



Long Term Election Observation from a peace-building Perspective

Draft Report

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Introduction

The UWIANO Platform for Peace is an initiative formed in May 2010 to provide space for coordination of key peace-building stakeholders and promotion of initiatives that prevent and mitigate electoral violence. The Uwiano Platform began with five members – the National Steering Committee (NSC), National Cohesion and Integration Commission (NCIC), Independent Electoral and Boundaries Commission (IEBC) PeaceNet and UNDP. The Platform has since progressively restructured to include key actors involved in the electoral process, including the National Police Service (NPS), the Council of Governors (COG), the Office of the Registrar of Political Parties (ORPP), the Inter-Religious Council of Kenya (IRCK), the Media Council of Kenya (MCK) the Kenya Private Sector Alliance (KEPSA) and UN Women. As a conflict prevention strategy, the Uwiano Platform has continued to provide leadership around political and electoral processes and a forum for improving coordination and linkage for electoral violence reduction. The effectiveness of the Platform for Peace, the 2010 Referendum on the Proposed Constitution and the 2013 general elections were peaceful.

In preparation for the 2017 general elections, the UWIANO platform relaunched in March, in the period following mass voter registration and the Devolution Conference.¹ The relaunch marked the beginning of intensified engagement in and coordination of Election Violence Reduction initiatives (EVRI) at the national and county level. During this period, UWIANO strengthened its partnership with the IEBC, which enabled the accreditation of over 1000 long-term and short-term election observers from the 12 Uwiano Partners. Through accreditation County-level peace structures such as Local

Peace Committees, Cluster Coordinators and Peace and Cohesion monitors

This Brief provides an analysis of election monitoring from a peace-building perspective. This means the focus was on conflict early warning and coordination of response. Whereas observer missions use various criteria to guide their observation during the various phases of the electoral cycle, a peace-building perspective focuses on threats to peace before, during and after the elections, and strategies to reduce the risk of violence.

Political Context

Kenya has a history of violence during the election year. Of the 5 elections held since the return to democracy in 1991, three have been violent (1992, 1997, 2007). As the 2017 elections approached, public anxiety about possible violence before or after the elections rose, and peace actors under the Uwiano Platform – of which IEBC is part – began to enhance election preparedness and peace-building activities.

The IEBC faced pressure and criticism from political parties about its capacity and independence to conduct a free, fair and credible elections. The main parties accused the commission of alleged complicity in schemes to rig the 2017 elections. In particular, opposition coalition National Super Alliance (NASA) held street protests demanding the removal and replacement of IEBC Commissioners that managed the 2013 elections over integrity issues. The protests led to reconstitution of IEBC commissioners only months to the election. While the changes introduced new concerns about technical preparedness of the commission to manage the elections in the short time, the IEBC released an operations calendar to expedite its preparedness. However, the

¹¹ The relaunch took place during the Fourth Devolution Conference

schedule of court decisions regularly interrupted timely implementation of planned activities, which compelled the Commission to adjust its operations calendar. Despite the challenges, the IEBC successfully managed to conduct elections on 8th August 2017.

Voter Education with peace messaging

The IEBC led a robust voter education campaign using the mainstream media (radio, TV, Newspapers) and social media (Twitter, Facebook, Whatsapp). In partnership with Uwiano, the IEBC produced infomercials that not only provided information on how to participate in the electoral process, but also called on voters to maintain peace during and after the elections.

Voter Registration

The IEBC conducted two phases of Mass Voter Registration (MVR) and continuous voter registration. Uwiano partners shared with IEBC conflict early warning information, such as alleged ‘voter importation’ in a number of counties, which the Commission addressed in partnership with other Uwiano partners, including the Office of the Registrar of Political Parties (ORPP). The Commission sought to address the issue of illegible voters without national identity cards through partnership with the Department of Registration of Persons to expedite processing of IDs, and messaging urging people to collect the thousands of processed cards. Uwiano shared information with both the IEBC and the National Police Service about alleged registration of foreigners in some counties. The partners addressed these through assurances and calls to the public to share real-time information with the police in areas where such reports were coming from.

