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Election observation and monitoring in the midst of Kenyan elections: The case study of 1997 to 2013 elections

By

RATIDZO CHIDO MAKOMBE (815556)

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8 March 2019

Supervisor: Professor Malte Brosig

Declaration

I Ratidzo Chido Makombe, do hereby declare that this research is my original work and that to the best of my knowledge and belief, it has neither previously been submitted nor currently being submitted to any other University for a degree or any other award. Where someone else's work has been used, due acknowledgment has been given and referenced made accordingly.

Signature: _____

Date: 8 March 2019

Dedication

To my late grandmother Nesta Musimwa. You saw a university graduate in me when I was only a week old, that goes without saying in your faith in me when I was nothing. Thank you.

Abstract

African elections have been marred with electoral violence and this seems to be an oxymoron as elections should portray the will of the people. Because of this, election observation has been a growing phenomenon in democracy promotion during election periods. This paper intended to explore the role of election observers in the Kenyan elections of 1997, 2002, 2007 and 2013. The purpose of this research is to unpack whether the longevity of an election observation results to violence during the electoral cycle. The electoral cycle is the period in with the election process takes place and it involves three stages. These stages include the pre-electoral period, the electoral period and the post electoral period. When looking into the violence perpetuated during the electoral cycle the degrees of violence will be categorised into two categories, which are less violence, and more violence, which will be further explained. For the purposes of this research, the use of the concept electoral integrity will be employed, and an inductive research method will be used to build upon this conceptual framework.

Key words

Election Observations, Election Violence, Electoral Integrity, Kenya

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List of Abbreviations

A.U - African Union

ACLED - The Armed Conflict Location & Event Data Project

AU EOM - African Union Election Observers Mission

BBC - British Broadcasting Corporation

CJPC - Catholic Justice and Peace Commission

COMESA - Common Market for Eastern and Southern Africa

CORD - Coalition for Reform and Democracy

DCTS - Digital Communication Technologies

DDDG - Donors for Development and Democracy Group

DP - Democratic Party

E.U - European Union

E.U EOM – European Union Election Observation Mission

EAC - East African Community

EC - Electoral Commission

ECK - Electoral Commission Kenya

ELOG - Elections Observation Group

EMRC - Election Monitoring and Response Centre

EOC - Election Observation Centre

FIDA - International Federation of Women Lawyers

FPK - Federal Party of Kenya

GNU - Government of National Unity

ICJ - International Commission of Justices

IEBC - Independent Electoral Boundaries Commission

IED - Institute for Education in Democracy

IGAD - Intergovernmental Authority on Development

IRI - International Republican Institute

KACC - Kenya Anti-Corruption Commission

KANU - Kenya African National Union

KBC - Kenya Broadcasting Corporation

KEDOF - Kenya Domestic Observation Forum

KHRC - Kenya Human Rights Commission

KICC - Kenyatta International Conference Centre

LDP – Liberal Democratic Party

LTEO - Long Term Election Observation

MRC - Mombasa Republican Council

NAC - National Alliance for Change

NAK- National Alliance for Change

NARC - National Rainbow Coalition

NCCK - National Council of Churches of Kenya

NCEC - National Convention Executive Council

NECEP - The National Ecumenical Civic Education Programme

NEMU- National Election Monitoring Unit

NGO – Non-Governmental Organisation

NPK - National Party of Kenya

ODM - Orange Democratic Party

ODM-K - Orange Democratic Party of Kenya

PCDC - Professional Committee for Democratic Change

PNU - Party of National Unity

PVT - Parallel Voter Tabulation

STEO - Short Term Election Observation

TNA - The National Alliance

U.K - United Kingdom

UDF - United Democratic Forum

Map of Kenya



Source: https://www.nationsonline.org/oneworld/map/kenya_map.htm

1 Chapter One: Research design

1.1 Introduction

It has been over 20 years since the youngest African state has democratized with the exclusion of the emergence of new states yet there is still a high correlation between elections and violence. Electoral violence in Africa is highly problematic and one wonders why that is when elections should be the will and voice of the people. The African Union (AU) has tried resolving this problem by introducing election observation throughout the continent. However, election violence is still on the rise. According to Kelley, J. (2009), election monitoring helps to uphold electoral norms and to report on the quality of elections. In this way, observers partly ensure that all parties and candidates adhere to laws and regulations governing elections. The presence of observers and the international media helps to curtail election rigging promote better understanding between the contending parties and may bring about electoral reforms, a combination that helps to quell the electoral violence.

This topic has been explored from different angles in the field of International Relations. Most literature on electoral violence and election observation includes the mechanisms electoral observers employed when violence occurs and their successes or failures in stopping violence (Wilkinson, 2004; Chaturvedi, A. 2005; and Collier, P. & Vincent, P. C. 2012). However, there is little literature on the comparison between the different periods spent by electoral observers and whether that has an impact on the severity of electoral violence.

1.2 Hypothesis

The proposed research project seeks to investigate whether the presence of election observers within a state makes elections more or less violent.

1.3 Rational

I intend to look at the longevity of the electoral observation in relation to the severity of electoral violence. I hypothesize that the longer the presence of electoral observers the less there is electoral violence and the shorter the period in which there are electoral observers the more violence that a state encounter. I base my assumption on the premises that, international election observers' main mechanisms for reducing electoral conflict are increasing the international visibility of wrongdoings and facilitating international punishment, (Hyde, 2007; Kelley, J.G. 2012). Moreover, while violence usually attracts international attention, election

observers can clarify its source, extent, effect and attribute blame to specific perpetrators. Most importantly, the period in which the observers are present determines their effectiveness in dealing with electoral violence.

Election observation, election monitoring, and election assessment usually go hand in hand. The AU defines the latter terminologies differently and they are as follows:

- *"Observation*: involves gathering information and making an informed judgment;
- *Monitoring*: involves the authority to observe an election process and to intervene in that process if relevant laws or standard procedures are being violated or ignored;
- *Election Assessment*: involves on-spot, preliminary evaluation of the conditions within which elections will take place" (African Union 2002).

This research report intends to look at all the aspects of election observation, election monitoring, and election assessment as one, under the umbrella term 'election observation'. As follows, my definition of election observation will be the gathering of electoral data and procedural intervention when the need arises and overall evaluation of the electoral cycle.

On the other end of the question, electoral violence is in question. Violence in elections often occurs with the aim to intimidate voters and manipulate or rig elections. Electoral violence is not a clear-cut concept as it brings about multiple components, hence, it includes activities not limited to physical assault, disruption of political rallies, issuing of threats and voting. According to Albert, I. (2007: 133) electoral violence is broadly defined as, all forms of organized acts or threats– physical, psychological, and structural aimed at intimidating, harming, blackmailing a political stakeholder before, during and after an election with a view to determining, delaying, or otherwise influencing an electoral process.

1.4 Research Questions:

1.5 Primary research question

- Using Kenyan elections as a case study, does the presence of election observers result in a more or less violent election?

1.6 Secondary research questions

- What is the correlation between the longevity of an election observation and the level of violence during the electoral cycle?

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1.7 Methodology

This research paper uses both qualitative and quantitative research as a form of methodology. Qualitative is viewed to consist of the analysis of existing literature on a specific issue or topic to reveal certain trends and results (Lewis, J. & Ritchie, J. 2003:22). On the other hand, quantitative research refers to the collection and analysis of numeric data to determine whether a relationship exists between two or more variables, (Lamont, 2015: 97). A mixed method research allows for the compensation for each other's weakness and will assist in the corroboration findings derived from one or the other or highlight divergent findings between the two that will themselves require further explanation.

The mixed method is key for this research as I will be look at the time frame of election observation in relation to the severity of violence. The latter and the former can both be quantifiable and qualitative explanations will allow an in-depth analysis so to increase the credibility of my findings.

In addition to this methodology, process tracing will be employed to prove causality between election observation and degree of violence. Process tracing is 'the cause effect link that connects independent variable and the outcome is unwrapped and divided into smaller steps, then the investigator looks for observable evidence of each step.' (Evera Van, S.1997:64). I intend to employ the electoral cycle and election mandates by the state as a checklist. I will be tracing problems that occur during the election period and how quickly and effectively the observers attended to problems. Moreover, the use of newspapers is key to find this information as reporter will be reporting on the events of elections. The theoretical framework I intend to employ for this paper is electoral integrity. According to Norris, P. (2013) the concept of electoral integrity refers to international standards and global norms governing the appropriate conduct of elections

1.8 Variables

As discussed above, the independent variable is the length of election observation and the dependent variable is the severity of violence. An independent variable is a "variable framing the causal phenomenon theory or hypothesis" (Evera Van, S. 1997: 10). In the hypothesis, less violent or more violent election correlates to an election observation and therefore, in this case, the election observers are the independent variable. On the other hand, a dependent variable is "a variable framing the caused phenomenon of a casual theory or hypothesis" (Van, E. 1997: 11). The question at hand is looking at the Kenyan case study hence the use of four cases will

result in a better credible research report. These compromise of 1997, 2003, 2007 and 2013 election observation missions.

Table 1.0: Variables: The hypothesized relationship

	Kenyan election 1997	Kenyan election 2003	Kenyan election 2007	Kenyan election 2013
Independent variable	Short-term election observation mission	Long-term election observation mission	Short-term election observation mission	Long-term election observation mission
Dependant variable (Outcome)	More electoral violence	Less electoral violence	More electoral violence	Less electoral violence

Source, by the author

1.8.1 Independent variable

Election observation can constitute the monitoring of an election by one or more independent parties, usually from another country or a non-governmental organization (NGO), predominantly to assess the manner of an election process based on national legislation and international election standards (A.U2002). Consequently, the independent variable (election observation) and its longevity are the ones in question; hence, there is a divide between long-term election observation and short-term election observation.

1.8.1.1 Long-term election observation.

There are different periods for election observation and in this case, I refer to Steyler's definition of long-term election observation as follows. Ideally, long-term observers start monitoring months beforehand the election takes place, witnessing voter registration and education, the procurement, design, and supply of election resources, the party selection process and the campaign, (Steytler 2013). In this case, the observers are present for an entire electoral cycle or 2/3 of it. The electoral cycle consists of three main periods: the pre-electoral period, the electoral period and the post-electoral period. Notably, the electoral cycle has no fixed starting or ending points, which is also true for the three periods and for the segments within the cycle, (ACE 2018) Fig 1 summaries a typical electoral cycle.

1.8.1.2 Short term election observation

Short-term observers arrive just before the actual day of voting to watch the campaign's last stages, Election Day itself and the tallying of results, (Steytler 2013). In the electoral cycle, this is usually the electoral period stage. See Fig.1 one for reference.

1.8.2 Dependent variable

The outcome variable in this research project is violence. I hypothesise that long-term election violence results in less violence and the short-term election result in more violence. Electoral violence, in this case, can be understood as coercive force, directed towards electoral actors and/or objects, that occurs in the context of electoral competition – can occur before, during or after elections and it can target a variety of actors, including candidates, activists, poll workers, election observers, journalists and voters (Birch, S., & Muchlinski, D, 2017).

1.9 Operationalisation

Operationalisation is the process of strictly defining variables into measurable factors. The process defines vague concepts and allows them to be measurable, empirically and quantitatively, (Neuman, 2014 399). In reference to the question at hand, the independent variable will be measured in relation to the longevity of electoral observations by international observers. Longevity in relation to stages of the electoral cycle and not the actual time frame the observers wherein the state. Moreover, their levels of expertise will also play a role in their usefulness. On the other hand, the dependent variable will be measured in relation to the severity of violence with the use of the Ibrahim Mo Index of Good Governance and the Global Peace Index. More importantly, The Armed Conflict Location & Event Data Project (ACLED) will be used as it is more specific regarding the time frame in which the violence occurred during the electoral cycle.

1.9.1 Operationalization of violence

Violence in Kenya, like in any other country, is recorded daily. However, for the purposes of this research the author was specifically sieving for violence related to upcoming elections in Kenya from 1997 to 2013. A dataset with the precise location, date, actors, and additional characteristics of individual battle events in unstable states are provided in the ACLED collected Raleigh, Linke & Hegre (2010). This dataset reports information on civil and communal conflicts, violence against civilians, and rioting in a set of developing countries. The dataset is highly disaggregated, and in addition to providing the location and dates of individual

battle events, it provides information on the actors involved, fatality numbers for each event, and a brief description of the conflict event. The ACLED dataset currently includes 53 countries, mainly located in Africa, and covers the periods between 1997 and 2018.

To paint a picture on the levels of violence in Kenya the author goes through over a thousand lines of excel data from ACLED elimination events that where on politically violence related using the variable "notes" which was a description of the event that occurred during that specific date. Fig.1 is a glimpse of the dataset and the layout of the information ACLED provides. Therefore, tailor making the data to suit the paper at hand meant excluding information such as:

"22-February-2000(event date), International Dutch tourist killed by armed men, motive unclear (notes), Violence against civilians (event actor), Unidentified Armed Group (associate actor), Civilians: International (actor 2), Eastern Africa Kenya Nairobi (Location), Reuters International (source of information), 1(fatalities), 1524054015(time stamp)", (ACLED 2018).

This event is not linked to the topic at hand hence, it would be excluded from the dataset the author would personally compile to suit the topic. On the other hand, for example data such as,

"8-Aug-97(event date) Violence against civilians (event actor), NARC: National Rainbow Coalition Civilians: Kenya (actor 2), Eastern Africa Kenya Nairobi (Location) Reuters News International (source), NARC members kill a man thought to be a KANU or police spy at a rally(notes), 1(fatalities), 1524054023(time stamp)", (ACLED 2018)

will be included in the data set because of the "notes" variable which highlight the killing of a civilian due to their suspected choice of political party. The latter meets the criteria of election violence stipulated in the literature review.

After sieving the data to suit the topic at hand, the author goes on to sort out the information needed to reflect election violence. Firstly, the use of the electoral cycle is employed to determine longevity of the election cycle. On average, this meant limiting the data selected to six months before the election month for the pre-election period, the month of the election from Election Day and two months after the election for post-election period. As a result, each election cycle was scrutinized for nine months to get the best representation possible. An example of this is how the 1997 election data will be analysed from the 9th of June 1997 as this was the first event relation to election violence according to the set period. This election cycle would end on the 18th of February 1998 in respect to the parameters set. From this juncture, the

author goes on to create a new dataset using the sieved information from ACLED by selecting the event date variable and the fatalities variable. In addition to this, two new variables where added which included non-fatal events and the total number of politically related violence events. For every politically violent related event, the code 1 was given to sum up their frequency. Non-fatal events had the codes one and zero, 1 standing for an event with no loss of life and zero representing an event with loss of life. The above subsection had highlighted the mechanism this paper while will use throughout the research report when looking at election violence. Overall, violence in Kenya has been discussed from a historical standpoint in relation to election violence throughout the four intended years of discussion. The following section will now look at election observation in Kenya as an addition to the overall history of elections in Kenya

1.10 Empirical Research.

This research proposal intends to use two different mechanisms of election observation based on longevity as stated above. Hence, it is best to use one case study in order to have effective results compared against the same case with different methods applied to it.

1.10.1 Case selection: Kenyan Elections

I intend to look at the Kenyan elections of 1997, 2002/3, 2007 and 2013. All the elections mentioned have been multi-party elections and have been observed internationally and locally. Kenya has held regular elections since independence, but these elections have been polluted by a myriad of irregularities. Ethnic tensions have become a major factor of electoral politics, in part due to the combination of the 'first-past-the-post' (it is a winner takes all system) electoral system and ethnically designed constituencies. Ethnic tensions have in turn fuelled several cycles of election-related violence, (Fall, I. M., & Hounkpe, M. 2012). My choice to use Kenya as my case study stems from the fact that Kenya has over the years transformed from short-term election observation to long-term observation as of 2010 officially. In 2010, several Kenyan Civil Society Organizations established the Elections Observation Group (ELOG) as a permanent national platform through which citizens can monitor general elections in Kenya and other countries in Africa over a longer period. (Cheeseman, etl 2017). According to the ELOG (2017) one of the four main strategies they implemented was long-term observation and in addition general election day monitoring, parallel voting tabulation and media monitoring pre-election period.

In addition to the above, there is a good disparity between the election of 1997, 2003, 2007 and 2013. Firstly, the 1997 election in Kenya experienced massive electoral violence in the pre-electoral period where over 100 people were killed and over 120,000 civilians were displaced (Ajulu, R. 1998). Most of the literature in this election focuses on the ethnic division within Kenya; however, my attention is to focus on the election observation mission which was a short-term mission. However, the 2002 election was regarded as a peaceful election. During this election, a coalition of five political parties was formed and was referred to as the Rainbow Alliance. In addition to this, there was a long-term observation mission and it puts into question whether that had anything to do with the peacefulness of that election. Moreover, the election of 2007 was a very violent election that led to 1300 people dying due to police brutality and the displacement of 650 000 people (Wanyama, & Elklit, 2018). What is of great concern is that this election had a short-term observation mission. On the other hand, during the 2013 election, only 64 people died due to injuries from police brutality and a few hundred people were displaced and the election observation mission was long term (Wanyama, & Elklit, 2018). Process tracing will help reveal whether or not there is a connection between the electoral observation longevity and electoral violence. Therefore, this is yet to be expanded in greater detail.

1.10.2 Most-Similar and Least-Similar Case Comparisons

Several factors can cause election violence in the Kenyan state. Every cause for example ethnicity, economic hardships, human rights suppression and the prolonged rule of one leader can all cause electoral violence. It is important to emphasise that elections do not cause violence however, they present an opportunity for citizens to have their views heard which makes them a hot stop for violence to occur. As mentioned in the literature review election observation is an informal mechanism used to reinforce elections and this research seeks to find out whether the longevity of this informal mechanism contributes to the severity of election violence in the state of Kenya. There has never been a scale to tell which cause of violence has contributed to the levels of violence from a quantitative perspective. Hence, this research will make use of the Least-Similar method to try formulating a correlation between the longevity of an election observation mission and the severity of violence.

Kenya's history of election observation is consistent and very elaborate. Therefore, looking at specific outliers is necessary to determine if there are any differences that result in different levels of election violence. *Table 1.2* will illustrate all these factors and try to deduce and discrepancies.

Table 1.2 Case selection

Year	Variables that are triggers of the severity of election violence							
	Poverty	Youth Unemployment	Stagnant leadership	Marginalisation of ethnic groups	Human rights abuses	Corruption From ECK	Election observation	
							LTEO	STEO
1997	✓	✓	✓	✓	✓	✓		✓
2002	✓	✓	✓	✓	✓	✓	✓	
2007	✓	✓	✓	✓	✓	✓		✓
2013	✓	✓	Aftermath of a GNU	✓	✓	✓	✓	

Source: compiled by Author

The table above has highlighted the main triggers of election violence in Kenya. However, this is not to say that there are no other triggers that contribute to the severity of violence in Kenya. For example, in the year 2010 the Kenyan government made changes to the constitution and this was a positive change that impacted the election greatly. Moreover, in 2007, there was a government of national unity as highlighted in the table and as a result, there was a break from having the same leaders in power constantly. With respect to youth unemployment, it ranges from the age of 15 to 35 years old. This demographic group is the most active during electoral dispute and in 1997 the youth unemployment rate was standing at 19.78%, in 2007 it had risen to 22.81% and as of 2013 it was sitting on 26.12%, (Global Economy 2018). The longevities of election observation have been included as a factor that contributes to election violence because they are the most significant outliners with a pattern. There are variables that have not been indicated because they are once off triggers that cannot be assessed due to their nature of only occurring once. However, election observation has been a constant occurrence in Kenyan

election and the differences are seen in the longevity of the election observation mission as shown in Table 1.2

With the establishment of the why election observation is a discrepancy among the triggers of election violence it is imperative to distinguish the severity of violence in Kenya. When looking at violence in Kenya elections that have the highest death toll are viewed as most violent and elections with the least deaths are regarded as the least violent election. Other factors such as displacement of people due to election violence are also factors that fall into the less violent category and protest each without fatalities. For example, the 2007 election resulted in over 1000 deaths and the displacement of 650 000 people hence it falls in to the category of a very violent election. On the other hand, the 2013 election had less than 150 deaths and this election can be considered less violent with no displacement of the general population due to election. Table 1.3 will illustrate the relationship between the election observation and the severity of violence.

Table 1.3

Year	LTEO	STEO
1997	Most violent	
2002		Less violent
2007	Most violent	
2013		Less violent

Source: Compiled by Author

The relationship between election observation and electoral violence is complex because the actors involved who perpetrate violence the difference and the presence of the international observers has a different impact on the actors in comparison to their reaction to citizen observer. According to (Daxecker, U. E. 2014; 232) when international observers are present the government is less likely to carry out violent attacks on the citizens or the opposition party because it affects their legitimacy and ability to receive aid from Western states. On the other hand, opposition parties are more likely to protest and destabilise the electoral environment to expose the incumbent government of corruption when election observers are present, so they discredit their biggest competition. Moreover, the number of observers present, and their country status plays a role in the way different actors behave during elections. The more international observers present the better coverage and information they can compile from an

election observation mission. Observers from the Cater Centre, Britain and America hold more prestige because they are from donor countries that contribute to Kenya's economic development. Theoretically, if they are not pleased with the electoral process they could withhold aid or set travel bans on the incumbent government (Fiedler, C. 2018; 319). However, observers from the African Union are important but are less likely to deem an election illegitimate by their own member states. This is evident with their endorsement of the 2017 election in Kenya that the Supreme Court annulled presidential elections because they were not transparent and not verifiable. (BBC. 2017) This will be revealed in detail when I investigate each election intrinsically.

In addition to this, citizen observer impacts the election differently because of they are susceptible to being influenced by political parties and mainly the incumbent political party at the time. Notwithstanding these citizen observers play the biggest role in elections as they monitor the election from the beginning to the end of the electoral cycle. If they fail to report irregularities and resolve them in the early stages for the electoral cycle such as voter registration this could led to violence in the post electoral stage because voters were unable to vote. As a result, election observation does play a role in electoral conduct and the levels of election violence in accordance to the discussion above. Further details will be discussed in Chapters 4 and 5.

1.10.3 Data sources

This research project intends to use secondary sources of information for most of the research. This will come from journal articles from EBSC Host and J-Stor, treatises from the Kenyan Government, and election observation reports from the Carter Centre as one of the sources from international observers and ELOG for documentation on citizen observation among many others and finally books. Moreover, the use of credible indexes such as the Ibrahim More Index of Good Governance, ACLED, and the Global Peace Index will be used in the quantitative section of the paper. The use of newspaper articles will also be employed to establish a better feel of what transpired during the election period will also be made use of.

1.11 Chapter outline

The first chapter has outlined the research topic at hand and the methodology the author intends to use. This includes the rational of whether the longevity of election observers influences the severity of violence in Kenya. The author highlighted that they will use a mixed methods approach to execute the research question at hand and the research methodology is process

tracing. The second chapter will focus of the theoretical framework for this research paper. This will include a background of representational democracy and will be followed up by a discussion on electoral integrity. The third chapter is a historical section on Kenya's electoral history from independence with focus on political history and the causes of electoral violence. From this juncture, the third section will also give a brief outlook on election observer with specific insight on the 1992 election and lastly discuss the longevity of election observer within the Republic of Kenya. The fourth chapter will focus on short-term election observation with an intrinsic discussion on the 1997 and 2007 election with retrospect to the levels of electoral violence. The fifth chapter will look at long-term election observation mission with a detailed account of the 2002 and 2013 elections in relation to election violence. The last chapter, which is the sixth chapter, will be an analytical chapter. This chapter will focus of the findings from chapter four and five and will try and synchronise the initial hypothesis with the findings and will give recommendations to conclude this research report.

2 Chapter Two: Theoretical Approach

Electoral Integrity in relation to election observation and electoral violence

2.1 Introduction

Democracy promotion can be regarded as the biggest 'project' if not 'experiment' that has been ongoing since the end of the Cold War. Globally one can say that this experiment has been somewhat successful, and the ideology has been widely accepted. However, the need to continuously aspire to perfect democratic practises is still large considering the birth of hybrid states (a mix of authoritarian regimes with democratic practises). One of the most important pillars of democracy is the cyclical exercise of elections by countries every four to five years. This section will be focusing on electoral integrity as the main theoretical approach of this research paper.

Firstly, a brief look at democratic history will be outlined, followed by the role of elections as a tool of promoting representational democracy. This will lead to an analysis on the theoretical approach of electoral integrity. From this juncture, electoral integrity will be linked to election observation and electoral violence. With respect to election observation the main actors will be discussed and distinctions between short term election observation (STEO) and long-term election observations (LTEO) will be made. Following this discussion election violence will be looked at regarding severity, causes and consequences.

2.2 Representational Democracy

Democracy is a paradoxical concept due to many views on it by different academic authors. Lincoln (1863) views democracy as "government of the people, by the people, and for the people". On the other hand, democracy is based on "popular sovereignty, identity between governing and the governed and equality" (Mouffe, C., 2000, 21). According to Mainwaring (1993; 201) democracy should meet a three criteria checklist. These include open competitive elections that determine who governs, secondly there must be universal suffrage and lastly there must be guarantees of traditional civil liberties such as freedom of organisation, and due process of law. Concerning Linz, J (1996; 139), "Democracy is a government pro tempore, a regime which the electorate at regular intervals can hold its governors accountable and impose

change". The above definitions are all important as they give us a better understanding of what a strengthening or weakening democracy looks like.

