Strengthening Electoral Reforms & Processes in Kenya

The Making of Successful Elections
## Acronyms

- IEBC: Independent Electoral and Boundaries Commission

## Foreword


## Electoral Processes in Kenya

The Support to Electoral Reform and the Constitutional Referendum Process in Kenya Project (SERP)

1. Strengthening IEBC's institutional capacity
2. Legal framework strengthened
3. New electoral units (areas) established as per Constitution
4. A credible voter register established
5. An elections dispute resolution and conflict prevention strategy implemented
6. An inclusive national civic and voter education project successfully implemented
7. Opportunities for women, youth, minorities and persons with disabilities to participate in the electoral processes enhanced
8. An effective monitoring and observation mechanism implemented
9. Enhanced leadership and coordination of electoral processes

## Way Forward
Through its global governance programme, UNDP supports countries to improve their electoral laws, processes and institutions as a way of ensuring sustainable and broad based development. Our elections support to countries strives to enhance the credibility, transparency, effectiveness and sustainability of electoral institutions. I am humbled that development partners, the IEBC and Government of Kenya allowed us to join them in managing the first electoral process since the promulgation of the new Constitution. This was indeed a complex process that required quick learning, quick implementation and support from all the stakeholders.

To deliver successful elections soon after the 2007 disputed election required both technical and financial support that enabled IEBC to address critical gaps and respond to emerging issues in a timely manner. The timely policy, financial and technical advice enabled IEBC identify potential gaps and devise ways to address them thereby contributing to the credible and peaceful elections witnessed in March 2013.

We also worked hard to ensure there was coordination among key development partners and put in place risk management which was instrumental in strengthening the role of development partners in elections support. We would not have achieved this without the support of strategic partners who include the National Democratic Institute (NDI), International Foundation for Electoral Systems (IFES), Media Council of Kenya and UN Women in line with their area of expertise and comparative advantage. This helped avoid duplication of efforts and created synergy in electoral interventions provided.

As we look forward to the second phase of UNDP’s support to elections in Kenya, we will work with all stakeholders to consolidate gains achieved in the last elections cycle by strengthening capacities for national institutions, build on the gains made in improving the legal framework that governs elections, empower voters through civic education as well as strengthening the electoral justice and compliance with the electoral framework.

Nardos Bekele – Thomas
UNDP Resident Representative
UN Resident Coordinator
The Strengthening Electoral Reforms and Processes (SERP) Project was designed to build the institutional capacity of the Independent Electoral and Boundaries Commission (IEBC) to manage a peaceful, credible and inclusive electoral process (2012-2013). This included a new voter registration conducted in 2012 and general elections held in 2013.

It was implemented against the backdrop of widespread post-election violence that happened after the announcement of the 2007 election results, and a subsequent process of national dialogue, constitutional reform and the appointment of a new electoral management body. Much of the focus in the lead-up to the 2013 elections was on the need for a peaceful, credible process and acceptance of the results.

SERP was a second phase to an earlier project that covered the constitutional referendum in 2010 and establishment of the IEBC which had four main components: institutional strengthening; support to electoral operations; strengthening civic engagement and participation; and, support for project management.

This report details how SERP helped the IEBC to deliver peaceful elections, fill gaps and respond to some immediate needs which helped to improve the credibility of the effort and ensure the registration and elections were held in a context of a new Constitution, very tight deadlines and poor public awareness of the electoral process. This document outlines progress made in four target components namely: IEBC institutional capacity strengthened; support of electoral operations in civic engagement and participation and project management and co-ordination.

The intervention of international partners has been effective in assisting both the electoral process and the strengthening of Kenya’s electoral management body. It was a USD 41,389,740 project that pooled the funds of 12 donors; Canada, Denmark, EU, Finland, Italy, Netherlands, Norway, Slovakia, Sweden, the UK, USA and UN Women, managed by UNDP.

This summary interim report captures the main elements of SERP Final Evaluation which concludes with recommendations for:

- continued international and national support for electoral processes in Kenya;
- the continuing need for UNDP and the international community to remain engaged in the process and support Kenya’s democratic consolidation.

Finally, I wish to thank all who have participated in the development of this knowledge document and trust it will be a valuable resource now and in the future, whenever the story of Kenya’s electoral process is told.

Sheila Ngatia
Team Leader Governance Unit
UNDP Kenya
We note that the IEBC deployed a number of key technologies in the run-up to and during the 4th March 2013 General Election. The Commission introduced Biometric Voter Registration (BVR) for voter registration, Electronic Voter Identification Devices (EVID) for voter identification, and the Results Transmission System (RTS). The technology yielded mixed results. While BVR enabled the Commission to successfully register voters, EVID and RTS experienced some challenges on the Election Day. The Commission has so far taken stock of its investment in ICT during the 2013 elections and several lessons have emerged. We believe that unlike before, we are now in a better position to make right decisions when it comes to our future investment in ICT and elections.

While we have made strides in electoral reforms in Kenya, there is still much to be accomplished. We need to strengthen internal systems of the electoral commission for sustainability; improve the financial and procurement capacity of the Commission; improve the quality of the voter register, including closing the gap between registered voters and eligible voting population; addressing issues around ethnic polarization; strengthening internal party democracy and undertaking legal electoral reforms, among others. The IEBC looks forward to continuous collaboration to ensure that these challenges are addressed as the country moves towards democratic consolidation.

At this juncture and on behalf of the Commission, I wish to thank our valued stakeholders who supported IEBC during the SERP period. More particularly, we are indebted to our development partners and agencies that, through the UNDP Basket Fund, assisted the Commission in the provision of policy, technical and financial support. Lastly, I thank the IEBC staff for their invaluable efforts to continuously deliver on their mandate.

