORAL COMMISSION OF SOUTH AFRICA	20
SUMMARY OF DISCUSSION	22
3. MR. RAMA MUNISAMY	22
SUMMARY OF DISCUSSION	23
EVALUATION OF THE WORKSHOP.....	24
QUESTIONS FOR DISCUSSION IN THE WORKING GROUPS.....	25
SUMMARY OF WORKING GROUPS DISCUSSIONS	25
ACTION STEPS TO FOLLOW UP:	27
THE DEMOCRATISATION AND THE ESTABLISHMENT OF SUSTAINABLE POLICING IN THE	29
POLICING PREPARATIONS	29
ANNEXURE B: LIST OF WORKSHOP PARTICIPANTS.....	32
ANNEXURE C: MORE DETAILED REPORTS OF WORKING GROUPS.....	33
WHAT IS THE CURRENT STATUS OF ELECTION SECURITY PREPARATION IN THE DRC?	33
GROUP ONE:	33
WHAT ARE THE IMPLICATIONS OF THE SOUTH AFRICAN PRESENTATIONS FOR THE DRC PREPARATIONS	
FOR ELECTION SECURITY?	34
WHAT OTHER PARTNERS NEED TO BE INVOLVED IN PLANNING FOR ELECTION SECURITY IN THE DRC?	35
CAN THE DRC ESTABLISH AN ELECTION SECURITY COORDINATING STRUCTURE BETWEEN ALL THE	
ORGANISATIONS INVOLVED IN THE ELECTION? AND IF SO HOW?	35
FOLLOW UP ACTION STEPS	36

INTRODUCTION

The October 2004 conference titled, “Democratisation and the Establishment of Sustainable Policing in the Democratic Republic of the Congo”, was aimed at bringing the South African experience to the people of the Democratic Republic of Congo (DRC) in an effort to promote safety and fairness in the upcoming 2005 DRC elections. The conference brought together members of the South African Police Service (SAPS), DRC National Police of the Congo (PNC) members, South African Independent Electoral Commission (SA IEC), DRC Independent Electoral Commission (DRC IEC), representatives from the International Community and a variety of NGOs.

In 2005 the Democratic Republic of Congo faces one of its most important and challenging tasks, the first free elections in decades. Upon receiving independence in 1960, the DRC has been victim to civil war, and notorious dictatorship. After over forty years of conflict the DRC is finally working towards the global recognition of a ‘democratic state’, free and fair elections. It is in the spirit of building a new democracy, that this seminar was held, aimed at

- assisting with the planning and development of the DRC elections, and
- sharing the South African experience around election security in confidence that the DRC National Police will learn from those experiences.

The conference consisted of a one-day seminar at the Centurion Lake Hotel, addressed by various speakers; and a two-day workshop at the Burgers Park Hotel in Pretoria, in which the DRC delegates engaged in focused and practical discussions on the subject of election security preparations.

The programmes of the two events are attached at the end of this report. A full list of participants is also attached.

SEMINAR

1. Mr. Jackie Selebi National Commissioner, SAPS

In January of 2004 President Mbeki and the DRC president signed an agreement for a joint bilateral agreement between both countries to strengthen economic and political relations. This agreement created a mechanism for which both governments could regulate political co-operation and serve as a platform for joint co-operation in the following areas – security, agricultural and mining sectors, financial relations, development of transportation and communication, inside and outside borders of two countries. The agreement allows for an exchange of relevant advisors and professionals, socio and cultural exchange in areas of communication in youth, tourism, and public health. It is on this framework SAPS together with the DRC counterpart have laid a basis for the relationship, discussed over the next few days.

The SA Police Service experienced a process of transformation and change that begun in 1994-95. Fundamental change was a direct outcome of the political situation of the country and focused on:

- increasing the effectiveness of the police service in combating crime,
- meeting the requirements of our Constitution,

- meeting the objectives of Government with regard to service delivery,
- reflecting the Reconstruction and Development guidelines and the White Paper on the Transformation of the Public Service,
- meeting the policy vision of the Minister of Safety and Security,
- satisfying the needs of the community, and
- satisfying the needs and expectations of the members of the SA Police Service

Transformation comprised of three steps: the amalgamation of 11 different policing agencies, rationalisation, and *a process of changing from a force to a service*. What South Africa had was a police force and transforming this into a service meant changing perceptions. The popular opinion of the people had to ensure that police existed in a society that is governed by rights, and ensured the respect of all human rights.

South Africa's own transformation process was greatly assisted by the international community through technical and financial means. This assistance enabled South Africa to realign our policing policies and practises, to ensure a policing service for an African community where a majority of the people had to develop a relationship of trust with the SAPS. Over the past few years, the SAPS developed and implemented strategies aimed at reducing incidents of crime and violence to ensure a safe and secure environment for all South Africans.

In pursuit of the mandate given to SAPS by the President, the organisation created a national strategic plan. SAPS will therefore bring the following experiences to the table:

- exchange of information,
- promotion of peace and security as an important issue for the region,
- strengthen conflict resolution, and
- rendering assistance to address domestic issues affecting regional services.

SAPS and DRC are currently developing ways of formulating bilateral co-operation. SAPS understands regional challenges from a ten year reformulation process, including the challenges of combating crime with limited resources. The upcoming election in DRC could form the basis for a good policing system.

The SAPS plan to ensure sustainable policing through capacity building intervention through a phased approach.

1. Ensuring the operational capacity building to support the safeguarding of elections.
2. Consolidated organisational development plan for implementation.
3. Continuous Organisational capacity building.

Following areas are for immediate projects, to ensure free and fair and safe elections:

1. Training and development of DRC policing personnel –
 - a. Eradication of the proliferation of firearms. Various countries (Norway) have already agreed to aid in this process. This project will be discussed and consolidated in a few weeks time. SAPS is ready to send experts to DRC to assist.
 - b. VIP Protection and the safeguarding all those contesting the elections, ensuring a free and safe election.
 - c. SAPS is in the process training DRC PNC on crowd management (rallies, etc.).

- d. Operational Command training - SAPS can share skills with DRC to ensure that the DRC is grounded in proper command structures to be able to account to the people of the DRC.
- e. Develop capacity of the police in crime intelligence. In order to find weapons, protect VIPs, crowd management, etc. the SAPS and the DRC National Police require sound intelligence.

In an effort to promote an exchange of information, SAPS will work with all stakeholders. This is not only the South African responsibility but also that of the international community as a whole. In this respect SAPS has already had discussions with a number of countries (Swiss, Norway, England, Italy, Interpol (Executive Committee), UN) regarding their roles and what experience these institutions can bring to this development process to help policing agencies in the DRC. The challenge then, for both parties, is to coordinate this exchange of information, skills and support.

SAPS has committed itself to support the DRC through its transition period to democracy and to address the establishment of sustainable policing system in the DRC. Although the ultimate decision making rests within the DRC, the South African policing experiences are bound to provide a good example.

2. Mr. Shinichi Ito
Minister of the Embassy of Japan
Opening Remarks

The third Tokyo International Conference on African Development (TICADIII) held in Tokyo in September last year was attended by leaders of 89 countries (including President Thabo Mbeki), and 47 international/regional organisations. During the TICADIII, peace consolidation was one of the main issues raised and discussed by the participants.

Peace consolidation and democratization initiatives are highly prioritized by the government of Japan. After World War II, Japan was forced to re-create its devastated country by adopting democratic practices. The combined efforts of the government and people of Japan have resulted in the successful reconstruction of the nation as a whole, transpiring Japan into one of the world's superpowers 60 years later.

Japan and South Africa have been actively involved in seeking areas in which to cooperate trilaterally, and this conference is an example of such collaboration.

The Minister would like to congratulate all the stakeholders of this seminar on the efforts undertaken to address the challenges contesting the complete transformation of the DRC into an inclusive and successful democracy.

4. Mr. Katsuya,
Inspector General (National Commissioner)
DRC National Police (PNC)

South Africa has accompanied the DRC in this long process of transformation. The DRC currently has institutions which are operational but are in need of support. The achievement of these proceedings will ideally lead to the organisation of free and fair elections in the DRC. It is critical that the institutions of the DRC, and democracy organisations do everything which is possible to re-establish democratic structures, and to regain its place in the global society.

It is critical to have a very structured National Police in the Congo which will support the election structures through the electoral period. The challenges are numerous and if the police are not well equipped, well trained, or prepared, there is a risk of not ensuring protection and guarantee for a successful election. After many difficulties, the contribution of the South African experience, which was gained through such a process, is a good example. That is why the people of DRC are convinced that participated in this workshop will enable them to draw from the outcomes of the South African experience. This has been a very important and necessary step to which South Africa have welcomed the DRC.

During the electoral campaign there will be people who will want to engage in fighting, and the police should be able to intervene, with appropriate training and equipment. If we reach these polling stations and avoid violence during and after the campaigning period, fair elections will have occurred.