Democracy is an ideology that has been equated to the holding of elections by a country. Many scholars view that the more elections a state holds the more that state progresses into becoming a better democratic state. One such scholar is, Lindberg, S.I. (2004) he clearly states that" on the onset of the "third" wave of democratization in the mid- 1970's, many have hailed elections as the hallmark of democracy. It can be viewed that democracy is strengthening globally. This is evident by statistical analysis were by at least two sets of elections have been held in Africa which total to 184 elections in 33 countries as of 2003, (Lindberg, S.I. 2004). This within itself shows the progress democracy has had since the third wave. However, democracy through elections is not enough as authoritarian regimes also hold elections in order to achieve a form of legitimacy. Henceforth, the process of democratisation is ongoing and as of the 21st century election observation has grown as an informal means of electoral enforcement.

Elections can be viewed as the corner stone for democracy considering that they are an exercise of one's human's rights. According to the International Covenant on Civil and Political Rights (ICCPR), Article 25 articulates the right of all citizens to vote and others to be elected:

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections this shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

As a result of this, the importance of elections is pivotal to this thesis at large. The holding of elections is not a straight narrow path with definitive outcomes or reactions. It is very complex and uncertain whether elections are a tool for conflict resolution or their occurrence exacerbates conflict during their tenure. Regardless of this, the hosting of elections is a step forward to a states' journey to democratize.

2.3 The importance of elections

Firstly, elections are important as they intend to legitimize a political party's rule within a country. According to Lindberg, S. I. (2004) the legitimacy that is brought about by an election creates good relations amount states as they view each other as equals representing their country by the will of the people. Moreover, legitimate state leaders are viewed to solve conflicts in a more diplomatic manner and are less likely to go to war because their power comes from the will of the people. This is evident by the holding of referendums when leaders pursue changing of laws within a country and the people's voice is paramount instead of imposing laws on them. For example, the holding of a referendum by the United Kingdom (UK) on whether they wanted to stay in the European Union (EU) or not. As a result, the people voted to exit the EU, and their leaders did not impose this on the people and fellow member states respected this decision.

However, it is important to note that elections are not always a guarantee of legitimacy. This is evident with a growing phenomenon of governments of national unity where by the incumbent refuses to step down after a highly contested election and the opposition part is included as part of the government to avoid conflict between the incumbent governments the opposition parties. Power-sharing deals are usually implemented to stop conflict between contending political parties. One of the main aims of power-sharing deals is to reduce majoritarianism thus mitigating the danger that a party or ethnic group might cause towards the security of the citizens of a country (Miti, K., Abatan, E., & Minou, S., 2013:1). It is evident to note that the democratic process is undermined as certain parties can rule simply because they threaten the stability of a country. Croatia (1991), Kenya (2007), Zimbabwe (2008), Greece (2011), Sri Lanka (2015) and in Italy (2013), are all examples of governments of national unity or coalition governments were by legitimacy was not brought about by an election. Despite these examples, elections still bring about legitimate governments considering there is the absence of conflict turmoil in the near or immediate future.

In addition to leaders gaining legitimacy, elections are also an important tool of democracy advancement as they generate spaces for news media to push back the restrictions on what is acceptable and defend those boundaries in the post-electoral period. The use of media with new technologies on the rise (DCTS) elections do not transpire in isolation as countries will be under increased international scrutiny, and criticisms may be taken on board and addressed in subsequent inter electoral periods. As a result, the exposure of a state's affairs on an

international level makes a state improve on its state of affairs. Human rights are better respected as donor states will be on the watch.

The increased media attention a country receives during elections does not always have a positive impact of a state's pursuit to improve. States such as Zimbabwe are openly anti-West hence the media attention have no hold over them. President Mugabe openly welcomed sanctions from its former colonizer after the 2002 election when news of human rights abuses was looming. He told the Tony Blair to keep his Britain while he kept his Zimbabwe. The increase in media at this point shed light on Mugabe's Pan-African agenda at the cost of donors and foreign aid from the West. The latter and the former show that the increase of media attention during an election period is a double-edged sword. On one end, it makes a country aspire to be a better democratic country and on the other hand, it opens some countries state skeletons, which are punishable with sanctions.

Elections are also important, as they are a mechanism of appointing representatives for the people. The form of representation differs from state to state depending on the electoral system the country follows. There are two main forms of representation and the first past the post and the second being proportional representation. Respectively, the latter refers to winner talks all while the loser waits for the next cycle of election, while the former refers to a proportional number of seats in parliament depending on the number of votes they received Diamond, L., & Plattner, M. F, 2006). This is evident with respect to different countries. For example, Kenya uses a first past the post as an electoral system where winner takes all as a result in the 2017 election the Jubilee party won the election by 54,2% and they have all the seats in parliament (The Carter Center, 2018: 1). On the other hand, South Africa uses proportional representation where by the ruling party won the election. However, the national assembly is divide based on the proportion of votes they won. The African National Congress won 62.15% of the election, which results to 249 of 400 seats in the National Assembly a of the 2014 election, while the Democratic Alliance acquired a 22.23% of the National Assembly seats resulting to 89 of 400 seats (Word Elections 2014). Holding elections involves choosing representatives who the people want based on their beliefs, ethnicity, culture and what they hope for possible. However, this system can be manipulated with.

In a "free and fair election" with all else being equal, fair representation is the goal, however, this is where all political games play out, and election fraud is highly likely. During the pre-election period, the incumbent usually has more resources to his disposal than the opposing parties. It is because of this that we see in most African elections that vote buying is blatant.

This is evident with the giving of basic needs in rural areas and t-shirts during campaign rallies in Cameroon. In Zimbabwe, the incumbent leader went as far as buying cars for chiefs during this period to secure votes from these constituencies. In addition to vote buying, voters in rural areas are perceived to be less educated and so are the elderly and corrupt stakeholder offer to assist them to vote for the party that has manipulated them. This occurred in the Zimbabwean 2013 election and about 130 000 people reported these incidents.

The above evidence shows that elections are not a flawless mechanism for what they are intended for, as a result, elections are a bittersweet fruit. On a positive note Lindberg, S. (2006) suggests that repeated elections result in a gradual increment in the quality of civil liberties such as freedom of speech, association and media. Moreover, there is also an increase in participation of opposition parties giving the people more and better options of representation. The reoccurrence of elections –in and of themselves- generate few if any positive externalities for the larger democratic process. Carothers, T. (2002) goes further to say "greatly reduced expectations are in order as to what elections will accomplish as generators of deep-reaching democratic change. Regardless of this, elections are conducted in the name of pursuing democracy and need to uphold a certain standard. This brings into play the conceptual framework of electoral integrity as a standard of how electoral conduct should be carried out in order to have a somewhat fair system on having a true reflection of the will of the people by the people through representation. As follows, electoral integrity will be the conceptual framework that this research will use in pursing the truth of whether election observation had a correlation to electoral violence in the case of Kenyan elections.

2.4 Theoretical framework: Electoral Integrity

The intended research topic is new in the field of International Relations, therefore, it is difficult to draw upon a theory, however, a brief review of the literature shows that best concept to apply is likely to be drawn from Electoral Integrity. Electoral Integrity sets the tone in which African politics occurs and, in this regard, it will serve as a framework that helps to understand the conduct of the electoral process, the consistency between global electoral norms and election realities. It will also help shed more light on how often failures in electoral oversight persist in spite of the will of the people, (Follert, M., 2015, 391)

According to Norris. P (2013) the concept of electoral integrity refers to international standards and global norms governing the appropriate conduct of elections. These norms are primarily based on the 1948 Universal Declaration of Human Rights and the subsequent specifications of the International Covenant on Civil and Political Rights of 1966 along with other

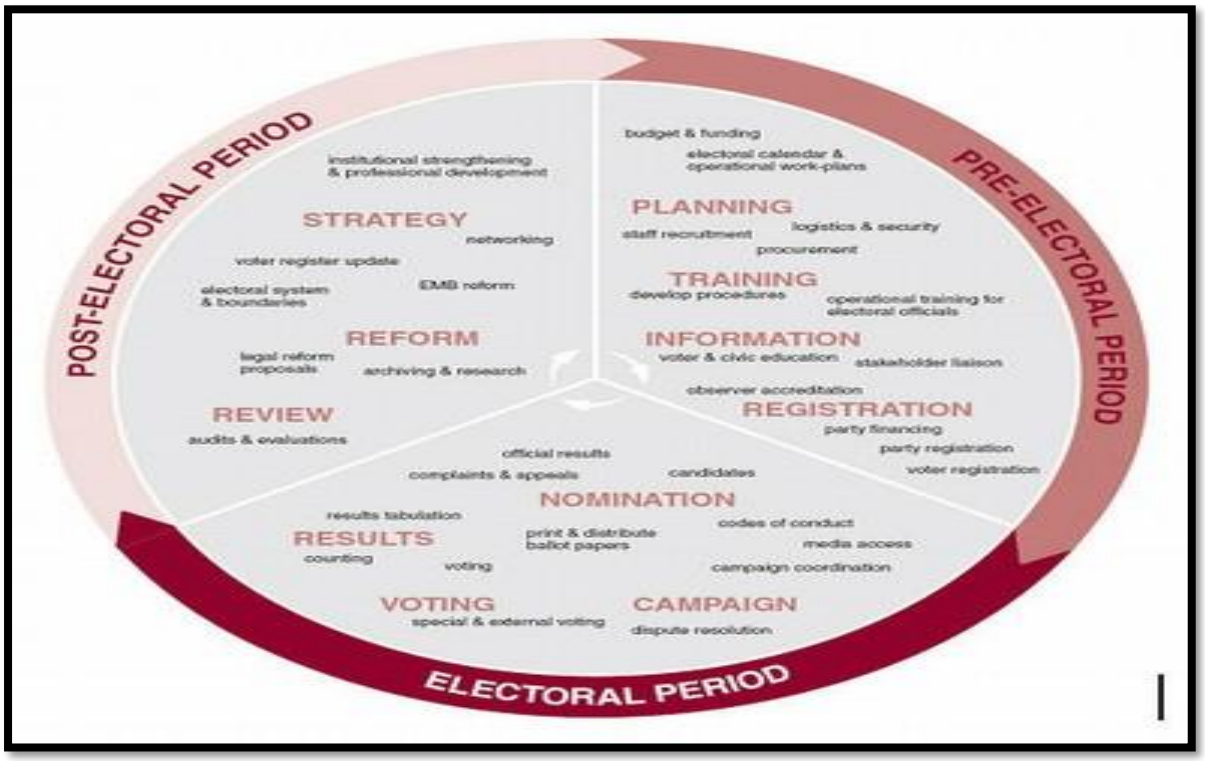
international conventions. These international agreements helped establish the current international norm that governments receive their legitimacy through the will of their citizens as measured by periodic genuine elections. The Global Commission on Elections, Security, and Democracy (2012) defines a genuine election as "an election that is based on the democratic principles of universal suffrage and political equality as reflected in international standards and agreements and is professional, impartial, and transparent in its preparation and administration throughout the electoral cycle."

Electoral integrity can also be viewed from the lenses of first order and second order malpractices. First order malpractices can be defined problems, which involve severe violence and major violations of fundamental human rights, carried out by a state apparatus, governing or opposition parties and any other actors who challenge the stability of the current regime. On the other hand, second order malpractices are linked to human error or poor technical sustenance, which put into question the integrity of the election (Norris. P., 2013: 566). Elections in fragile states have proven to be about legitimacy of the election and their history of succession in the state. Second order malpractices in fragile states can lead to first order malpractices. This has been evident in countries such as Zimbabwe during the 2018 election, where by the delay of election results led to protests and the military being deployed, which resulted in the death of six people (Burke. J., 2018). Another example of first and second order malpractices is that of Kenya when the election results were announced carelessly. The announcement of Kibaki as the winner of the 2007 election was followed by banning all live media broadcasts and a secret presidential inauguration. This led to the citizens of Kenya feeling cheated, which resulted in civil unrest along ethnic lines in relation to the presidential candidate's ethnicities (Harneit-Sievers, A., & Peters, R. 2008).

African elections are violent by nature and this is one of the reasons that public views of electoral misconducts corrode trust and confidence in the ruling classes, discourage voter's participation and breed protests, which could destabilize regime stability, (Norris 2014). Elections are at the centre of liberal democracy, but flawed or failed contests corrode political legitimacy. Hence, how will one know when elections fall short of international standards? Election observer missions by international, regional and domestic nongovernmental organizations provide an in-depth assessment of many contested elections (LeDuc, L., Niemi, R. G., & Norris, P., 2014.) Therefore, the reports they give weigh heavily on determining the freeness and fairness of an election and more importantly in the African context legitimacy.

Thirdly, electoral integrity is viewed from the lens of the electoral cycle, a period within which electoral conduct takes place. The electoral cycle is made up of three periods, which are the pre-electoral cycle, the election period and the post-electoral period. The pre-electoral period is before Election Day and the preparation that takes place for Election Day to occur. It involves registering voters, registration of political parties and registration of electoral observers. In addition, a budget is set by the electoral commission to allocate money to each political party, so they can campaign (Norris, P., Frank, R. W., & Coma, F. M., 2014) This is just a glimpse of what occurs at this stage of the electoral cycle. From this juncture, there is the election period where campaigns by different political parties are at their pick, there is the Election Day where people vote, and nomination of candidates are announced and finally the election results are published. Lastly, during the post-electoral period involves reviewing the elections whereby an audit is held concerning the election results and their freeness and fairness (Norris, Frank, & Coma, 2014). The PEI operationalizes taking the above into consideration the electoral cycle. This how electoral integrity is measured, with a standard out of 100points.

Fig.2.0: An Electoral Cycle



Source: *http://aceproject.org/electoral-advice/electoral-assistance/electoral-cycle*

In any society, elections are the paragon of a democratic society. The way the election is held is important hence the role of observing elections. I intended to make use of an inductive approach to theory development. The reason for this choice of research is that the debates of

democracy are state-centric and focus on what the state has done to promote democracy. However, in the African context observers play an important role in legitimizing elections within a state due to the levels of violence from ruling parties and opposition parties in the fight free and fair elections. Hence, one finds that observers usually play the role of mediators as well. This is evident with the governments of national unity in Zimbabwe (2008), Kenya (2007) and The Gambia (2016) where military intervention had to take place because negotiation by mediators had failed.

Electoral integrity is the best concept for this research paper because election observer missions are at the centre of the process, which gives states legitimacy and determines the freeness and fairness of an election. Election observation also falls into the lenses of electoral integrity and an informal enforcement mechanism for global norms and shared standards as discussed above. Moreover, they are highly active during the electoral cycle as well. In addition to this, the observer has proved over the years to enhance the quality of elections.

2.4.1 Global Norms and Election Observation

Electoral Integrity has been discussed from different angles as shown above and global norms are perpetuated in election observation as an informal tool of promoting electoral integrity. This ties the theoretical framework to the practicality of the research topic at hand.

Kelley has written extensively on observer missions and their effects on the domestic politics. The article, *"International Influences on Elections in the New Multiparty States"*, argues that observer missions have not been effective in transforming the domestic institutions according to the statistics available thus far. In fact, she identified international activities with negative consequences as far as domestic politics is concerned (Kelley, J., 2012). Thus, they affect the conduct and structure of elections.

The article further focuses on several international forms of engagement with elections together with their capacity to improve the quality of elections (Kelley, J., 2012;2009) which feeds into the literature of global norms under electoral integrity as mentioned above. This article is significant as it probes relevant issues to the conduct and contact of international forces in the domestic politics. This relates to the Kenyan elections under scrutiny because it enables to analyse the dynamics within the international election observer missions and their consequences to the nature of electoral violence.

Additionally, Kelley lamented the ineffectiveness of the international election observer mission in the host countries leading her to take a comparative analysis between international and

domestic observers. She identified domestic factors as better influencers of democratization and performs better than international actors (Kelley, J., 2012). The international actors are identified with undermining elections, legitimizing fraudulent elections and extending their foreign policy with election observation in developing nations (Kelley, J., 2012; Simpser, A., and Donno, D., 2012).

Nonetheless, some gaps can be identified in the readings. In as much as a comparative analysis between the international and domestic observers was carried out, little is known about the correlation between the two. This research shall contribute some material in this area when exploring how the relationship between the domestic and international actors played out in the Kenyan elections, particularly looking at the competition or supplementary aspect in it.

Geisler also shares the same sentiments with Kelley Judith's views (Geisler, G., 1993). Geisler, G., (1993) criticizes the observer missions as the bunch of tourists who just visit the polling station, wine and dine, write a report about the observations and the claim to promote democracy. Reference was made to the Ghana 1992 elections. The main argument here is in the superficiality of the monitoring process since they are only concerned with the happenings of the voting day (Kelley, J., 2012; Geisler, G., 1993). Reference is made to the fact that chances are high that the elections would have been rigged before the votes were cast and counted. To this extent, Geisler resorted to calling the election observation as an imperfect art at best (Geisler, G., 1993). This information is essential to the questions that the research is probing. By linking the activities of the observer missions provided in Geisler's article with those of the 1997, 2003, 2007 and 2013 Kenyan elections, evidence that is more empirical will be discovered.

In addition, some inefficiencies of the process are also highlighted in this literature. They suggest that observer missions have no positive consequences to electoral violence. The issue of contradictions of observer reports has been identified to have been causing tensions mainly in the case of the disgruntled parties during or after the election period (Hyde 2009; Kelly 2009). This is because of the different political interests of the observers. The literature also illustrates that election observers act as the 'democratic police' during elections and even vowing to punish those who violate human rights, but it is puzzling to note that countries such as Cameroon continued to receive aid despite the human rights violation in the 1992 elections. The international observers who also happen to be the donors have been accused of marginalizing the domestic monitoring groups (Kelley, J., 2012 & Geisler, G., 1993).

Research in the field of International Relations has randomly examined the relationship between international election monitoring and its effects on democracy in countries they monitor. There are a few existing studies that focus on international election monitoring but only mentions the level of violence during elections in passing (Anglin 1998; Hyde 2011). Since the research available is insufficient, it does not provide enough depth and breadth of the correlation between the two variables. Hence, it is the purpose of the research to bridge this gap and sufficiently explore the cause and effect relationship between international election monitoring and electoral violence in African countries using Kenyan elections as a case study.

Hyde (2011) writes about how the decision to invite the international election observers has become an international norm, particularly in the newly democratic states. This phenomenon has become a common culture that has emerged in African states upon the adoption of the third wave democratization. To this extent, Hyde questioned the functionality of the international observers, given that they have been invited in different countries to monitor elections but still no significant changes have been recorded. This process has been criticized as an escape by the autocratic leaders to legitimize their elections through the presence of international observers to benefit from being associated as democratic (Geisler 1993; Hyde 2011). The literature presence an empirical puzzle that most leaders of sovereign states continue to invite international observers and yet risk international condemnation for election fraud and violence. The same can be referred to the Kenyan elections that have a history of irregularities, fraud, and violence yet they continue inviting international observers. The literature and quantitative studies can help in determining both the long-term observation missions and short-term observations effects on the severity of electoral violence in the case of Kenya.

2.4.2 First and Second-order malpractices in relation to Election Violence

Severity of election violence is the dependant variable of this research paper. The occurrence of electoral violence highlights compromised electoral integrity in most cases. Birch. S and Muchlinski. D (2017: 2) view election violence as a subtype of political violence that can be understood as any event in which the use of coercive force coincides with the electoral process. Election violence cannot be defined strictly, as it entails a different meaning to different actors. The United Nations Development Program (UNDP) views election violence as "actions or threats of intimidation, or bodily harm committed to distress an electoral process or that arise in the framework of electoral rivalry. (European Commission and UNDP 2009) in addition to this, Fischer J. (2002) defines electoral conflict as any spontaneous or premeditated act that tries to define, interrupt or impact an electoral process through threat, oral intimidation, hate

speech, misinformation, physical attack, involuntary 'protection', extortion, destruction of property or assassination. Overall, the best way to define electoral violence for the purposes of this paper is to say, it is, coercive force, directed towards electoral actors and/ or objects, that occur in the context of electoral competition, (Birch. S and Muchlinski. D 2017: 3).

There are numerous ways in which coercive force can interfere with electoral process, as a result, there is a need to categorise electoral violence. The phenomenon can be characterised firstly by the point in the electoral process at which it occurs, secondly, the actors involved (perpetrators and victims), and lastly the forms that violence takes (Birch. S., and Muchlinski. D., 2017: 4). The authors distinguish between violence that occurs before, during, and after the month in which the election occurs, which links to the electoral cycle states in the theoretical framework of electoral integrity. Moreover, violence perpetrated by state, non-state, and international actors, and violence that causes actual physical harm, or as an alternative employed to force, restrict, or sway electoral processes through techniques that fall short of physical force. An example is whereby the incumbent politicians in the Zambian election of 2011 hired intimidating mercenaries to roam around polling stations in opposition-friendly areas in order to depress turnout (Habasonda L. M., 2018: 8). Electoral violence is broad based and from perpetrators to types and electoral integrity narrows it to first and second-order malpractices. This ties in the general argument of election violence this paper aims to deduce whether election observation has an impact of election violence by looking at the severity of the violence perpetrated.

Second order malpractices come to light when looking at electoral violence. Electoral integrity highlights two types of first and second order malpractices. The first is deadly violence and major violations of fundamental human rights, whether instigated by state apparatuses or opposition parties, in relation to electoral violence, this could be the unleashing of thugs paid by either parties or the government to beat up people in the streets or murder people in the streets (Norris P. 2013). In the case of Zimbabwe in 2008, the incumbent government sent out ZANU PF youths to beat people who identified with the opposition party. People were tortured for their freedom of expression to align with a specific political party and in this case, it was the MDC, (Hickman, J. 2011). Another example of the first order malpractices is that of Kenya. In the 2007 election, the Luo people who were aligned with the Ralia Odinga whose party was the Orange Democratic Movement (ODM) felt that the election was rigged and decided to take their grievances on the Kikuyu ethic group by killing them (Godwin, M.R. 2011:27) This was a violation of the Kikuyu's human right to life. Their justification was that Kikuyu's were

benefiting by having the incumbent who shared the same ethnicity from staying in power. The rationale was that not every Kikuyu supported the incumbent or was benefiting from him being in power was not present.

On the other hand, second order problems are viewed as more ordinary issues of maladministration, lack of technical capacity, or human error, which undermine the integrity of the electoral process. This is evident in states such as the Nigerian election of 2007 that election observers state to be worst election ever observed in the world. They observed one polling station in Yenago with 500 registered voters, but more than 2000 votes were cast in this polling station, (Al Jazeera and Agencies. 2007). The European Union chief observer during this election reported that the polls had "fallen far short" of international standards which resulted in the election being regarded as not credible due to rigging and other irregularities, (The Sydney Morning Herald, 2007). Second order malpractices in states that have experience of competitive elections minor electoral disputes can lead to first order malpractices such as the case of Kenya in 2007. The mismanagement of announcing the election results lead to a civil war that shocked the international community (Godwin, M. 2011).

This section has attempted to link the lenses of electoral integrity with election violence. This was done by, firstly, defining election violence from different authors such as Fisher and concluded with a personalised definition to suit the topic at hand. From this junction election violence was discussed in relation to actors involved from state actors to international actors which lead to linking the types of violence to the electoral cycle. As a result, first and second order where discussed with examples of Nigeria, Zimbabwe and Kenya to conclude how electoral violence is practical example of the theory of electoral integrity.

2.5 Conclusion

In summation, this chapter has expanded on literature that applies to the topic at hand. Firstly, a brief background on democracy was given because elections are the biggest exercise to foster this ideology. This was done with reference to multiple authors that define democracy with specific reference to Abraham Lincoln among other authors. From this juncture, representational democracy was discussed as elections are practiced in this type of democracy. A link was made to first generational rights to show the applicability of elections from an international perspective. Electoral integrity tied into the discussion as it is the theoretical framework for this research paper. Electoral integrity was defined in relation to Pippa Norris. He is viewed to be the father to Electoral integrity, thought he borrows his works from multiple components of treaties and global norms within the international system. His arguments are

put across well as shown above. In addition to t electoral integrity, there was a link to the independent variable which is election observation. A discussion is carried out on how election observation is an informal mechanism to enforce electoral standards on an international level in relation to global norms that are a lens of electoral integrity. Lastly, a discussion on electoral violence is carried out as it is the dependant variable. Electoral violence is linked to first and second-order malpractices and the electoral cycle that are both lenses of the electoral integrity according to Pippa Norris.

3 Chapter Three: Electoral History of Kenya

3.1 Introduction

The African Great Lakes region is regarded to be a politically unstable region that has experienced significant political experiments and notable donor-country attention, especially in the sphere of democratisation, governance and economic reforms of the legal system. Surrounded by Burundi, Rwanda, South Sudan, Tanzania and Uganda lays the state of Kenya. As of 2012, the country was the home of 48 million Kenyans. This chapter seeks to analyse the political history of Kenya with great emphasis on its democratic journey in relation to elections and election observation. In order to carry out this task this paper will firstly look at the general political climate in Kenya from when it gained independence from Britain in 1963. This will lead to a discussion of Kenya's government type and electoral system. The changes in the constitution of Kenya will also be outlined highlighting the 2010 constitution, as it is the latest version of the Kenyan constitution. From this juncture, a discussion on Kenya's ethnicity will commence and how this has influenced their political environment.

In addition to this, a discussion on Kenya's election violence will take place. This will be done by firstly discussing the main causes of election violence in Kenya and the actors involved from the incumbent, opposition parties and the civil society. A brief section on election violence will also be used to explain the processes incorporated in this essay with regards to how the author acquired the information on election violence in Kenya with reference to ACLED. From this juncture, the role of election observation will be discussed in Kenya. This will encompass the actors involved from citizen observers to international observers. The roles of these actors will be discussed in relation to what they have done in Kenya. Lastly, to conclude the chapter an analysis of how election observation and election violence will commence.