Ezra Chiloba
Commission Secretary/CEO

As we come to the close of the second phase of ‘Strengthening Electoral Reforms and Processes’ (SERP) project, it is my pleasure to convey the enclosed report encapsulating the various milestones covered in the period of its operationalization. This report reflects the fact that the Independent Electoral and Boundaries Commission (IEBC) has made commendable progress in election management and in the institutionalization of democracy in Kenya. To a great extent, IEBC delivered on its key mandate as enshrined in the Constitution and as was evidenced in the conduct of the 2013 elections.

The Commission formulated a number of legislative proposals in the period 2011-2012. The proposals were presented to Parliament and passed into laws that would govern the 2013 elections. The Elections Act and the Political Parties Act were major legislative milestones in Kenya’s electoral reforms.

In recognition of the complexity of the 2013 General Election, there was need for a nationwide voter education campaign. The campaign would contribute to two major processes – voter registration and elections. The Commission registered 14.4 million voters in a span of 30 days using 15,894 Biometric Voter Registration (BVR) kits in 24,614 registration centers countrywide. Through the complementary support of SERP, 30,000 registration clerks and 1,450 Voter Registration Assistants (VRAs) were trained to assist in the supervision and coordination of the registration exercise. In the run-up to the elections, SERP deployed a robust media campaign and with support of other actors, 86% of registered voters turned out to vote; and did so peacefully.

By and large, the March 2013 General Election stands out as a major milestone accomplished under the SERP project. It was a historic accomplishment by the Commission in the sense that six elections were concluded in one day and staff had to grapple with 12,776 candidates vying for 1,882 seats. This called for extensive logistical arrangements in terms of ballot paper preparations, clearance of candidates and constant liaison with their respective parties to accommodate changes.
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Kenya adopted a multiparty political system in 1991 and held elections every five years for president and members of parliament (National Assembly). Competition for electoral seats resulted in low scale violence in 1992, 1997 and 2003. The violence of 2007 was however unprecedented. The violence was triggered by a general lack of confidence in the accuracy of the results. More than 1,200 persons lost their lives and an additional 600,000 were displaced. The conflict took on ethnic patterns, deepening the levels of mistrust among the different communities in Kenya.

A dialogue process led by former United Nations Secretary General Kofi Annan resulted in a coalition government in 2008 of Mwai Kibaki as President and the opposition candidate, Raila Odinga as Prime Minister. They led a substantive reconciliation and structural reform process that resulted in a new constitution, a strengthening of the independence of the Judiciary and Parliament, and the creation of a new Independent Electoral and Boundaries Commission to manage the electoral processes.

The new Constitution, adopted by national referendum in 2010, established a bicameral Parliament, a devolved system of government (to county level), and six offices to be elected in one general election. The six offices were for president, senator (new), members of parliament, women’s representatives (new reserved seat system), county governor (new) and county assembly representatives (new). Most of these positions are directly-elected, with some seats in the National Assembly (12), Senate (20) and county assemblies (varied) filled by political party nominees in proportion to their elected representation. There was also a consultative national redistricting exercise undertaken by the Interim Independent Boundaries Review Commission (IIBRC) in 2010 to even out the representation of the electoral constituencies as required by the new Constitution.

The 2013 elections were the first general elections held under the new Constitution, and were to be managed by the new IEBC. The former Electoral Commission of Kenya (ECK) had been dismissed by the National Assembly in 2008 and was replaced with an Interim Independent Electoral Commission of Kenya (IIEC) and the IIBRC in 2009. The IIEC, comprised of all new staff and commissioners, organized the constitutional referendum in 2010. The two were replaced by the IEBC in 2011 which is the permanent body for elections management, keeping the IIEC Chairman, two of its commissioners, the Chief Electoral Officer (CEO) and the IIEC secretariat.

The IEBC has a wide mandate that includes the registration of voters, delimitation of electoral boundaries, organization of all elections and referendums, regulation of the nomination processes by political parties for their candidates, electoral dispute resolution and prosecution, candidate registration, voter education, and campaign finance regulation. Its eight commissioners and Chairman are appointed for a single six-year term following a thorough vetting process. Its secretariat is headed by the CEO with 9 directorates and 17 departments. It also has 17 regional election and 290 constituency electoral coordinators. In addition to these permanent staff it appoints 47 county returning officers and polling staff for 32,613 polling stations.

Promulgation of the new Constitution in 2010.

Ahmed Issack Hassan Sworn in as IEBC Chairman
The Strengthening Electoral Reforms and Processes (SERP) Project was designed to build the institutional capacity of the Independent Electoral and Boundaries Commission (IEBC) to manage a peaceful, credible and inclusive electoral process (2012 -2013). This included a new voter registration process held in 2012 and general elections held in 2013. The project was funded to a tune of USD 41,389,740 by 12 development partners, UNDP and the IEBC.

SERP was a second phase to an earlier project that covered the constitutional referendum in 2010 and establishment of the IEBC. UNDP assistance supported the IIEC to organize a national voter registration drive, the constitutional referendum 2010, and by-elections in South Mugirango through financial and technical support. This effort was extended to help the IEBC address the new constitutional context. It also focused on capacity building of the commission and secretariat.

For the 2013 general elections, UNDP supported national efforts to hold a peaceful, credible election through several of its democratic governance programmes including:

- The *Uraia Trust Programme* which is partially funded by UNDP and which
focuses on civic education and citizen’s rights and responsibilities.

- **Uchaguzi Bora Initiative** that funded 50 CSOs nationwide to undertake civic/voter education activities within their localities.

