



**Does international election monitoring and observation improve democratic governance
in African States? Reflections on the Kenyan elections 2007-2013.**

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Declaration

I, the undersigned, hereby declare that this dissertation titled, “Does international election monitoring and observation improve democratic governance in African States? Reflections on the Kenyan elections 2007-2013” is my original work. I have acknowledged all my sources, and have not lent out my work to a fellow student. All the sources consulted, quoted and extrapolated have been indicated and acknowledged by means of an intext reference style and completed bibliography.

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Signed

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Date

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List of Abbreviations

ACHPR	African Charter on Human and People’s Rights
ACP	African, Caribbean, and Pacific Group states
AfriCOG	Africa Centre for Open Governance
APRM	Africa Peer Review Mechanism
AU	African Union
CCU	Chama Cha Uma
CEDAW	Convention on the Elimination of Discrimination Against Women
CERD	Convention on the Elimination of all forms of Racial Discrimination
CORD	Coalition for Reforms and Democracy
COMESA	Common Market for Eastern and Southern Africa
DFID	Department for International Development
EU EOM	European Union Election Observer Mission
EAC	East African Community
ECOWAS	Economic Community of West African States
ECK	Electoral Commission of Kenya
ELOG	Election Observation Group
ICCPR	International Covenant on Civil and Political Rights
IGAD	Intergovernmental Authority for Development
ICG	International Crisis Group
IRI	International Republican Institute
IEBC	Independent Electoral and Boundaries Commission
ICC	International Criminal Court
KANU	Kenya African National Union
KEDOF	Kenya Election Domestic Observer Forum
KPU	Kenya People’s Union
MDG’s	Millennium Development Goals
NAPEA	National Assembly and Presidential Elections Act
NDI	National Democratic Institute

NEPAD	New Partnership for Africa's Development
OAS	Organization of African States
ODM	Orange Democratic Movement
PNU	Party of National Unity
SADC	Southern African Development Community
UDHR	Universal Declaration of Human Rights
UN	United Nations
USAID	The United States Agency for International Development
WB	World Bank

Abstract

The electoral process in African conflict ridden societies has largely been synonymous with violence since the inauguration of democratic experiments in the cold war aftermath. The transition to democracy including the role of elections in the process of building democracy has been confronted with challenges and the fate of these nations remained vulnerable. As a remedy to these challenges, external and internal forces have continually encouraged the leaders of the newly multiparty states to test their political legitimacy through inviting the International election monitors. As a consequence, international election observation has become widely accepted around the world and is assumed to play an important role in the electoral processes. The presence of these agencies is believed to instil confidence in the domestic people and deter electoral fraud. The Kenyan case shall assess the election trends in 2007-2013 and the performance of election monitors within the international efforts to promote democracy in Africa. The issues they put across, their reports, criticisms and what they prescribed, will be useful in assessing their performance and measuring their impact on democratic governance in Kenya.

Key words

International Election Monitoring, democratic governance, democratization.

Chapter 1

Background

The electoral process in Africa has taken many forms since the inception of the democratic processes in the continent. They have served different purposes depending on the level of democratic tolerance. In democratic countries such as Botswana and Mauritius, they have significantly bolstered the democratic norm. Nonetheless, the rest of the African continent has been performing relatively bad during the election period (Atuobi 2008). The elections have become the site for contestation riddled with irregularities and election violence. Kenya is not spared from these experiences.

Most African countries invite international election observers to signal their commitments to democracy. This also includes the benefits that are associated with being democratic, leading even pseudo-democrats to invite observers and risk a negative report (Hyde 2011). Inviting international observers has become an international norm. However, little is known about how exactly these missions work as well as their effects regarding the short and long-term perspective.

The presence of outside observers in African countries has steadily increased since the 1980s. Today this practice is too common in the electoral process with most having few delegations and some having many. In 2013, the Carter Center, European Union, Commonwealth Secretariat and many others observed the Kenyan election. The European Union was also present in Madagascar and Mali that same year. The African Union was present in Cameroon in April 2013 (Kelley 2012).

By and large, there are mixed reactions toward the presence of international observers in African elections. The international community view the presence of outside observers as a positive sign of consolidating free and fair elections whereas most politicians in Africa identify them with negative connotations (Abutu n.d). For instance, Zimbabwe's president Mugabe barred outside observers after being criticised in recent years. The former Nigerian president Obasanjo and many others agreed with him suggesting that only African election observers were permitted to monitor African elections (Kelley 2012). To this extent, they pointed out the commonly touted idea of the African solutions for African problems.