3.2 Political history of Kenya

On the 12th of December 1963 Kenya gained its political independence from Britain and became a republic on 12 December 1964. The country has, since independence, been under civilian rule, except for an attempted coup on 1 August 1982 that was thwarted by the army. Kenya has held 11 general elections since it obtained political independence with the assumed goal of elections being used as a tool for legitimacy. Post-independence, the country has faced multiple challenges politically especially in relation to elections. Despite the Independence Constitution being formally federalist, a sequence of political schemes and constitutional

amendments resulted in the abolition of the federal system (which came to be known as *majimbo*) by the time Kenya became a republic in 1964 (Makulilo A. B., eds 2016).

As of 1992, Kenya held its first multi-party elections since the *de facto* single-party elections in 1969. At the beginning of the 1990s church leaders, non-governmental organisations, politicians and the civil society began protesting for the return of a multi-party system. More importantly, by the end of 1991 the international community also openly pressured the Kenyan government for political and economic restructuring with the threat of sanctions and aid withdrawal, (Rutten, M. M. E. M., 2002; 295) President Daniel arap Moi then declared Kenya a *de jure* multi-party state once more with the abolishment of section 2(A) of the constitution. However, the country's progress towards democratisation since the 1990's has been sluggish and uncertain. In addition to this after the first multi-party elections in 1992, the Moi/KANU regime continued to be authoritarian. This is evident with Moi's relentless limits to civil liberties and manipulation of economic policies for political self-gain, (Godwin, M. R 2011: 13). As a result, external forces like the international community once again applied pressure on the incumbent government and this led to arap Moi implemented austerity measures that increased poverty and widened the Gini coefficient.

Furthermore, Kenya's electoral system, then became first-past-the-post. This electoral system is gradually entrenched in a winner-take-all politics in which winning is a zero-sum game. This precipitated ethnic tensions in the country with citizens aligning themselves to political parties based on ethnic identity. As a result, Kenyan rule is the dominant role that has been played by ethnicity (Makulilo A. B., eds 2016). One example that springs to mind is the assassination of a government minister, Tom Mboya, who belonged to the Luo ethnic group. Tom Mboya was assassinated in 1969 and his death led to ethnic unrest which resulted in the government banning all political parties and therefore unauthentic elections (BBC: 2013). The only party that existed legally was the ruling party, the predominantly Kikuyu Kenya African National Union (KANU). Thus, Kenya had become a *de facto* one-party state led by a Kikuyu Jomo Kenyatta, the first leader of independent Kenya.

Kenya has long suffered from negative ethnicity predating colonialism and has developed into present day Kenya. In the case of this state, negative ethnicity is regarded as a mind-set that claims some ethnic communities are more superior, deserve more resources, while others are inferior, and deserve less (Wa Wamwere, K. 2003). Ethnic tensions particularly affected the structure of access to economic opportunities and redistribution of some of the land formerly owned by white settlers. Gradually, instead of elections being merely a contest for political

power, they became an arena for either settling ethnic scores or a device through which political protection for ethnic groups could be assured or gained. At the resumption of multi-party politics in the early 1990s, state-sponsored ethnic clashes were part of the official response to political competition, (Roberts, M. J., 2009).

The role of ethnicity in Kenya is undeniably crucial in understanding the Kenyan political crisis that occurred in 1997 and 2007. According to Ajulu, J., (2002: 252) ethnic issues always come to the forefront in Kenya when there are issues regarding struggles for resources and for political power. Kenya's history of ethnically driven conflicts goes a long way in explaining and understanding the role that ethnicity plays in politics in Kenya. Kenya has 40 ethnic groups. Table 3.0 shows the distribution of the various ethnic groups in Kenya: The first two Presidents of Kenya, Kenyatta and arap Moi used the ethnicity factor to their advantage. President Kenyatta's reign as leader of Kenya showed that he had built a strong support base within the Kikuyu tribe, however, upon Kenyatta's death the new President, Moi, from the minority Kalenjin tribe, used a failed coup attempt to restructure the government (Ajulu, J., 2002: 265). He achieved this by putting members of his Kalenjin tribe into powerful positions. By doing this, Moi was able to exert influence by using people from his tribal group to his political advantage. The presidencies of both Kenyatta and Moi show that ethnicity is crucial in the Kenyan political landscape.

Table 3.0: Largest Ethnic Groups in Kenya

Ethnic Group	Share of Kenyan Population
Kikuyu	22%
Luhya	14%
Luo	13%
Kalenjin	12%
Kamba	11%
Meru	6%
Indian and Other Asian	0.1%
Arab	0.1%
White European	<0.1%
Other African Ethnic groups not listed	21%

Source: Modified by Author with the use of World Atlas 2018

3.3 Changes in the Kenyan Constitution

Kenya's constitution plays a significant role in this research report. On paper, it shows Kenya's willingness to consolidate its democratic process and this is commendable. The major changes in the constitution are mainly to deal with the state's electoral framework throughout the years, with two major constitutional changes post- independence. The first was in 1969, the federal and parliamentary system, with a bicameral legislature, replaced by a unitary, semi-presidential government through a solid presidency and unicameral parliament, these changes also cut some of the protections of the bill of rights, and a later amendment in 1982 effectively instituted single-party government (D'Arcy, M., & Cornell, A. 2016).

At the Cold War, popular pressure led to amendments to the constitution, and as a result a more inclusive and democratic system. In 1992 these changes led then-President Daniel arap Moi to agree to multi-party elections and his party won majority of the popular vote (Rutten, M. 2002; 295). Regardless of this, tensions where building up along ethnic lines in Kenya. This is evident with the violence that took place post-election day in 2007 and was severe enough that it led to a coalition government and eventually resulted to the support of the adoption of a new constitution, the second major reform in Kenya's history, which was approved by referendum in 2010. The change in constitution was largely welcomed due to it being more inclusive of Kenyans by decentralizing power also known as devolution.

Decentralization is frequently suggested as a prospective resolution to the difficulties enduring most African states. Extreme centralization is perceived to challenge democracy, development and weaken forms of politics such as rent seeking and ethnic patronage, thus decentralization is viewed as the solution for African problems (Nicolas van de Walle. 2001). Devolution is promoted to safe guard minorities, minimise conflict, improve indigenous development and bring politics 'within the citizens reach' (Philip G. R., 2010). Due to these reasons, since the 1980s devolution has been greatly indorsed by donors as an official solution as a result multiple African states have tried to implement this system. Kenya introduced devolution in their 2010 constitution and voted for the first time under a decentralised government in March 2013, which is the exception of the cases presented in this paper. The devolution of political, fiscal, and administrative powers to 47 counties has been presented as the solution to the underlying pathologies of Kenyan politics. Hence, over-centralization allowed some ethnic groups to dominate which resulted in an ethnic divide. This fuelled violence and encouraged a political

culture of “our turn to eat” (Branch D. and Cheeseman N. 2009; Makulilo A. B eds 2016; Mueller S. D, 2008).

In summation, the 2010 Kenyan constitution established a presidential republic in which sovereignty is exercised by the citizens through democratically elected representatives. Though parallel on face value to the former system; the 2010 constitution made fundamental changes aimed to create a better decentralised political system., Predominantly concerning restraining presidential authorities, the founding of a new system of 47 local counties, which substituted eight provinces and 46 districts, and a superior level of oversight in respect to all levels of government (D'Arcy, M., & Cornell, A. 2016). Moreover, an upper house in the Parliament, the Senate, where county governments have equal representation, and reinforced the separation of powers amongst the three arms of government – the executive, legislative and judiciary – at the national level was created. A better bill of rights that distinguishes the socio-economic prerequisites of the Kenyan population was also added. Executive powers are bestowed in the president, who is both head of state and of government, with a five-year tenure, through universal adult suffrage. To be declared a winner, the individual must win most overall votes and at least 25% of the votes in most of the country’s 47 newly created counties (D'Arcy, M., & Cornell, A. 2016).

3.4 Election violence in Kenya

Electoral violence truly undermines the electoral process by dislocating voters from their homes, scaring voters away from polling stations and intimidating them to vote for candidates or parties. In the 1992, 1997 and 2007 elections, there were numerous cases of electoral violence in both the pre- and post-election phases. A year before the 1992 elections, during the month of October, ethnic clashes flared up in the Rift Valley Province and along its borders with Nyanza and Western provinces (Gichira, K. in Oyugi, W. O., et al 2003). These clashes led to the deaths of more than 1,500 Kenyans and the displacement of 300,000 people on average. As a result, it affected three out of the 8 provinces and about 20 of the 62 districts (KHRC 1998: 14). In addition to this soon after the 1997 elections, there was serious post-election violence in Laikipia, Njoro and Baringo. The violence gave the impression that it was premeditated to reprimand people for voting for specific political parties according to reports from multiple Kenyan media outlets (IED, CJPC, NCCK, 1997). In the case of the 2007 election Kenya experience their most violent election on record, with an estimate of 1000 people dying and 650 000 people being displaced. This violence occurred during the post-

election period of the election and the trigger of this violence was due to the election results being announced in a dubious manner.

3.4.1 Causes of election violence

There is multiple cause of election violence in Kenya and most of them seem to be tied to ethnicity more than anything else, from state formation to the economic system in Kenya of who gets what, is somewhat linked to ethnic cleavages. This section seeks to discuss the causes and triggers of election violence within Kenya throughout its electoral history from independence. Firstly, several features of Kenyan political institutions contribute to problems in running free, fair and credible elections. This can be traced back to the inheritance of colonial institutions that tend to be authoritarian and centralized (D'Arcy, M., & Cornell, A. 2016). Secondly, some of the institutions in Kenya were formed because of created the crisis and have been shaped by political leaders for expediency. This is evident with the government of national unity after the 2007. These are more informal agreements than legally grounded institutions.

Election violence in Kenya is also caused by the rhetoric used by political leaders inciting violence before and after elections. Political party leaders have been known to favour their groups whenever they come together to form coalitions in order to strengthen their voice (Lynch, G., 2006). During campaigns, political leaders mainly focus on their ethnic groups to vote for them. This makes the election process a regional process as opposed to a national process. Moreover, Cheeseman (2008) alludes to the fact that the prospective for conflict in Kenya can be considerably diffused if the government had not deliberately manipulated the election process and constitutional reform. Decentralization of power reduces the authority of the executive especially during the 2007 election.

Furthermore, the Kenyan society is characterized by economic and political inequality. The gap between the rich and the poor is very wide. As of 2018 the Gini coefficient in Kenya is sitting at 0.445, (SID, 2018). This difference has led to economic and social grievances among Kenyans who feel that they have been marginalized economically. As a result, the use of violence is employed as a mechanism to be heard and at times redistribute the wealth from the rich to the poor. Class divisions in Kenya are based on economic power within the ethnic groups and the elites who feel excluded or threatened instigate ethnic ideology on this problem in the hope of creating a reliable base of support to fight and to destroy the unprivileged members of their communities (Mozaffar, S. et al; 2003). Moreover, the biased redistribution of land in Kenya has also contributed to the economic disparities. Ever since independence, the

people who hold high offices of government have allocated land to members of their respective ethnic groups creating uneven distribution of land.

Unequal land redistribution is evident with the Kalenjin and the Kikuyu ethnic groups in Kenya being known for owning majority of the fertile land and this does not help lessen violence as the former presidents come from these ethnic groups (MacWilliam, S.,2012). According to Kagwanja, this crisis is also evident with the, "population growth and extreme poverty, ethnic disputes relating to land especially between the Kalenjin and the Kikuyu in the Rift Valley" (Kagwanja, P. & Southall, R. 2009). The rest of the communities or ethnic groups in Kenya that have not gotten the chance to have a representative in positions of power feel marginalised and have continuously fought for their chance to have a president from their ethnic group. According to Landau, the struggle over land redistribution has always been characteristic of the Kenyan political system (Landau, L. B. & Misago, J. P. 2009). Land disputes have been reflected in the 1992 and the 1997 election violence, and Cheeseman (2008) states that the 2007 election violence had a huge impact on Kenya's economy, therefore, aggregating the social division among citizens and Kenyans who felt marginalized changed their voting habits.

3.5 Election observation in Kenya

Election observation became a wide spread phenomenon after the third wave of democratisation which affected many parts of the Third World following the end of communism. It is regarded as essential in countries that are in transition from an autocratic order to a more democratic order or from civil strife or military government to civilian rule. In Kenya, election monitoring may be traced to the political and economic liberalisation of the late 1980s and the 1990s. This section intends to give a detailed summary of the 1992 election process in Kenya as it sets the tone for the chapters to follow which intend to have a very detailed analysis of the process. To carry out this task I will first look at the general presence of observer groups in the 1992 election. From this junction the role of observers will be outlined, and the roles are not specifically for 1992 but their general roles in every Kenyan election. In addition to this, an intrinsic look at the 1992 election from international observers will be discussed. This will lead to the involvement of citizen observers' as well. The 1992 election plays a significant role in this paper as they set the trade for the elections that are then followed for years to come.

3.5.1 Actors

Checks and balances during the electoral process especially when state institutions are weak are very important and this is the case with most African countries. These checks and balances come from International and Citizen Observers. International and Citizen Observers play the role of reaffirming the credibility of an election give the people confidence in their choice of representation. The presence of observers is viewed as worth-while if the actors are non-partisan so their final reports themselves are credible and hold weight. To be deemed as non-partisan actors the observers should not have any direct affiliations to political parties of the government of Kenya, this is with respect to the incumbent government at the time.

The first most invested election monitoring in Kenya took place in 1992. The election was monitored by the National Election Monitoring Unit (NEMU), which was an umbrella organization comprising of four groups: The National Ecumenical Civic Education Programme (NECEP), the International Federation of Women Lawyers (FIDA), the International Commission of Justices (ICJ) and the Professional Committee for Democratic Change (PCDC). This establishment was comprised of ordinary Kenyan citizens from all walks of life who had no direct affiliations in Kenya political parties. NEMU educated and deployed 8,000 observers throughout Kenya. With respect to International Observers nearly 200 international observers participated in the observation process. This included delegations from the Commonwealth, International Republican Institute (IRI) and national delegations from Denmark, Egypt, Germany, Japan and Switzerland.

3.6 Role of observers in Kenya

Election monitoring is necessary for multiple reasons and this will be outlined below. Firstly, the role of observer in Kenya was there to create transparency and accountability in the electoral process. There is universal consensus that public practices such as elections should be subjected to analysis to guarantee that they are carried out under the appropriate framework of laws and policies. Observing elections offers an independent assessment of the electoral process with the intention of passing judgement on the validity or otherwise of the process, (Oyugi, W. O., et al 2003: 282). Moreover, elections observers are there to deter electoral fraud and malpractices during the electoral period. The presence of election observers, to a degree, serves to discourage ‘actors’ who are susceptible to engage in dishonest conduct by defaming and uncovering them to the risks of their actions being reported to the appropriate authorities and exposing them to public criticism or international ridicule, (African Union, 2007). Thirdly,

their presence to some extent provides unswerving facts on the difficulties stumbled upon at several stages of the electoral cycle. As a result, information on improvement on future electoral processes in provided.

Fourthly, election observers provide dependable information, during the electoral period such as promoting campaigns concerning ongoing challenges. (Oyugi, W. O., et al 2003: 282-283). In addition, monitoring an election assists to build up voter's confidence in the electoral process by reassuring them that somebody is watching the conduct of those in authority. Hence, monitoring an election can reduce voter apathy by encouraging them to vote with the confidence that electoral misconducts will be at a minimal due to the presence of observers. Furthermore, monitoring provides alternative tabulation of election results through Parallel Voter Tabulation (PVT). Figures in the PVT can be used for double-checking those provided by the electoral authority. Lastly, election observer groups provide the international community a chance to attain first-hand interpretations of the electoral process in practice (Oyugi, W. O., et al 2003: 283).

With retrospect to the above citizen observers also play a specific role which according to the Declaration of Global Principles of Non-partisan citizen observer (2012) defines the specific role of citizen electoral observers as the:

"Independent, systematic and comprehensive evaluation of legal frameworks, institutions, processes and the political environment related to elections; impartial, accurate and timely analysis of findings; the characterization of the findings based on the highest ethical standards for impartiality and accuracy; the offering of appropriate recommendations for obtaining genuine democratic elections; and advocating for improvements in legal frameworks for elections, their implementation through electoral related administration and removal of impediments to full citizen participation in electoral and political processes."

3.6.1 International observers

The best way to give a depiction of the role of election observers from a historical stand point of Kenya is to investigate their 'first' election observation encounter and this was the 1992 election. During the electoral process of Kenya's 1992 election foreign observers flew into the country from all over the world a few days before the elections and flew out almost immediately after the elections. In reference to the electoral, cycle the observers where only present for the second stage, which involves a few campaigning, rallies by political parties, the actual voting day and the announcement of the results. Consequently, international observers did not

adequately observe the proceedings primary to Election Day. According to Ayiemba-Omolo, K., (1996) several of the anomalies that gave prejudiced the aftermath of the elections occurred in the pre-election period of the electoral cycle were not observed by the international observers. These anomalies included interference of opposition parties' meetings, hindrance of voter registration in opposition-dominated areas, participation of civil servants in the ruling party campaign. Moreover, the incumbent government under the political party Kenya African National Union (KANU) made use of state resource such as vehicles, for their campaign, the use of the police to terrorise citizens believed to be part of opposition parties and the restriction of opposition parties to campaign in KANU stronghold areas. All these malpractices tilted the playing field heavily in favour of the ruling party (Foeken, D., and Ton D., 2000).

International observers do play a significant part in the electoral process of monitoring the election. However, in the case of the 1992 election in Kenya foreign observers were constrained by their numbers. There were only 200 observers for the 7,000 polling stations (Gichira, K., in Oyugi, W. O., et al 2003). Therefore, many of the polling stations were not monitored. It has also been noted that many of the observer groups tended to make hasty comments without a collective overall assessment and without factoring in the electoral process manipulations that had taken place through the whole electoral period. This watered down their credibility (Foeken, D, and Ton D, 2000). International observers in the 1992 election had inadequate capacity to carry out effective monitoring due to numerous reasons as discussed above. Except for the latter, they were also limited by lack of proficiency in local languages and unfamiliarity with local cultures (Ayiemba-Omolo, K., 1996). Furthermore, this team of international observers was inept to contextualise the election within the wider political environment in which it was taking place. To overcome these handicaps, international organisations supported and encouraged the role and development of citizen observation through NGOs.

3.6.2 Citizen observers

The involvement of citizen observers to the electoral process and to the broader democratic agenda can go much deeper in comparison to international observers. According to the Global Commission on Elections Democracy and Security (2012) in the last 30 (thirty) years non-partisan citizen observers have "made critical contributions to improving the quality of elections. Citizen groups are increasingly playing a front-line role in advocating for electoral reform, monitoring election violence and educating citizens about elections.

In the case of the 1992 election in Kenya, the efficiency of the observation process was regarded to be questionable due to the *ad hoc* and rushed fashion in which it was organised. Firstly, the national observation group were partaking in this kind of project for the first time and organising and co-ordinating themselves proved to be a challenge. NEMU evaluated the outcomes of its observation through-out the electoral process including the conduct of Electoral Commission of Kenya (ECK). Throughout the electoral cycle NEMU discovered grave malpractices and concluded that the elections were not free and fair, noting that: "The manner in which the elections were administered and therefore conducted fell far short of meeting the parameters for free and fair elections" … Given the irregularities that we have unearthed in relation to the electoral process, it would be a contradiction to pronounce the elections as having met the standard of "free and fair" (NEMU 1993: 90).

It is important to mention that NEMU had set the parameters for free and fair elections before it commenced the observation exercise. The parameters included a comprehensive review of the constitution to establish a framework conducive to pluralism and the establishment of an independent electoral body. In addition to this, the creation of a supportive environment for political organisation and campaigning by all parties, effective registration of voters and an efficiently managed polling day was crucial. However, this proved to be a challenge that was created by the ruling party as discussed in the paragraphs above and the election observer could only do so much to handle these challenges (NEMU 1993). The History of Kenyan Election Observation can only be discussed so much due to the circumstance of this research paper. Over indulgence into the history would be an injustice to the discussions that are intended for chapter four and chapter five that investigate election observation of Kenya's elections from 1997 to 2013.

3.7 The Contribution to Election Observation to Violence in Kenya

3.7.1 Longevities of observation periods

Election observation is very expensive for international observers and citizen observers. It is nearly impossible for international observers to observer the whole electoral process, therefore, international observers deploy very few to non, personal, during the pre-electoral period. Citizen observers on the other hand are available throughout the country; however, they might not be present during every procedure of the electoral cycle such as planning the logistics of security and observing the budget and funding meetings. However, we are assured that they are present during the registration of political parties and voters' registration during the pre-electoral period (Daxecker, U., & Schneider, G. 2014; 77).

During the electoral period, the presence of citizen observers increases, and this is usually in the month the election is occurring. During this period, votes are cast, and the results are announced (Norris, P. 2004). International observers are also present in large numbers a week before the election and are very active in the day of the election. The post -election period is where the election is audited and evaluated, and the voter's register is updated. During this stage, there are very few if any international observers that are left. Usually they leave 2 to 3 days after the election results have been announced. Citizen observers also reduce in numbers at this stage of the electoral cycle. As a result, the longevity of an election observation mission will be determined by the presence of election observers in the state of Kenya.

A long-term election observation (LTEO) mission will be determined by the stages with which the observers are present. Hence, a LTEO will involve the presence of observers for two thirds of the election and above. This will be viewed with strongly considering leaning to the pre-electoral cycle stage as this is where the planning for the election mainly occurs and the electoral period when the voting is done the results are announced. On the other end of the spectrum, the observers staying only during the electoral period of the electoral cycle will determine a short-term election observation (STEO) mission. There are occasions were international observers send one or two observers to assess the atmosphere of the electoral environment. The effectiveness is minimal because they mainly stay in the capital city, Nairobi, and Kenya has 47 constituencies. Hence, this will fall under the category of a STEO mission.

3.8 Conclusion

In summation, Chapter 3 has discussed the electoral history of Kenya in relation to election observation. This was carried out by firstly looking into the political history of Kenya and how it has shaped the current institutions and the changes in the constitution of the state. From this juncture, a discussion on electoral violence commenced with specific reference to causes of election violence and how election violence will be measured concerning the Kenya cases and the sources of the information that will be used. The history of election violence is also considered in the chapter with a look at the 1992 election because it was the first election to be observed in Kenya and the actors involved where outlined. Lastly, the relationship between election observation and election violence was established. This was based on the longevity of the election observation mission and the levels of violence that would have transpired during the electoral cycle. The following Chapter will be looking into the STEO and the level of violence that occurred during the 1997 and 2007 elections.

4 Chapter Four: Election Observation in Kenya: Short term

4.1 Introduction

The sovereignty of multiple African countries is highly valued due to the continents' history of colonialism. As a result, election observation was a phenomenon African states did not welcome with a smile on their faces but the perks that it come with it where worth Western states monitoring the democratisation process. One such African country that seemingly has embraced election observation is the state of Kenya. International and citizen observers have monitored Kenya's elections since the first multi-party election as an independent state in 1992. International election observation is only possible if the host state invites the world to view their election. Despite their openness to the international community, elections in Kenya have been marred with violence and the presence of observers during this period creates a complex dynamic for Kenya as reports of their democratisation progress.

Thus, the presence of observers during the electoral period is a risk in Kenya as the government can be sanctioned, or aid can be withdrawn for human rights violations. At the same time, not having the observers present means Kenya have a handle on their dirty laundry, however, this is a total guarantee that donor countries will withhold aid from Kenya. From a game theory point of view having the observers present in Kenya means that they have a 50/50 chance of getting aid from western countries despite the levels of violence that will occur and not inviting the observers is somehow a guarantee that they will not receive aid at all. Therefore, having the observers present is the better devil in this scenario. In addition to this, as hypothesized in the first chapter an investigation on whether the longevity of the election observation periods have a weight on the severity of the level of violence that occurs within an election period is worth pursuing. Hence, this section will be looking at the periods in which Kenya held elections and the election observers both citizen and international observers observed the election for a short-term period.

This chapter will pursue the proposition that the presence of election observers for a short term has had an impact on the severity of violence that has resulted in the election being more violent. To try proving the connection between a more violent election and a short-term election observation mission a look at the 1997 and 2007 election in Kenya will be carried out. First

looking at the 1997 election and then the 2007 will do this. Within each electoral period, a preview of the electoral environment during that year will be outlined. From this juncture thee election will be discussed in accordance with the electoral cycle. Within each electoral period a discussion will be carried out in what occurred within this period and if election observers where present and what roles they played. Election violence will also be broken down in accordance the electoral period to give a clear picture of what was going on within that period. At the end of election period, a summary will be given on the overall atmosphere of the election.

4.2 Short-term observer mission election periods

Kenyan election of 1997

4.2.1 Overview of the electoral environment

Early 1997 the Kenyan states faced multiple electoral challenges. Firstly, the incumbent party, KANU, needed to restore its cabinet and improve its party strategy in preparation for national elections. Secondly, there was the push for the current regime to concede constitutional reforms before the election and this was being advocated for by all opposition parties that where taking part in the 1997 election. In addition to this, KANU was facing internal strife that led to two KANU factions. There was 'KANU A', which was viewed as being a moderate, reform group centred on Simeon Nyachae, then Minister of Agriculture, William ole Ntimama, then Minister of Local Government, and Kipruto arap Kirwa, an Assistant Minister attached to the Office of the President, (Steeves J. S, 1999; 72). On the other hand, there was 'KANU B', which was a traditional group of disciplinarians consisting of Joseph Kamotho, Nicholas Biwott, Moi's closest confidant with Moi who was the president at the time in favour of KANU B over KANU A (Steeves J. S, 1999; 72).