- The **Uwiano Peace Platform Project** which supported peaceful elections. This joint initiative with the Government, civil society, religious groups, local communities and international development partners, organized a system to obtain real-time information on tensions, hate speech and incitement nationwide. This information was then relayed to security institutions and peace committees for action. The district peace committees were also supported by UNDP as a means to build consensus and resolve disputes locally.

- The **Kenya National Integrated Civic Education Programme** which focused on voter information for the elections. This is an integrated programme with the Ministry of Justice and non-state actors. Among other things, it developed a Handbook on Elective Positions.

- **Amkeni Wakenya a Civil Society Democratic Governance Facility (CSGDF)** also supported by UNDP, that aimed to promote civil society's role in democratic governance. It provided grants to CSOs, strengthened CSO capacity to implement democratic governance projects, and promoted a culture of learning. It ran a specific project on “Elections in a New Constitutional and Legal Environment” and partnered with the IEBC to produce a Handbook on Elective Offences and undertook a media campaign for voter and civic education.

There was definite need for this output for a new institution without experience in organizing general elections. It had four main components: institutional strengthening; support to electoral operations; strengthening civic engagement and participation; and, support for project management.

The IEBC had a complex task to administer for the 2013 elections in a highly charged politicized environment. The overriding concern was having a peaceful credible process and rebuilding the public’s trust in the integrity of the electoral management body.

UNDP provided policy, technical and financial support that enabled IEBC to address critical gaps and respond to emerging issues in a timely manner. The timely policy and technical advice enabled IEBC identify potential gaps and devise ways to address them thereby contributing to the successful and peaceful elections witnessed in March 2013.

UNDP established strategic partnerships with the National Democratic Institute (NDI), International Foundation for Electoral Systems (IFES), UN Women and Media Council of Kenya leveraging their areas of expertise and comparative advantage.

UNDP’s role at policy and technical levels improved coordination among election donors and created synergy in electoral assistance. There was continuous risk identification and management which was instrumental in strengthening donors’ role in elections.
The international community actively supported the political reform and reconciliation process leading to the elections in 2013. This was achieved both bilaterally and through multilateral organizations such as UNDP. Most donors channeled their contributions through the SERP to help ensure a harmonized and coordinated effort for the IEBC and reduce the IEBC management burden. In addition to SERP, both the UK Department for International Development (DFID) and the U.S. Agency for International Assistance (USAID) funded the International Foundation for Electoral Systems (IFES) to provide technical assistance and support to the IEBC. Both IFES and the PST worked closely to coordinate their activities and assistance.

A large number of development partners and programmes supported peace building and conflict mitigation through government, CSOs, nongovernmental organizations (NGOs) and others.

SERP had ten expected outputs which were intended to contribute to the achievement of these outcomes. These were:

1. **IEBC institutional capacity strengthened**
   
   The financial assistance of the project enabled the IEBC to undertake strategic activities that were not budgeted for by the GOK, such as the voter education and training of poll workers.

   **Improved communication through LAN/WAN:** 100% (17 offices) of regional offices were connected to the IEBC HQs against a target of 80% as of December 2012. The installation significantly improved communication between regional offices and HQs.

   **Capacity of staff and commissioners enhanced:** The project supported a number of capacity building activities. In total, five trainings were supported covering the following:
   - ICT & Elections
   - Women & Leadership
   - Media and Communication Skills
   - Collaborative Leadership and Dialogue
   - BRIDGE training on electoral administration

   Post Election Evaluation workshop held in September 2014.

   "I do not know of a comparable election management body so young, so new in the job that could run a brand new election with six parallel elections being run at 32,000 voting points."

   Justice Rtd. Johann Kriegler
Post Election Evaluation: IEBC undertook an internal evaluation process encompassing the electorate, external poll officials, constituency-based staff, regional election co-ordinators and Directors. A self reflective approach was employed culminating in a three day participatory national workshop in September 2014 under the theme: Moving Kenya Towards a Stronger Democracy: Priorities for Action, to obtain external perspective on the conduct of the General Elections 2013 from Political Parties, Civil Society Organisations, Constitutional Independent Commissions, government agencies, media and international partners. Retired South African Judge Johann Kriegler who chaired Kenya’s 2007 Elections Independent Review Commission, was the Chief Guest.

Emerging issues were shared and stakeholder input received which will inform the post-election plan and input into the review of the IEBC strategic plan 2014 to 2019. The final post election evaluation report will be published and widely disseminated.

IEBC presented a Way Forward to 2017 outline as follows:

- Development of new strategy 2015-2019, incorporating lessons learnt from the evaluations
- Undertaking legal reforms in collaboration with the Judiciary, Parliament and other stakeholders to provide more robust legal framework
- Undertaking an audit of existing infrastructure and equipment to enhance the Commission’s readiness for Referendum and future elections
- Registration of all eligible voters including those residing out of the country – heightened targeted voter registration
- Establishment of an electoral institute/college to cater for capacity building for poll officials and other electoral stakeholders
- Collaborate with partners in inculcating national values to Kenyan citizens and intensify voter education
- Strengthening IEBCs structure, policies and systems for internal efficiency
- Rationalizing organisational structures, functions and staffing levels
- Enhance good governance in political parties through more engagement – collaboration with development partners on enhancing understanding on electoral matters
- Mobilising additional funds for enhanced programme implementation

National Voter Survey Results Released: The project entered into partnership with the National Democratic Institute to conduct a voters’ survey as part of the assessment of the impact of the support provided to the IEBC. The partnership with NDI was informed by NDI’s vast experience and strategic advantage in conducting voter/public perception surveys. The voter survey was conducted in August 2013 and areas surveyed include the perception of voters with regards to the performance of IEBC in relation to voter registration, voter education and management of the General Elections. The survey findings revealed that 67% of Kenyans considered the elections to have been largely free and fair although with some challenges. Majority of those that considered the elections not to have been free and fair were from the opposition strongholds. It also emerged that the level of confidence in the Supreme Court and in the IEBC following the General Elections was significantly higher amongst supporters of the ruling coalition compared to those of the opposition. These findings underscore the level of polarisation arising from the closely contested presidential election and the aftermath of the Supreme Court judgement on the outcome of the election. The findings of the survey along with the recommendations of the external project evaluation and the stakeholders’ forum will inform the design of the project in the post-electoral period as well as inform IEBC’s action plan for purposes of managing future elections.