Political Party and Candidate Registration

The IEBC in collaboration with the ORPP gazette 63 political parties to take part in the August 2017 general elections. The period leading to the political party primaries experienced incidents of violence occasioned by confrontation between rival supporters. Uwiano shared with IEBC early warning and rapid response information, which enabled the Commission to respond appropriately in accordance with the electoral code of conduct. The Commission also collaborated with UWIANO to produce violence risk maps.

Political parties participating	63
<i>Elective seats</i>	<i>Party candidates</i>
Presidential candidates	8
Governor	183
Senator	263
Member of National Assembly (MP)	1,473
County Woman Member of National Assembly (Women rep)	261
Member of County Assembly (MCA)	9,142
Total (party candidates)	11,330
Independent Candidates	3,752
Total no of candidates	14,082

Dissatisfaction by some candidates with the conduct or outcome of the party primaries resulted in over 200 disputes. In accordance with the electoral law, parties subjected emerging disputes to the Political Parties Disputes Tribunal and other mechanisms including the courts. Ultimately, the IEBC registered over 14,082 candidates to take part in the elections, of which over 3700 were independent candidates.

Accreditation for Election observation

The Independent Electoral and Boundaries Commission (IEBC) accredited over 800 long-term election observers from UWIANO partners, as indicated in the table below. In addition, through UWIANO, over 300 members of District Peace Committees (DPCs) received accreditation to conduct long term and short-term election observation. In total, the National Steering Committee (NSC) and the 12 key Uwiano partners deployed over 1000 peace monitors and election observers across the county. The IEBC has also accredited over 4000 election monitors from 420 organizations, some of which are important partners in peacebuilding work at the national and county level. The high number of monitors and observer, including 380 from the Elections Observation Group (ELOG) and others deployed by the Kenya National Commission on Human Rights (KNCHR), the National Gender and Equality Commission (NGEC), and human rights organizations strengthened information gathering on election violence risk. The early warning information was critical for multiagency interventions at all levels. The monitors and observers underwent training and held briefing meetings with IEBC during which they raised concerns emerging in the political environment.

The campaign period

The official campaign period was relatively peaceful. Uwiano partners reported 4 deaths and 96 injuries emanating from clashes between supporters of rival candidates, including independent and party-nominated candidates in at least 21 counties. Uwiano and the IEBC shared information on election violence risk and produced ‘violence risk maps’ which guided the commission in operational considerations and Uwiano

partners in crafting peace and cohesion messages at the national and county level. The IEBC took disciplinary measures against parties and candidates found fomenting violence, including suspension of campaigns.

Peace Monitors and Election Observers

Uwiano Partner Institution	No. of monitors
NSC	16
NCIC	121
Registrar of Political Parties	343
Inter-Religious Council of Kenya (IRCK)	17
Media Council of Kenya	8
PeaceNet	58
Jamii Thabiti	6
APS Hello Kenya	297
Total	866

Media Environment

The media gave proportionate coverage of the political candidates to ‘sell’ their manifestos to the public, including through debates between candidates vying for various county level seats and two Presidential Debates at the national level. Through community and vernacular FM stations, the media held debate forums and call-in programmes on the campaign. Social media platforms became an important avenue not only to pass important election-related information, but also an avenue for parties and candidates to reach their supporters. However, the social media space was awash with ‘fake news’ as political rivals sought to discredit each other, while hate speech attributed to a few politicians were reported. Uwiano partners took measures to curb hate speech through arrests and fines, and regular calls to exercise political tolerance.

The Participation of Women

Women candidates comprised about 9 per cent of the candidates that took part in the elections. A majority of the women candidates were party-nominated. Analysis by Uwiano partners showed that women faced challenges inimical to women participation in politics, including insults, lack of support from family, lack of financial muscle to mount strong campaigns, and stereotype against women leaders, including personalized attacks regarding marital status or origins. The Uwiano platform in partnership with IEBC engaged in advocacy for peace and security challenges facing women candidates and ran their leadership profiles in the media to enhance their visibility. The IEBC and Uwiano partners urged parties and voters to support women candidates to avoid a high number of nominations in order to meet the constitutional requirement.

Uwiano partners promoted women participation not only in politics, but in mediation of political conflicts at the national and county level. Uwiano trained over 80 mediators from across the country and established Conflict Mediation Panels, of which women were a big part. Uwiano also ensure all District Peace Committees and other dispute resolution structures were headed by women or appropriately engendered.