Despite the internal conflict in the ruling party, the advancement of democratisation in Kenya was on the rise in other aspects. Democratisation is regarded to be making progress when the people have multiple political parties to choose from. As a result, multi-party politics is advocated for by all western powers. According to Prah K. K., (2000) multi-party-political systems are viewed to be the most dependable systems for the cultivation, development and institutionalization of democracy. The benefit of this electoral system is that it permits the synchronicity of contrastive views on how social life should be ordered without smothering inferior electorates. During 1997, there were 15 political parties that took part in the election run. These included:

- Kenya African National Union
- Democratic Party
- National Development Party
- FORD–Kenya
- Social Democratic Party
- FORD–Asili
- Kenya National Congress
- Kenya Social Congress
- FORD–People
- Kenya National Democratic Alliance
- United Patriotic Party
- Green African Party
- Labour Party
- Independent Economic Party
- Umma Patriotic Party (Nohlen, D., Krennerich, M., & Thibaut, B, 1999; 488).

It could be viewed that Kennya was progressing in terms of representational democracy considering that this was their second multi-party election since independence.

With a step in the right direction in terms of the multiple political parties the political climate in Kenya however, was tense and unpredictable. Rutten, M. (2000, 295) states that the 1997 elections were regarded to be one of rising tension from the beginning of the year. This is evident with the occurrence of cabinet reshuffles which resulted in the return of certain ministers known to be 'hard-liners' while others were more modest and reform-oriented ministers left hence, the formation of KANU A and KANU B as discussed in the above, (Steeves J. S, 1999; 73). Despite the presence of numerous political parties, they all shared the same goal of removing the Moi/KANU government and they were not united in their approach. Several efforts to unite the opposition were unsuccessful and the search for a leader for the supposedly coalition opposition party against the incumbent proved to be unrealistic (Ajulu, R, 1998: 74) This political experiment occupied opposition parties for a long period of time to no avail. With most political parties caught up in internal matters of leadership and party strategies Moi give the impression that he was going to succeed in the political race for the fifth and supposedly last political term.

On 29 December 1997, Kenya held their general elections after overcoming multiple obstacles to ensure that the environment was conducive enough to host elections. KANU led by President Moi won the election with a total of 113 seats, followed by the Democratic Party (DP) with 41 seats under Mwai Kibaki's rule. The DP won 17 of Central Province's 29 seats and 7 of Rift Valley Province's 48. In Rift Valley Province, the DP won Laikipia East, Laikipia West, Nakuru Town, Molo, Subukia, Kajiado South and Naivasha. By comparison, KANU won no seats in Central Province but 38 in Rift Valley Province (Nohlen, D., Krennerich, M., & Thibaut, B., 1999). Fig 4.0 shows a breakdown of election result from the 1997 general election.

Table 4.0: 1997 Election results

Candidate	Party	Votes	%
Daniel arap Moi	Kenya African National Union	2,500,865	40.40
Mwai Kibaki	Democratic Party	1,911,742	30.89
Raila Odinga	National Development Party	667,886	10.79
Michael Kijana Wamalwa	FORD–Kenya	505,704	8.17
Charity Ngilu	Social Democratic Party	488,600	7.89
Martin Shikuku	FORD–Asili	36,512	0.59
Katama Mkangi	Kenya National Congress	23,554	0.38
George Anyona	Kenya Social Congress	16,428	0.27
Kimani wa Nyoike	FORD–People	8,306	0.13
Koigi wa Wamwere	Kenya National Democratic Alliance	7,745	0.13
Munyua Waiyaki	United Patriotic Party	6,194	0.10
Godfrey M' Mwereria	Green African Party	4,627	0.07
Wangari Maathai	Labour Party	4,246	0.07

Stephen Oludhe	Independent Economic Party	3,691	0.06
David Waweru Ng'ethe	Umma Patriotic Party	3,584	0.06

Source: *Nohlen, D., Krennerich, M., & Thibaut, B. (1999)*

The above factors discussed give an overview of the political environment of the elections in Kenya. From this juncture, a brief discussion on the regarding the observation groups will commerce.

4.2.2 Election observation

During this election, there were two active groups observing the election in Kenya at a better level in comparison to the 1992 election where the international community did not give a report because they felt that they were not well informed enough to do so, (Ayiemba-Omolo, K., 1996). This election had both domestic and international observers and both where actively monitoring the election. The core citizen observation group was a combination encompassing of the Institute for Education in Democracy (IED), Catholic Justice and Peace Commission (CJPC) and the National Council of Churches of Kenya (NCCK), (Oyugi, W. O., et al 2003: 249). This collective of non-governmental organisations hired and trained nearly 30,000 citizen observers. Citizen observers where tasked to motivate the public to vote and to desist from inciting and partaking in violence during all phases of the electoral process. In addition, citizen observers carried out the task of educating voters on their rights and the electoral process and gave reports of their findings to their supervisors and the media. Moreover, citizen observers voiced their opinions to Electoral Commission (EC) and the government through consultative seminars and press releases condemning malpractices and urging corrective measures to create a transparent and efficient electoral environment (Ajulu, J.,1997).

The second group of observers were international observers who consisted of diplomats guided by a team of election specialists in an election observation centre set up through the co-operative efforts of the mission. The Donors for Development created the international observer group and Democracy Group (DDDG), which had 150 observers in total this, was a coalition of 24 Western states that agreed to observer the Kenya election of 1997. This was also the main international observation group at the time was the main coalition international observation group that participated in the 1997 election. This international observation team on the ground was called the Election Observation Centre (EOC) for this specific election, (Rutten, M. M. E. M., 2000). A secretariat of the DDDG coordinated all the activities for the

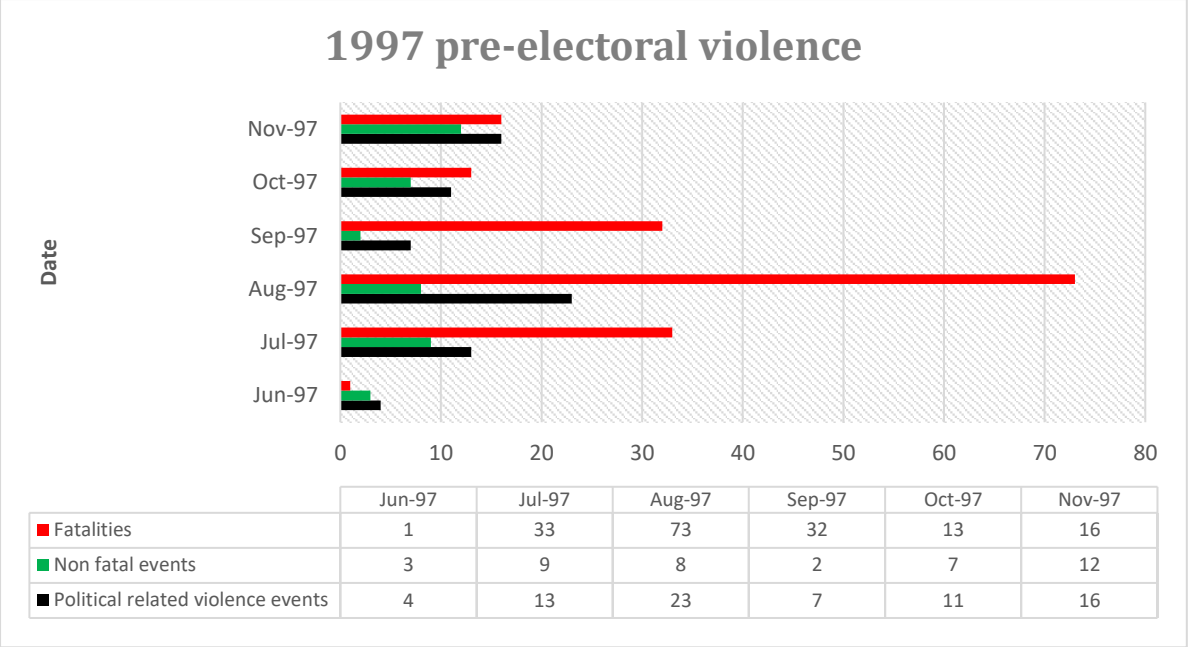
member states' representations from Nairobi. Their goal was to provide information to member states concerning election rules, constituencies to be visited and what to observe, and to coordinate the travel plans of the DDDG missions, (Rutten, M. M. E. M., 2000).

4.3 The electoral cycle of 1997

4.3.1 Pre-election period

The pre-election period in Kenya can be over a year long before the election day and this is due to the amount of work that goes into preparing for an election. In the case of the 1997 election there is no specific date in which one can say the pre-election period started. However, for the research report, a six-month period before the election month was chosen as the prelection period because this is when most of the election preparation was evidently visible and a lot of chatter was in play. For example, voter's registration began in the month of May and ended on 30 June, (Steeves J. S, 1999; 75). With reference to Fig 4.0, there were four incidences of violence in the month of June that are politically motivated to the electoral process. There were no election observers both citizen or international. The EC was only entity dealing with electoral mandates. According to BBC Monitoring, during the month of June, the nature of violence was reported to involve tribal fighting over the closure of voter registration facilities and this resulted in the death of on worker, (ACLED 2018). In addition to this on the 19th of July it was reported by the Global and Mail; Associated Press that there where protests by students who marched to parliament to demand constitutional reforms and as a result police fired tear gas and 7 students, and 3 policemen were injured, (ACLED 2018).

Fig 4.0 pre-electoral violence in 1997



	Jun-97	Jul-97	Aug-97	Sep-97	Oct-97	Nov-97
Fatalities	1	33	73	32	13	16
Non fatal events	3	9	8	2	7	12
Political related violence events	4	13	23	7	11	16

Source: Customised by Author from ACLED, https://www.acleddata.com/data/

In the middle of 1997 there where calls for the abolition of certain repressive laws and for constitutional reforms to create a (more) level playing field before the General Elections. Some opposition parties, civil society groups and religious institutions came together under the leadership of the National Convention Executive Council (NCEC) into the political ring under the slogan No Reforms No Election as a contour hegemony to the ruling party, (Ajulu1998: 74). The NCEC proposed for the reform of key aspects of the constitution and repeal or amend laws that contradict the freedom of assembly, association and expression. In addition, some of the constitutional amendments would limit presidential powers by taking away the president's ability to appoint senior judges without the backing of parliament, appoint members of the electoral commission, and make public service appointment (Ciekawy, D 1997). This campaign led to protests by the NCEC and violence erupted in Kenya. The violence was related to multiple injured civilians and the death of some not excluding looting, and rampages that took place in May to July of 1997 and it became a pressing matter for the Moi government.

The NCEC's political mobilization, which started with the Limuru Convention on constitutional reforms, culminated across the country in a series of rallies demanding fundamental reforms before an election could take place. The turning point came on July 7, *Saba Saba* Day, the anniversary of a memorable uprising in the capital city seven years earlier, which had signalled the beginning of the multiparty campaign. Student activism was on the rise the week of the *Saba Saba* Day, (IED, CJPC, NCCK, 1998; 29). The state using the police force tried to supress the protests for constitutional reforms that would create an even playing

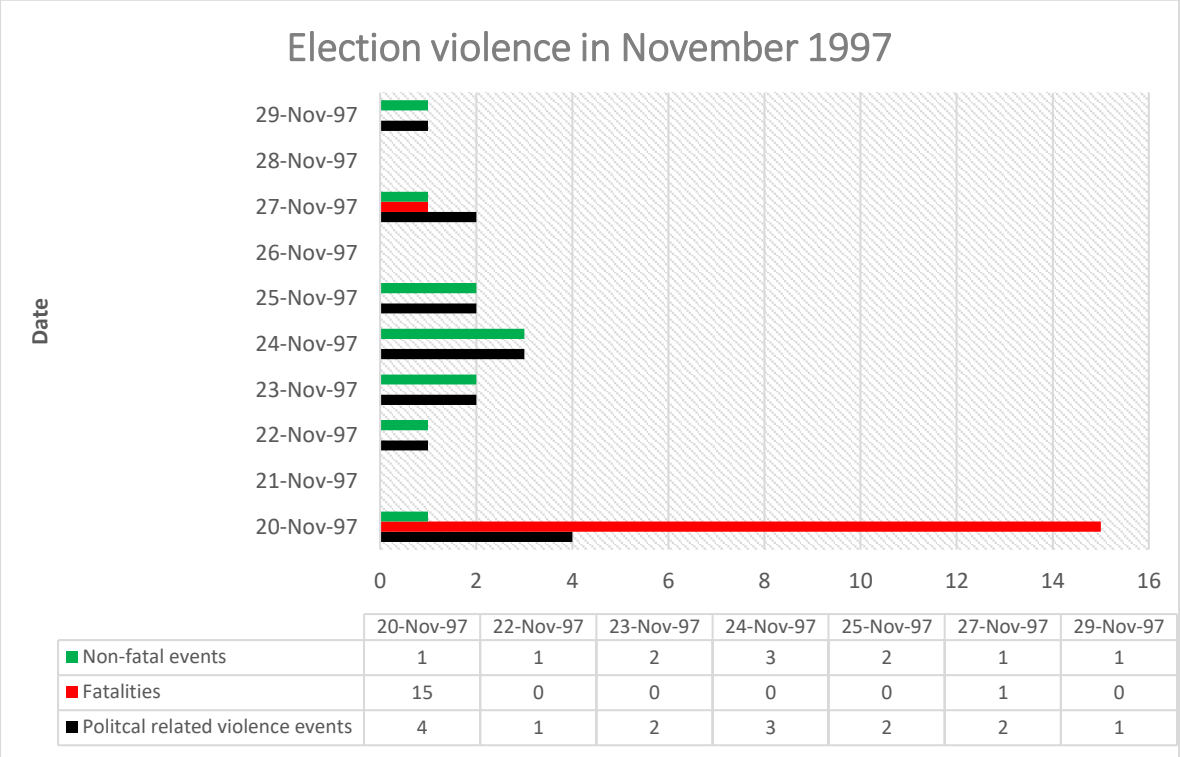
field politically and it resulted in the death of 33 people including students and policemen, (ACLED, 2018). Overall in the month of July the week of the *Saba Saba* was the most violent as 33 people died during this week and was the week that only casualties occurred to incidences relating to pollical violence which is illustrated in Fig 4.0.

This campaign affected the 1997 election cycle greatly and the levels of violence increased greatly in the month of August, which resulted to 73 fatalities in from 23 politically violent related events (ACLED 2018). This was after the *Nane Nane* rally that occurred on the ninth of the same month by the NCEC and several clashes between the police and member of the National Rainbow Coalition (NARC). Election violence in the area on Mombasa was very crucial as the death toll was increasing and what made the issue more pressing issue that Mombasa was a large tourist destination in Kenya. The Australian newspaper on the 19th of August reported that 30 people were killed in a Mombasa tourist market, (ACLED,2018). As follows, when government did not heed the NCEC's demands for comprehensive reforms, a mass action plan was implemented including the above and the September 9 *(Tisa Tisa),* and October *10 (Kumi Kumi)* were also dispersed by security forces with resulting injuries and destruction of property (IEC, CJPC, NCCK 1998; 37). With Kenya on the brink of calling for a state on emergencies, the DDDG intervened in the upcoming election in this month, (Ajulu, R. 1998; 84). After the donor community's intervention (mainly the DDDG), the rallies in September and October and did not incite as much violence as the one in August. Fig.4.0 clearly illustrates a decrease in politically related violence events with September recording seven events and October with 11 events of this nature which is an improvement from the 23 events of August.

Late October saw the arrival of the British coordinator and this was the being to the setup of the DDDG observation mission team. They referred to this international observation group as the Election Observation Centre (EOC), (Rutten, M. M. E. M., 2000; 300). At this point in time this was the only member of the EOC that was available in Kenya representing their organisation. He was focused on administrative work to get the EOC up and running meeting with different stakeholders of the electoral process from the EC to political party leaders. In addition to this he was also organising accommodation for observers to come, (Rutten, M. M. E. M., 2000; 300). By mid-November all the coordinators of the DDDG group had arrived. With reference to electoral violence, there where changes in its nature during the month of November with the arrival of the international observers.

In the first half of November there were no incidents of politically related violence as illustrated in Fig4.I, with the first politically related violent event occurring on the 20th of that month. The government of Kenya had used informal repression and the police to perpetrate violence in Kenya as a form of suppression, in the previous months as discussed above. Informal repression is when the government secretly employs surrogate agencies, such as ethnic or religious militias to attack supporters of opposition political parties or government critics, (Kanyongolo, F. E. 1998; 1). However, in the second half of November we see the arrival of most international observers under the DDDG. Subsequently, election violence starts to manifest on 20 November. The nature of violence that was occurring in the month had changed from state funded violence to opposition parties, ethnic violence and civilians protesting over the general electoral environment which was discussed in the overview of the Kenyan election of 1997. This is evident with the clashes between Kisii and Maasai tribes after a police officer killed a Maasaii man earlier in the day of 20 November. Maasai tribesmen use machetes and knives, killing 10 people and another 2 Kisii were killed later in the day at Olemtongit Hill in Trans Mara District as reported by the Agency France Presse & Associated Press International & The Nation, (ACLED 2018). The latter is represented in Fig4.1.

Fig 4.1 Election violence in the month of November



	20-Nov-97	22-Nov-97	23-Nov-97	24-Nov-97	25-Nov-97	27-Nov-97	29-Nov-97
Non-fatal events	1	1	2	3	2	1	1
Fatalities	15	0	0	0	0	1	0
Politcal related violence events	4	1	2	3	2	2	1

Source: Customised by Author from ACLED, https://www.acleddata.com/data/

During this month, the observers were not highly active as they were preparing for the main event, which is the Election Day on 29 November. The presence of the EOC shows a slight impact in the electoral environment in Kenya however, the levels of violence were still persistent but not as severe as previous months. In addition to this the EOC had just over 50 international observers and this was a very small number to oversee the whole of Kenya which was an impossible mission in terms of full coverage of the election, (Rutten, M. M. E. M., 2000; 302). As a result, riots in Kenya continued over the course of the month. Consistent with The Nation (a news outlet), rioters attack a convoy of cabinet minister Nyiva Mwendwa during a campaign trail in Kitui, then beat a Mwendwa supporter, with one man being critically injured on the 24 November 1997, (ACLED, 2018).

The pre-electoral period of the 1997 election had support from the international community on different levels especially about threats of aid withdrawal from the donor community, (Ajulu, R. 1998; 85). However, there was no presences of international observers or citizen observers from the months of June to late October in Kenya. To some extent the presences of observers within the state could have minimised the levels of violence. According to Kelley, J. The presence of observers in a country puts the incumbent government under scrutiny. Hence, they are less likely to incite violence and are more willing to create an equal playing field because of the incentive that comes with international actors who are invested in the state and democratisation. In addition to this, the nature of violence in Kenya during the pre-electoral period mainly involved the police of Kenya and the government failing to create an equal playing field for the election. As a result, the election violence during this period, as illustrated in Fig4.0 totalled to 83 politically violent related events of which 46 of them did not result in fatalities and with which those that include fatalities there were 168 fatalities, (ACLED, 2018).

4.3.2 Election period

The election period of an election cycle is the most intense as most of the political parties are finalising their campaigns and the nomination of parliamentary and civic candidates is done in this month. Additionally, the voting and the results are also announced in this electoral period and most these events occur in the month of the election. The election month of the 1997 election was marred with violence from 6 December until the 31st of that month as demonstrated in Fig4.2. Meanwhile the EOC had 11 Western missions participating in observing nomination of parliamentary and civic candidates on the 8th and 9th of December. During this time the EOC receive multiple complaints from opposition parties about candidates being denied clearance of their national documentation in the Siaya and Nandi areas which the

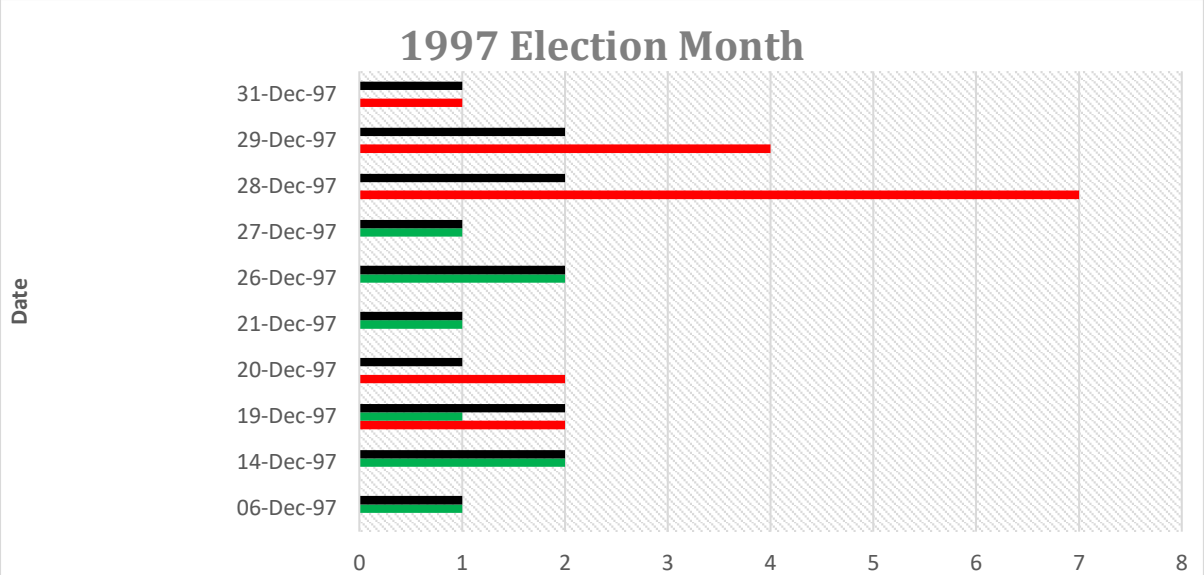
EOC attended to (Rutten, M. M. E. M., 2000; 303). Subsequently no election related violence occurred during that week and the EOC resolved the latter problem and there were no more issues of the same nature.

The mid-half of December was marred with violence in across Kenya. The nature of the violence now was related to political party clashes, which is evident from reports by BBC Monitoring and The Guardian. On the 14th of December 1997 the latter reported that police threw teargas canisters into a large group of Social Democratic Party (SDP) supporters holding an anti-Moi, pro-democracy in Central Province, and the SDP crowd was threading to beat up KANU supporters (ALCED, 2018). The former also reported that on 19 December a Presidential contender, Charity Ngilu, of NARC was tear gassed by police as she campaigned. (ACLED, 2018). During this period the EOC was facing challenges related to hardships in obtaining details on campaign programmes for political parties, (Rutten, M. M. E. M., 2000; 303). As a result, the dates, venues and times could without difficulty be altered, hindering the observation of the campaign period. The levels of violence during this period could be viewed as the incumbent party taking advantage of the fact that international observers were facing difficulties in terms of covering the election events.

Election Day was on the 29th of December and this was the main event that all stakeholders were present for. The EOC deployed 150 observers all over Kenya and 28126 citizen observers were deployed throughout all the 210 electoral constituencies

of the republic. Three count certifiers were deployed to each count centre. In addition, 840 observers had covered the campaign and nomination periods

Fig 4.2. Election Month of 1997



	06-Dec-97	14-Dec-97	19-Dec-97	20-Dec-97	21-Dec-97	26-Dec-97	27-Dec-97	28-Dec-97	29-Dec-97	31-Dec-97
Political related violence events	1	2	2	1	1	2	1	2	2	1
Non-fatal events	1	2	1	0	1	2	1	0	0	0
Fatalities	0	0	2	2	0	0	0	7	4	1

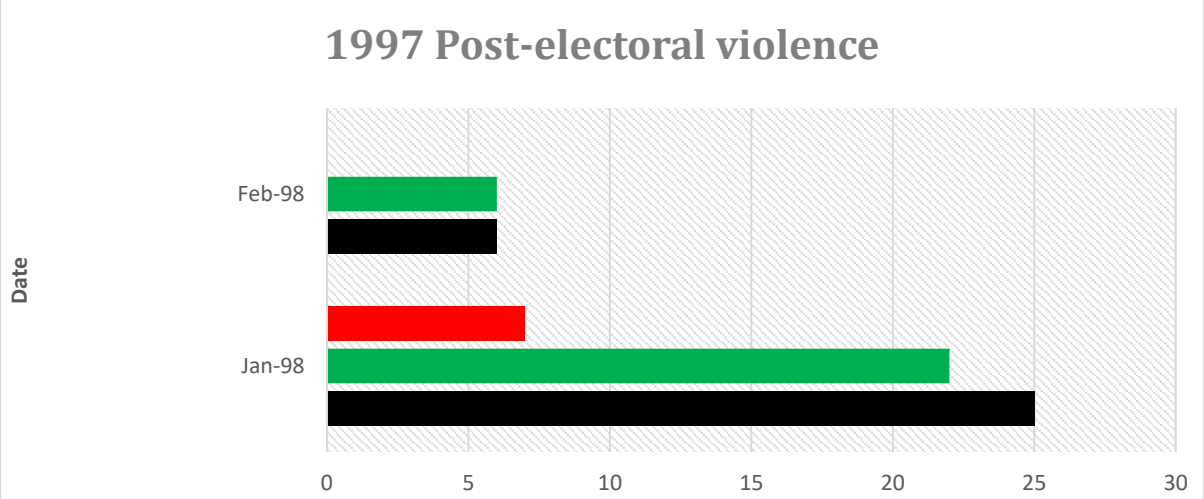
Source: Customised by Author from ACLED https://www.acleddata.com/data/

The outcome of the election resulted in the Central Province being a DP stronghold and the Rift Valley Province a KANU stronghold. Looking at the presidential race, arap Moi's margin of triumph to his main rivalry, Kibaki of the DP, was not more than 10 percent, and 14 the latter having attained most of its votes in two provinces. (Kanyongolo, F. E. 1998: 5). In the Central Province, Kibaki, approximately received 90 percent of the votes cast in comparison to Moi's 5.6 percent. Meanwhile, in Nairobi, Kibaki attained to some extent over 43 percent of the votes compared to Moi's 20 per cent. After the Electoral Commission (EC) announcement of the results, Kibaki challenged he results at the Hight Court of Kenya on the bases that there were multiple irregularities in the electoral process (Nohlen, D., Krennerich, M., & Thibaut, B, 1999). Meanwhile, KANU formed parliamentary coalitions with several opposition parties, together with FORD Kenya, the National Development Party (NDP) and the Kenya Social Congress, and as a result this strengthened their standing (Kanyongolo, F. E. 1998: 5).