2. Legal framework strengthened

IEBC spearheaded the drafting and implementation of relevant legislations to the effect of its Constitutional mandate: the Elections Act, Political Parties Act, Leadership and Integrity Act. Financial support for the establishment and functioning of the IEBC’s Investigation and Prosecutions Department helped the IEBC to resolve a large number of disputes related to the party nomination process.

- Campaign Financing Law Drafted: The Campaign Financing Bill, 2012 was
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finalized and approved by Cabinet on November 8, 2012. However, the Bill lapsed after Parliament failed to debate it. This is partly a constitutional failure on the part of Parliament owing to political interests around campaigns that had already commenced. That said, the Bill had been re-introduced in Parliament by the time of completing this report.

- **Key Elections Regulations Enacted**: At least 4-types of regulations were drafted and enacted by Parliament as planned despite delays. The project supported a number of stakeholder consultations that enabled consensus and awareness building on these regulations:
  - The Elections (General) Regulations of 2012
  - The Elections (Registration of Voters) Regulations of 2012
  - The Elections (Voter Education) Regulations of 2012
  - The Elections (Kenyans living abroad registration and voting) Regulations of 2012

- **Support to Prosecution and Investigation Department Provided**: The Commission established a new department for Prosecution and Investigation. The new department improved the capacity of IEBC to deal with some of the disputes and electoral related offences. The project supported the development of a handbook on electoral offences as well as training of the Police in investigation and prosecution of electoral offences.

- **Electoral Laws Audit**: IEBC held various multi-stakeholder workshops reviewing and analysing the current electoral legal framework to address inconsistencies and gaps. The team reviewed laws on: nominations, voter education, dispute resolution, election petitions, election offences, ICT in elections, referendum, impeachment and recall, date of the next general elections, Political Parties Liaison Committee regulations, boundaries delimitation, voter registration and elections regulations. Recommendations and drafts will be shared with stakeholders before being presented to Parliament for amendment.

3. **New electoral units (areas) established as per Constitution**

With SERP and other partners supported the IEBC to complete delimitation of boundaries within the first 120 days in office. The IEBC officially gazetted the final boundary report on 7 March 2012. This included 290 constituencies and 1450 wards. This was a major achievement for the IEBC considering the political nature of the process. A multi-stakeholder baseline survey conducted in April 2012 after the gazettment of the IEBC boundaries report indicated that about 75% of Kenyans were either somewhat satisfied (45%) or very satisfied (29.7%) with the outcome of the boundary delimitation process.

That said, over 130 cases were filed in the High Court challenging the IEBC’s report. The hearing of the cases commenced in May 2012 and final decisions were rendered in July 2012. The High Court approved most of the recommendations by the IEBC thereby clearing the way for the IEBC to prepare for elections. During the process of boundaries delimitation, the project supported public outreach activities through newspaper publications and radio. This entailed publishing of county hearing schedules, summary of the findings by the IEBC including the draft reports and explanation of the mandate of the IEBC with respect to the process of the delimitation of boundaries. The Project further supported the procurement of GIS/GPS equipment to facilitate the mapping exercise and hired 16 consultants to provide additional technical capacity to IEBC in this exercise.

4. **A credible voter register established**

**Record Registration of Voters**: Within a period of 30 days the IEBC was able to register 14,352,545 voters. The IEBC had initially set a target of 18 million which means it achieved 79.7% of its initial target. It also means that 478,418 persons were registered daily in 2012 compared to 280,000 per day registered in 2010. It is important to note that due to delays in procurement of voter registration equipment,
delays in enacting regulations on registration and litigation around boundaries, the IEBC had to reduce the registration period from 60 to 30 days in addition to reducing the target from 18 million to 12 million voters. IEBC piloted Diaspora voter registration but limited to the East Africa Community countries only as a progressive measure as provided for in law. SERP primarily funded the training of the registration officials and voter information aspects for the new registry which was accepted by the public, and widely seen as credible.

Voter Registry Improved Accuracy: Notwithstanding the delays in the overall voter registration exercise, the final voter register was considered over 98% accurate, according to the IEBC and electoral experts. Moreover, the registration did successfully address a number of issues identified by the Independent Review Commission (established by the Government of Kenya to inquire into all aspects of the 2007 General Elections in the aftermath of unprecedented post-election violence) including the removal of deceased persons and the under-representation of women and youth. However, it is important to note that the delays and weak procurement capacity of the IEBC placed a serious risk on the voter registration process and on the electoral calendar as a whole.

Key deliverables on voter registration under the project:
- Voter education campaign on 60 radio stations.
- Campaign aired on at least 4 national TV stations.
- 60,000 registration officials trained.
- 3,000 grassroots voter education volunteers hired.
- Production of registration materials and technical assistance on voter operations.
- At least 2.8 million registrants verified using SMS platform.
- 18 million cold lamination pouches supplied.
- A voter registration data centre established.