These elections will have difficulties, so the police should be ready to make sure the elections are executed in such a way that the IEC can do its work. The final outcome of the elections is yet another obstacle, where warring factions may not so readily accept the results. The training sessions with our South African counterparts have advised the DRC to prepare for the worst case scenarios. In the DRC context, the worst case scenario is people denying the results, using firearms and other violence (including death and injury). The police should be ready for such destructive actions.

The police should work in conjunction with the army in the case of a destructive event. Prevention is better than cure. With the National Commissioner I would like to say that our goal is to get all the benefits of the experience in South Africa. You have said you will aid us in reaching our objectives. I am asking the DRC members to ensure that they benefit from this training, which is very helpful, and not to feel shy to ask critical questions that would build their capacity.

In my village there is a saying “You cannot be happy in being alone”, that joy and happiness should be shared.

4. Mr. Gary Kruser

Divisional Commissioner, Training, SAPS

A Regional Partnership between the South African Police Service and the DRC National Police

The partnership between the SAPS, and the DRC National Police is comprised within the Development Assistance Programme (DAP). The objectives of DAP are toward creating a safe and secure environment for the DRC people, and to ensure SAPS assistance towards a sustainable policing system in the DRC. The desired result is developing operational capacity and support for election support, creating a strategic framework and policing model for the DRC National police, and supporting organisational capacity for sustainable policing in the DRC.

The DAP has three phases:

1. Development of operational capacity and support for the DRC elections (Phase One)
2. Developing a strategic framework, policing model, and organisational development plan for the DRC PNC (Phase Two)

3. Organisational capacity in enabling sustainable policing in the DRC (Phase Three)

To date, progress includes three training courses on intelligence processes, establishment of a programme management structure, policing seminars, creation of a joint bi-lateral commission (MOU to be signed), and seminars and study visits among other things.

The DAP approach to sustainable operational capacity within the DRC policing service is establishing multilateral relationships, providing technical and development assistance, to support the sharing of best practices, accessing and mobilising donor countries, and providing programme management support.

The purpose of the October 25-27 Seminar and Workshop process is to pursue development assistance to the DRC by sharing the South African experience. By focusing specifically on the election process and transitional process challenges, the seminar hopes to achieve its goals:

- A shared vision between the IEC and the policing agencies within the DRC towards a secure 2005 election process,
- establishing a draft development agenda for the DRC National police, and
- providing guidance to the DRC National police within the framework of the DAP are the sought out outcomes of the conference.

The Seminar is hosted by the SAPS in co-operation with the South African IEC, facilitated by Idasa, and funded by the Japan International Co-operation Agency (JICA).

The full presentation includes detailed objectives for each phase, the development assistance programme budget, key programme activities scheduled for 2004, seminar/workshop visit dates and responsibilities, a list of the seminar outcomes, a draft programme for the seminar, and finally a list of all contact persons.

5. Mr. Vasu Gounden **Executive Director of ACCORD** **Current Political context of the DRC**

To many in the international community, the question “Why the DRC” may be a pertinent one. The physical location, demographic implications, and the vast wealth of natural resources have long been ignored by communities outside of SADC.

The DRC is home to approximately 52 million people from roughly 200 ethnic groups. A land locked country, the DRC is bound by the Central African Republic, and Sudan in the north, by Uganda, Rwanda, Burundi, and Tanzania in the east, by Zambia to the south, and by Angola, and the Republic of Congo to the West. Roughly the size of Western Europe (minus Scandinavian countries), the DRC is responsible for over 1,500 square kilometres of border policing. Policing therefore, with several entry points for military, refugees, and proliferation of firearms, is a huge challenge for security personnel.

The DRC is potentially one of Africa’s richest states with extensive mineral, agricultural and energy resources. Large areas of the Congo River basin are fertile. While this area is well suited for crops, only 3% of the total usable land is under cultivation. The DRC also contains roughly 8% of the world’s forests, making it a critical player in world climatic changes. Contrary to popular belief the DRC has a well-developed petroleum, cement, and sulphuric

acid industry. Sixty five percent of the world's cobalt reserves can be found in the DRC. Communications, one of the leading 21st century industries heavily utilise cobalt in its production, making the DRC a very critical player. The DRC is also the largest producer of industrial diamonds in the world, and has extensive timber resources. Major trading partners include Belgium, the United States, Germany, Italy, France, and South Africa.

The Road to Peace - In early 2002 an Inter-Congolese Dialogue was held which resulted, in late 2002, in a global agreement on the DRC transition (late 2002). Between February and March of 2003 a transitional constitution was created. In May 2004 President Kabila announced a road map for actions which set milestones for the 2005 elections. After the July 2004 incidents at Gatumba, the RCD suspended its participation in the transitional government. With intervention efforts by President Thabo Mbeki, the transitional government recommitted itself to the process.

Transitional Process Objectives – The transition objectives are for the reconstruction, national reconciliation, reunification of the country, free and transparent elections, and creation of an integrated National army. The re-establishment of peace and restoration of territorial integrity and state authority over the country are important to ensure no other country violates the DRC's territorial integrity.

Transitional Institutions- The transitional process includes the President of the DRC, various government ministries, the National Assembly of 500 members, the Senate of 120 members, and the court and tribunals within the DRC. Institutions supporting the process (designated in the constitution) include the Independent Electoral Commission (IEC), National watchdog on human rights, truth and reconciliation commission, and media authorities.

Challenges – The transitional process although in progress, is facing a number of challenges. Firstly, the legislative preparations are behind schedule, which has resulted in consequent delays in election preparation activities. Secondly, the IEC is facing difficulties in accessing funding and technical support for the preparatory phase. Thirdly, there are still many outlying forces within the DRC that have not been absorbed within security agencies creating insecurity and impediments in accessing certain areas of the country. Fourthly, the size of the country poses challenges for the budget and election preparations. Fifthly, the formal creation of a truth and reconciliation commission to address all past abuses and for resolving grievances needs to be addressed. Finally, providing emergency relief, restoring essential health and education services, establishing a representative constitutional structure, and strengthening public sector management and administration are still areas that need to be developed.

Each sector (state, private sector, and civil society), plays an important role in the transition process and must operate according to its mandate. The state, for example, must promote strong segregation of powers, have a professionally trained military under civilian accountability, and comprise of political parties that are not narrow in focus but those that have values in broad national and regional issues. The DRC must also promote a strong private sector with sustainability and independence, through sound infrastructure and regulatory environments. Civil society needs to be active, strong, independent (as opposed to the current politically aligned environment), well resourced, with diverse interests.

The root causes of conflict within the DRC can be traced back to relationship, information, interests, structural, and value related. There are currently low levels of trust among political

parties, which are still characterised by mis-communication. Without a well-established intelligence service, there is still room for mis-information, created by those who have an interest in destabilising the transitional process. Given the vast wealth of resources within the country, there reside many conflicts between institutional and person interest. The decentralised nature of the country allows for continuous regional conflicts. And finally, the range of personal values creates room for further conflict. Although the DRC situation does not compare to that of Nigeria, it still holds the potential for major hostility.

Elections are an important, if not the important event, for the health of the DRC. There are major barriers and challenges for the National police and security forces, in the upcoming elections. Given the sensitive nature of the events, and the implications for its success, the DRC security forces must create a safe environment for the people of the nation.

6. Mr. Behrooz Sadry

***Deputy Special Representative of the Secretary General of the UN, MNUC
Current political context of the DRC***

In less than 8 months the DRC will hold elections based on the constitution, the first free and fair elections since the independence of the country 44 years ago. Elections will be the first step towards freedom, as we saw in South Africa. Standing between DRC and elections is a backlog of issues resulting from war, economic and political mismanagement, and colonial rule. The legacy of the war is a death toll of 3.5 million, 3.5 million displaced people, over 400,000 refugees, and 1.3 million people infected with HIV. Together these factors create the irony that one of Africa's richest is now the poorest in the world. We in the UN are beginning to coin a phrase "The richest countries in the world have the poorest people in the world". Presence of refugees creates unrest in the country. Illegal arms import destabilises the DRC and the countries that use the transit routes. The elections are the first road to democracy and must be set right.

Some facts of the DRC elections – It is the largest election that the UN has ever assisted in (prior to the DRC the UN assisted 12 million people). The size of the country is 200 times larger than Kosovo and is the size of Western Europe. The first free and fair election will require over 3,000 polling officials that need to be trained, and over 40,000 polling stations, and over 9,000 registration offices/centres. Over 200 parties have already registered and this number is estimated to reach 300. Not including all aspects of the electoral process, the cost estimates for the election are \$285 million with only \$136 million pledged to date. Although the size poses a problem, it is the lack of infrastructure that will cause serious obstacles. Many parts of the area are only accessible by air, and those accessible by foot still contain land mines. The DRC must pass a permanent constitution prior to the elections. A select number of senators, with assistance of experts, have finished drafting the constitution which must go to parliament before it goes to the people by referendum. Four major laws need to be addressed in the constitution: Nationality, amnesty, electoral law, and census (Voter registration).

There are currently three modes of election (local, parliament, president). These modes need to be preceded by a constitutional referendum. For financial and practical purposes, having dual elections must be considered. This would address reduction in costs but also avoid electoral fatigue.