Notably, elections as a tenet of democracy are used to assess the impact of observer missions on the democratic consolidation of Kenya based on the 2007 and 2013 elections. The

observer missions are proponents of democracy and their duty is to ensure that the electoral process is credible and represents the will of the citizens, which is their democratic right to participate in these matters.

Using the conceptual optic of the international influences on democratization, the research argues that international election monitors help improve democratic governance in the short-term perspective. The main argument rests upon the fact that democracy means more than elections since it has a lot of components. Democracy should not be narrowly limited to that scope as it involves other aspects such as rule of law, respect for human rights, independent judiciary, political liberties, to mention but a few.

Moreover, the efforts to build democracy have been associated with the advent of election monitoring (Glidden 2001). The relationship between election monitoring and democratic governance is revealed and it has its early antecedents in the 1980s. Institutions such as the Office of Democratic Institutions and Human Rights also initiated election monitoring in this era as a way to enhance democracy within its member states. The main reason behind the election monitoring practice was to strengthen emerging democratic structures through deterring and detecting Election Day irregularities (Glidden 2001). The dispatch of observer teams to monitor Election Day proceedings was meant to enhance the integrity of the domestic electoral process (Glidden 2001). Nevertheless, election monitoring as a vehicle for democracy building also had its critics. They questioned the adverse nature of international involvement in domestic issues, the deployment of inexperienced observers and the superficiality of the monitoring process (Glidden 2001; Geisler 1993). The nexus between the two shall in the proceeding chapters be explored fully when determining the effects of observer missions on the Kenyan domestic politics.

The research focuses on the election observer missions in Kenya and their short and long-term effects. This is a single case study which has unique historical electoral patterns. It is through the observations that I shall generalise from the Kenyan experiences to determine the effectiveness of the observer missions on Kenyan domestic politics.

Taking a closer look at the case study, it is vital to briefly trace the election antecedence in Kenya. Elections in Kenya dates back to 1920 when the elections were held under the colonial system. It is only in the 1960's going on when elections were held under universal suffrage (Sanger and Nottingham 1964). That is the same period when multi-party politics were introduced but in 1969 Kenya retained the one party system when the Kenya People's

Union (KPU) party was banned. The multi-party politics were later reintroduced in the early 1990's upon the initiation of the democratisation wave in Africa. This period also witnessed the rise of international election observers around the world as an international norm (Ruteere 2011).

The elections that proceeded in Kenya from the 1990s till date have been widely contested, marred with irregularities and violence became a common place (Ruteere 2011). Given the rough experiences with elections, Kenya becomes a suitable case study to assess the impact of international election monitors in the domestic politics. There can be notable difference to discern in terms of democratic governance in Kenya from both 2007 and 2013 considering the long contact that observer missions have had with the country.

The main independent election observers involved in both 2007 and 2013 Kenyan elections include European Union, Commonwealth, Carter Center, to mention but a few. These observer organisations were guided by the international obligations that are enshrined in the international treaties (Stremlau 2013; Commonwealth Secretariat 2007; Dagne 2008). The countries also voluntarily commit to these instruments through signing and ratifying.

Following the declaration of inviting international election observers as an international norm, several governments have responded to these calls to signal their unwavering commitments to democracy (Hyde 2011). This initiative by the democratizing governments has resulted in the legitimization of international election monitoring as a norm. Any deviation from this practice is now regarded as a signal that a government is not democratizing. To this extent, even the pseudo-democrats are now risking negative reputation by inviting observers when they are quite obviously shams (Hyde 2011). Examples can be drawn from Saddam Hussein's government in 1995 elections and North Korea national assembly elections in 2003 whereby competition was not allowed.

Africanizing democracy debates inspired by authors such as Claude Ake, Carlos Lopes, Tony and Leon cited elections as the key tenet of the democratic process. In light of these debates, they highlighted an aspect of the African electoral exceptionalism (Ake 1993; Lopes 1996; Leon 2010). African democracy is considered to have unique features that are radically different from those of liberal democracy, which is an imported model of democracy. Lopes (1996) posit that the African model of democracy must be guided by the singular reality that the ordinary people of Africa's democratic participation should be at issue. Given this, the

effect of international observers on the democratic governance of the host African countries is bound to be limited considering the unique aspects of the African democracy.

International election monitoring has gained momentum since the 1980s and it is now considered as an international norm. Nonetheless critical questions are posed as to how international norms should develop in the absence of incentives for cooperation by norm entrepreneurs (Hyde 2011). Moreover, the sincerity of inviting observers as an international norm is attached with some negative connotations, which Hyde termed, “a diffusely motivated signalling process” (Hyde 2011, 5). Many are just responding to the privileges granted to democratic countries and that has given even less democratic reason to invite observers and risk negative reports.