Biometric Voter Registration and Identification: The project planned to co-finance the purchasing of BVR kits for the registration of voters. In line with this, UNDP hired an expert in ICT and elections to participate in the technical evaluation of the various bids. UNDP also participated as an observer during the various site visits of potential suppliers of the BVR kits as part of quality assurance process. Despite all these efforts, the IEBC led procurement of the BVR kits encountered challenges leading to the cancellation of the tender. These challenges were mostly driven by political pressure and external vested interests thus putting the registration of voters into jeopardy.

Following the cancellation of the tender by the IEBC, the governments of Kenya and Canada negotiated an agreement for the supply of BVR kits as the better option, considering the time constraints to start a fresh tendering process. In light of this decision, funds allocated for the purchase of the 1,250 kits under the project were reallocated to other priority activities.
The project also supported the Commission in the procurement of cold lamination pouches for registration slips that were to be issued for each registered voter. While there was no voter /election card being issued for the March 2013 elections, the Commission was of the view that it was important for each voter to have a document with their registration details. Consequently, the IEBC transferred funds to the Project basket fund whereby the pouches were procured by UNDP using its global Procurement Service Office in Copenhagen.

5. An effective and efficient elections/polling operation plan implemented

- **Elections Operations Plan (EOP) Developed and Implemented:** The EOP was prepared and kept on evolving to adjust to the changing political environment. Some of the main activities undertaken in the implementation of the EOP under the project included:

- **Elections Officials Trained:** During implementation, over 240,000 election officials, including presiding and deputy presiding officers and polling clerks were trained on elections management for the Elections Day. The trainings were undertaken across the country using a cascade methodology in preparation for the elections. These were the officers who presided over elections in various polling stations.

- **Proof Reading of Ballots:** SERP responded to IEBC’s request to engage proof-readers for the ballot papers before sending them for printing by hiring 18 experts to scrutinize over 12,000 names of candidates and over 1,800 ballot papers. The scrutiny entailed verification of each candidate’s details including the name, picture, party, constituency/ward and party symbol to ensure that they were correctly captured. In spite of the strict timelines, the exercise was highly successful with errors only being observed in three wards (Ang’tananyokie, Nyabasi West and Goke Haraka) for which IEBC acknowledged and organised by-elections. Following the March 2013 elections, only 2 petitions were filed on the basis that petitioners’ details were incorrectly featured on the ballot paper hence denying them victory in the elections.

- **Logistical Support Provided:** 290 logisticians were hired for the 290 constituencies just before the elections. They were useful in assisting the IEBC in elections operations by receiving, repacking distributing and retrieving electoral materials on time. In addition, a call centre was established to respond to any logistical challenges. Hundreds of calls particularly on the eve and the days following the March 4th elections were received and proper guidance provided.

- **Addressing Operational Complaints from the Field:** SERP supported the establishment of an internal call centre targeting IEBC staff in the regions in order to respond to any logistical challenges. It was established a few weeks before the March 4th elections and it received hundreds of calls particularly on the eve of the elections and the days following the elections.

- **Handling Party Nomination Disputes:** The IEBC had targeted to handle less than 50 complaints arising from party nominations. However, 206 complaints were filed. The Commission established a 5 member tribunal comprising of Commissioners and the Deputy CEO. By January 18, 2013...
political parties had to have completed nominations (including resolving disputes) and submitted their respective lists to the IEBC. Due to the time limit of 45 days before the election to complete party nominations, parties exhausted this timeframe and negotiated with the IEBC for a 3-days extension to submit the final lists. This left the IEBC with 5 days to resolve all disputes. Due to the overwhelming number of complaints brought before the IEBC, UNDP was requested to support the dispute resolution process by procuring computers, financing extra-legal support and providing a venue for the legal team to work on the cases. The IEBC did indeed manage to meet the legal deadline. However, support to strengthen IEBC’s role in party nominations including regulation of the manner in which parties conduct nominations, resolving disputes arising from nominations and monitoring the process by which parties nominate their candidates should continue in the post-elections period.

- There were a total of 188 election petitions challenging the elections results for various elective positions. 163 were either dismissed, withdrawn or struck out and 20 were allowed. A total of 17 by-elections have been held arising from allowed election petitions out of which 15 returned the same candidates with only 2 bringing in new candidates.

6. An elections dispute resolution and conflict prevention strategy implemented

- **Joint Operational Plan (JOP) in Place:** As a start, a joint operational plan involving IEBC, Uwiano, UNDP, UN Women and other key players on electoral peace and security was adopted. The JOP was built upon what already existed and sought to strengthen the co-ordination and synergies to reduce the fragmented and disjointed approach towards peaceful, free and fair March 2013 elections in Kenya. The JOP was crucial in that it brought together IEBC, NCIC, NSC and the Police and further stipulated their roles and responsibilities in contributing to a free, fair and peaceful election.

- **Electoral Security Strengthened:** A joint electoral security arrangements plan (ESAP) was established for purposes of strengthening the capacity of police and IEBC in handling elections related security events. Under this initiative 95,000 police officers received training on electoral security including on electoral gender based violence and maintenance of law and order. To strengthen this, 100,000 copies of Electoral Security Handbook and pocket-size guides and 51,000 copies of easy-to-read brochures on gender-based violence and elections were developed and disseminated to police officers, IEBC regional coordinators and field staff across the country. Although the actual data is yet to be obtained, to a large extent the project was instrumental in the maintenance of law and order during the elections. Further, Kenya’s security agencies have been praised for their preparedness ahead of the elections and their responses to potential outbreaks of political violence at the local levels. In contrast to 2007-8 elections where security agents were among the main perpetrators of sexual violence, this time around, only isolated cases were reported throughout the country with none incriminating the security agents so far. Security agents further provided protection to women candidates who felt that their lives were in danger thereby allowing them to fully participate in the electoral processes. Despite these efforts, there were instances of illegal/bad behaviour while in some areas police officers were perceived to be compromised, unwilling to act and susceptible to bribes.
Following the General Elections, SERP undertook monitoring/observation missions to some of the areas with by-elections. This was aimed at: (i) assessing the extent to which conflict prevention and mitigation was being undertaken by IEBC and police for purposes of enhancing electoral security and (ii) assessing the level of cooperation and linkages established by the two institutions with local peace structures on elections peace and security.