The population and political parties must accept the outcome of the elections. If elections are conducted in a transparent and open manner, include all, there will be no basis for contesting

the elections. No group or individual should feel excluded from the electoral process, including ethnic minorities and refugees. A voter education campaign is necessary and here civil society and church play important roles.

The IEC is one of the five institutions in support of the transition, foreseen by the transitional constitution. Unlike other IEC's, the DRC's Independent Electoral Commission is comprised of opposition party members. This composition has proved to mature where parties are co-operating and functioning together in a very independent way. One of the major problems the IEC face is financial. Although \$4 million has been approved, only fifty percent of the funds have been released.

Security sector reform in terms of DRC – Free and fair elections cannot be separated from security sector reform. Several members of the security forces still hold allegiance to former political parties and not new national government. The number and complexity of international accords have led to some confusion. It is important that the activities of the donor community are co-ordinated, in one direction. The structure of a future security sector is currently lacking in the DRC. It is unclear how many soldiers the military and how many officers the police will require. (See full presentation for additional points)

The task of reintegration is daunting, especially with time constraints. With 8 months to the election, reintegration has not started, and there is no concept for the full integration of the military and the police. The role of police and the public in relation to the elections – in order to have free and fair elections, fundamental human rights have to be respected during the election process, elections must be accessible to all parties, and people's needs have to be addressed. An environment conducive to free and fair elections must be established for the pre electoral phase, post electoral phase and during the elections. Post monitoring of the population, and quelling any false rumours will be necessary during this period.

For many countries coming out of conflict there needs to be a mental shift and perception of security. Newly created military units must be aware of territorial integrity of their area. It is often the military who becomes internal peacemakers whereas the police should be the internal security forces and the military the external. The police forces are far from being integrated.

While many countries are willing to provide training, the PAC is facing the problem of follow up (equipment and financial, salaries). The salary system cannot be regularised, because it is consisted by salary by function not by grade. It is important to set up a follow up mechanism to see progress made and for mentoring and advice. Despite all of the challenges, the police will have to play a major role in the elections.

Opportunities for change:

- ♣ DRC has the size, population and location, to be a major player in Africa.
- ♣ It has more than 50% of Africa's hardwood, hydro electoral power, 80% of the world's reserves of coltan
- ♣ Failure of the transition will do more widespread harm to the continent.

A successful transition of the DRC will be critical to stability within Central Africa. The transition needs to create an environment for free and fair elections where election results are NOT contested. Such an environment can only be achieved if all national and international stakeholders take their responsibilities seriously to overcome existing challenges.

Summary of Discussion

- ♣ The issue of election delays was raised. The Congolese participants recognised that election delays can occur for many reasons. Understanding the sensitive issue of citizenship and the lack of a working judicial framework, the question was asked - “Would the issue of citizenship be yet another reason to delay the elections?” In his *response* Mr. Sadry indicated that election dates should not be revisited, but citizenship articles should be. The law considers citizenship as one of the key issues which is not very well treated.
- ♣ The level of authority of the international community has been raised. The role of the international community, in the past, has been to criticise and request action from governments. The question raised was – “Can the International community and or international organisations *force* the government to respect international commitments?” Mr Sadry *replied* that although international organisations *cannot* force independent governments to adhere to commitments, MONUC is encouraging such behaviour.
- ♣ Seminar delegates raised concerns regarding financial commitments by the government in regards to security force training and integration. The absence of government financial support could be directly linked to the lack of national funds. The potential for the lack of training poses serious consequences for the DRC government. In this context “Can MONUC and other donor organisations provide assistance to the DRC to resolve this issue?” *Response* – If the international community were to deploy a sufficient number of troops, the DRC would require 200,000 members. MONUC has set forth a proposal to increase the number of troops in the DRC, of which the executive has approved only fifty percent. The issue of electoral security should not be confused with that of general security and protection of the people. The ultimate goal of security services for the elections is in providing a safe and secure environment. The national government must prioritise security costs in determining fiscal priorities. This must include security personnel relocation and salary costs. International community generally does not support first line government services financially. However, support for training services can be conducted bi-laterally.

7. Judge Johan Kriegler Ex-Chair of the South African IEC Election Preparation

Elections, today, are a representation of a full fledged democracy, and are a necessary step to join the family of nations. Elections are comprised of infinite complexity, where thousand of things can go wrong and will go wrong. Planning may not necessarily prevent these events, but likely ensure that what has gone wrong can be addressed.

The countless details in organising elections require different areas of attention, expertise, and discipline. Financial complications, particularly when related to the dependence on national and international funding, pose an additional layer of potential disaster. In the DRC the major problems of road, rail, and telecommunication infrastructures are critical. A central intelligence of great competency needs to be established to conduct relations, to get several million items involved in the electoral process (paper clips, rubber bands, pencil sharpeners, toilet facilities, transportation, etc.). and to be aware of the nature and location of crisis. Close liaison with agencies of national security (police), with an understanding of each other must be established.

Ultimately elections are political undertakings/exercises, “political growing up” of a country. The basic function of an election is to create a credible microcosm of the national will. Therefore, legislature/s and representatives must exist that truly reflect the opinion of the entire electorate. An election is a dual undertaking, that of reality and perception. There must be technical administrative skill to deliver a true reflection of the people’s will. There must be public confidence in the process.

The concept of ‘free and fair’ elections is a false one, as no election is entirely fair or free. Observance of Western models indicates unfairness in their processes as well. The DRC society comes from over a century of conflict, hunger, military strife, where tensions will not be resolved as the result of elections. It is the issue of perceptions that is important. Ensuring that the IEC staff consists of honest individuals will overcome the perception of fraud among the people. As the IEC it is important to ensure all public matters are handled in an open and fair manner.

Lessons Learnt from South Africa:

- ♣ Time is not at all an opponent – hold the election date firm, no flexibility. Coupled with the uneducated electorate the government managed to elect 10 legislatures, recruit 300,000 electoral staff, provide for 2,500 vehicles, and establish voting and counting stations in a matter of four months.
- ♣ The Inability to process/information should not be an obstacle - In 1994 the South African government knew not the size of the population of the country, nor the number of eligible voters. Based on intelligence information (aerial photos) and outdated census figures, public officials made an educated guess and proceeded with election preparations based on this estimate.
- ♣ The lack of electoral experience could be an obstacle – During the era of apartheid elections were only held in select areas.
- ♣ Foreign observers – Foreign observers seldom have knowledge of the culture, language and general history of a county. In addition to addressing all other electoral related issues the DRC must be prepared to cater to these observers (logistical support).
- ♣ Voting cards – Most eligible voters, in 1994, did not have ID documents. To identify all those voting the IEC issued temporary voting documentation to over 3.5 million citizens in a matter of four months.
- ♣ Last minute changes - A week before the elections, the biggest opposition party, the IFP (Voice of traditional Zulu people), petitioned for a place on the ballot. In five days before the election, the IEC had to amend all the ballot papers to include the IFP. Ten days before the election many of the political parties brought a combined total of 14 changes to the electoral legislation. *The DRC must be prepared to be flexible and loose.*
- ♣ Infrastructure – The IEC, in 1994, did not have proper telephone services to reach its electorate. Working in conjunction with the SAPS, the IEC was able to tap into the police service resources and reach their citizen base.

South Africa was the scene of one of the bloodiest racial tensions/wars that the world had ever seen. In the end the South African people exchanged the bullets for ballots. South Africa had an election, the final scorecard was: 19 million votes, no damaged voting stations, no staff injured in violence, no damaged ballot boxes, no injured voters, no voters killed, 86% voter turnout, and less than 1% spoilt paper (Simple rules).

8. Reverend Muholongu Malumalu
Second Vice President
DRC, Independent Electoral Commission
Operational Capacity to support the elections in the DRC

The IEC's mission is to ensure free, fair and democratic elections, to create an environment conducive to the freedom of choice. The IEC has two structures, national (21 members appointed), and provincial (provincial representative offices, where each representative for each province was appointed). The IEC expects several barriers in the upcoming election. Firstly, given the size and geography of the country, transportation is an issue, where travelling from one end to another is problematic. Secondly, the lack of trained professionals (police and election monitors) will be a problem. The IEC estimates a need for approximately 36,000 trained individuals. Thirdly, registering over 27 million people around the country poses serious logistical problems. Finally, collaboration with many government departments is necessary to ensure that the IEC will have sufficient logistical support in carrying out these elections.

The specific role for the police, in relation to the 40,000 voting stations, must be determined prior to the elections. The DRC needs to work on establishing these relationships in all 11 provinces, and also need to secure material at all facilities. The police therefore need the training and equipment that will allow them to handle election crisis. It is ever more critical that IEC and DRC National police develop a strong relationship.

The law on census – The DRC needs an appropriate census for the votes (qualified). First criteria is age (18 years), nationality (Congolese is exclusive), residency (jurisdiction in municipality), absence of a criminal record (convicted).

Some challenges faced by the IEC:

- ♣ Lack of framework
- ♣ Lack of constitution – basic and fundamental laws of the country concerning elections.
- ♣ Bad political will.
- ♣ Budget/Financial – The DRC does not have a post electorate budget.
- ♣ Lack of infrastructure.