4.3.3 Post-election period

After the elections, the citizen observation group issued a statement noting the various irregularities in the process but urging Kenyans to accept the results. It concluded that the results overall reflected the wishes of Kenyans and underscored the fact that what constitutes free and fair elections is a matter of value judgement

Fig4.3 Post election violence of 1997



	Jan-98	Feb-98
Fatalities	7	0
Non fatal events	22	6
Political related violence events	25	6

Source: Customised by Author from ACLED https://www.acleddata.com/data/

4.4 Kenya election of 2007

Overview of the electoral environment

Kenya was hosting its tenth general election since independence in the year 2007 and its fourth multi-party democratic election from the 1992 elections. The first two multi-party elections of 1992 and 1997 were marred with violence and numerous electoral irregularities such as rigging and inciting violence from political party leaders. However, Kenya seemed to be making a positive change in their democratisation journey during the 2002 elections. According to the EU EOM, the 2002 election showed substantial development with regards to their management and competitiveness (2008, 12) Henceforth, the 2007 general elections were an opportunity for Kenya to consolidate and further develop the electoral process and democratisation in hind sight.

Prior to the 2007 election, several civil society groups in Kenya tried to reintroduce the position of a Prime Minister and devolution of powers during constitutional conference in the years of 2003 and 2004. Mwai Kibaki's government held a referendum for this development in 2005, (Dercon, S., & Gutiérrez-Romero, R. 2012; 7). This call for changes in the constitution saw main stakeholders in the government feeling left out and as a result, the referendum fell through. This is evident with most of the opposition pushing back against the government draft constitution developed under the Orange Democratic Movement (ODM), led by Raila Odinga,

Kalonzo Musyoka and Uhuru Kenyatta, (Dercon, S., & Gutiérrez-Romero, R. 2012; 7). According to the EU EOM the government lost the referendum with 43 per cent of the vote against 57 per cent leading to Kibaki dismissing his entire cabinet (2008; 7). The failed referendum was an indication for future party divisions within the (National Rainbow Coalition) NARC and a rise in opposition political parties that had formerly been part of the NARC administration.

Due to factionalism within the NARC following the referendum the ODM saw an opportunity to transform itself. However, there were disagreements with regards to leadership for the 2007 election between Kenyatta and Musyoka who eventually left for a new political party. Kenyatta realigned with President Kibaki but then again insisted on maintaining KANU as an independent party. Musyoka took over ODM Kenya (ODM-K) and Odinga ODM both of which represented the main opposition parties in the 2007 general elections. As a result, the NARC Kenya (NARC-K) was founded by several government ministers to solidify their support for President Kibaki (EU EOM, 2008 9). Eventually in September 2007 Mwai Kibaki declared that he would run for re-election with the support of a new political alliance - the Party of National Unity (PNU). Overall, these political parties of 2007 were formed once more over ethnic lines with political ideologies being the basis of party formation. The lack of permanence in the political party structures, consolidated party membership and the short-lived nature of political parties are coupled with strategic and tactical moves to form alliances between parties (Dercon, S., & Gutiérrez-Romero, R. 2012). Due to the latter events, most of the political parties contesting the 2007 general elections, including the PNU (Mwai Kibaki), ODM (Raila Odinga) and ODM-K (Kalonzo Musyoka), were founded shortly before the election campaign period or within the election year.

For every stage within an election, there are set rules and dates. The incumbent party began its campaigning for the election way ahead of the date the ECK had set, and this showed disregard of electoral integrity from the sitting candidate at the time. This lack of disciple to follow basic rules such as the period to start campaigning led to a down ward spiral of events with many political parties disregarding electoral rules such as inciting violence. This is evident with the two main contenders of the 2007 election creating an atmosphere that was characterised as strong associated with ethnic-political polarisation (IRI, 2008). As a result, it was evident that there were specific regions within Kenya where a political party would not campaign in because the ethnic group they were from was not dominant in that area. Regardless of this the campaign period were also conducted in a free environment were freedom of speech and

expression were exercised without caution overall (IREC, 2008). Towards the end of the campaign unsubstantiated allegations of organised manipulation and rigging increased tensions even further.

On 27 December 2007, Kenya held elections for the President, 210 Members of the National Assembly and 2,498 members of local authorities, (IREC, 2008). These elections are based on a majoritarian rule, through the first-past-the-post system, except for the presidential election. For the presidency, in addition to a simple majority win, 25 percent of the vote in at least five of the eight provinces and election to parliament is needed to win. In the 2007 elections, nine parties fielded presidential candidates represented in Table4.1. The 210 parliamentary seats were contested by a record 117 parties which fielded 2,547 parliamentary candidates, (African Election Database 2008). A total of 15,331 candidates contested for the 2,498 civic seats, giving the voting public a comprehensive pool of candidates to elect from.

Table4.1: Presidential Election results of 2007

Candidate	**Party**	**Votes**	**%**
Mwai Kibaki	Party of National Unity	4,584,721	46.42
Raila Odinga	Orange Democratic Movement	4,352,993	44.07
Kalonzo Musyoka	Orange Democratic Movement–Kenya	879,903	8.91
Joseph Karani	Kenya Patriotic Trust Party	21,171	0.21
Pius Muiru	Kenya Peoples' Party	9,667	0.10
Nazlin Omar	Workers Congress Party of Kenya	8,624	0.09
Kenneth Matiba	Saba Saba Asili	8,046	0.08
David Waweru Ng'ethe	Chama Cha Uma	5,976	0.06
Nixon Kukubo	Republican Party of Kenya	5,927	0.06
Invalid/blank votes			–
Total		**9,877,028**	**100**

Registered voters/turnout	14,296,180	96.1

Source: African Elections Database (2012). http://africanelections.tripod.com/ke.html#2007 Presidential Election

The electoral environment of the 2007 election can be viewed as a 'pressure cooker' with high tensions across Kenya. In addition to this already tense situation, there was gruesome misconduct by the ECK. According to the EU EOM, there was a lack of adequate transparency and security procedures in the progression of communicating the results nationally, which raised questions about the integrity of the final election results. The ECK started announcing the electoral results on 29 December and these results could not be verified. The following day, on 30 December 2007, the announcement of results was suspended, (EU EOM, 2008). The police had to assist the KICC Media Election Results Centre to escort the ECK Chairman and at around 17:30 hours the ECK Chairman announced, behind closed doors with only a Kenya Broadcasting Corporation (KBC) team present, the final presidential results and declared the PNU candidate Mwai Kibaki elected President, (EU EOM, 2008). Less than half an hour later at around 18:00 hours the newly elected president was sworn in at State House in a swearing-in ceremony conducted by Chief Justice Evan Gicheru.

These subsequent events lead to the shocking political ethnic violence of 2007 with over 1000 people dying and over 650 000 people being displaced. The post electoral ethnic violence in Kenya only stopped when talks of a unity government came into play, which the international community helped, arrange between the two main political parties that had dominated this election. Regardless of this, one still wonders whether the observer groups to lessen the levels of violence could have done anything. Regardless on the main task of international and domestic observers being to just to observer there are instances where they play the role of negotiators. In addition to this, their ability to sway political parties should not be underestimated because of their aid and donor capacity, hence, one questions whether these 'cards' at their disposal were used during this election where possible.

4.4.1 Election Observation

In 2007, 13 civil society organisations and faith-based organisations constituting three of the main religions in Kenya formed the citizen observation group. This entity was known as the Kenya Domestic Observation Forum (KEDOF). UNDP Donor Basket Fund who contributed 2million to the observation project funded the citizen observation group of 2007. The KEDOF planned to deploy 16,500 domestic observers for the 27,555 polling stations and for the first

time since 1997(EU EOM, 11). As a result, they were not going to be able to cover all the polling stations with domestic observers, unlike the 2002 election observation group. Moreover, the KEDOF was failing to unite the country once more as they had done under the Kenyan Domestic Observation Programme (K-DOP) of 2002, which was united and was able to bring all of Kenya together. This was due to internal disputes amongst the 13 organisations that made up the citizen observation group of 2007. According to the EU EOM, this hampered the foundation of the KEDOF, the leadership and structure of the organisation, which affected the election negatively, (2007; 12)

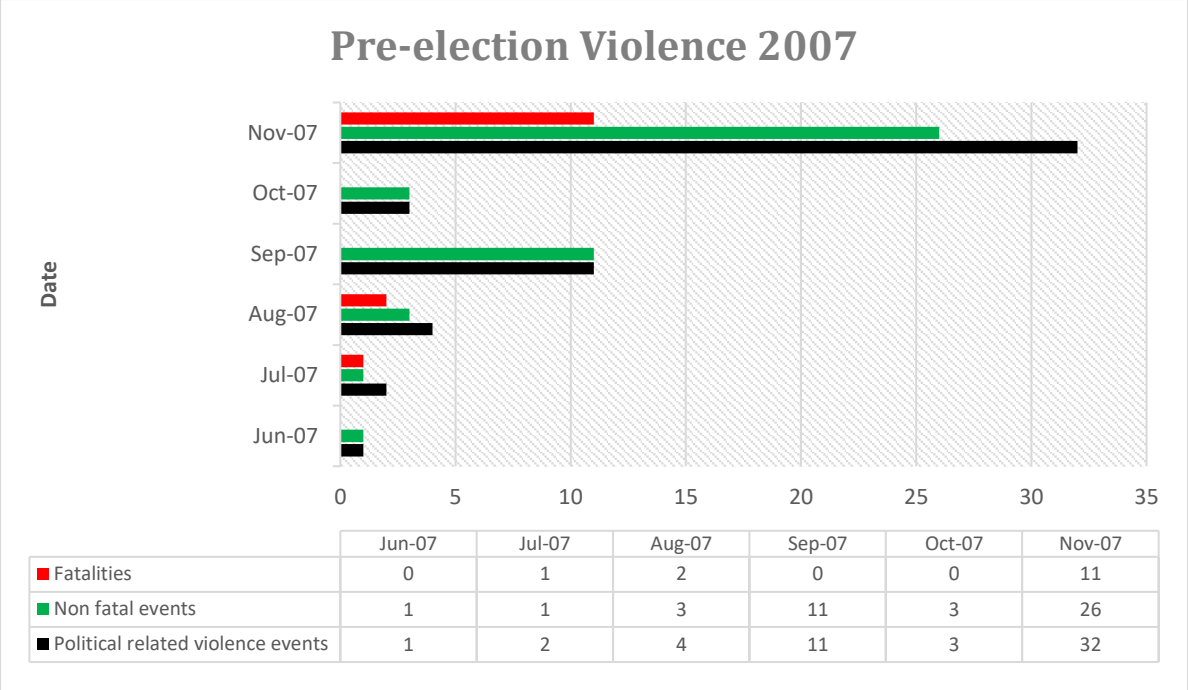
On the other hand, there were several international observer missions present including the EU, International Republican Institute (IRI), the East African Community (EAC), the Common Market for Eastern and Southern Africa (COMESA) and the Pan African Parliament. In terms of international presence, the 2007 election initially had less observers in comparison with the 2002 election. According to Lappin, R. there is less observer presence when there is no expectation of violence (2009). The 2002 election had been regarded as a peaceful election hence the international community had not any expectations of a very violent election and it seemed that Kenya was making democratic progress for their previous election.

4.5 The Electoral cycle of 2007

4.5.1 Pre-election period

The pre-electoral period of 2007 was peaceful in terms of violence. This can be accredited to the general environment of the 2002 election where the K-DOP was able unite the general populace. In the month of June 2007, there was one incident of politically related violence. This involved the NARC - Kenya supporters, led by parliamentary aspirants, staged demonstrations to protest at the abrupt cancellation of elections at the ward level, (ACLED, 2018). This was the only incident that occurred during this month and at this point there where international observers or domestic observers. In the following month of July, there was once fatality that occurred from two politically related violent events. According to *BBC Monitoring,* on 25 July a close aide of opposition leader Raila Odinga killed by knife wound and the murder was covered up by hit-and run incident, (ACLED 2018). This incident is illustrated as part of electoral violence recorded in Fig4.4. Such an incident can be viewed as trying to scare the opposition party candidate. Such electoral violent tactics are usually associated with the incumbent government trying to intimidate the opposition from participating in the election.

Fig4.4: 2007 pre-electoral violence



	Jun-07	Jul-07	Aug-07	Sep-07	Oct-07	Nov-07
Fatalities	0	1	2	0	0	11
Non fatal events	1	1	3	11	3	26
Political related violence events	1	2	4	11	3	32

Source: Customised by Author from ACLED https://www.acleddata.com/data/

In terms of electoral events voter's registration began on 11 June 2007 and was scheduled to end on 10 July however it was extended to 31 July. During this time, the incumbent government was actively trying to deter opposition party members from participating in the election to no avail. This is evident with reports of some national identity cards being disregarded for voter's registration however 14 267 764 Kenyans were able to get onto the voter's role, (Commonwealth Secretariat, 2007; 13).

One of the main causes of violence in Kenya is the lack of consistency of political parties over the years. The continuous factionalism had led to electoral violence on multiple occasions. This is the case in the 2007 election as well. In September 2007, one of the factions in the Orange Democratic Movement-Kenya (ODM-K) took over a formerly registered party, the Orange Democratic Movement (ODM), and nominated Raila Odinga as the presidential candidate, while ODM-K nominated Kalonzo Musvoka as their candidate. As a result, there were three main presidential candidates including, Kibaki (PNU), Odinga (ODM) and Musyoka (ODMK). During this time several protests where reported by BBC Monitoring in relation to the ODM factionalism across Kenya on 22 September, (ACLED, 2018). Moreover, there are numerous reasons, including protracted power-struggles within parties, ethnicity, personality differences, personal ambitions and self-preservation, have resulted in several political parties within Kenya from 10 in 1992 to 160 by 2007.

In the month of November, the ECK arranged for party nominates to commence of 14 November until 24 November 2007. All presidential contenders were obliged to submit their papers by the 14th, whereas parliamentary and civic contenders were submitting their papers by November 24, (IRI, 2008, 16). The ECK eventually settled for nine presidential candidate that are shown in Table 4.1. At the same time, the EU EOM deployed its observers on 14 November 2007. Their base was in Nairobi and the observer teams commenced observations in all eight provinces of Kenya. The EU EOM comprised of 11 team experts, 38 long-term observers and 94 short-term observers selected from 26 EU Member States as well as Norway, (EU EOM, 2008; 5).

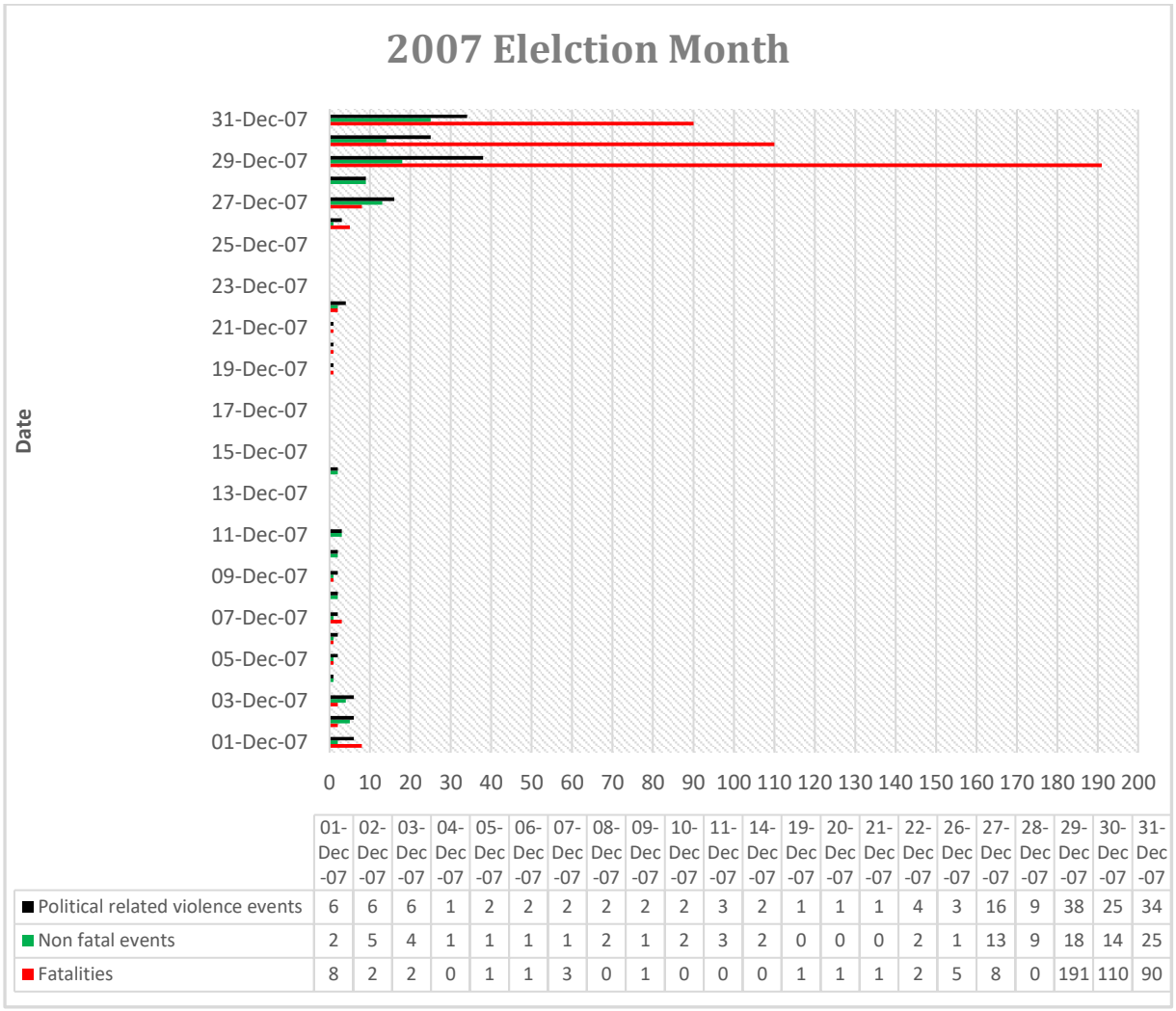
Fig 4.4 shows a spike in electoral violence from the month of October to November. The number of politically related events is recorded as three in October and there is a sudden increase to 32 politically related events in the month of November. Most of the politically related events were recorded from 14 November with party nominations in progress. According to the *Peace Net Kenya, Election Watch, Issue 2 -November 2007* ODM and PNU supporters clashed injuring two nomination officials on 17 November in Mumias West. At the same time in the Westlands, there were clashes ensued between rival PNU groups regarding irregularities in electoral nominations, (ACLED, 2018). The protests and riots by opposition parties during this month resulted in the exposure of the incumbent government to the international community. This is evident with the EU EOM, the Commonwealth Secretariat, The Kenya Human Rights Commission and the AU EOM reporting that primaries for parliamentary and civic elections were extremely marred by irregularities, chaotic management and meddling from party headquarters in different constituencies, (2008). Had they not been present electoral irregularities would have gone unreported.

4.5.2 Election period

The electoral period is the most eventful stage in the electoral cycle. Election violence during period was at a minimal with less than 10 politically related violence events a day in the first half of the month of December as illustrated in Fig 4.5. The incumbent party had already begun their campaign way ahead of the ECK's timetable as highlighted earlier. Hence, they were less active during the month of December with a heavily presence of international observers. On the other hand, domestic observers were in the mist of being trained for Election Day. According to the reports on the ACLED website civilians and opposition political parties incited the nature of violence that was occurring during this time. This is evident by the reports published by the *BBC Monitoring* and the *Peace Net Kenya, Election Watch, Issue 4* -

December 2007. For example, 30 houses were burned in the first week of December in attacks assumed to be politically instigated and more than 60 youths arrested, secondly, demonstrations were held to protest the distribution of leaflets depicting ODM leader Odinga as an authoritarian, respectively, (ACLED, 2018).

Fig 4.5: December 2002 election violence



	01-Dec-07	02-Dec-07	03-Dec-07	04-Dec-07	05-Dec-07	06-Dec-07	07-Dec-07	08-Dec-07	09-Dec-07	10-Dec-07	11-Dec-07	14-Dec-07	19-Dec-07	20-Dec-07	21-Dec-07	22-Dec-07	26-Dec-07	27-Dec-07	28-Dec-07	29-Dec-07	30-Dec-07	31-Dec-07
Political related violence events	6	6	6	1	2	2	2	2	2	2	3	2	1	1	1	4	3	16	9	38	25	34
Non fatal events	2	5	4	1	1	1	1	2	1	2	3	2	0	0	0	2	1	13	9	18	14	25
Fatalities	8	2	2	0	1	1	3	0	1	0	0	0	1	1	1	2	5	8	0	191	110	90

Source: Customised by Author from ACLED https://www.acleddata.com/data/

The electoral month of 2007 was severely marred with violence and illustrated by fig 4.5. This was the most violence that had occurred in an electoral period since the introduction of multi-party elections in 1992. From 1 December to the 26^{th,} there were 46 politically related violent events that related in 28 fatalities. On Election Day things took a turn for the worst in Kenya. Domestic issues took centre stage and the presence of observers seem to have no effect on both the incumbent government or opposition political parties. Election violence almost doubled in comparison to the frequency of violence occurring per day in the month of December. Fig 4, 5

illustrates the latter point with the number of politically related violence events being recorded at 16 in one day in comparison to six as the highest number of politically related events in a day before Election Day.

In terms of electoral observation, the IRI deployed 32 observers on election day to all eight provinces of Kenya and were able to witness the voting process in 33 constituencies and visited more than 100 polling stations (IRI 2008; 21). Most of the IRI observers where centred in urban areas and witnessed multiple cases of presiding officers not receiving voting documentation on time to open polling stations at 6 a.m. According to the IRI, majority of the polling stations they visited opened 15 minutes to an hour plus late, (IRI 2008; 23). The situation in Kenya could be describe as one of rising tensions because the opening of polling stations late caused voter frustration more than anything else.

Regardless of things not running on schedule IRI's election observers were committed and stayed at polling stations till late in the evening. At this point, they were observing the vote counting and concluded that the tallying procedure was quite transparent. The EU EOM also had a very similar experience to that of the IRI. The EU EOM observed 752 polling stations on Election Day in all eight provinces of Kenya, (EU EOM 2008; 30). According to them there where a few isolated incidents reported by media, which they could not confirm to have experience first-hand. Hence, they concluded that the voting and counting process were conducted in a peaceful atmosphere.

The experience of the IRI was not humanism as the KHRC had a completely different experience on Election Day. The KHRC deployed 156 election observers across Kenya including constituencies such as Garsen, Kamukunji, Starehe, Rongo, and Kajiado North among others (KHRC, 2008; 51). In these areas, the KHRC witnessed electoral violence including ECK officials being disrupted from undertaking their constitutional mandate. In addition to this, the KHRC reports occurrences of death and injuries from politically related violence, intimidation and use of inflammatory language in these constituencies. The ACLED databases records that one man (former administration police) who was suspected of killing a political aide was found murdered and dismembered in the Rongo constituency and this was published by BBC Monitoring on election day, (ACLED, 2018). The KHRC also witnessed acts of bribery by candidates trying to sway voters which it reported to the Election Monitoring and Response Centre (EMRC), in Gatanga, Ikolomani, Kibwezi and Westlands constituencies, (KHRC; 2008; 52).

In addition to reporting electoral discrepancies the KHRC also publicly condemned these acts, urged the ECK, the Kenya Anti-Corruption Commission (KACC) and the Kenya Police Force to instantly begin investigations into these and other incidences. the KHRC showed great impartiality throughout their observation process and as Tostensen, A., suggested election observers are an informal means of enforcing political rights (2004).

In this election, international observers and domestic observers were not given the chance to watch the tabulation of votes. This meant that the integrity of the election was compromised, and they were not going to be able to verify the electoral results. Two days after Kenya held their general election the ECK began announcing elections no one was able to verify and was constantly changing the figures. As mentioned in the electoral overview of the 2007 election in this chapter, the ECK abruptly ended the announcement of the results and the following day they declared Mwai Kibaki as the president elect. With great suspicion and lack of transparency of the entire process, Mwai Kibaki was secretly inaugurated as the president of Kenya for the next five years. Kenya broke out in violence based on ethnicity. The reason given for violence spreading like wildfire based on ethnic line has to do with the way political party was created along ethnic lines. Hence, it could be viewed that the government did not cheat the people of Kenya, but a specific ethnic group was benefit from their representative being in power and they had been in power for too long. D'Arcy, M., & Cornell, A. (2016), explain the events that occurred in Kenya as “Everyone's turn to eat”.