In the by-elections of Matungulu and Kibwezi Constituencies, it was observed that within ESAP the cooperation between the police and IEBC had improved elections security planning particularly in the provision of security for electoral officials, materials, polling centres, political party agents and during the campaigns. However, the assessment found the need for the establishment and capacity-strengthening of local peace structures in the new constituencies and counties, and the inclusion of local IEBC staff in such structures.

The prevention of violent electoral conflicts is central to the IEBC core business of managing free, fair and credible elections in Kenya. The lessons learned from the 2007 PEV, did in fact confirm that the Commission is a key component in the collaborative approaches to the prevention of violent electoral conflict. To this end the Commission in collaboration with Electoral Reform International Services, UK, conducted training of all election officials on conflict management. The main objective of the training was to provide participants with basic Alternative Dispute Resolution (ADR) mechanisms skills such conflict analysis, early warning, dialogue processes, negotiation and mediation. Reform measures were put in place to address and prevent the general situation for insecurity before the Election, on Election day and post-Election; inter-communal and resource-based conflicts; and conflicts arising from fierce contestation for political power.

Training on the Election Risk Management Tool (ERM), a platform for analysing and exchanging information on election risk, has so far seen 93 IEBC officials trained as Trainers of Trainers (TOTs). The TOTs will cascade the training to the rest of the staff in the headquarters and regions.

The ERM tool increases the capacity by IEBC to collect and analyse electoral risk data so as to make informed decisions in the planning and prevention of information in election related violence.

The ERM also enhances the collaboration between IEBC, Security Sector Agencies, Civil Society, District Peace Committees and other relevant institutions in electoral conflict prevention and mitigation. There will be a structured engagement with other stakeholders aimed at developing a framework for election security planning and implementation for the 2017 General Election and beyond. The IEBC has mainstreamed the use of International IDEA Election Risk Management Tool within its structures under the Election Security Arrangement Project (ESAP).

7. An inclusive national civic and voter education project successfully implemented

Record Voter Registration Turnout: As indicated under output 4, the voter registration turnout reached 79.7% of its initial target. IEBC laid out a successful voter education framework throughout the country by launching a voter education programme with four publications and a voter education curriculum. SERP covered most of the costs for this effort, much of which was for mass media campaigns at the different stages of the process, educational materials, and for a grass-roots educator network set up by the IEBC. The informational campaigns were done and most project targets were met.
Record Voter Turnout: The elections registered a historic voter turnout of 86% compared to 70% during the referendum in 2010. In addition, the number of rejected ballot papers was at an insignificant level of 0.88% (108,000) taking into consideration that these were complex elections compared to the referendum.

The voter education efforts were a key priority for the project given the insufficient allocation of funds in the IEBC budget. UNDP’s support along with other voter education initiatives contributed to the unprecedented voter turnout in Kenya. According to the NDI survey conducted in August 2013, 78% of respondents claimed that they had received information on voting and 75% said that they were sufficiently informed to be able to vote without difficulty. Together with the high voter turnout, this indicates that the voter education campaign contributed to the success of the elections.

8. Opportunities for women, youth, minorities and persons with disabilities to participate in the electoral processes enhanced.

As shown in an earlier analysis, women comprised 49% of those who registered to vote, hence within target. The youth were 46% of the total registered voters. The ratio between male youth and female youth was 52% to 48%, a slight improvement of 2% by female youth compared to 2010.

Although increased participation of women was recorded in voter registration, voting and as aspirants in the various elective positions at the party primaries, the number of women who qualified to contest in the elections dwindled. Out of 237 candidates vying for gubernatorial positions, only seven were women (3%) and out of 244 candidates vying for Senate positions, 19 were women (8%). Further, out of 9,603 candidates vying for county assembly positions, 697 were women (7%). This resulted in women realising 19.7% representation in the National Assembly and 26% in the Senate comprising only of 18 nominated women out of a total of 67 Senators. In total, the 11th Parliament has 416 parliamentarians (349 National Assembly members and 67 Senators) out of which 20.9% are women. Only marginal improvement in women’s leadership was recorded compared to the 10th Parliament where they constituted 10% of the membership.

Women aspirants experienced unique challenges in this election aside from the various common challenges that they usually experience. Particularly, the widespread public misconception and propaganda that women already had special seats provided for in the constitution and were therefore not eligible for other open
competitive elective positions. This notion is contrary to affirmative action and impacted negatively on women aspirants. It is however noteworthy that 4 out of the 6 nominated women MPs in the 10th Parliament were this time round elected - an indicator that affirmative action through nominations and women’s special seats translated to the advancement of women’s leadership.

Three women from minority and marginalised communities were elected MPs making history. Specifically they came from the Maasai, Teso and Endorois communities with the latter being the first person from that community to be elected into parliament.

According to Youth Agenda, out of 12,777 candidates cleared by IEBC about 3,780 were below 35 years. In terms of elections outcomes, youth performed better in various positions compared to women. Youth representation at the time of reporting stood at: 1 Governor, 5 Senators, 18 Members of the National Assembly, 9 Women Representatives and many county ward representatives.