Once the DRC has been assisted with these facilities, there is a higher likelihood of successful elections. The strategic importance of our country poses serious issues with neighbouring countries, in other words 'our misery is our strategic importance'.

Summary of Discussion

- ♣ Judge Kriegler clarified security at the voting posts. The first and foremost political process is verifying security at the voting stations. The DRC electorate cannot and should not depend exclusively on security forces. If political parties view the elections as their own elections, they are just as responsible in ensuring security at the voting stations.
- ♣ The issue of security salaries and the four month preparation time was raised by one of the delegates. The delegates wanted clarification on the exact time the South African government had to prepare for elections. The question was "Can the DRC really depend on security personnel who are not being paid sufficiently to be effective?" *The Judge replied* that the IEC was appointed in December 1993, and the elections had to take place

April 1994. There was no planning or organisation prior to this date, giving the government exactly four months to prepare.

- ♣ The presentations stated that minorities should not be excluded in any electoral process. Given that there are over 400 ethnic groups in DRC, identifying most of these groups as minorities, “how can the DRC overcome this issue and proceed with free and fair elections?” *The Judge responded* by stating that the election is one for over 52 million people, so in fact the DRC is dealing with 52 million minorities. When the focus is on individuals ethnic minorities generally fade
- ♣ Statement – There are vast differences between the South African and DRC infrastructure which have severe security implications. But the biggest challenge is the will of the people. If the people have the will to elect, then you in the DRC will be successful. This is where voter education is important, the importance of democracy and the importance of their participation must be stressed in order to have a non-violent election. It is impossible to place a police/military personnel at every station. The responsibility comes back to the Congolese brothers and sisters and the international community who are ready to assist the DRC.
- ♣ The issue of the role of the police in elections was revisited. If security is not present at every polling station, who is responsible for responding to violent outbreaks? Are voters sensitised to the presence of security personnel? And how should the DRC address the constitutional problem of the right to vote for security personnel? *The solution* is to realise that there is a separation between the right to vote (human right), and the right to be political. As a security officer you cannot be a candidate. To participate as a candidate you must resign from your post and run as an independent non affiliated citizen. Within the DRC it will be impossible to have security at every polling station. The UN therefore recommends that as many personnel possible are deployed to polling stations. Within the context of the polling station, officers should be at a reasonable distance from the voters.

9. Mr. Chris Botha

Assistant Commissioner, SAPS

Transitional challenges faced by SAPS during the establishment of the democratic system in South Africa

The question is simple ‘how can the South African experience be of any value to the DRC, leading to a country of peace and democracy, and people centred?’

Policing regulatory framework – the constitution is the centre of South Africa’s transformation. It includes a bill of fundamental rights which entrenches the rights and freedoms of South Africans. The creation of a constitution and a legislative framework has had implications on the way the police carries out it’s mission.

SAPS is situated in the Department of Safety and Security headed by the Minister of Safety and Security. Because the change in policing was not initiated by internal critique, but by political transition, the Ministry initially spearheaded the transformation. In 1994 the Minister appointed an Interim Advisory Team which was to assist in the transformation process. Some of the challenges the team faced were:

- ♣ Developing a shared vision. When the top management was appointed, they were bogged down by crisis. Lack of capacity was overwhelming. Leadership development was provided to top management. It was critical to set a uniform vision.

- ♣ Uncertainty – many police officers were uncertain about their roles often at the expense of service delivery.
- ♣ Emphasis on rank and position were addressed by introducing a new rank structure separate from the military (Civil ranks).
- ♣ New HR polices – promotion, performance evaluations, development, etc. with these new systems uncertainty levels dropped.

The SAPS firstly, needed to understand forgiveness, and that without this the process of building a new nation would be hampered. Building a new nation had to be done under the principles of democracy. We had to address inequities of the past, those excluded had to be reaffirmed, and their contribution had to count. All of these issues were addressed by developing a comprehensive constitution, which sets out the mission of the SAPS.

The SAPS is committed to the people of South Africa, we evaluate our service continuously and make efforts to improve on it. We protect and instil confidence and co-operation of community, and government. It is the police who are given the responsibility of protecting democracy; it is what makes a free society possible. They protect the most democratic ways of life, to provide a secure environment to resolve conflict, to promote freedom of movement, and speech. A police in a democracy basis its existence on individual human beings.

The relationship between political and policing in the transition process is a reality so it should consider the following for success.

1. Multi- dimensional co-operation in an integrated fashion between police, military, criminal justice, civil society.
2. Need for donor support and co-ordination
3. Perception of democracy is the measure of transitional success.

In South Africa we have shifted our paradigm. We see our world as one being ruled by our constitution and by the principles and values flowing from it. Our constitution guarantees our way of life. Therefore, it guarantees the rights of the people whose safety and security are in our hands. To police a constitutional democracy is not easy. It questions the past and forces people to think about people. And it constitutes self-transcendence: to give something of myself to another human being or a worthy cause. When done in the right manner and spirit, nothing in the world could be more rewarding.

***10. Mr. Chalwe Ngwashi Raus
Colonel in the PNC***

A perspective on the policing capacity of the DRC relating to the elections.

The mission of the National Congolese Police, laid out in the 2002 Sun City Accords, is security, to maintain public order, and service to the nation. The current police structure is a direct result of these Accords.

Mr Raus gave general description of the present structures, roles and responsibilities of the PNC.

Given the changing nature of the country, the new police system needs resources to deal with the conflict situations. It is here that the contribution of bi and multilateral co-operation is necessary. The people of DRC must reclaim elections; they must choose their own leaders and establish organs of government. In this context the police are reforming and playing an important role in terms of security.

The PNC is involved in the following process for election security planning:

- Identify people and identify institutions, which would impact negatively in the electoral process.
- Assessment of situations and taking appropriate measures
- Roadmap of activities for before and after elections
- Establishment of joint committee at different levels

Summary of Discussion

- ♣ A delegate asked for elaboration of the different phases involved in the de-militarization of the SAPS. The response from Commissioner Botha was that one of the factors is the belief that the police should make use of minimal force. The notion of community policing had been another factor that changed the culture of the SAPS. SAPS adopted ranks and symbols that the community could be proud of (uniforms, etc.). The community must be able to look up to the police, so the uniform became the symbol for where people could go in times of need.
- ♣ The DRC IEC vice-chairperson gave some recommendations for integrating different factions of people, after observing the similarities between both the South African and DRC policing services.
 - To seek financial support for the integration of different factions and forces into one national police organisation. The DRC integration has not gone further than officer levels. Financial support for further integration at the lower levels is necessary, because personnel are still holding allegiance to past alliances.
 - Create a police directorate in charge of electoral process who can be held accountable to the national commissioner for the police activities in respect of the elections.
 - Police should be under the government security department and not home affairs.
- ♣ The question “Why is MONUC primarily interested in training and not in equipping forces within the country?” was raised. *Mr. Sadry, MONUC representative stated* that assistance in terms of equipment was not a possibility in terms of the mandate assigned to MONUC by the UN Security Council. When MONUC approves tasks it does not provide staff with any funds to assist government in terms of finance, or logistics. MONUC, based on its mandate, only provide for training, mentoring, and advising services. But MONUC does act as a catalyst to get this assistance from the international community.
- ♣ Congolese delegates raised the question of security personnel attitudes towards the elections, specifically for those not yet integrated into the police or army. *Assistant Commissioner Botha stated* that there were no problems in South Africa during the 1994 elections, that all the various groups had worked together regardless of allegiances. The process of amalgamation of forces into the new SAPS and SANDF only occurred after the elections.
- ♣ “Are human rights violated when police and security personnel are prohibited from contesting without resigning their position?” South Africa has a non-partisan approach. *Comm. Botha said* that transformation did not eradicate political affiliations or beliefs. Professionalism requires police to leave their political beliefs at the door during service delivery.
- ♣ The issue of reshaping borders came onto the floor. Given that Congolese families (voters) live on both sides of the borders, what action could the DRC government take when registering voters and managing the election (to ensure that non-congolese foreigners do not vote illegally) ? *The response* was that the people of the DRC should not be scared by

the size of their borders, and that some practical solution to this dilemma would need to be found. As a representative from the DRC said “If our own people are scared at the lengths of the borders what impression does this give the international community?”

POLICE-IEC WORKSHOP ON ELECTION SECURITY

The workshop took place at the Burgers Park Hotel in Pretoria over two days, 26-27 October 2004. A list of participants is annexed to this report. The facilitators of the workshop (Janine Rauch of Idasa and Nkrumah Mazibuko of the SAPS) commenced the workshop by clarifying the objectives and the outcomes expected from the workshop; which had been raised at the previous day's seminar by Commissioner Kruser.