The Participation of youth and Persons with Disabilities

The IEBC and Uwiano partners actively promoted the participation of young people and persons with disability (PWD) not only in the electoral process, but also as candidates for various positions. The IEBC ensured political parties complied with legal requirements for the inclusion of PWDs and the youth in their party nomination lists. Uwiano partners ensured all that the voice of the youth and PWDs was included in all

peace-building and violence-risk reduction activities before, during and after the elections.

Election Day

The Election Day (E-Day) was peaceful in all parts of the country. Most polling stations opened on time and voting started and ended on schedule. The IEBC expeditiously addressed concerns about delayed opening of polling stations, erroneous stamping of ballot papers, retrieving ballot papers erroneously sent to the wrong county, and slow electronic kits. Kenyans braved long queues to cast their ballots. Across the country, Election Day was peaceful. Uwiano and IEBC produced joint Situation Briefs, which partners in all sectors used to base their wider situation analysis and planning.

Counting, transmission and publication of results

Counting and transmission of results began within an hour of closing of polling stations at 5:00pm on 8th August 2017. On the second day of tabulation and publication of preliminary results, the NASA coalition held a press briefing rejecting the provisional results. NASA cited deviation from electoral law, specifically the absence of scanned copies of signed Forms 34A and 34B relayed from Polling Station and Constituency level respectively to verify the announced Presidential results. NASA argued that without the forms, the provisional results were ‘fake and fictitious’. The IEBC responded by promising to investigate these concerns, and invited all chief party agents to the National Tallying Centre to verify the Forms 34A and 34B.

The process of verification against hard copies from the 40,883 polling stations took a while, and at around 9:00pm on Friday 11 August 2017, the IEBC chairman declared Uhuru Kenyatta of Jubilee Party the Winner of the 2017 General Elections, with 54.19% of the votes casts against Raila Odinga’s

44.94%. NASA presidential candidate rejected the declared results as ‘computer generated’. The Uwiano Platform monitored the situation across the country and produced daily situation briefs.

The post-election environment

The period following the declaration of the Uhuru Kenyatta as president and rejection of outcome created tension in both Jubilee and NASA strongholds, including street protests in parts of Nairobi and Kisumu. The Uwiano platform for peace in collaboration with the IEBC monitored the situation closely and produced regular updates, which were used by various actors to deploy rapid response. While NASA had indicated it would not subject the dispute to the Supreme Court, it retracted from this position and filed a petition on 19 August 2017. The Supreme Court nullified the election on 1 September 2017 and ordered a fresh election within 60 days.

The nullification of the presidential results increased public anxiety about national cohesion and the risk of violence. The fact that the nullification met with relief and celebration on the one side and anger, disbelief on the other polarized the country along political and ethnic lines. Both NASA and Jubilee held protests against the IEBC and the Judiciary, each claiming the institutions were politically biased. NASA demanded reform of the IEBC, and indicated it would not take part in the Fresh Presidential Election unless the commission met certain ‘irreducible minimums’.

In the face of deepening polarization, fake news and hate speech, the Uwiano Platform enhanced peace-building and confidence building measures, including reflection meetings at the national and county level to draw lessons from the 2017 elections, peace messaging, scenarios development and

analysis, briefing notes, dialogue forums and high-level political engagement.

Planned Uwiano interventions in preparation for the Fresh Election

1. Continued facilitation of EWER election monitoring teams at county and sub county level to monitor during the electioneering period to reduce community threats and improve response to conflicts and risks identified
2. The accreditation of Peace committees as elections observers through the UWIANO platform: In the August elections, the accreditation contributed to strengthening the capacity of local peace committees at county and sub county level for conflict early warning and early response
3. Enhance engagement and collaboration between the IEBC, Uwiano, security teams, civil society, religious groups, elders and political leadership at all levels to promote peaceful elections
4. Enhance use of radio and TV stations to facilitate positive interactions between local communities, political elites, and other stakeholders to disseminate and promote the peace message
5. Support multiagency response teams as well as rapid response hubs. Enhance cooperation between county and sub county peace forums, peace actors and government agencies to support the peace and security agenda at the national and county levels
6. Enhance collaboration with political parties and other agencies involved in electoral process