- **Collaboration with UN Women in Supporting Women’s Participation:** In collaboration with UN Women the project supported a number of activities to promote women’s participation in politics through gender responsive electoral processes. This was implemented through a strategic partnership with the National Steering Committee on Peace Building and Conflict Management, (NSC) - a member of the UWIANO platform for peace. The intervention sought to integrate gender and gender-based violence perspectives in conflict early warning and early response, peace building processes across the country through the established NSC peace structures and mechanisms. To holistically enhance the capacity of NSC, the following activities were implemented at various levels;

  - **NSC National Staff and Key UWIANO Partners Trained:** 24 NSC staff stationed at the national Situation Room were trained on Gender, Electoral Gender-based violence, Conflict and Conflict early warning & early response. They were tasked with the role of receipt of information from trained Peace Monitors and the public, verification & analysis of information and response.

  - **Gender and Peace Data Analysts Recruited and Trained:** 50 Gender and Peace Data Analysts (22 women & 28 men) were trained and deployed to cover the 47 counties. This sought to institutionalize the analysts into the national and county peace frameworks. The training equipped participants with the requisite tools, skills and knowledge to begin contributing to a peaceful and successful political transition ensuring that the needs and rights of women were taken into account. Mobile phones were issued to the analysts to facilitate effective communication and early warning.

  - **Gender Analyst to Support the NSC Recruited:** The Analyst provided technical support to the NSC in identifying peace and security issues in relation to women’s participation in the electoral processes. The focus was on gender dimensions of conflict early warning and early response. The Analyst further supported the UWIANO media campaign to ensure that the messages were gender mainstreamed both in print and electronic media.

  - **NSC Partners Trained:** To facilitate greater understanding of gender perspectives of peace and security, particularly in the context of the elections in the areas considered hotspots, a workshop was organised to train 55 representatives from NSC’s local and national partners. The training also provided a platform for strengthened partnerships and coordination among the partners to prevent and respond to peace and security issues of women.
• **Gender Advisor Seconded to the IEBC:** To enhance women’s participation in the electoral process, it was necessary to ensure that the on-going support to the IEBC was not only gender responsive but rather that the entire electoral process addressed the special needs of women when it came to political participation. The gender advisor trained security officials on SGBV as well as persons with disabilities on their rights to full participation in the electoral processes. The gender advisor further developed a 5 point messaging (in English and in Kiswahili) elaborating the added value of women’s leadership aimed at strengthening media profiling of women in leadership. These were distributed in all the regions of the country.

• **Media Campaigns Undertaken:** Through the UWIANO platform for peace, country wide messages promoting peaceful elections and safety for women were sent via the local radio FM stations, print media and the national TV stations. Increased awareness of the 108 SMS platform through these campaigns prompted active and continued influx of alerts and messages from the public to the Situation Room for action.

In contrast to 2007-8 when discrimination and psychological violence escalated into widespread and extreme acts of physical and sexual violence, 2013 saw more of a focus on psychological forms of EGBV and discrimination during the elections period. Reports received at the Situation Room indicated that vicious rumours were spread in rallies and public gatherings, SMS messages, leaflets and social media sometimes using ‘doctored’/false photos to depict women aspirants in a negative light. This false propaganda was routinely spread by opponents, both male and female, to discredit women aspirants in the eyes of their communities. Discriminatory and abusive language was commonplace and much of it focused on women’s traditional roles as mothers and wives and their perceived “place” in society. Reports further indicated that women’s identity cards(IDs) were confiscated by their spouses to prevent them from voting and others were threatened with divorce should they not support their husband’s choice of leadership. Isolated incidences of rape and gang rape were reported.

Cases of separation in inter-ethnic marriages were reported with many families especially from informal settlement and cosmopolitan towns migrating to rural homes for fear of violence erupting. This negatively impacted on the various informal businesses mostly run by women, thereby lowering the financial and food security status of families.

The Situation Room provided real time response to the above issues in the following ways:

• Murder and other forms of physical violence on women were referred to the police for further action.
• Cases of rape and other forms of gender based violence were referred to the hospitals for specialized treatment and to the police station for further action.
• Several other cases were referred to the Women Situation Room for follow up.
• There was increased surveillance and arrests by police for those suspected of issuing threats including cases of GBV during the electioneering period.
• Intensive media campaign on peaceful coexistence during the electioneering period and beyond at national and community level.

The Independent Electoral and Boundaries Commission is formulating a policy on gender and disability inclusion in the electoral process. The Commission is
developing a programme and putting in place measures geared towards enhancing effective participation of youth, persons with disabilities, marginalised groups and other vulnerable persons in political processes. Public participation workshops are ongoing to conduct a gender and disability audit in the electoral process as well as collect views that will inform the inclusion policy. A Gender Advisor is in place to support development and establishment of policies and action plan for inclusion of women and minorities.

9. An effective monitoring and observation mechanism implemented

- **Guidelines for Observers:** The IEBC developed guidelines for monitoring and observation for local and international observers. 2600 international, 20,000 domestic Observers and 5000 media personnel (both local and international) were accredited.

- **Cascade Training for Political Parties Completed:** In terms of training polling agents, IEBC and UNDP entered into partnership with NDI who developed materials and trained 3,555 political party agents Training of Trainers (ToT) as per plan. The trainees comprised of 2,866 men and 689 women, as well as 326 chief agents for five political parties. Each ToT trained additional party agents in cascade style trainings. Over 35,000 copies of the Election Agent Manual and 60,000 copies of the party agent checklist were used during the training sessions. As a result, most of the party agents understood their role during elections and were present in approximately 90% of the polling stations.