OBJECTIVES OF THE WORKSHOP:

- Share South African experiences in policing elections & election security arrangements
- Learn from South African experiences
- Assist with planning and development for DRC election

DESIRED OUTCOMES OF THE WORKSHOP:

- Shared vision between DRC police and election officials on the approach to election security for the DRC
- Identify issues and actions to follow up....
 - In the DRC
 - In the South Africa-DRC Development Programme
 - In South Africa
 - With donors

The workshop consisted of three inputs by South African presenters, and much time spent in group work sessions by the delegates.

1. Assistant Commissioner Fryer, SAPS Operations Co-operation for securing elections in South Africa

NOCOC – the National Operations Co-ordination Committee - was established in 1997 as a national structure, and included five agencies (Defence Force, SAPS, Departments of Justice, Correctional Services and Welfare). It deals with operational planning and strategic planning, crime combating, security and other relevant issues for major events in South Africa (elections, 2010 soccer world cup, etc.).

Permanent Members of the NOCOC are - SAPS, South African Defence Force, Intelligence Coordinating Committee, National Intelligence Agency, Secret Service, Departments of Justice, Corrections, Social Development, Foreign Affairs, Home Affairs, Transportation, National Treasury, and the South African Revenue Service.

Commissioner Fryer discussed the structure, operational roles and responsibilities, process and monitoring of the NOCOC. The commissioner also highlighted how these structures and operational guidelines are reproduced at provincial, area, and ground levels and how similar committees are set up at these levels.

The structures discussed in this presentation have been put in place over the past ten years. Through trial and error, and harsh lessons, the SAPS have continued to adjust their structure

to reflect current needs. It is the hope of SAPS that this model of transformation can be used as a basis for the people and security forces within the DRC.

Discussion

- ♣ Conference delegates from the DRC wanted clarification on what structures were in place to ensure co-operation between the SAPS and South African Defence Force, how these two groups worked together and how this relationship was working. Participants also wanted clarification on the roles and responsibilities of the SAPS and the Defence Force during elections.
- ♣ There was confusion on funding issues. Many delegates were concerned about funding of the security forces salaries. If security forces were deployed for election security, who was responsible for funding? Was it the Department of Home Affairs, the IEC, or the security forces themselves? – *The response* here was that in South Africa each security force is funded separately by the government, and each of them must plan and budget for elections from within their own budgets. Funding for these events comes from the individual departments themselves. In special cases, if the IEC requests assistance on a specific matter, they might reimburse the other departments.
- ♣ Many participants raised the issue of country context, and how the SA model could be applied to the DRC given the size and geography of the country. *The response* here was for the DRC delegates to remember that the model presented was a generic model for South Africa. The main concept is **joint planning**. Although the security model built for South Africa has worked here, it may not be applicable to the DRC country context. However, the issue of joint planning is the key lesson. If this model is adapted and adjustments are made based on joint consultation and joint planning, it might work well for the DRC. The most important aspect is to include ALL relevant role players, and ensure that everyone has input in the planning process.
- ♣ A participant recognised that the DRC does have in place many of the structures that were discussed today, but there are many problems with the issue of resources. The questions of how to finance these structures and how to finance the equipment needed are of great concern. In addition, the delegates were specifically concerned about telecommunication equipment. The DRC lacks mobile, telephonic, fax, and internet services. Given that the structures mentioned in the presentation require daily communication and updates, and given the limitations in communication, how could the DRC achieve similar models? *The response* here was that the SAPS is working closely with the PNC, on matters of communication.
- ♣ One of the delegates raised the issue of reunification at all levels of government. As stated in DRC legislation, reunification of government is a key priority/issue. Because reunification is executed through the Department of Home Affairs, reunification has only reached national government levels. The difficulty is to achieve re-unification at local and ground levels in all areas of government without the proper resources.
- ♣ The participants understood the important implications of relationships specifically the relationship between the police and security services and the IEC. They were curious as to how this relationship has worked over the past and if it was a consistent relationship. Commissioner Fryer *responded* that the IEC and SAPS have been working closely on all election related events for the past ten years. And it was this relationship, for the most part, that helped create a non violent atmosphere for voters.

**2. Mr. Michael Hendrickse, Independent Electoral Commission of South Africa
Senior Manager Electoral Democracy, Training, and Legal Services
Citizen rights, political activity and campaigning; the impact of policing on elections**

In South Africa, the IEC operates under the constitution and under the Electoral Act passed by Parliament. This Act sets out the powers, functions, and administration of the Commission. The IEC can be divided into two different authorities. The first was established on a temporary basis to organize and execute the 1994 elections alone. The second was established by the constitution as a permanent body, in 1996.

The IEC operates under the assumption that voting is a human right and we achieve equality for all. Voting is a right applied only to South Africans. Every citizen has the right to hold and run for elected office, and vote via secret ballot. But many rights are subject to limitations, for example security force personnel are not allowed to stand for election or campaign on behalf of a party.

South Africa has one Election Day which is a national holiday where all eligible voters can vote. Services to disabled and illiterate people are offered via “special votes”. We have demarcated the country into voting districts, where each district has one polling station. Special Votes are dedicated to those who cannot physically attend the polling stations on the day of elections (disabled, pregnant, infirmed, government service officials abroad, electoral staff (250,000 staff for each election). The IEC allows its staff to vote the day before elections. Prisoners have the right to vote, confirmed by the SA constitutional court. Parliament tried to limit the *type* of criminal who could vote, but the Constitutional Court overruled this. The IEC now visits prisons to register voters, and on the day of election IEC staff again visit these prisons and allow prisoners to vote. The legal definition of ‘prisoners’ includes only those under the authority of the Department of Correctional Services (i.e. in prisons) and not those in police cells.

Counting takes place at each polling station unless there is a particular security problem there. By contrast, during the first election in 1994, all of the ballots were taken to pre-determined safe locations and counted. But this can lead to many problems.

The police are informed of where the voting stations are.

There is a formal conflict management service run by the IEC. The IEC works with NGO’s to recruit mediators in every province, who are then trained in electoral issues. If a conflict arises, the mediators attempt to solve the conflict.

There are also party liaison committees (PLC) established at national, provincial and local levels. All parties participating in elections are represented at the respective levels. The objective is to serve as a forum so IEC can provide them with information, and the parties can communication with the IEC on problems that they have. It is not a decision-making committee, but only plays an advisory role. These committees have served the IEC well because all parties are represented have been able to sort out issues. The PLC also allows parties to advise where the best places for the voting stations are. The names of all the presiding officers are distributed to parties ahead of time, to avoid conflict on the Election Day by allowing the officials to get to know each other.

The IEC has a code of conduct for all political parties. They must agree to the code of conduct, and at public meetings must promote the code, give instructions for party members to follow the code of conduct. The Electoral Act also outlines what behavior is NOT allowed (by parties, citizens, everyone) for example:

- you cannot unduly influence someone to vote for you,
- you cannot impersonate somebody,
- you cannot go to the voting station claiming to be someone else,
- you cannot impersonate any IEC officer,
- you cannot make any false statements regarding the law,
- you cannot infringe on the secrecy of the ballot,
- you cannot tear down other people's billboards or placards,
- you cannot obstruct the IEC rules.

These offences can be punished with up to 5-10 years of prison time and or fine. The IEC has a special court dealing with all disputes and infringements on the code of conduct. A person can be charged in the IEC court, in addition to criminal action. This court has status of a High court.

Regarding campaigning, there are rules governing the use of media by the parties. Newspaper advertisements, posters, and printed advertisements must clearly indicate the publisher and printer. The Independent Communications Authority of SA is responsible for what happens on the radio. No political advert can be allowed on the radio 24 hours before the election.

There cannot be any campaigning meetings 48 hours before the election date. For all meetings, the parties must liaise with security services in regards with location and time of public meetings.

Election Day activity – No political activity is supposed to happen on election day, however, limited campaigning is allowed (as long as it takes place outside of the voting stations). This is because it is difficult to enforce a total ban on all political activity. People are not allowed to talk politics within the boundary of voting station. Party tables or tents are allowed as long as they are outside of the voting station boundaries.

Weapons- Except for the security personnel, no person can possess any weapons within the boundaries of the voting station. Voting station boundaries include the actual building and surrounding areas.

Role of police –The IEC's mandate is to ensure elections, and the Police service mandate is to combat crime, and to provide a safe environment for voting.

Security force personnel are deployed at every voting station. The presiding officer can instruct the police officer to remove trouble makers. Security /threat analysis is conducted before elections. Police assist in areas where potential threats have been identified. Where necessary, security services will escort IEC materials and voting staff into and out of certain areas. Police also assist the IEC with general services such as the distribution of material as well as safeguarding of the ballots.

The IEC reports directly to parliament. The IEC budget is approved by parliament, not by the Treasury or an other government department, thereby maintaining its independence from government.

There are very good levels of cooperation between police and IEC at all levels.