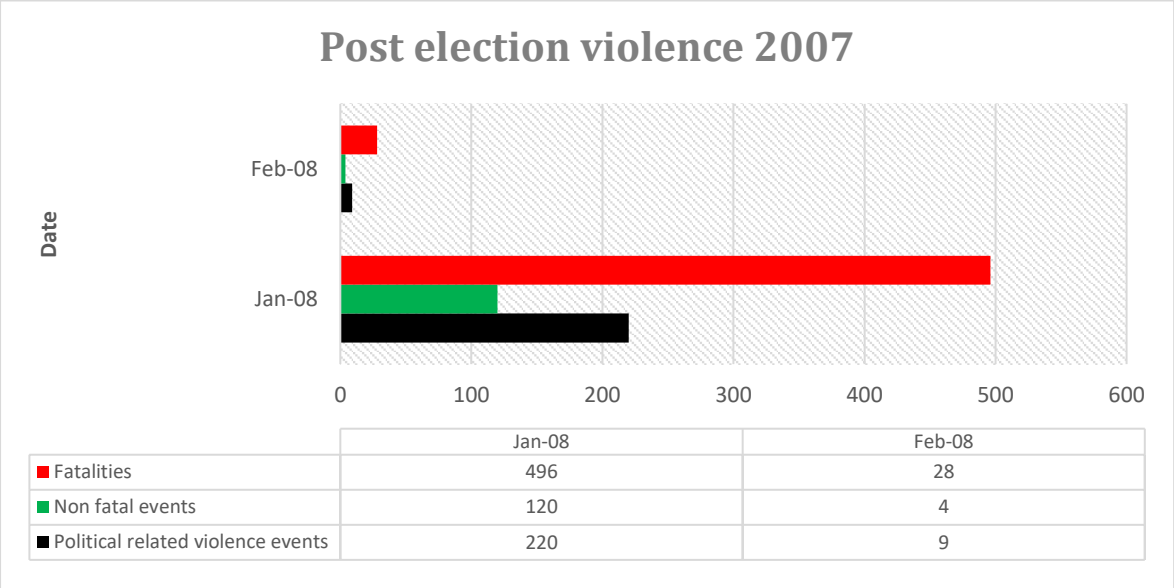
With reference to fig4.5, there is an incredible increase in the levels of violence in Kenya. On 28 December there was 9 politically related violent events and there were no fatalities. These events consisted of riots due to controversial rumoured announcements of Kibaki’s presidential election and alleged vote rigging, (ACLED 2018). However, the following day on 29 December upon a haphazard official announce of electoral results Kenya broke out int a blood bath. Fig4.5 illustrated the increase in violence with 191 fatalities recorded on that day, on the 30th there where 110 fatalities and on the 31st there where 90 fatalities. All these fatalities where associated with electoral violence. At this point, domestic observers from the KEDOF were nowhere to be found and they never gave an electoral report as part of the requirement of observing an election. International observers on the other hand were preparing to release preliminary statements about the election.

4.5.3 Post-election period.

Elections are regarded as a conflict resolution tool in most cases after tragic political conflict. However, in the case of the 2007 Kenyan election they were a trigger of electoral violence.

Elections at times create an opportunity for political entrepreneurs to advance their careers through extremist appeals to mobilise their ethnic or religious group and that such 'out-bidding' can lead to increased violence in society, (Leonard, D. 2010; 38). This was the case of the election of 2007 which resulted is severe electoral violence. In the month of January 2008 there were 220 politically related electoral events and from those 220 events only 120 of them did not result in fatalities. However, the remaining 100 events that where politically related to electoral violence resulted in 496 fatalities over 31 days in January. This is illustrated in fig4.6. According to Kelley, J. there is a high possibility of electoral violence in the post-electoral period after international and domestic observers release their preliminary statements and they speak of electoral irregularities.

Fig 4.6 2007 post- electoral violence.



	Jan-08	Feb-08
Fatalities	496	28
Non fatal events	120	4
Political related violence events	220	9

Source: Customised by Author from ACLED https://www.acleddata.com/data/

On 1 January 2008 the EU EOM released their preliminary statement on the electoral environment of the 2007 Kenyan election. This statement highlighted that were incidences of vote buying and electoral violence across Kenya. However, more significantly, the vote tabulation was not transparent and that they were unable to verify the results announced by the ECK. The reason behind this was that they were not permitting to witness the vote counting, (EU EOM, 2008). It can be viewed that election violence was already on the rise before the preliminary statements were announced. However, they seemed to add more fuel to the fire as they reaffirmed the levels of gruesome misconduct that had occurred during the electoral process. As a result, *All Africa* reports severe riots across Kenya called for by the ODM in first three days of January 2008. The rioters were mainly youths who took this call to the streets,

some set up roadblocks and burnt tyres - police intervened leading to clashes with the rioters, (ACLED, 2018).

Most international observers had left Kenya by mid- January as they were summing up their finds after they had released their preliminary statement. The KEDOF also released their preliminary statement on 31 December and thereafter they were nowhere to been seen or heard of. Due to the very violent nature of events, that where occurring in Kenya the International community eventually intervened and as talks were in the process for a government of national unity as the levels of violence were slowly decreasing as illustrated in fig 4.6. In the month of February, there is a dramatic decrease in the levels of violence from 220 politically related violent event to only nine events in the month of February 2008.

Overall, the election of 2007 was severely marred with post-electoral violence. The foundation of this election was weak with lack a of continuity of political parties and their formation based on ethnic lines. The incumbent party seemed to dance at its own drum when it disregarded the timeline the ECK formed. Domestic observers did not show a level of commitment to this election as well as they were only deployed on Election Day and not in the initial stages of the pre-electoral cycle. International observers did arrive prior to election day and witnessed the campaign period however as they got closer to election day domestic issues seemed to overcome their mission at hand as discussed above. Limiting the access of observers is as good as they not being present to some extent. As a result, the presence of observers in the 2007 election can be viewed as a short-term election observation mission. With respect to the levels of electoral violence, this election falls into the category of a more violent election as proposed in the first chapter of this research paper

4.6 Conclusion

This chapter has had a detailed discussion on election violence and election observation on the Kenyan elections for 1997 and 2007 respectively. A discussion on the electoral environments of both elections was discussed to set the tone for the main points of discussion. For the 1997 election, the electoral environment can be viewed as the time with which multi party politics was on the rise in Kenya. There were numerous political parties in this election and factionalism was on the rise within the incumbent political party. KANU split into KANU A and KANU B. However, the incumbent president Daniel arap Moi won the election.

This is also the first election were Kenya had an active international observation that published their finding under the DDDG. The domestic observation group on the other hand was a

collision of IED, CJPC and NCCK. Overall, both observation groups focused mainly on the electoral period of the electoral cycle. There where instances where the observers were able to mitigate election violence however domestic issues superseded their jurisdiction as observers. Most of the electoral violence in the 1997 election occurred in the pre-electoral period with opposition parties fighting for an equal playing field in preparation for the election.

On the other hand, the 2007 election had a peaceful electoral environment. This could be accredited to the seed of the previous election (the 2002 election) has sown. Observers took a back seat in this election, as they did not anticipate any election violence. However, this greatly affected the election. Moreover, the use of ethnically divisive language played a role in the aftermath of this election. It was highlighted during this election that some observers witnessed electoral violence and the ECK announced the election results that could not be verified which pointed out to electoral fraud. This led to a down spiral of ethnic violence on political matters that resulted in about 966 deaths in a space of nine months of the electoral cycle as discussed in this chapter.

The 1997 and 2007 election were extremely marred with election violence of different reasons as discussed in this chapter. It is also highlighted that observers where present for a short-term period in both elections. The next chapter will delve into the 2002 and 2013 election where there is less violence the electoral observers are present for a longer time. A discussion on how these elections where conducted will commence. The goal of this is to try assessing where the longevity of election observation missions does influence the levels of violence in the case of Kenyan election.

5 Chapter Five: Election Observation in Kenya: Long Term

5.1 Introduction

Election observation has gradually shifted from short term to long term over the last two decades. The reason behind this shift is that democracy could be facing a decline and having support structures that helps uphold this ideology is worthwhile. The is an overall increase in the number of institutions that are willing to invest in the future of the democracy process such as the Carter Centre and the Electoral Institute for Sustainable Democracy in Africa which have dedicated themselves to the democratisation process globally and regionally respectively. This chapter will be an investigation on whether a long-term election observation contributed to an election being less violent in the case of Kenya. As follows, this will entail looking at the 2002 elections and the 2013 election in Kenya because both elections were observed for two thirds of the electoral cycle and they both had incidences of less severe violence.

To carry out this investigation, this chapter will first look at the 2002 election and the 2013 election. Within each election, a discussion on the electoral environment will be given to set out the tone of events that encompassed the election. This will be led to a more intrinsic investigation on the three stages of the electoral cycle and how election observers related to the Kenyan election environment and whether they contributed to the matter in which the election was handled. This will also include a discussion on the levels of violence that occur in each stage of the election in relation the observer's presence in Kenya.

5.2 Long Term Election observation in Kenya

Kenyan election of 2002

5.2.1 Overview of the electoral environment

Five years after the very violent elections of 1992 and 1997 Kenya was hosting their third multiply party election in December 2002. The international community has all their eyes on Kenya fearing that the violence that has marred the last two elections would occur this year as well. Danial arap Moi had been president for 24 year and the Kenya populace was in dire need for regime change but he was still trying to hold on to power. This was evident with type of electoral violence that was occurring during the pre-electoral period. According to the Center for Strategic International Studies (2002), the incumbent government made use of state

resources to attack opposition party members who openly denounced the government, it was reported in February 2002 that the police beat James Orenga, a Member of Parliament in Kisii and the leader of Muungano wa Mageuzi from the People's Movement for Change. President Moi further accused Mageuzi of plotting to overthrow the government. This was one of many examples that president Moi employed to hold onto power during the election period of 2002.

Regime change as stated earlier, was a need for the 2002 election and this led to multiple political parties colluding to form a strong opposition party against KANU. Leaders of DP, FORD-Kenya and the National Party of Kenya in January 2002 formally launched the National Alliance for Change (NAC), (Mutunga, W., 2002). The NAC then established a Memorandum of Understanding (MoU) for all the parties to sign as a show of commitment. This political party wanted to do things differently for the greater good of the Kenyan populace, hence they decided not to centralise powers around the presidency, (Kivuitu, S. M., 2002). Secondly, the NAC developed a structure with the position of a Prime Minister to accommodate the ethnic diversity within Kenya. The party also established a secretariat and applied to change the name of Charity Ngilu's party - the National Party of Kenya (NPK) - to the National Alliance (Party) of Kenya (NAK) as its name. on the 21st of October 2002 the officially changed its name to National Rainbow Coalition (NARC) with the joining of the Liberal Democratic Party (LDP) and NAK (Jonyo, F., 2002).

With the formation of a super coalition opposition party that was inclusive of multiple ethnic groups, the role ethnicity played in the previous elections was diminished. A new form of electoral disputes formed along ideological lines between different political parties, (Jonyo, F., 2002). According to Olaleya, W., in the history of Kenyan elections, family members competed against each other on different political party platforms for constituency seats for the first time, (2003: 18). For example, two political leaders from the Eldoret North constituency who are from the Kalenjin ethic group fought on different political party platforms. This is one of the features that characterised the political environment of the 2002 election. There was a transformed landscape of political rivalry and participation along ethnicity to a more multifaceted political dynamic where both KANU and the NARC represented an extensive range of political interests. Whereas in previous elections with specific reference to the 1992 and 1997 election voting patterns were mainly along ethnicity, (Haugerud, A., 1995; Hornsby, C., & Throup, D., 1992; Rule 2000).

The general election of 2002 was held on 27 December, which resulted in the end of the long-standing KANU political party, which had ruled Kenya from independence in 1963. As a result,

the NARC won the election under the rule of Mwai Kibaki who was elected as the president for the next five years. In addition to this, the NARC won a majority in the National Assembly. The result breakdown for the election is on Table 5.0

Table 5.0: 2002 Election Results

Candidate	Party	Votes	%
Mwai Kibaki	National Rainbow Coalition	3,646,277	61.3
Uhuru Kenyatta	Kenya African National Union	1,835,890	30.2
Simeon Nyachae	FORD–People	345,152	5.9
James Orengo	Social Democratic Party	24,524	0.4
David Ng'ethe	Chama Cha Uma	10,061	0.1
Invalid/blank votes		114,006	–
Total		5,861,904	100
Registered voters/turnout		10,451,150	57.2

Source: http://www.electionguide.org/elections/id/1883/ Accessed 19/02/2019

5.2.2 Election observation

Changes in the political environment in Kenya can be attributed to many factors such as the one discussed above and the advancement for the citizen observation element which took centre stage in the 2002 election. On 14 June 2002 seven religious groups including Christians, Muslims and the Hindu to say the least, and civil society organisations established the K-DOP. According to the EU, the K-DOP was by far the most significant, well-organised and funded domestic observation group, (2003). Several international organisations and several countries that resulted in a 2.5milion Euros capital funded the K-DOP. 20 000 Kenyan Citizens were involved in the citizen observation programme which compromised of long-term observers and short-term observers. There were 64 long term regional observers and in the month of October and the K-DOP deployed 630 constituency observers on 15 November. With reference to short-term observers that were about 18,500 observers deployed on Election Day poll observers, (E.U 2003).

The main goal of the K-DOP was to ensure that the elections took place in an environment of substantial freedom and fairness, so all parties and individuals could compete on a more level

playing field. As a result, the programme had six strategic representatives including the National Council of Churches of Kenya (NCCK), the Institute of Education in Democracy (IED) and the Media Institute and faith-based organisations. These entities where responsible for, observer's education and placement; media coverage of the election and the recruitment of observers respectively, (Olaleya, W. 2003: 20). The faith-based unit of the citizen observation programme is worth noting that it was the first time in the history of Kenya that the three major religions worked together, and this collaboration was very significant considering that Kenya is a high-risk country for religious fundamentalist attacks, (Masime, K., & Kabara, G. 2003). The coalition of all the religions to observe the election saw a decrease in electoral violence related to ethnicity in comparison to the 1992 and 1997 elections. The nature of the violence this time around was among localised constituencies because of personality clashes between candidates who came from the same constituencies but representing different parties, (Olaleya, W. 2003: 20).

In addition to the K-DOP, the government of Kenya invited multiple international observers to observe their election and their progress on democratisation. The international observers that were present in the 2002 elections include the European Union Election Observation Mission, the Cater Center, United States Agency for International Development (USAID)/United States Embassy, the British High Commission and the Donor Democratic Development Group. All these parties played a significant role during the electoral period. Firstly, the EU EOM deployed 11 two-person teams to all the provinces in Kenya on the 30th if November as long-term election observer. On 22 December they deployed an additional 53 short term observers who were joined by over 70 short term observers from the diplomatic community, (EU, 2003). The Carter Center also had their own team of international observers which consisted a 27-person delegation of from 13 countries four days before election day which was going to be on the 27 December 2002. The delegation was co-led by former Zambia President Kenneth Kaunda and former U.S. Ambassador Gordon Streeb, associate executive director of the Centre's peace programs, (Cater Center 2003:11). Both the citizen and international observers played significant role during the election which will be discussed in detail in the electoral cycle section breakdown and how their contributed to the levels of violence within Kenya.

5.3 The electoral cycle of 2002

5.3.1 Pre-electoral period

Election violence is inevitable because not all parties are pleased by the logistics of the election. When referring to violence this could range from protests, police raids to looting and

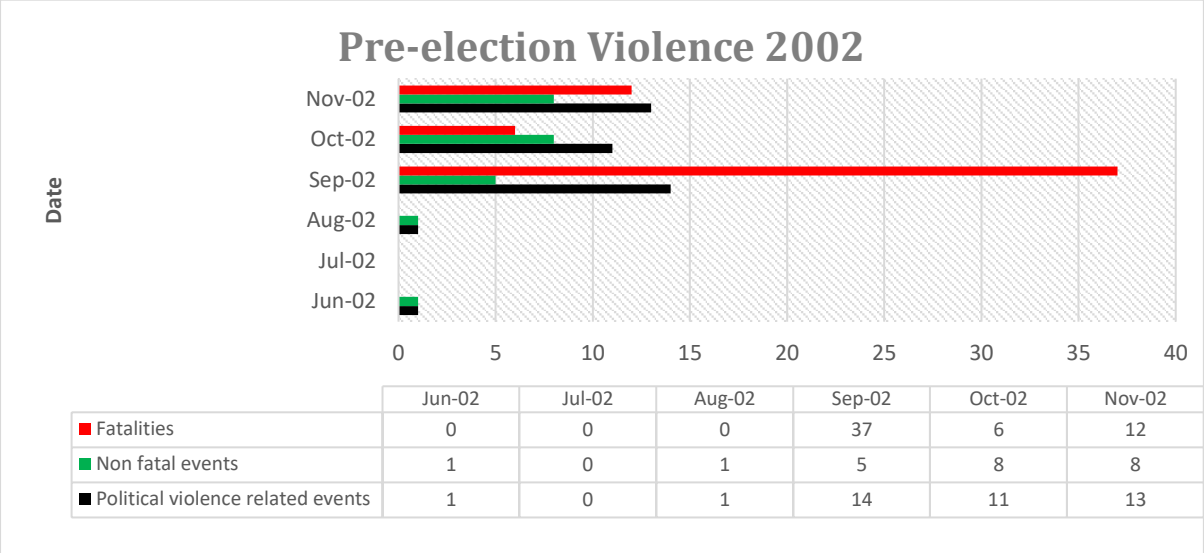
fatalities occurring these events. As stated in the literature review, election violence involves different actors from the government inciting violence to intimidate their populace not to vote the opposition party. The opposition parties raise awareness of electoral fraud when the political environment is unfair. The presence of observers of international organisations give opposition parties the incentive to voice their opinions more because it raises questions of legitimacy about the incumbent government if they get re-elected. On the other hand, the incumbent party shies away from inciting violence against opposition parties and the general population at large because it delegitimises their election campaigns and the election could be deem illegitimate.

In July 2002, The Carter Center sent a small member of observers to assess the political environment in Kenya, (The Carter Center, 2003: 17) This team of observers was worried that the incumbent president Daniel arap Moi was seeking a third term for re-election. As discussed in Chapter 4 one of the main causes of election violence in 1997 was the desire for change in governance. This desire had heightened for the 2002 election and the Carter Centre felt the need to assist Kenya to prevent the same mistakes they had made in the previous election. Hence, this group of international observers met up with several representatives from the main political parties, government officials, electoral authorities, civil society groups, and key members of the international community (The Carter Centre, 2003: 18). Major stakeholders that played a role in the election such as KANU and the official opposition. As a result, the Democratic Party, the ECK and civil society organizations all welcomed the Centre's interest in observing the elections but noted that international observers should be sure to arrive well in advance of the election and ensure proper distribution throughout the entire country.

International observers are viewed as an informal mechanism of enforcing political rights, (Tostensen, A. 2004; 330). As emphasised in the literature review, international observers do not have power within a state but the incentives they come with result in their input within an election holding weight. Moreover, I do not intend to overstate the role the Carter Centre played during the pre-electoral period in the 2002 election however, their meeting with major stakeholders of the election resulted in major changes in the direction this election took. This is evident with the birth of a strong opposition party (NARC) in early November of 2002. This saw Moi choosing a new party leader for the KANU political party, Uhuru Kenyatta, son of Kenya's founding president, Jomo Kenyatta, and a representative of the new generation of KANU leaders, (CSIS, 2002).

During the pre-election period of 2002 in the month of June to August there were two protests by KANU and Ford supporters which saw police firing tear gas to disperse crowds. Fig 5.1 has an illustration of the number of occurrences of these events. In the month of September, there were 14 events of violence related to political violence and only five of them did not result in causalities. However, of the nine politically related violent events 37 people died. During this month, most of the events were related to youths engaging in ethnic battles and demonstrations for a politically free space to support the political party of their choice. According to All Africa on 18 September 2002 there were rioting youths engaging police in street battles to support the Rainbow Alliance, (ACLED, 2018). The month of September could in summation, be the month where Kenya experienced the most violence during the pre-electoral period as Fig 5.0 demonstrates.

Fig5.0: 2002 Pre-election Violence



	Jun-02	Jul-02	Aug-02	Sep-02	Oct-02	Nov-02
Fatalities	0	0	0	37	6	12
Non fatal events	1	0	1	5	8	8
Political violence related events	1	0	1	14	11	13

Source: Customised by Author from ACLED (2018), https://www.acleddata.com/data

In addition, citizen and international observers had not yet been deployed from June to September. However, in late October, 63 regional observers were deployed by K-DOP (Olaleya, W. 2003: 20). In the month of October there was a decrease in the number of fatalities from politically related violence from the previous months of September, only six people were killed. There is a shift in violence from predominantly ethnic disputes to more party politics with the incumbent government trying to suppress other political parties. This is evident with reports from Xinhua, a news agency based in Nairobi, Kenya suggesting that on 3 October 2002 unknown gunmen opened fire on Rainbow Alliance leader's car in an apparent

assassination attempt, (ACLED, 2018). In addition to this, BBC Monitoring reported that the Rainbow Alliance and National Alliance political parties clash with police on 7 October, (ACLED, 2018).

It is important to highlight that election observer cannot prevent conflict between political parties as it is beyond the scope for their job description. However, their presence resulted in the shift from ethnic violence to party politics clashes as stated above. This can be accredited to the K-DOP's observation strategy to involve all the dominant religious groups in Kenya and as Olaleya, W., suggested electoral violence was localised within constituencies rather than ethnicities, (2003: 20). As a result, there were also less fatalities in the pre-electoral period of 2002 in comparison to the 1997 and 2007 election as illustrated in the previous chapter.

In the month of November K-DOP on the 15th deployed 630 constituency observers whereas on the 19th the EU EOM core team arrived in Nairobi with 22 Long term observers, (EU, 2003; 34 and 7). During this period, there is a decrease in the use of police to disperse protestors or the use of force by the government of Kenya. The perpetrators of violence are described as KANU members, NARC members and civilians and this is the time when the international community is present, (ACLED, 2018). Fig.5.0 highlights the frequency with which these events occurred. These events consisted of the death of one civilian who was killed in clashes between youths of rival parties; no breakdown of death toll of the 21st of November reported by All Africa and when twelve civilians are injured when KANU supporters begin infighting with machetes along ethnic lines on the 23rd of the same month, (ACLED).

To summarise of the 2002 pre-electoral period, we see a different dynamics of election violence playing out from ethnic violence with the heavy presence of police to just political parties rioting and protesting. International observers at this time were finding their bearings at this point but their presence made a difference considering that their voices are viewed as credible and the reports they produce at the end of the election bare a heavy weight on Kenya. It is also evident that the preparators of violence also changed in the month of November giving the impression that the incumbent government was not abusing state resources to promote the agenda of their political party.

Citizen observer on the other hand were carrying out tasks such as voters' educations and their diversity and unity proved to be a tool to recon with regarding trying to unite the country. Considering that the two biggest political parties (KANU and NARC) had the capacity to cause havoc in Kenya the media tried to cover both regards to news coverage. According to CSIS,

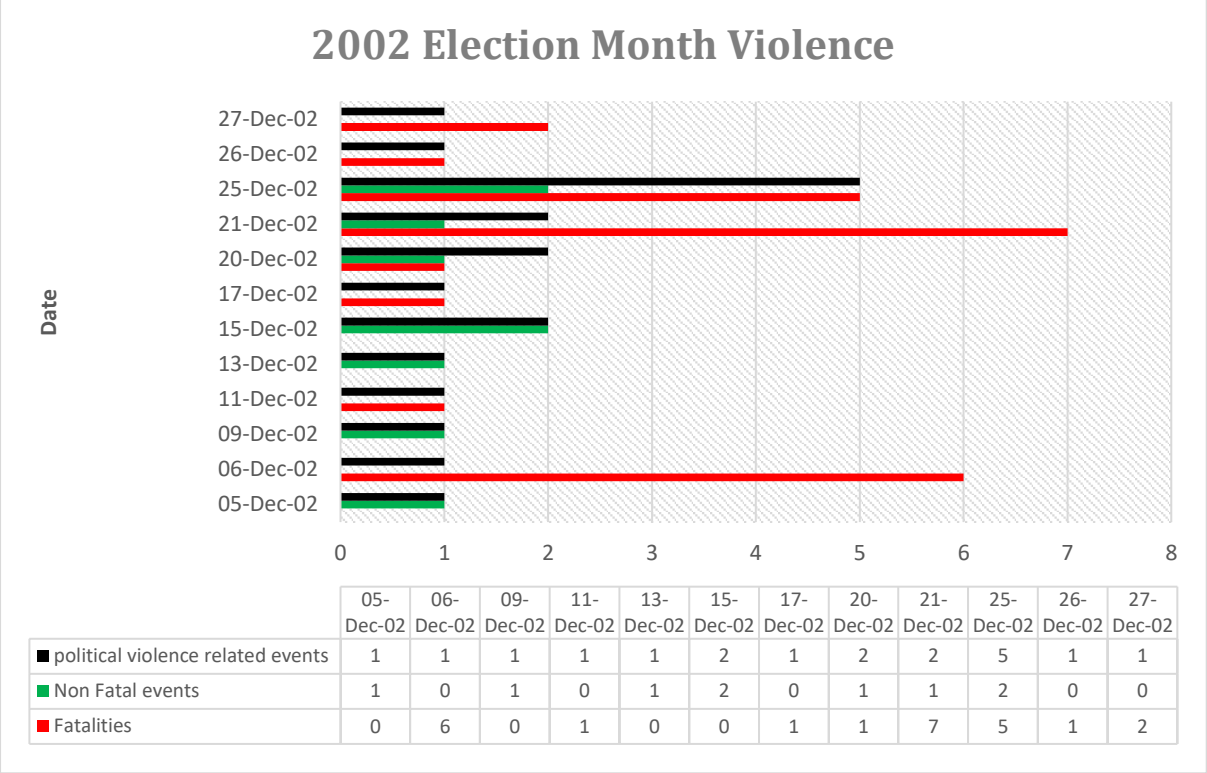
the division of K-DOP that was tasked with media coverage was able to create the ambiance that each political party was given a fair chance for the public to be informed about their manifesto.