It is notable to assess the democratic effects of the observers in the host countries. Kelley stresses that the presence of multiple international election monitoring organizations can sometimes influence domestic politics of the host country and legitimize the international norms they stress, when they agree. On the other hand, the argument suggests that complex regimes can result in commotion if organizations contradict each other (Kelly 2009).

The thesis has five sections. This section provides the literature and methodology. Section two provides the conceptual framework that interconnects international election monitoring and democratic governance and provides the explanations that are advanced in the following sections. Section three provides evidence from the case study using process tracing. Section four is the discussion and analysis. Here the results are discussed in wider context, linking them with the conceptual framework and themes drawn from the literature. The research question and sub questions are addressed in this section as well. The final section is the conclusion and recommendations.

Rationale

The rationale of the research is to explore the relationship between international election agencies that were involved in the 2007 and 2013 Kenya elections and their influence on democratic governance. This will take the form of assessing the performance of these organisations and how that had a causal effect on the democratic reforms in Kenya. The research will shed more light on the causal relationship between International election monitoring and democratic governance.

Relevance to International Relations

Competitive elections constitute an integral part of the third wave democratization that has been adopted in many African states during the 1980s. This was meant to promote democratic governance in the newly democratic states. The role of this research is to assess the EMB's.

International actors play a significant role in international relations, second from the state which is the principal actor according to the realist perspective (Baylis, Smith and Owens 2014). Their role in the integrity and solidity of elections is assessed as well as how this can add an input towards democratic governance. Moreover, the research promotes the alternative ways of advancing the democratization process in Africa and beyond, which is believed to be the key to economic development and human security. A success in refining these democratic processes is a milestone in International Relations scholarship.

The research assists as a yardstick for policy making both to international election monitoring organisations and to African countries. Identifying the loopholes in the monitoring will assist in refining the process and can act as a pathway towards democratic transition in Africa. Given the above, there is overwhelming evidence that the research will add tremendous contributions to the discipline of International Relations.

Problem statement

Research in International Relations has mainly focused on international election monitoring and the technical processes that are involved in the process as well as the historical evolution of the process. While election observer missions are deployed almost as a standard procedure to many countries and election violence and fraud elections are seen as an increasingly pressing issue in Africa, little is known about how exactly these observer missions work and their short and long-term effects.

The presence of international observers in Africa has steadily increased since the 1980s. Election monitors are mostly invited as a positive force behind a credible free and fair election, but it is not clear whether the whole idea of observer activity is a good idea.

Literature review

There are two main schools of thought regarding the role of international election monitoring. The first one suggests that international election monitoring does not improve the electoral process and democratic governance (Kelley 2012; Geisler 1993 & Simpser and Donno 2012).

Additionally, critical questions have been posed by scholars interrogating why the observer missions are not serving the purpose for which they were created? Such questions shall be addressed in this research paper in an attempt to ascertain the effects of international election observation in Kenya's domestic politics. The second school of thought suggests that international election monitoring does promote electoral integrity, credibility and legitimacy (Daxecker 2012; Kelley 2012). This has in turn been regarded as the useful pointers to democratic governance. As a starting point, the research will dwell much on the negative aspect of the observer missions with reference to Kenyan elections as it seems to outweigh the positive side.

There is a growing literature on election observer missions. Kelly has written extensively on observer missions and their effects on the domestic politics. The article, "International Influences on Elections in New Multiparty States", argues that observer missions have not been effective in transforming the domestic institutions according to the statistics available thus far. In actual fact, she identified international activities with negative consequences as far as domestic politics is concerned (Kelley 2012). Thus, they affect the conduct and structure of elections. The reading further focuses on a number of international forms of engagement with elections together with their capacity to improve the quality of elections (Kelley 2012; Kelly 2009). This reading 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 analyze the dynamics within the international election observer missions and their consequences to the nature of elections.

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 2012). The international actors are identified with undermining elections, legitimizing fraudulent elections and extending their foreign policy through the use of election observation in developing nations (Kelley 2012; Simpser and Donno 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 causal relationship 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 echo the same sentiments with Kelley Judith's views (Geisler 1993). Geisler (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 on the happenings of the voting day (Kelley 2012; Geisler 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 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 2007 and 2013 Kenyan elections, more empirical evidence will be discovered.