Summary of Discussion

- ♣ Voter Education – The conference delegates were concerned about voter education. Understanding that the right to vote is a universal vote, they were interested in how security forces personnel and prisoners obtained information on campaigns, and if security force personnel were permitted to attend political activities. *The response* was that in South Africa political parties are NOT permitted to physically visit prisons but they are however allowed to submit written materials to all prisons. Security force personnel are permitted to participate in any political activity but they are asked to operate professionally, and on an a-political basis. The South African IEC does have its own independent voter education system, where they attempt to provide as much information possible to all voters.
- ♣ There was a clarification question regarding citizenship and voter registration – One participant questioned the IEC’s responsibility in denying registration. In *his response* Mr. Hendrickse stated that citizenship is the responsibility of the Department of Home Affairs, in the government, the IEC does not determine citizenship. The IEC can only operate within the bounds of the legislation, which requires that all voters must have an ID document.
- ♣ The participants wanted more information on what constitutes the size of a voting/polling station, including election staff, etc. *The response* stated that the IEC employs 250,000 staff on Election Day. Each voting station staff consists of a presiding officer, deputy presiding officer and up to 6-8 general staff. The IEC recruits civil servants, teachers, etc. (who have experience in managing people) to work as presiding officers on election day. General voting staff are drawn from unemployed people in the local areas. All staff must sign a code of conduct where they are forbidden to be partial to any political party, and they cannot canvas on behalf of a party.
- ♣ The DRC delegates wanted clarification on how conflicts in South Africa during the 1994 elections which could not be addressed before the elections were handled. *The response* was that there was a process set up within the IEC, but that many complaints were not addressed adequately.
- ♣ The issue of special votes was of concern to the participants. *Special Votes* are offered to those pregnant, illiterate, and disabled. IEC staff make house visits to those requesting special votes two days before the election.

3. Mr. Rama Munisamy

Deputy Manager Security, IEC

Crucial Components in the Policing Plan: Election Security and Citizen Rights

The objectives of the election security department within the IEC are to provide every voter with a safe voting environment, create and maintain safe environment for free and fair elections, and protect the integrity of elections. All security regulations must be within the legal framework (Electoral Act).

Security planning and coordinating mechanisms – The key is to establish structures to provide strategic guidance to the process. These structures come into place a year before election. The presentation includes a diagram of structures (levels within and membership within each

level) ministerial level, national government level, provincial level, etc. These levels work together to ensure security at all polling stations. The National Intelligence Coordinating Committee (NICOC) gathers intelligence information; they are responsible to coordinate and analyze information and prepare risk analysis for the joint planning of security. The NICOC is a regular government structure, not just for elections.

Security operational planning – Every province has its own specific plan and these are then integrated into a national plan.

On the monitoring and control aspects, security incidents are logged centrally. They are put into a Geographic Information System which maps incidents and then use this information to predict future disturbances.

Roles and functions of –

- Presiding officer – confirmation of security arrangements, mobile voting security arrangements, consultation with local police on any voting changes (decisions at lowest levels), ordering removal of unwanted persons with assistance of SAPS.
- SA National Defense Force – maintenance of outer parameter security (not in immediate voting polling station), provide IEC with reaction capabilities in high risk areas, and logistical support (tents, aircrafts, generators, etc.)
- SAPS – maintain order, ensure that there are no firearms, work inside the polling station area, assisting Presiding officer to remove unwanted persons, ensure voting station is secure, accompanying mobile voting stations, deal with unacceptable conduct regarding voting materials.
- Provincial election officer – identify voting station, establish election security needs, verify arrangements with local police.

There are conflict management programmes which provide strategic mediation and arbitration to potential risk prior to the election. Conflict resolution panelists are set up in each province. Panelists work with provincial security services to assist in investigating reports of security nature during elections. They determine level of conflict, nature of conflict, and report on intervention strategies.

To achieve a common objective with the many players, coordination is vital to the success of elections. Coordinated mechanisms need to be in place for the election to be successful, and they need to be integrated.

After each election, the IEC has learning sessions, ensuring improvement in future elections – it becomes an ongoing learning process.

Summary of Discussion

- ♣ The role of private security personnel needed clarification - Private security companies do work in conjunction with government security forces, specifically on distribution and logistical issues. The IEC also uses the expertise of these private companies on security matters, prior to the election. During elections, they participate in the structures and follow all the procedures. Impartiality of private security is ensured by thorough vetting and checking by governments security and intelligence agencies at the time that tenders are awarded to those companies. .

- ♣ Seminar delegates requested additional information on staffing levels at polling stations. *The response* is that deployment is determined by the security threat/risk analysis. In high-risk areas or high-volume voting areas, higher number of security forces are deployed. Over the last election there were over 100,000 security personnel deployed.
- ♣ Delegates were concerned about how the DRC's over 200 political parties could be included in the co-ordination structures suggested. How can the DRC, in an equitable manner, include all political parties in conflict management without being accused of favoritism? *Mr. Hendrickse* responded by referring to the South African party liaison system, which included all political parties in the planning process.
- ♣ Participants wanted additional information on the state of South Africa prior to the elections, the responsibility of provincial governments and police, and comparisons between the 1994 and 2004 elections. In 1994 the security situation was different than 2004. Police and the SADF and IEC handled the situation based on the risk analysis at that time. Deployment in 2004 was based on the 2004 situation, while the deployment in 1994 was based on 1994 intelligence data.
- ♣ There was general appreciation and acknowledgment for the positive working relationship between the South African IEC and Police services.
- ♣ The definitions of inner and outer perimeters of polling stations were clarified.
- ♣ Participants wanted clarity on the status of police personnel deployed, were they general personnel or those specifically trained in election matters? *SAPS* replies that general officers are deployed, there are no election-specialist police officers. However there is ongoing training in election issues as part of regular police training
- ♣ Physical distance of officers at the polling stations - the provincial electoral officer, local presiding officer, and the local police officials determine the distance of security forces from the polling station. Because of a decentralized nature, and based on the security risk, the distance varies. The number of people, landscape of station, infrastructure of station, all help determine the distance of security forces from the polling station.

EVALUATION OF THE WORKSHOP

- ♣ The seminar would have been more helpful if the DRC delegation could have had the presentations in French beforehand.
- ♣ The delegates thanked the Republic of South Africa and the Japanese agency responsible for the workshop. The resolutions taken here should be taken forward so that when the delegation returns to the DRC, the experiences in South Africa can be put in the context of the Congolese reality.
- ♣ Many of the police delegates did not know what the IEC was. With the debate over the past few days they were now aware (police) of their tasks regarding the upcoming election organisation. The exchange between police and IEC delegates has therefore been very fruitful.
- ♣ This experience was very rich because the South African society before apartheid was similar to that of the DRC. It was a transition that was unsure and fragile, but the delegates see how the South African authorities have managed the situation and see the representative and inclusive approach. It was impressive to see how the South African officials managed the elections, specifically electoral security. If DRC could implement the South African model, tensions and violence could be minimised.

QUESTIONS FOR DISCUSSION IN THE WORKING GROUPS

- What is the current status of election security preparation in the DRC ?
- What are the implications of the SAPS & IEC presentations for our own preparations for election security in the DRC ?
- Which other partners do we need to involve in planning for election security ?
- Could we establish an election security co-coordinating structure between all the organisations involved in the DRC election ? If so, how

SUMMARY OF WORKING GROUPS DISCUSSIONS

1. ON ELECTION SECURITY PREPARATION IN THE DRC:

- In respect of the IEC of the DRC; their structures at the national level are operational (with 8 staff); at the provincial level, the structures are still being set up (except in Okatanga and Orientale provinces, where structures are already in place).
- In respect of the PNC:
 - The national Directorate of Special Services and Intelligence has at national level established a structure to deal with election security; at provincial level there are structures to deal with election security in all the provincial intelligence offices
 - More than 200 police officials have already been trained by SAPS and they are transmitting this to other colleagues in the PNC
 - There are 'Committee's on Intelligence' that operate at National and Provincial levels, comprising Military Intelligence, the National Intelligence Agency and the Directorate of Immigration as well as the PNC.
- Potential risks / threats to the election include:
 - Illegal weapons in circulation
 - Presence of armed groups
 - Refusal by some political leaders to participate in the elections
- To assist in addressing challenges in the DRC, the South African experience of amalgamation of the various security forces, and the integration of non-statutory forces, is relevant and inspiring.
- The IEC of DRC has a subcommittee on logistics and operations for the election
- The IEC of DRC has proposals for an ad hoc subcommittee on election security – but this needs to be implemented
- The PNC does not have a budget allocated for election security, and will need quite a lot of resources such as equipment
- The IEC of DRC has established various consultation bodies such as:
 - A civil society consultation body e.g. the one piloted at Kinshasa, which involved civil society groups such as:
 - Religious groups
 - youth groups
 - women's groups
 - business
 - NGO's
 - Academics
 - Trades unions.

