

THE EAST AFRICAN COMMUNITY ELECTION OBSERVER MISSION TO THE 8 AUGUST 2017 GENERAL ELECTIONS IN THE REPUBLIC OF KENYA



PRELIMINARY STATEMENT ON OBSERVATION

I. INTRODUCTION

The deployment of Election Observer Missions in the East African Community (EAC) Partner States is in line with the democratic principles and values espoused in the Treaty for the establishment of the EAC. At the invitation of the Independent Electoral and Boundaries Commission (IEBC) of the Republic of Kenya and in accordance with the Standing Decision of the EAC Council of Ministers to observe elections in all EAC Partner States, the EAC deployed an Election Observer Mission (EOM) to the Republic of Kenya for the 8th August 2017 General Elections.

The EAC-EOM was led by Rt. Hon. Professor Edward B. Rugumayo, Former Speaker of the Parliament of the Republic of Uganda. The Mission comprised 60 members including a Pre-Election Mission (PEMi) which arrived on 20th July 2017 and a Short-Term Observation Mission which joined the team on 30th July 2017. The Mission deployed in 20 Counties across all regions of the country.

II. OBJECTIVES AND METHODOLOGY OF OBSERVATION

The objectives of the Mission were to:

- a) Assess and determine whether the elections were conducted in accordance with the constitutional and legal framework for elections in Kenya;
- b) Assess whether conditions existed for the conduct of elections that allow the people of Kenya to freely express their will; and
- c) Assess whether the final results reflect the will of the people of Kenya.

The Mission, in this statement, restricts itself to the findings from pre-election and polling day observations.

III. PRELIMINARY FINDINGS

Legal, Institutional and Political Context of the 2017 General Elections

The 2010 Constitution provides for fundamental rights and freedoms for the people of Kenya. The IEBC is the legally mandated body to organise, administer and declare the results of all national elections in Kenya. The EAC-EOM notes that the current commissioners of the IEBC were sworn into office on the 20th January 2017, which meant the current commission had only seven months to finalise all preparations for the 2017 elections.

Voter Registration and the Register of Voters

According to IEBC figures, a total of 19,611,423 voters were captured in the Register of Voters ahead of August 2017 General Elections. The EOM notes that registered voters increased by 36% (5,222,642) since 2013. The EAC would like to commend the IEBC for implementing the recommendation of the EAC's 2013 report to allow Diaspora voting in selected countries. The Mission notes that 53% of the registered voters are male and 47% are female; a decline of 2% in the representation of women in the Register of Voters.

Candidate Nomination Process

The Mission notes that the 2017 General Elections were contested by multiple candidates across all six elective categories. The Mission also notes that although there were disputes arising from nominations, these were resolved through the stipulated institutional provisions. The EAC observer mission noted with satisfaction that all parties were able to meet crucial deadlines which enabled the IEBC to proceed with implementing the electoral calendar.

Election Campaign Process

The Mission notes that, generally, candidates were able to campaign freely countrywide without restrictions; and campaigns were largely peaceful. Sporadic incidences in contravention of the laws and regulations of Kenya were minimal.

The Role of the Media

In general, the Mission is of the opinion that the Kenya mainstream media largely provided fair and balanced coverage of the electoral process. The media also played an important role in sharing information from the IEBC with the electorates.

POLLING DAY OBSERVATION

The Mission observed the voting process at 289 polling centers in 20 counties. 78.8% of the stations observed were in urban areas, and 27.2% were in rural areas.

Opening of Polls

The mission notes that the general security situation during the polling day was peaceful and calm. Generally, polling stations opened on time. The Mission is of the view that opening procedures were carried out in accordance with the laws and procedures stipulated by the IEBC.

Voter Turn-Out

Large numbers to exercise their democratic rights to vote to choose their leaders as evidenced by the long queues throughout the day in the polling stations observed.

Voting process

The Mission noted that the voting process proceeded smoothly in the polling stations observed. The mission noted that the voting process was relatively faster compared to that of 2013 General Elections. The Mission noted that there were instances in rural areas where some voters needed guidance in the polling process.

Polling Officials

The polling officials generally performed their duties professionally in areas observed. In the 289 stations observed, the Mission noted, among others, that the polling officials were providing priority to the elderly; expectant women; women with children; and people with disabilities to go through the voting process.

Security, Observers and Political Party Agents

Security forces were visible and facilitated orderliness at the polling station. The international and domestic Observers were present as well as candidates' agents.

Closing of the Polls and the Counting Process

The Mission noted that in all polling stations observed, voters still in the queue at closing time were permitted to vote. The Mission applauds the resilience of the polling officials in many stations where the counting process went late into the night after the closure of the polls.

IV. RECOMMENDATIONS

Based on the foregoing observations, the Observer Mission makes the following preliminary recommendations:

- a) The IEBC should explore means and ways of reducing long hours being spent by both voters and the polling officials at the polling stations. The IEBC should also devise ways of decongesting the Polling centers to enhance efficiency at the polling stations;
- b) Registers of Voters should be displayed at the polling stations in good time to allow voters to identify the specific polling stations; and
- g) The Mission encourages the IEBC to ensure all preparations including delivery of materials required for the opening of polls are available on time.

I. CONCLUSION:

The EAC Observer Mission would like to congratulate the people of Kenya for conducting a peaceful electoral process thus far.

The Mission commends the IEBC for their professional conduct and the security agencies for ensuring that overall law and order prevailed throughout the electoral process observed. The Mission is gratified to see that isolated incidents and late opening of stations in some areas did not overshadow the peaceful conduct of the elections.

As we are releasing this statement, collation and transmission of results is still ongoing in some parts of the country. The Mission hopes that the same atmosphere will prevail during the remaining stages of the electoral process.

The Mission calls for patience from all Kenyans while waiting for the final results and appeals to all political players and candidates to accept the outcome of the elections. In the event that there is reason to challenge the results, we urge the aggrieved persons to use the provided legal channels to resolve their disputes.

The Mission will continue to follow the electoral process, and the EAC will produce a comprehensive final report upon the conclusion of the process. The report will provide an in-depth analysis of the Mission's observations, findings and recommendations.

Rt. Hon. Prof. Edward B. Rugumayo
Head of Mission EAC - EOM

Done at Nairobi, Kenya this 10th day of August 2017

File attachments:

Attachment