With reference to the EU EOM with regards to media coverage, the public broadcaster Kenya Broadcasting Company (KBC) TV had a strong preference towards the incumbent party, KANU, and its presidential candidate Uhuru Kenyatta with a 33% of coverage on TV and a further 32% to the presidential duties and campaigning activities of President Daniel arap Moi, (2003). Nonetheless, the EU EOM highlights that the opposition coalition NARC and its presidential candidate Mwai Kibaki were given a 25% of coverage on KBC TV as well. The private TV stations Kenya Television Network (KTN) TV and print media provided the voters with an extensive variety of political views. KTN was dedicated to NARC and to Mwai Kibaki with 45% coverage, to KANU, Uhuru Kenyatta and President Daniel arap Moi a 38%. Nation TV gave to NARC and to Mwai Kibaki 44% of coverage and to KANU, Uhuru Kenyatta and President Daniel arap Moi 34%. This statistical information was gathered as an illustration of the media coverage in Kenya from 4pm to midnight starting from 22 November to 26 December when both citizen and international observers had a good presence in Kenya. (EU 2003; 46)

5.3.2 Election period

The election period is the most intense time of the electoral cycle because all the actors involved are present and highly active. It is evident with the number of politically violent related events that resulted in 19 of them occurring. This is the highest number of events per month that have occurred in the electoral cycle in comparison to the month of September where there where 15 politically violent related events. This is the time where there are final campaign rallies and most politically related clashes. According to the Daily Nation on the 5 December 2002 the Rainbow alliance supporters clash with police when they disrupt a KANU rally hosted by President Moi, (ACLED, 2018). Such clashes occurred more than once and the motives behind these clashes where to intimidate each other. With reference to Fig5.1, the most politically related violent events occurred on the 6th, 21st and the 25th of December where 6 seven, and 5 people died respectively. These events of violence where in relation to unknown groups invade the homes of politicians and they are killed with their family members. (ACLED, 2018). The month of December had the most politically related violent events however; the violence was not as severe as the month in which observers where not present. This election month resulted in 24 fatalities as illustrated in Fig5.1.

Fig5.1: December 2002



	05-Dec-02	06-Dec-02	09-Dec-02	11-Dec-02	13-Dec-02	15-Dec-02	17-Dec-02	20-Dec-02	21-Dec-02	25-Dec-02	26-Dec-02	27-Dec-02
political violence related events	1	1	1	1	1	2	1	2	2	5	1	1
Non Fatal events	1	0	1	0	1	2	0	1	1	2	0	0
Fatalities	0	6	0	1	0	0	1	1	7	5	1	2

Source: Customised by Author from ACLED (2018), https://www.acleddata.com/data

Election Day was on 27 December in the 2002 election. This day had the most observers present both international and citizen observers. There were about 14750 polling centres with 18366 polling stations with each polling station catering for 1000 voters. Henceforth, K- DOP had about 20000 citizen observers as poll watchers across the 8 provinces, 70 districts, 210 constituencies and 2112 wards who covered every polling station in Kenya, (Olaleye, W. 2003; 20). These observers where referred to as short-term observers and they were responsible for the closing days on the campaign, Election Day activities and the immediate post-election period. However, on the day on the election they were tasked with completing a detailed report encompassing violence, bribery, intimidation and campaign that would occur at the polling stations, (Olaleye, W. 2003; 20).

The Election Day was well organised in terms of making the electoral environment open to everyone. This is evident with the presence of each polling centre being overseen by one presiding officer, one deputy presiding office, six polling clerks, armed security personal, party agents one domestic observer and rotational international observers, (Olaleya, W. 2003; 24). Despite the general atmosphere of peace, an unfortunate incident occurred in Nairobi were by the police opened fire and killed two Rainbow Coalition supporters as they went to vote,

(ACLED 2018). This is illustrated in Fig 5.1 as part of election violence. Other than this incident of violence there were few reports of mismanagement at polling stations such as opening late in rural areas and names missing on voter's registration forms and the delay of stationary delivery, (Commonwealth Observer Group 2002).

With respect to international observer, those from the Carter Centre moved from poll to poll to monitor the voting process in their deployment area. At every polling station visited, Center observers recorded information on their checklists, (Carter Center 2003; 28). On the other hand, the Common Wealth group of observers visited 137 polling stations in 38 constituencies and were present at 17 counts and 8 constituency collation centres as many polling stations as possible, observing the voting and counting of votes, Commonwealth Observation Group 2002). The observers from this group of international actors tracked the outcomes of no less than one polling station count over to the Constituency Collation Centre, to assess the integrity of the results system. Moreover. The EU EOM had the most international observers present as they had 100 observers across Kenya. This is evident with at the least observers being two each in the Eastern Rift Valley province and North Eastern Province, 12 in the Nyanza province and 44 observers in the Nairobi province to say the least.

Therefore, in terms of coverage of the Kenyan landscape international observers were well invested and did their best to cover the whole state, regardless of the small numbers of human capital present in comparison to the 18 336 polling stations they had to cover. The presence of the international community during the 2002 election month added to creating peaceful environment as most Kenyans felt that their vote did count not only to them but to the international community at large. They felt that they had a voice which was being heard. This made a huge difference to say the least as the 2002 election as viewed to be the most peaceful election. According to Commonwealth Observer Group all agreed that the 2002 election in Kenya "was the best General Election the country had ever had, and the most peaceful: despite the intense interest it provoked the atmosphere was less violent and more tolerant than in either 1992 or 1997", (2003; 26). This view was not only the Commonwealth Observer Group as all international observers and domestic observers also agreed that Kenya had had a good election day that the electoral environment had improved, and they had made good progress from their previous election, (EU EOM 2003, Carter Center 2003).

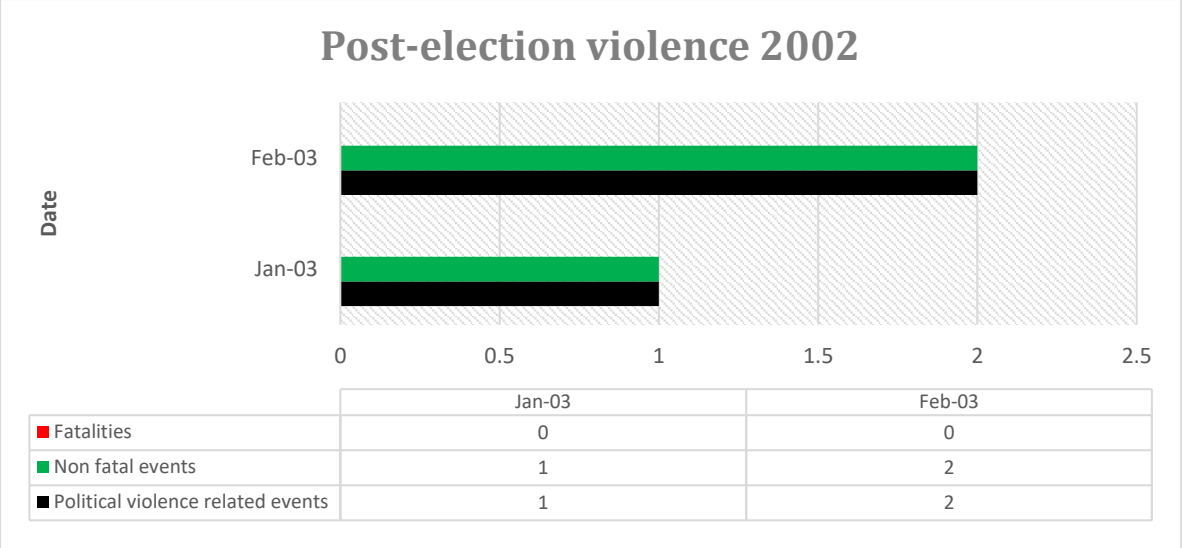
After the Election Day there were no incidences of election violence as illustrated in Fig5.1. Kenya has had a history of severe post-electoral violence from its previous two elections and though Election Day was a success, international and citizen observer were still largely present

for the announcement of the electoral outcome. On the afternoon of December 28, it was overwhelmingly highlighted that Mwai Kibaki of the NARC party had won the election and as a result, KANU presidential candidate Uhuru Kenyatta accepted the following afternoon, (Carter Center 2003). The ECK was then forced to declare Mwai Kibaki as the president-elect of Kenya based on unofficial results due to public pressure. On the 30th of December the NARC leaders called for the immediate inauguration of Mwai Kibaki which attracted a large crowd and the overall atmosphere was joyous, (Carter Center 2003). The change Kenya has long been waiting for as finally theirs and this election was viewed as a history turning point for the country.

5.3.3 Post-election period

With a general conscious across the board, That Kenya had had a credible and peaceful election most observers began to leave Kenya. This is evident with most Carter Center delegates leaving Kenya by 30 December, and a team of 10 medium term observers remained on the ground to monitor the postelection situation at selected sites throughout the country and at the national headquarters of ECK in Nairobi, (Carter Center 2003). The medium-term observers noted that both the election officials and the major parties recognized the need to improve future elections and seemed genuinely disposed to work expeditiously to develop and implement recommendations for electoral reforms. In terms of post-election, there were only three events that occurred one in the month of January of 2003 and two in February 2003. This is illustrated in Fig5.2. These politically related violent events where more of a personal manner against specific politically involved people based on institutional matters. This is evident by the arson attack on a farm belonging to member of parliament Nicholas Biwott attacked by 500 unidentified armed youths. The attack was suspected to be politically motivated and linked to land according to All Africa on 15 February, (ACLED 2018).

Fig 5.2: 2002 Post-election violence



	Jan-03	Feb-03
Fatalities	0	0
Non fatal events	1	2
Political violence related events	1	2

Source: Customised by Author from ACLED (2018), https://www.acleddata.com/data

By the times, these incidences of violence occurred there were no more observers in site. In addition to this, the nature of violence that occurred was more a Kenyan institution problem of addressing land reform and youth unemployment. International observers and citizen observers have on jurisdiction over such matters and they were no election stakeholders involved. This speaks to the broader context that elections cannot resolve but hopefully the change in representation can address over the course of their political tenure. Overall, the presence and coverage of international and citizen observers in the 2002 election is commendable as they played a significant role in creating a more conducive electoral environment for the Kenya populace as discussed throughout this session of the paper. Importantly it is evident that observers where presence throughout the electoral cycle of the 2002 election. If their presence had to be quantified a 3/3 would be given to them in terms of covering this election. With respect to politically related violence, the election can also be classified as less violent with the number of fatalities totalling 78 over a period of 9 months.

5.4 Kenyan election of 2013

Overview of the electoral environment

The month prior to the Kenyan elections of March 2013 raised much concern to both the international community and the Kenyan popular. The litmus test of democratisation was fast approaching, and fears of election violence were on the rise due to the previous election of 2007/08. The ethnic cleansing that occurred in the election of2007/08 was international news and unfortunately, for Kenya they had only held one peaceful election since 1992, which was the 2002 election, discussed above (McGroarty, P. & Idil A. 2013). Hence, the 2013 election

was very important for Kenya to prove itself not only to the world but to itself and this was over a once again ethnic infested election between a Kikuyu leader – Uhuru Kenyatta of the new Jubilee Alliance – and a Luo rival – Raila Odinga, who headed the new Coalition for Reform and Democracy (CORD). This election was also the first to be held under a new constitution intended to decentralise power mainly away from the president. As a result, the 2013 election was viewed to be an election of endless possibilities in terms of what to expect. The range of expectations started from the possibility of Kenya plunging into electoral violence, a rise in ethnic tenses due to political parties being formed along those lines and lastly the election being a success due to institutional transformation, (Cheeseman, N., Lynch, G. & Willis, J. 2014; 2).

After the election violence in the 2007, Kenya underwent major institutional changes. The international community used diplomatic tools to negotiate for a peaceful solution and Kofi-Annan-led the dialogue between the Mwai Kibaki and Raila Odinga. This resulted in a government of national unity in 2008, (Amadi, H. 2009). This was not enough to ensure lasting peace in Kenya hence, the years that followed resulted in efforts to reconcile the different ethnicities. To achieve the latter the state undertook a national reform process to revise the Kenyan laws and its legal institutions. Consequently, Kenya adopted a new constitution by referendum in August 2010 (Cheeseman, N., Lynch, G. & Willis, J. 2014)

After numerous efforts to reform, the Kenyan landscape of political competition the 2013 election was going to be the true test of whether these efforts were worthwhile. The new constitution adopted by Kenya introduced a bicameral parliamentary system, devolved the government to 47 counties and introduced elections for six offices in one general election, namely the President, Senator, Governor, Member of Parliament, Women's Representative, and County Assembly representatives. All these changes where part of the recommendations by the EU EOM and the Kriegler Commission report to the Republic in 2008 post the 2007 electoral violence. (IREC 2009)

The role ethnicity plays in Kenyan politics in quite daunting because electoral violence comes to life along ethnic lines. During the 2013 election period, political parties once again formed their alliances along ethnic lines instead of ideological positions (Maupeu, H. 2013). The latter is evident when the International Criminal Court was charging Mr Kenyetta and Mr Ruto of the Jubilee party who were both running for the presidency of the 2013 election. The two were facing criminal charges for crimes against humanity during the 2007 post-election period. Both Mr Kenyatte and Mr Ruto portrayed these charges by the ICC as a witch-hunt imposed by the

international community, so they could endorse their preferred presidential candidate (Brown and Sriram 2002). As a result, they took this opportunity to campaigning along ethnic lines once again and against the involvement of the international community in domestic affairs. In the face of their efforts, the ICC made their agenda clear of going after Mr Kenyatte and Mr Ruto and this raise consciousness about judicial consequences about violence against humanity (Long, J, et al. (2013).

The overall voter turnout for this election was considerably high, recorded at 85.91%. The Jubilee Alliance won both the presidential race and had a parliamentary majority, with the rest of the presidential results presented in Table5.1. Due to the changes in the structure of the election and the different bodies, the citizens of Kenya had to vote for the government eventually comprised of several political parties' representation different counties. Having a coalition government in the previous election resulted in the Raila Odinga having hopes to win this election. However, this not occur and the Coalition for Reforms and Democracy/ Raila Odinga had numerous legal appeals over the outcome of many of the contests – including that for the president to no avail, (Cheeseman, N., Lynch, G. & Willis, J. 2014; 3)

Table5.1 Presidential Results of 2013

Candidate	Running mate	Party	Votes
Uhuru Kenyatta	William Ruto	Jubilee Alliance	6,173,433
Raila Odinga	Kalonzo Musyoka	Coalition for Reforms and Democracy	5,340,546
Musalia Mudavadi	Jeremiah Ngayu Kioni	Amani Coalition	483,981
Peter Kenneth	Ronald Osumba	Eagle Alliance	72,786
Mohammed Abduba Dida	Joshua Odongo	Alliance for Real Change	52,848
Martha Karua	Augustine Lotodo	NARC–Kenya	43,881
James ole Kiyiapi	Winnie Kaburu	Restore and Build Kenya	40,998
Paul Muite	Shem Ochuodho	Safina	12,580
Invalid/blank votes		108,975	–
Total		12,330,028	100
Registered voters/turnout		14,352,533	85.91

Source: IEBC 2013 https://www.iebc.or.ke/election/?Election_Results accessed 27/02/19

There are many facets that come into play in this election, however, the aspects that involve the observers both citizen and international will be the focus of this discussion and how, if at all they contributed to the violence during the electoral cycle. Ultimately, though the elections were mostly peacefully, the democratic process was largely compromised due to what some will refer to as a paralysing fear of severe inter-ethnic violence. In addition, this fear was carried by most actors in the election including the observes as well.

5.5 Election Observation

It is of the view that international observers come in great numbers if they are expecting electoral violence and electoral misconduct during an election. This was the consensus of the 2013 election in Kenya due to the election violence from the previous election of 2007 that was discussed in chapter 4. During the electoral cycle of the 2013 Kenyan election, multiple organisations came to observe this election. These organisations included the AU, East African Community (EAC), Intergovernmental Authority on Development (IGAD) and Common Market for Eastern and Southern Africa (COMESA) on a regional level and from the international community at large the EU EOM, Carter Centre, DDDG where present and other diplomats from various countries where present for the 2013 election. Regional observers who fall in the category of intentional observers in this case the EAC, IGAD and COMESA sent out twenty-one teams to observer the election in 40 out of 47 counties. While the AU election observation group sent a total of 74 observers in 26 out of the 47 counties, (AU EOM 2013, 5). The EU EOM deployed 65 observers and the Carter Centre sent out 52 election observers.

The citizen observers involved in the 2013 election include the Kenyan Human Rights Commission, the African Great Lakes Initiative, the Friends Church Peace Teams and the main group was the Election Observation Group (ELOG). As stated above, the 2013 election was a peace campaign above all else and this is reflected in the mantra the ELOG had- “credible, peaceful, free and fair election”. According to Kohert, D., the need for peace can be so severe during an electoral period so much so that it could have compromised the findings of the election for the sake of peace. Thus, citizen observers could have under reported anomalies, (2004, 84). In the case of the 2013 election the citizen observers were comprised of peace lobby groups for instance Ecumenical Centre for Justice and Peace and the Catholic Justice and Peace Commission which might have had a significant effect on the findings of the observer group.

When looking into the presence of the citizen observer for the 2013 election the ELOG had the greatest number of observers present adding up to 7000 in all of Kenya’s 290 constituencies and in addition, 580 constituency supervisors were deployed (ELOG 2013; 5) In addition to

the constituency observers there were 976 Parallel Vote Tabulation (PVT) observers in test polling stations. The reason for this was "to enable ELOG to confidently comment on electoral processes and provide an independent verification of results announced by the Independent Electoral Boundaries Commission (IEBC)". (ELOG, 2013; 6) The remaining observers were posted as general observers who were assigned to be present on the ground and compile data generated by the PV T technology for verification purposes.

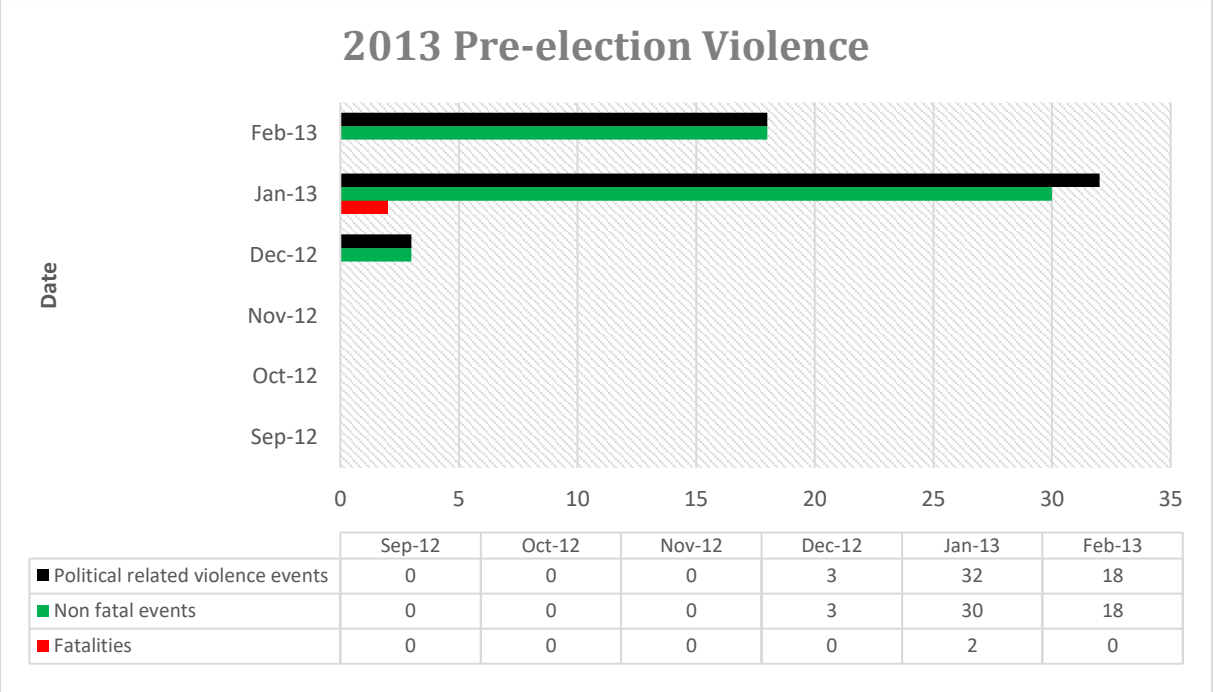
In general, the 2013 election had a heavy presence of observers from the international and local Kenyan community. Elections are not a true test of democracy; however, they are the starting point and one hopes that if they get the starting point right a ripple effect will occur. The presence of all the observers in the Kenyan election are there for the support of the democratic experiment and to assure the general populace of Kenya that their voice matters and that someone is trying to make sure that it matters. Hence overall the observers as confidence boosters to the electoral process.

5.6 The electoral cycle of 2013

5.6.1 Pre-electoral period

The shadow of the 2007 election was hanging over the 2013 election. The expectation of a disastrous post-election period was hanging over Kenya and pulling all the stops was very important during the pre-election period. In the first three months of the pre-electoral period there was peace in Kenya. This is evident from Fig5.3 with the months of September, October and November having no record of any events related to political violence. During the months the ELOG citizen observer group deployed long term observers between the months of June to October. These observers were deployed to all 290 constituencies with the main objective of reporting any potential threats to the electoral process, (ELOG, 2013; 38). The citizen observers from ELOG were also tasked to map out violence, identify any violent hotspots, reviewing the legal and electoral materials extensively and hold interviews with informants and focus groups.

Fig5.3: 2012-2013 pre-election violence



	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13
Political related violence events	0	0	0	3	32	18
Non fatal events	0	0	0	3	30	18
Fatalities	0	0	0	0	2	0

Source: Customised by Author from ACLED (2018), https://www.acleddata.com/data

Voters registration began on the 19th of November 2012 and during this time no incidence of violence were recorded. However, in the month of December there were three politically related violent events and all three were non-fatal as demonstrated in Fig5.3. According to a local Kenyan newspaper, *The Star*, on 18 December, Mombasa Republican Council, disrupted voter registration and attacked clerks at government offices in Mombasa. In addition to this on 22 December the United Democratic Forum (UDF) political party supporters stage demonstration to protest unfair treatment by the Jubilee coalition in the Bomet area. Lastly on the 30th of December in the Kirinyaga area The National Alliance (TNA) party meeting become chaotic when an argument breaks out and rivals engage in blows, (ACLED, 2018). All the election violence related events where mainly inter-party politics over voter's registration. These events were either riots or protests and at the time only citizen observers were present. When looking at the citizen observers job description and their weight during this time there were just reporting the events that where occurring and not much could have done with regards to the nature of this violence.

However, in the month of January there is a drastic increase in the number of politically related events from three the previous months to 32 events. Of those 32 events 2 of them can be viewed as being very violent as they resulted in 3 fatalities, which is illustrated in Fig5.3. In the first half of January there is an increase in inter party conflict, evident by the reports from *The Star* on the 7th of January 2013 and the *Daily Nation* on the 9th of January 2013. Respectively it was

reported that in the Shamata area, supporters of rival candidates clash, leading to riots and that in the Bumala area, Coalition for Reforms and Democracy (CORD) followers attacked UDF supporters following a rally which resulted in the death of one man, (ACLED, 2018). On the 16th of the same month an ODM representative was killed at his home in Kuria West. This was done by an unidentified group, (ACLED, 2018). The nature of the violence that was occurring in the first half of January was unsettling and local observers had not impacted the populace to unite like they had done in the 2002 election. The citizen observers were better situated in terms of experience but this time around the involvement of the religious groups and civil society organisations that represented a more diverse demographic where not as heavily involved.

The African Union Election Observers Mission (AU EOM) sent 5 observers that arrived on the 12 January 2013. These 5 observers arrived 7 weeks before the short-term observers were sent and they were tasked to visit Nairobi, Kitui, Machakos, Nakuru, Kisumu, Mombasa, Kwale Nyeri, Murang'a, Kiambu, Meru Naivasha Uashin Gishu and Kakamega Counties. During these visits they consulted with a wide range of stakeholders such as the IEBC, Political Parties, Law Enforcement agencies, Kenya National Human Rights Commission (KHRC) and ELOG, (AUEOM, 2013, 4). The AUEOM, COMESA, and IGAD then undertook a joint pre-election assessment mission in Kenya from the 16 to 23 of January 2013. The AU and other African regional bloc have known to be less effective in international observers because the state of affairs amongst African countries where there is a lack in electoral integrity. This is evident by their indorsement of the 2017 election in Kenya that was then denied by the Kenya Supreme Court, (BBC, 2017). Regardless of this example begin ahead of time of the current discussion, it shows the lack of electoral integrity the African Union has. The presences of the AU and other regional bodies in Kenya did not make much of a difference in the nature of violence that was occurring from their arrival or the meetings they had with different electoral bodies as discussed above.

In the second half of January, long term international observers from other continents started arriving in Kenya. This included the EU EOM who deployed 65 members as of the 19 January 2013 from 26 different EU member countries. Additionally, the Carter Center deployed an observation mission team of 14 members from 11 countries mid-January 2013. During this time the Kenya political environment was preparing parliamentary nominations and

The Commonwealth Observer Group has been present in Kenya since 25 February 2013. Closer to election day, the Cater Centre added an additional 38 short-term observers from 19 countries were deployed to observe voting and counting visiting 265 polling stations in 34

counties. The short-term observers arrived on the 2th of February 2013 and received two days for briefings before being deployed throughout Kenya for the election day (Carter Centre, 2013; 13). There was a heavy presence of election observers by the end of February 2013. Fig 5.3 illustrates a decrease in the levels of violence during this time. It is evident that the violence was also less severe in comparison to the month of January because there were no fatalities in the month of February that were linked to electoral violence. However, the nature of electoral violence that was occurring during this month is different from the previous election during the pre-electoral period.