- A consultation body for international assistance to the DRC, chaired by MONUC and the IEC of DRC
- a consultation body among all the constitutional structures (the inter-constitutional consultation) which meets monthly
- a political party forum (this is still being established)
- consultative group for the media

2: ON LESSONS LEARNED FROM THE SOUTH AFRICAN PRESENTATIONS:

- the police need to be trained in intelligence, border control, how to tackle criminality, and how to work with Interpol
- the police responsible for the management of security before, during and after the election need to be trained for this work
- ongoing development partnerships are essential – particularly between the PNC and SAPS, and between the DRC IEC and SA IEC. There should also be regular exchanges of experiences through study tours, seminars etc.
- The DRC IEC and PNC will need logistical support in order to achieve security for the election
- A DRC sub-committee to plan and co-ordinate around election security needs to be established and supported. It should include:
 - IEC
 - PNC
 - Department Home Affairs
 - Defense Force
 - Intelligence
 - Special Services
- there is a need to include ALL role-players in securing the electoral process; even non-state role-players. This will reduce conflict and increase the prospect of acceptance of the election results
- we need to rank the security issues according to priorities, and deal with some of the issues after the elections
- we need to optimally use the time available to the IEC of DRC
- we need a well-articulated understanding of the difference between partisanship and the non-political status required of the armed forces. The nature of the transition in the DRC suggests that the police and army should not vote in this election (but it might change in the future)

3: ON WHO NEEDS TO BE INVOLVED IN ELECTION SECURITY

- In the DRC, the following need to be involved:
 - IEC
 - PNC
 - Home Affairs
 - Defense
 - Media
 - Civil Society
 - Political Parties
 - National Intelligence Agency
 - Military Intelligence

- Immigration authorities
- Traditional chiefs
- Religious
- International human rights NGO's
- The civil society sector should also be broken down into groups such as:
 - Women
 - Youth
 - Business
 - Academics
 - Trades unions
 - NGO's
 - Religious groups
- At the SADC level, DRC could learn from other countries experiences
- At international level, it would be useful to work with:
 - The ongoing development partnership with South Africa
 - JICA
 - South African NGO's like IDASA
 - MONUC

4: A DRC STRUCTURE FOR ELECTION SECURITY

- DRC should adopt the South African model for co-ordination of election security, with changes that accommodate the different reality of the DRC
- the co-ordination of structures for election security should be done through an ad hoc sub-committee of the DRC's IEC
- it must work with the structure that has already been established by the PNC at the national level
- there should be security co-coordinating structures at two levels:
 - national level: (political-strategic level) – establish the consultation bodies such as:
 - A civil society consultation body e.g. the one piloted at Kinshasa, which involved civil society groups such as:
 - churches,
 - youth groups
 - women's groups
 - business
 - NGO's
 - Academics
 - Trades unions.
 - A consultation body for international assistance to the DRC, chaired by MONUC and the IEC of DRC
 - a consultation body among all the constitutional structures (the inter-constitutional consultation) which meets monthly
 - a political party forum (this is still being established)
 - operational level: - a body similar to the South African model

ACTION STEPS TO FOLLOW UP:

1. Achieve an agreement of partnership

- 1.1. Between PNC and SAPS
- 1.2. Between DRC IEC and SA IEC
2. Establish a co-coordinating structure for election security – through an ad-hoc subcommittee of the IEC
3. Make sure that this co-coordinating structure works with the structure that has already been established by the PNC at the national level
4. The IEC should continue establish the various consultation bodies such as:
 - A civil society consultation body (e.g. the one piloted at Kinshasa), which could involve civil society groups such as:
 - youth groups
 - women's groups
 - business associations
 - NGO's
 - Academics
 - Trades unions.
 - Traditional chiefs
 - Religious groups
 - A consultation body for international assistance to the DRC, chaired by MONUC and the IEC of DRC
 - a consultation body among all the constitutional structures (the inter-constitutional consultation) which meets monthly
 - a political party forum (this is still being established)
 - a consultative body with the media
5. Establish the election security co-coordinating body modeled on the South African structures (but adapted to DRC reality), to be chaired jointly by Home Affairs and the IEC.

SEMINAR PROGRAMME

25 October 2004, Centurion Lake Hotel

The Democratisation And The Establishment Of Sustainable Policing In The Democratic Republic Of The Congo (DRC)

Facilitators: Paul Graham of Idasa, Nkrumah Mazibuku of SAPS

08:30 – 09:00	Registration
09:00 - 09:30	Welcoming by <u>Mr Jackie Selebi</u> , the National Commissioner: South African Police Service, and his Excellency, the Ambassador of Japan
09:30 - 10:00	Purpose of the seminar, by <u>Mr Gary Kruser</u> , the Divisional Commissioner, Training: South African Police Service
10:00 – 10:45	Current political context of the DRC The peace process: towards a settlement in the DRC by <u>Mr Vasu Gounden</u> , Executive Director of ACCORD
10:45 – 11:15	Refreshments
11:15 – 12:30	Current political context of the DRC (continue) Opportunities and challenges in the run-up to the Democratic Elections in the DRC July 2005 by <u>Mr. Behrooz Sadry</u> , Deputy Special Representative of the Secretary General of the UN, MONUC <i>Plenary Discussion – Questions to speakers</i>
12:30 - 13:30	Lunch
13:30 - 15:00	Election Preparation <i>Overview on the run-up to the Democratic Elections in South Africa in 1994 and key Lessons Learnt</i> by <u>Judge Johan Kriegler</u> , Ex-chair of the South African IEC Operational Capacity to support the Elections in the DRC by <u>Reverent Muhlongu Malumalu</u> , President of the IEC of the DRC <i>Plenary Discussion – Questions to speakers</i>
15:00 – 15:30	Refreshments
15:30 - 17:00	Policing Preparations Transitional challenges faced by SAPS during the establishment of a democratic system by <u>Mr Chris Botha</u> , Assistant Commissioner, SAPS <i>A perspective on the Policing capacity of the DRC relating to the elections</i> by <u>Mr Chalwe Ngwashi Raus</u> , Colonel in the PNC of the DRC <i>Plenary Discussion – Questions to speakers</i>
17:00	Closure for the day

WORKSHOP PROGRAMME

26 & 27 October 2004

The Democratisation And The Establishment Of Sustainable Policing In The Democratic Republic Of the Congo (DRC)

Tuesday 26 October 2004 Workshop at Burgers Park Hotel

Programme for work groups on Election and Policing matters

09h00	Welcome by <u>Ms. Janine Rauch</u> , workshop facilitator, and explanation of workshop objectives and process
09h30	Input by <u>Mr. Fryer</u> , the SAPS Head: Operations, dealing with co-operation and arrangements that are made in securing elections in South Africa.
10h15-11h00	Questions
11h00-11h30	Refreshments
11h30-13h00	Break into 3 Working Groups
13h00-14h00	Lunch
14h00-15h00	Input by <u>Mr. Michael Hendrickse</u> , Senior Manager: Electoral Democracy, Training and Legal Services, IEC, on Elections: Citizen Rights, Political Activity and Campaigning
15h00-15h30	Questions
15h45-16h00	Refreshments
16h00-17h00	Working Groups
17h00-17h30	Brief feedback to plenary from the 3 Working Groups
17h30	Closure

Wednesday 27 October 2004 Workshop at Burgers Park Hotel	
Programme for work groups on Election and Policing matters	
09h00-09h10	Outline of the day, by Facilitators
09h10-09h45	Input by <u>Mr Rama Munsamy</u> , Deputy Manager Security, IEC, on Crucial Components in the Policing Plan: Election Security and Citizen Rights
09h45-10h30	Questions
10h30-10h50	Refreshments
10h50-12h10	Working Groups wrap up their final reports
12h10-13h00	Feedback to plenary by Working Groups (3 x 15 minutes)
13h00	Lunch (Facilitators and interpreters meet over lunch)
14h00-14h30	Plenary: case study of East Rand pre-election incident (Facilitators prepare draft report for discussion)
14h30-15h30	Plenary: discussion on the report and the way forward
16h00-16h30	Coffee break
16h30-17h30	Closing Plenary: Closing remarks by <u>Dr Brigalia Bam</u> , Chairperson of the IEC in South Africa, and Closing comments by <u>Mr. Norio Shimomura</u> , Resident Representative of Japan International Cooperation Agency (JICA)
17h30	Cocktail Party, hosted by Japan International Cooperation Agency (JICA) at Burgers park hotel

The facilitators for the workshop were:

Janine Rauch of IDASA

Nkrumah Mazibuko of SAPS

The administrator:

Lesley Adams of IDASA

Cell no. 084 873 9141

The rapporteur:

Shaila Gupta of IDASA

Cell no.072 274 4017

The interpreters:

Mr. Pascal Kiabilua

Cell no. 082 598 2962

Mr. Briac Benoist

Cell no. 072 018 9370

Mr. Lumen Mundi International

Cell no. 082 254 8008

Mr. Kadima Wa Kalonji

Cell no. 083 483 0413

Mr. Tumbo John Wani

Cell no. 072 415 0734

ANNEXURE B: LIST OF WORKSHOP PARTICIPANTS

LIST OF DRC PEOPLE WHO ATTENDED THE DRC ELECTION SEMINAR ON 25 TO 27/10/2004

DRGS (Police members)