- **National Tallying Centre** IEBC had the National Tallying Centre at the Bomas of Kenya with tallying centres each at Constituency and County level. The National Tallying Centre is where all results were converged. It had tallying rooms, ICT facilities, a media centre, a call centre and results display screens. The National Tallying Centre was a culmination and array of professional efforts in results aggregation and dissemination from the Commission, partners and stakeholders.

10. Enhanced leadership and coordination of electoral processes

- **Coordination Meetings Held:** IEBC convened several coordination meetings with other constitutional commissions, donors and electoral assistance providers as part of enhancing effectiveness and efficiency in the assistance provided. There was improved voter education due to the collaboration of IEBC with CSOs and faith-based organizations. Most importantly, the IEBC was facilitated by the project to work closely with the police service as part of guaranteeing electoral security.

- **PST Established:** The Project Support Team was established and staff recruited. The PST staff members include a senior technical advisor (STA), a project manager, a procurement officer a finance officer, a project assistant and a project driver. The PST is based at the 14th floor of Anniversary Towers and interacts with IEBC staff on a daily basis. In spite of being set up six months after the project commencement, the PST played a critical role towards the realisation of the project outputs. Some of the highlights include:
  - Responding to emerging needs efficiently in areas of procurement.
  - The STA worked closely with the IEBC throughout the different electoral phases by proving technical advice.
  - Implementation of the work plan as well as identification of potential gaps and ways to effectively cover them.
  - Organising Project Steering Committee meetings and keeping donors informed and updated on progress on implementation and financial status of the project. In addition, the PST organized meetings to discuss important issues such as work plan revisions and budget reallocations.
  - Monitoring tools were developed to assist the PST in keeping the project on track and to inform decision making.
WAY FORWARD

It is evident that the basket fund support to the IEBC had a positive impact on the electoral process. The gains registered so far must be consolidated taking into consideration the fact that IEBC was a new institution presiding over the first elections after the promulgation of the Constitution. The completion of the March 4th General Elections marked the beginning of the crucial post-elections phase that provides an opportunity to reflect on work undertaken so far and to embark on the process of institutional strengthening of the IEBC within an electoral cycle support. The electoral cycle support if well implemented will result into more effective, efficient and sustainable elections in the country. The end of an electoral cycle represents the beginning of a new electoral cycle, an opportune moment to consolidate the achievements and to focus on overcoming the challenges. This period is also the best entry point for sustainable investment because unlike the elections period, the post-elections period is free of high operational and political pressure to deliver elections.

As a way forward, a new work plan was developed and a no-cost extension of the project granted until December 2014. This was to allow the implementation of pending activities and to undertake additional activities that will help in the design of the next phase of the project covering the period 2014 – 2018. In line with this, the project recommends to undertake the following initiatives:

- **Develop IEBC’s Post-Election Action Plan:** This has entailed several activities including supporting the Commission to undertake a comprehensive lesson learnt and reflection exercise from the constituency to national level. There have also been reflections with external stakeholders such as the media, political parties, civil society, government departments and development partners. Other activities that will inform the post-election action plan include institutional capacity assessment of the Commission, review of the strategic framework and organogram and development of short, medium and long-term action plans.

- **Professional Development:** Based on some of the challenges identified in professional capacity of the IEBC, capacity building could be undertaken in specific areas, at least in the short-term. The relevant Commission staff will be equipped with skills in various aspects including Finance, Procurement, Corporate Management, Electoral Operational Planning and Communications to enable the Commission to effectively deliver on its mandate.

- **Establish Institutional Memory Mechanisms:** The Commission was established under the 2010 Constitution and it is therefore a new institution. It is important that it establishes mechanisms for institutional memory and learning as it grows. This includes development and documentation of policies, procedures, manuals and guides as it conducts elections, by-elections and referendums.

  - **Review of Legal Framework:** The Commission managed the elections within tight legislative deadlines. It is important that in the post-elective period, it consults and engages with stakeholders including Parliament, civil society and political parties to review the laws impacting on elections and revise them as appropriate. The Commission aims to ensure that elections are delivered without last-minute amendments to applicable laws as was the case for the 2013 General Elections.

  - **Mainstream Gender:** The Commission should meet, if not surpass, the Constitutional thresholds set for gender representation. In order to assess its compliance with these thresholds and establish a benchmark, the Commission should be supported to undertake a gender audit of its processes and procedures and establish an action plan to implement recommendations.

  - **Strengthen Conflict Prevention and Dispute Resolution:** Building on activities undertaken in the SERP project, the Commission will develop an elections conflict prevention strategy to be implemented as part of the Commission’s overall strategy to deliver elections and/or referendums. An electoral dispute mechanism for party nominations should be included through engagement with the Political Parties Liaison Committee.

  - **Establish a Stakeholder Engagement Mechanism:** While the Commission has the sole Constitutional mandate to manage and deliver elections and referendums, there are many stakeholders vested in the conduct of elections. These include political parties, the media and the public as represented through various civil society organisations. The Commission does not have a framework in place to guide its engagement with these and other stakeholders. The project shall support consultations with the various stakeholders to gather views that will help the Commission develop such frameworks.


UNDP’s future electoral assistance shall keep an electoral cycle perspective in the broader democratic governance framework. The electoral cycle approach gives a longer-term perspective of planning and with effective implementation, the cost of elections are expected to come down. During democratic transition, placing electoral assistance in the broader context of democratic governance intervention forms the basis for more effective, sustainable and coordinated electoral assistance intervention.
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