The pre-electoral period of violence in the month of February involved political parties clashing for more reasons than one that give the impression of unfinished business from the previous election, however, it had less to do with ethnicity. This is evident with reports from *The Star,* stating that on the 1st of February ODM supporters' riot after rival candidate receives nomination certificate and the police used tear gas and arrest several rioters, (ACLED, 2018). In addition, on the 3rd of February *The Star* reports, Riotous youth disrupt Federal Party of Kenya (FPK) campaign rally and injure party supporter, this form of violence continues throughout the month of February. The incumbent party however, is not involved in any of the party clashes that have been occurring during this month and the police was mainly dispersing crowds during this time unlike in previous elections when they're also involved in causing the political violence. The incidents related to political violence that occur in late February also prove that opposition parties air out their grievances more in the presence of international observers to gain political favour from the west if the election does not go in their favour.

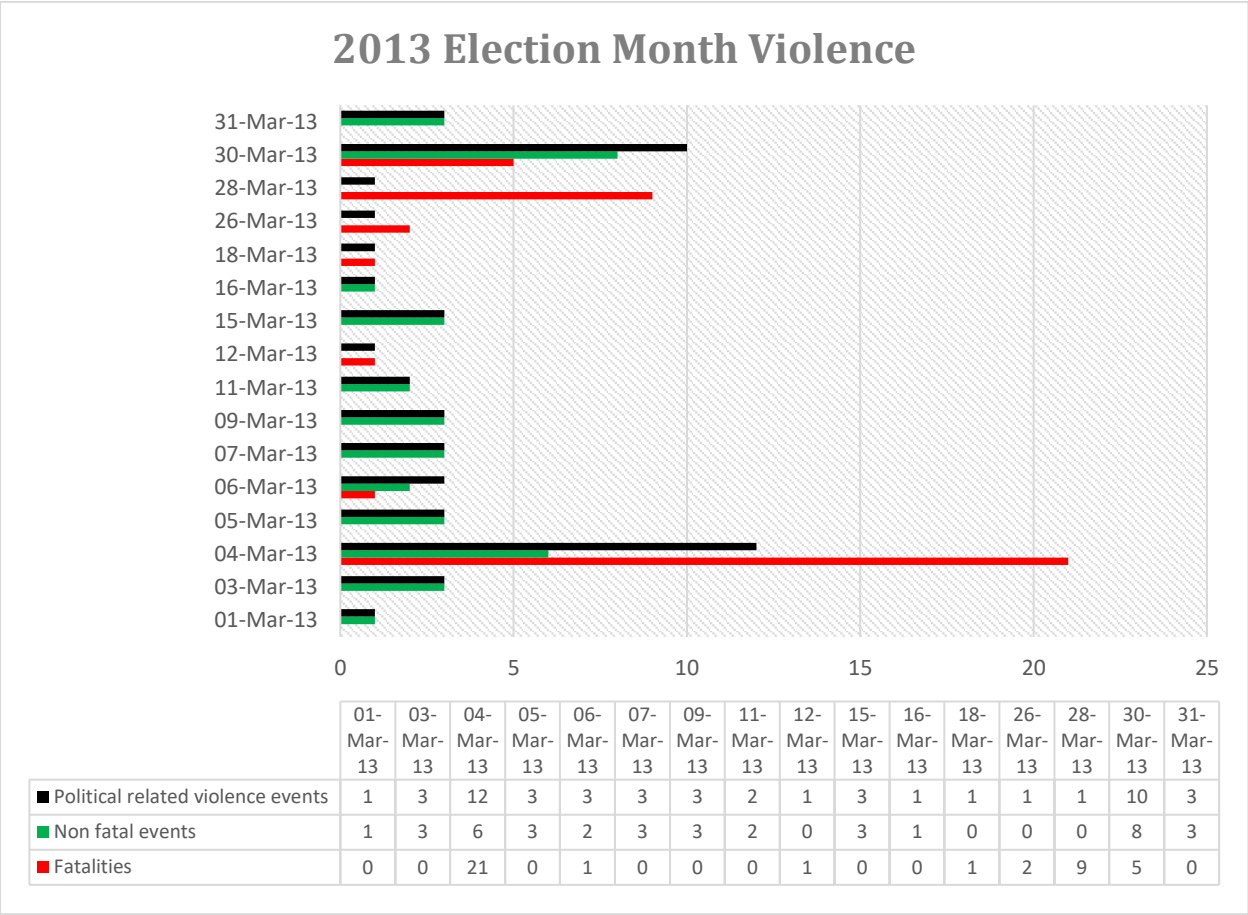
An example of this is where by *The Star* reported that the youths protest over the process the IEBC used for recruiting polling clerks in favour of the incumbent party more than once (ACLED, 2018). According to Kelley, opposition party politics in Africa have manifested in such a way that painting the incumbent as creating an unequal playing field helps disregard the election if the votes do not go their way (2009). This is due to a history of rigging and vote buying and even if these events do not play out crying foul play has become a strategy of gaining favour with external entities. This is not to say that in the case of Kenya the youth protests the IEBC where illegitimate but however such issues arise frequently in the presences of international observes.

5.6.2 Election period

Election month in Kenya is the most intense period of the electoral cycle. This is when most campaigns are rounding up and voting day is approaching. However, in the 2013 election

voting day was on the 4th of March unlike the last four elections when elections were held late December. There were very few incidences of election violence on the 1 and 3 March which involved the Mombasa Republican Council (MRC) being unruly. This is evident from the reports by *The Star* stating that the MRC kidnaps a member of the IEBC on the 3rd of March and that on 1 March they were spotted taking oaths and preparing attacks during the elections, (ACLED, 2018). The statistics of these events is illustrated in Fig5.4 These incidents occurred when international observers where present and at their highest pick in terms of numbers.

Fig 5.4: 2013 March election violence



	01-Mar-13	03-Mar-13	04-Mar-13	05-Mar-13	06-Mar-13	07-Mar-13	09-Mar-13	11-Mar-13	12-Mar-13	15-Mar-13	16-Mar-13	18-Mar-13	26-Mar-13	28-Mar-13	30-Mar-13	31-Mar-13
Political related violence events	1	3	12	3	3	3	3	2	1	3	1	1	1	1	10	3
Non fatal events	1	3	6	3	2	3	3	2	0	3	1	0	0	0	8	3
Fatalities	0	0	21	0	1	0	0	0	1	0	0	1	2	9	5	0

Source: Customised by Author from ACLED (2018), https://www.acleddata.com/data

On the 4 March international observer groups had their observers moving from one polling station to the next across Kenya. According to the EU EOM, polling stations were sufficiently staffed, and the opening of polling stations was done on time and according to the procedures the IEBC had given. Moreover, the EU EOM viewed the general conduct in polling stations being of good integrity (EU EOM, 2013; 30). Nevertheless, a third of the cases observed by the EU EOM they found that privacy of voter was inadequate, due to the way the polling booths

were organized. In addition to this, requirements to assist voter with disabilities were not effectively exercised. On the other hand, the domestic observer group, ELOG, deployed over 5,500 observers across the country, as well as 1,580 observers who carried out a PVT on election day. There observers were stationed at every polling station.

Sadly, election day was marred with sporadic incidences of violence. Fig 5.4 illustrated a total of 12 politically related violence events which resulted in 21 fatalities. The *Associated Press* reports a gun man entering a polling station which resulted in 1 fatality and this occurred in the Garissa area in the North Eastern Province of Kenya. Moreover, the *Capital FM* reports that armed members of the MRC attack police officers resulting in 7 casualties on both sides in Mvita, Mombasa, (ACLED, 2018). International observers do acknowledge that there were incidences of violence on election day. However, not one of the international observer groups state that these incidences of violence occurred in their immediate presence.

Overall the election day was regarded as a success in terms of how the IEBC, ELOG and other stakeholders handled the voting process despite sporadic occurrences of violence, (Carter Center, 2013). After election day there is a significant decrease in electoral violence with two fatalities recorded from the 5 to 18 March out of 20 politically related violence events. According to ACLED, on the 6 March a group of youth's riots outside a polling station in Garissa Township and the police's intervention resulted in one fatality, (2018). During this time the IEBC, citizen observers and international observers were still present observing vote counting in polling stations. Riots by citizens is an exercise of their democratic right of freedom of expression and observers have no reason to intervene in these cases. However, it is notable that the police did use excessive force by using live ammunition to try and disperse the youth group.

5.6.3 Post-election period

During the post electoral period of 2013 the observer presence from both international observers and domestic observers was still quite high in comparison to previous years. However, this is not to say that most of the observers had not left the countries especially the short-term observers that were deployed for election day and the outcome of the election. The 2013 election occurred at the beginning of the month on 4 March. Dispute there being incidences of electoral violence up until the end of March there was no violence linked to elections in the two months past the election. This research paper has been looking into a nine-month period of election violence but in the case of the 2013 post electoral period of 2013 in

the months of April and May no data was recorded by the ACLED data base in connection to electoral violence.

Overall, the election of 2013 can be viewed as a less violent election. This conclusion is drawn from the fact that there where a total of 104 politically related violent events and of those events there, were a total of 42 fatalities over a nine-month period being observer. In addition to this the election observers of 2013 both domestic and international were present in Kenya for all 3 periods of the electoral cycle. This resulted in the election observation period falling in the category of a long-term election observation mission.

5.7 Conclusion

This chapter has given an extensive description on the events that occurred during the electoral periods of the 2002 and 2013 elections. This was done by first giving a general overview of the electoral environment of each election. The main highlights of the 2002 election was the coming together of the three main religious groups in Kenya to form a domestic election observation group called K-DOP. In addition to this there was the birth of a National Rainbow Party which included more than one ethnic group. As a result, the 2002 election was less violent in comparison with the previous election of 1997. Moreover, a very detailed account of the election violence was described with the assistance of a database that records violence in States on daily bases (ACLED). A correlation was made throughout the chapter with regards to observers' presences and their attempts to mitigate tensions during the electoral cycle of the 2002 election.

On the other hand, the 2013 election was a discussion with respect to how the electoral environment for this election was compromised from the beginning. The electoral environment of 2013 was a peace campaign for the general populace more than it was an electoral campaign period. Voters education was marred with the ELOG trying to promote peace amongst ethnic groups. Regardless of the peace campaign by multiple electoral stakeholders what made the 2013 Kenyan election unique was the numerous constitutional changes it had undergone since the 2007 election. These changes played a very significant role in adding a less violent election. The roles observers played during the election are outlines and the longevity of their presence being concluded to a long-term observer mission is illustrated throughout this chapter for both elections. The following chapter will be the concluding chapter. It will synchronise the finding in the fourth chapter and this chapter with regards to the proposed hypothesis or whether they are other superseding matters.

6 Chapter Six: Conclusion

6.1 Introduction

There is an African proverb that says, “it takes a village to raise a child”. It the case of representational democracy it truly does take a village to achieve representation through the electoral process. The child in this case is Kenyan elections and the village is the international community and the Kenya populace using election observers both citizen and international. This research paper tried to investigate whether the longevity of election observers has an impact on the levels of violence in the Republic of Kenya. This chapter seeks to discuss and analyse the findings made throughout this research paper. To do so a discussion on the findings will commence in relation to questions asked in the first chapter. This includes evidence of a correlation between election violence and election observation. Moreover, in the findings section the main question of whether the longevity of election observers has an impact on election violence will be answered. In addition, the limitations the author came across will be highlighted and then suggestions will be made for future research. This will lead to a general conclusion of this research report.

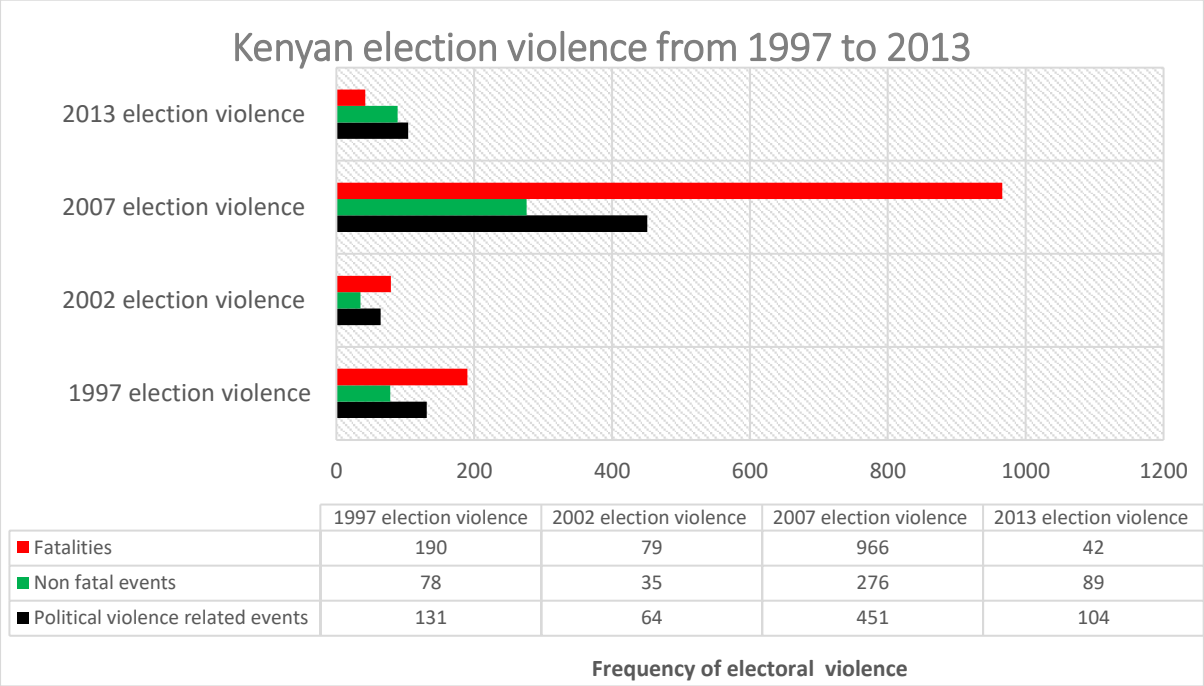
6.2 Findings

6.2.1 The correlation between election violence and election observation

Kenyan elections have been marred with violence since 1992 and what differs is the severity of violence. In the case of this research paper the 1997 to 2013 elections were investigated to examined whether the longevity of election observation had an impact in the different levels of violence. From the discussions in the previous chapters it was established that the 1997 election had a STEO mission because the domestic observers where only present in the electoral period and so were the international observers. In addition to this the levels of violence during the 1997 election were highlighted with a recording of 190 fatalities during the electoral period from 131 politically related violent events. Hence, on the premise of the hypothesis this election is a more violent election. The levels of violence are illustrated in fig6.0. In the 2002 election, the election observers where present in all three period of the electoral cycle with the domestic observers being present predominantly in the pre-electoral period and the election period while the international observers where present predominately in the electoral period and the post-electoral period. Hence, the 2002 election falls into the category of a LTEO mission. In relation to electoral violence the 2002 election is regarded as a less violent election. This is evident with the number of politically related events recorded being 64 and the total

fatalities in the nine months that has been discussed in this research paper resulting to a total of 79. The statistics of these levels of violence are demonstrated in fig 6.0.

Fig6.0 Election violence in Kenya from 1997 to 2003



	1997 election violence	2002 election violence	2007 election violence	2013 election violence
Fatalities	190	79	966	42
Non fatal events	78	35	276	89
Political violence related events	131	64	451	104

Source: Customised by Author from ACLED (2018), https://www.acleddata.com/data

The 2007 election was also discussed in relation to the observation missions and electoral violence. The domestic observer group of the 2007 election was only present on election day and they released a preliminary press statement only. No additional document (a final report) was published. International observers on the other hand were there for two electoral cycle periods including the electoral period and the post electoral period. However, at the end of the electoral period the observers were side-lined and were not allowed to observe vote counting and that meant they could not do their job. Observers do not have any jurisdiction to oversee elections because they are present by invitation and if the host country is not fully open to the observers they are not effective. As a result of this the election observation mission of 2007 was a STEO mission. In relation to election violence the 2007 was the most violent election Kenya had experienced. This is evident by the total of 966 fatalities over a nine-month period and the total number of events that were politically violent related events totalling 451 with 276 of them being non-fatal events. Hence the 2007 election falls into the category of a more violent election.

In the case of the 2013 election it was evidently discussed that the observers where there throughout the electoral cycle resulting in this election being a LTEO mission. Their main to

avoid exacerbating electoral violence was achieved and this is evident because there are no incidences of electoral violence in the post electoral period. However, the pre-electoral period of 2013 was the most violent period of this election. Overall the election is classified as a less violent election considering that there were only 104 politically related violent events that resulted in 42 fatalities as shown in fig6.0.

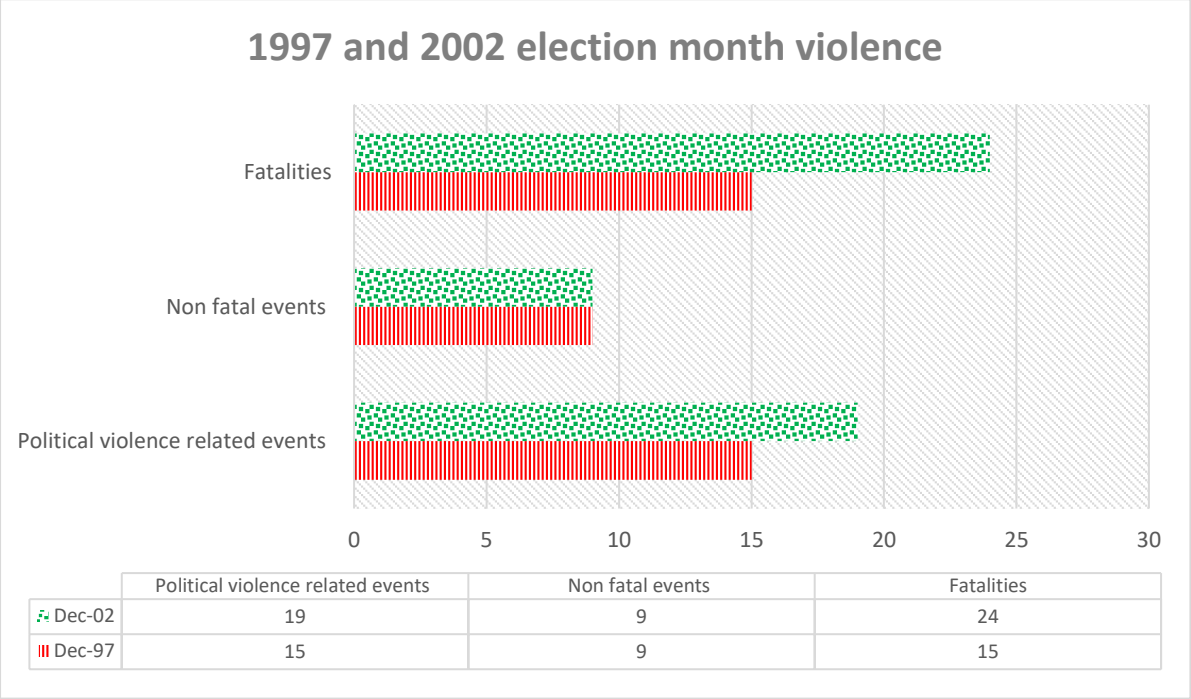
6.2.2 Does the longevity of election observers have an impact on the severity electoral violence?

From the general off set this paper, the effectiveness of election observers has been scrutinised in Kenya. Theoretically observers seem to play a very big and important role during an election depending on the leverage they have on a state. In the case of the 1997 elections Danial arap Moi would not give into the demands of the opposition political parties who were rioting to try and even out the pollical field for better human rights, (Rutten, M 2000). The levels of violence seemingly increased from the months of July till October (refer to fig.4.0). It is only when the DDDG group that was funding the EOC intervened and threated Kenya to withhold funding. As a result, the levels of violence began to decrease. Subsequently in the 2002 election the domestic observation group K-DOP was formed with the pretence to unite the country and not let ethnicity overtake their goals of representation based on productivity for the country. These are instances were by election observers where present in the pre-electoral period and they were able to put out fires were violence could have erupted on a larger scale because of the foundation of Kenya's state formation.

With relation to longevities of the election observers it was discovered that the nature of violence changes depending on who is present in the country at what time. When international observers where not present during the pre-electoral period there was heavy presence of police forces inciting violence across Kenya and this was evident with the Mombasa killings of September 1997. This is also the case in the 2007 election where by opposition party members where disappearing or being killed, (EU EOM 2008). However, when observer presence started to emerge the opposition parties would raise issues of electoral irregularities and protest across all electoral periods. As a result, this highlights how different actors were affected by the presence of observers in Kenya. Regardless of this, the presences of observers both international observers and domestic observers have an impact on electoral violence and the levels of electoral fraud the incumbent government might intend to exercise. The latter is evident in the case of the 2007 election when the observers where not permitted to observe the counting process of the election and the votes count could not be verified.

The above points reaffirm that the longer election observers are present in a state the less violence that occurs when they intervene in electoral irregularities which promotes electoral integrity. However, domestic issues have proven throughout this research paper that they supersede the presence of international observes. An example of this is the electoral month of the 1997 election and the 2002 election. Fig6.1 illustrated the levels of violence that Kenya experienced in each election month. The 2002 election month was marred with more electoral violence than the 1997 election month. However, there were more electoral observers both domestic and international observers in the 2002 election month than in the 1997 election month as discussed in the previous chapters.

Fig6.1 1997 and 2002 Election month violence



	Political violence related events	Non fatal events	Fatalities
Dec-02	19	9	24
Dec-97	15	9	15

Source: Customised by Author from ACLED (2018), https://www.acleddata.com/data

However, domestic issues in the 2002 election superseded the presence of observers during this time. During the electoral month of 2002 the biggest hinderance that caused electoral violence was dire need for political change in Kenya. Danial arap Moi had become unpopular at this stage and the opposition was not tolerating any irregularities at this point in time. On the other hand, in the election month of 1997 the incumbent government had seemingly created an equal playing field by holding talks with the opposition to free up the political space and this never came to fruition, hence, it resulted in a more peaceful election month.

Another factor that out ways the longevity of the presence of election observers that affects electoral violence is domestic institutional reform. This is evident with the 2013 election were by the Kenyan Government underwent constitutional reform in 2010 after the 2007 election violence. The observation groups during this election where somewhat partisan because they were trying to keep the peace in Kenya rather than observe the election and report electoral irregularities. Hence, the role of election observers as informal enforcers of human rights was not fully exercised in this election. Thus, institutional changes were by, Kenyan courts were more independent were the key to the major success of the 2013 Kenyan elections the peaceful resolution of electoral disputes, (EU, EOM 2013). Moreover, limiting presidential powers and having constituency leaders lessened the blow in terms of ethnic division based on who is in power and the controversy of 'everyone's turn to eat', discussed during the 2007 election.

Overall the presence of election observers does have an impact on the levels of violence exercised in a country depending on the actors. Hence, when international observers are present the incumbent government has proven to show more restraint on inciting violence and voter suppression. Moreover, the longer the observers are present the less likely the incumbent government can incite violence or exercise it. On the other hand, opposition parties feel the need to protest more in the presence of international observers. The reason for this is that it aids the incumbent government to create a more equal playing field and electoral integrity is better upheld. For the citizens having domestic observers in the case of Kenya helped unite the country in their 2002 election. All these factors do have an impact on the severity of electoral violence. However, one cannot ignore the fact that domestic issues do have a greater impact of electoral violence than election observers have from both international and citizen observer.

6.3 Limitations of the research

A potential drawback of this research could be viewed at too many cases discussed. One can argue that a comparative study between the 2007 election and the 2013 election would have yielded the same outcome the author intended to achieve. However, when trying to show causality between an independent variable and dependant variable frequency makes the case stronger and more falsifiable which was the main aim of this paper. The use of four elections resulted in a pattern being formed where by the arguments held more weight with more cases presented.

The same can be said about using a single case study which in this case was Kenya. Using two countries would have given the topic better footing in terms of applicability of the initial hypothesis. Using a single case allowed for better understanding of the international observers

more than anything else as they got better and wise the more they worked on Kenyan election which in retrospect is what occurs in countries that invite international observers frequently. Additionally, the quality of recommendation the observers also improves over time as they are more accustomed to a specific state.

6.4 Suggestions for future research

This research paper used mixed methods methodology to try and answer whether the presence of observers in Kenya has an impact of electoral violence. When looking at election observation the information available was mainly qualitative and the information on electoral violence used was mainly quantitative. Trying to form a causality with two different variables was a challenge. If there can be a quantitative scale developed of the effectiveness of observer presence in a country, better correlations between the two variables can be formed in future.

6.5 General Conclusion

This research paper has tried to investigate whether the longevity of international and citizen observers has an impact on electoral violence in the Kenyan elections of 1997 to 2013. To answer this question, the paper used electoral integrity as the main theoretical argument. Election observers are there to determine whether an election is credible and the presence of violence during an election shows electoral irregularities. The history of Kenyan election was explored to give a general scope of the nature of violence within Kenya and how they have been able to mitigate these issues during election periods. From this point the research paper investigated elections that where observed over a STEO which were the 1997 and the 2007 elections. It was evident that these elections were mirrored with more violence. The second aspect discussed elections that had LTEO missions and how they evidently had less electoral violence. These elections included the 2002 and 2013 elections. As the research progressed it was clear that there was a correlation between election observation longevity and election violence severity. However, how strong this correlation is, is still something that can be investigated further.

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