<u>NO</u>	<u>FIRST NAME</u>	<u>SURNAME</u>	<u>SEX</u>
0	RAUS NGWASHI	CHALWE	MALE
1	VAN BILE	IBIBA	MALE
2	LUBINGA	KILUKU	MALE
3	ELIAS	TSHIBANGU	MALE
4	MASIA DAVID	MOKOYO	MALE
5	ELAYA	NSUKAMI	MALE
6	KANGOYI	LUPUNGU	MALE
7	BAKULU	KANTU	MALE
8	EMILE	CHALWE	MALE
9	BULA BULA BABY	KAFEKE	MALE
10	TSHIANANA	KABASELE	MALE
11	THIERRY	MALU MALU	MALE
12	EMILIE	MBAFUMOYA	FEMAL E
13	KAPITA	MUKINZI	MALE
14	DAVID	MBENZA	MALE
15	MESO	LUMANDE	MALE
16	MEBA NICO	BADIBANGA	MALE
17	PHILEMON	AKWA	MALE
18	LOFOKO	KIFUKU	MALE
19	BAFUBI	LUBAO	MALE
20	ANNICET	MUHIMUZI	MALE

DRC IEC (CEI) (Electoral commission members)

<u>NO</u>	<u>FIRST NAME</u>	<u>SURNAME</u>	<u>SEX</u>
1	NORBERT KATINTIMA	BASENGEZI	MALE
2	CRISPIN	KANKONDE	MALE
3	DIEUDONNE MIRIMO	MULONGO	MALE
4	CAROLE KOY	KABANGA	FEMAL E
5	AIMEE AMUNAZO	KAULU	FEMAL E
6	GODEFROID LONGOLI	LOMATA	MALE
7	FLAVIEN MBAYAHE	MISONI	MALE
8	CRISPIN	KAYEMBE	MALE
9	FREDERIC	KULUBOLO	MALE
10	NELLY MBIYE MUTAMBAYI	KAJA	FEMAL E

ANNEXURE C: MORE DETAILED REPORTS OF WORKING GROUPS

The workshop broke into three working groups which discussed various topics during the course of the two-day workshop. This is a summary of the discussions held by the groups:

What is the current status of election security preparation in the DRC?

Group One:

At the national level, the IEC has logistical structures are in place but at the provincial and local levels the project is still underway. The DRC National Police Services have operational capacity at all three levels (national, provincial, and local).

Group Two:

Actions completed

Police:

- ♣ Training of approx 150 DRC police officers (intelligence) in terms of election security by SAPS trainers (national and provincial levels).
- ♣ Feedback from DRC trainees to their respective organisations (National, provincial, and local levels).
- ♣ Creation of an election security office in the department of intelligence.

IEC:

- ♣ The existence of a special commission responsible for operational logistics for election security.
- ♣ Proposal for a sub-commission responsible for election security (IEC, government, PNC, Army, partners).

Actions to be completed

Police:

- ♣ Logistics and finance for the election still need to be secured

IEC:

- ♣ Formalisation of the sub-commission responsible for election security.
- ♣ Need to design a general plan for the election security with all partners.
- ♣ Need to prepare an election security budget.

Group Three:

Actions to be completed:

Police:

- ♣ Police will need to identify persons or groups who could disturb the electoral process; and evaluate threats at both the internal and external levels.
- ♣ There should be an integrated calendar of the different activities for execution by the various specialized services (DGRS, military intelligence, ANR and DGM)
- ♣ There should be joint operational committees established at all levels (national, provincial, district, and territorial)
- ♣ The police intelligence services should be activated for research regarding weapons and arms caches

- ♣ The police must establish contact with the IEC in order to create collaboration to evaluate the PNC costs linked to the electoral process, and possibility of appointing a police officer to the IEC at the national level.
- ♣ There needs to be an evaluation of activities linked to the electoral process.
- ♣ There needs to be consultation between the IEC and the intelligence services.
- ♣ There has been some training of police officers in intelligence and on the electoral process (approximately 200 officers)
- ♣ There needs to be dialogue between soldiers and unit commanders regarding/around non politicization of the police during elections and ensuring smooth operation of the election process.
- ♣ Ensuring that police personnel monitoring elections constitute a range of backgrounds and interests and deploying these personnel throughout the country during elections.

IEC:

- ♣ A special committee in charge of logistics and operations is focussing on security.
- ♣ There was an INTERDESEC seminar, where IEC and international partners were meeting on the issue of election security (August 2004).
- ♣ An ad-hoc sub-commission in charge of security at all levels has been proposed. Ad-Hoc Sub-commission would be composed of PNC, DGM, POP, ANR, FARDC, Military representative, rescue services, CIVPOL/MONUC, UN military forces, and political administrative structures.
- ♣ The IEC has begun to establish consultation structures
 - International technical committees
 - Institutional committees
 - Political party forums (underway)
 - Non state role players (pilot experience in seven activity sectors in Kinshasa)
 - Churches
 - NGOs
 - Women associations
 - Youth organisations
 - Trade unions
 - Universities and the Scientific community
 - Health, art and culture organisations
 - Corporate sector
- ♣ There has been exchange with MONUC on security issues
- ♣ Discussions with international partners regarding security personnel salaries within the electoral budget: Proposal by the international community that management of salary issues rest within respective departments instead of in the central allocations by the IEC.
- ♣ There needs to be a good understanding of the difference between a party supporter and the apolitical nature of security forces.

What are the implications of the South African presentations for the DRC preparations for election security?

Group One:

- ♣ It is necessary to co-ordinate the different agents of the electoral security
- ♣ It is possible to combat fraud during the elections and evade post-election problems
- ♣ Staying within time structures will allow a more relaxed IEC

- ♣ There needs to be a spirit of understanding between the general public and security forces
- ♣ The DRC arrangements do not allow security forces to vote (police and defence). The transition process must address this issue.

Group Two:

- ♣ It is necessary to involve all stakeholders in election security.
- ♣ We need to reduce election incidents and fraud; and avoid contesting election results.
- ♣ We need to have a global conception of election security that involves all stakeholders (state and non state actors).

Group Three:

- ♣ Understanding the significance of security issues around the electoral process, it is necessary to establish a strong collaboration between the police, IEC and other electoral process players.
- ♣ Establishment of appropriate structures to ensure smooth functioning of the collaboration.
- ♣ The South African experience of bringing people from different communities and different ethnic groups together to create a national police force.
- ♣ Prioritizing the specific needs linked to the electoral process to avoid being overwhelmed by questions that could be answered after the elections.
- ♣ The IEC realizes responsibility towards the nation in optimizing the management of the remaining time before the elections.

What other partners need to be involved in planning for election security in the DRC?

Group One:

- ♣ Churches
- ♣ NGOs (national and international)
- ♣ Local population and chiefs
- ♣ All other national communities which are not included in the IEC

Group Two:

- ♣ International community (MONUC, RSA,...)
- ♣ Local and international NGOs
- ♣ Religious organisations
- ♣ Traditional chiefs

Group Three:

- ♣ Political parties
- ♣ Non State Role Players (See Above List, question one)
- ♣ Traditional Chiefs/leaders

Can the DRC establish an election security coordinating structure between all the organisations involved in the election? And if so how?

Group One:

- ♣ The DRC can establish election security coordinating structure between all relevant organisations.

- This structure has to follow the South African model.
 - President: IEC and the Minister of Home Affairs
 - Premier Vice President: Representative from IEC
 - Vice President: Representative from the National Police
 - Reporter: Representative from the National Intelligence (ANR)
 - Members: Army, military, security, DGM
- At the national level, this structure has to work in conjunction with the national police and can be adopted at the provincial and local levels.

Group Two:

- ♣ Yes, there is a possibility to establish a co-ordination of security structures through the sub-commission of the IEC, inspired by the South African model. In the following way (National level):
 - Co-presidency: IEC delegate and a Department of Home Affairs delegate
 - First Vice Presidency: IEC delegate
 - Second Vice Presidency: National Police delegate
 - Rapporteur: National Intelligence Agency (ANR) delegate
 - Members: National DRC Army (FARDC) delegate, Military security member, and General Direction of Migration (DGM) delegate.

Group Three:

- ♣ Is it possible? Yes it is.
- ♣ How is this possible?
 - At the first level the DRC must rely on the different consultation frameworks between the IEC and other partners.
 - At the second level, or operational level, the IEC and the security depart should bring together or create meetings for public role players who are concerned with security issues.

Follow Up Action Steps

1. Achieve an agreement of partnership
 - Between PNC and SAPS
 - Between DRC IEC and SA IEC
2. Establish a coordinating structure for election security – through an ad-hoc subcommittee of the IEC
3. Make sure that this coordinating structure works with the structure that has already been established by the PNC at the national level.
4. The IEC should continue establish the various consultation bodies such as:
 - A civil society consultation body (e.g. the one piloted at Kinshasa), which could involve civil society groups such as:
 - youth groups
 - women's groups
 - business associations
 - NGO's
 - Academics
 - Trades unions.
 - Traditional chiefs
 - Religious groups
 - A consultation body for international assistance to the DRC, chaired by MONUC and the IEC of DRC

- a consultation body among all the constitutional structures (the inter-constitutional consultation) which meets monthly
 - a political party forum (this is still being established)
 - a consultative body with the media
5. Make sure that this coordinating structure works with the structure that has already been established by the PNC at the national level.