To add, some inefficiencies of the process are also highlighted in this literature. They suggest that observer missions have no positive consequences to democratic governance. The issue of contradictions of observer reports has been identified to have been causing tensions mainly in case of the disgruntled parties during or after the election period (Hyde 2009; Kelly 2009). This is as a consequence of the different political interests of the observers. The literature also illustrates that election observer's 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 2012; Geisler 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 democratic consequences of the process in passing (Anglin 1998; Hyde 2011). Since the research available is insufficient, it does not provide enough depth and breathe of the causal relationship 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 democratic governance in African countries using Kenyan elections as case study.

Hyde (2011) writes on 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 in order to benefit from being associated as democratic (Geisler 1993; Hyde 2011). The literature presents an empirical puzzle that most leaders of sovereign states continue to invite international observers and yet risk international condemnation for election fraud. The same can be referred to the Kenyan elections that have a history of irregularities and fraud, yet they continue inviting international observers. The literature can help in determining both the long-term and short-term effects of the international monitors in the domestic politics of Kenya.

Daxecker (2012) says the presence of international observers is crucial for the sanitation of the electoral process. The serious irregularities that international observers document provides vital information on the quality of elections. On another level, arguments have also been put forward that international electoral missions have the potential to mitigate electoral fraud and violence, if properly monitored (Daxecker 2012). This article is relevant to the observation missions in Kenya as it would assist in determining the contributions of the reports they documented as far as the nature of governance is concerned.

Recent research in the field of election monitoring focuses on the increased participation of multiple regional, international, intergovernmental and non-governmental organizations monitoring the same election with equal authority. This signals the relevance of the international norms of democracy as well as the spread of democratic processes worldwide (Hyde 2011). Kelley (2009) buttresses the same argument in highlighting the relevance of the multiple international election monitoring organizations. Their presence facilitates action that might otherwise have been blocked for political reasons. Furthermore, consensus of these multiple monitoring agencies can magnify their influence on domestic politics. This research is relevant to the topic because it reveals the influences that multiple monitoring agencies can exert on the domestic politics, meaning they can have a positive impact on the democratic reforms of states.

Anglin (1998) argues about consolidating the democratic norms in Africa. He explores the nature of democracy in Africa through the lenses of pessimism. The immediate remedial option is identified to be the role elections play in the consolidation of democracy and the contribution of independent election observers to that process. Anglin assesses analytically the performance of election monitors within the context of broader international efforts to promote democratic norms in Africa (Anglin 1998; Geisler 1993). This study is informative to the question of international election monitoring and democratic governance. It provides background information on the plausibility of democracy in Africa through efficient and effective performance of election monitors during the election process.

Criticisms have also been laid against international election monitoring as the sources of boycotts, strategic manipulation of elections and promoting autocracy (Daxecker 2012; Simpson and Donno 2012). This literature illustrates how the international efforts to promote democracy tend to yield unanticipated effects. In essence, international election monitoring is meant to instil domestic confidence in the electoral process and reduce fraud. Conversely, election boycotts are perceived to be more likely as electoral fairness decreases. Hyde (2009) presents puzzling relationship between monitored elections and opposition party boycotts. Autocratic leaders have been privileged with the incentive to escape international criticism through inviting international observers but continue to manipulate elections strategically. As a result, the literature informs us that if the performance of the international observers is minimal, democracy will never be achievable. On the other hand, Anglin (1998) claims that despite increasing criticism, the demand for international election monitoring remains strong. All that needs to be done is to improve its performance and restore its prestige.

Of relevance, is also the literature about international influences on the conduct of elections. This is how varying types of international activities affect the conduct and structure of elections (Glidden 2001). There has been an overwhelming agreement that domestic factors influence democratization far more than international ones but however, scholars have largely overlooked the many different ways that international actors influence elections. Moreover, the level of international activities is quite high and studying these activities can help refine how external actors promote domestic political reforms and why governments respond to the international efforts. Some of these mechanisms include military intervention, sanctions, and political conditionality (Kelley 2012). This reading is pertinent in the research project since it provides pathways through which the election monitors can foster democracy and domestic political reforms.

Kelley examines the dramatic growth of international election monitoring as a fundamental shift from the widely proclaimed notion that elections are purely a domestic matter (Kelley 2008; Santa-Cruz 2005). The reading is relevant to the subject of international observations and democracy in Kenya since it traces the evolution of the process and the causal mechanisms underlying its rise. This will assist in providing a clear picture of the causal relationship between the two variables.

The various observer missions that were deployed in Kenya 2007-2013 operated in accordance with the standards expressed in the International Declaration of Principles to which they are signatories (United Nations 2005; The International Republican Institute 2007). During the process they were expected to act independently and impartially. Moreover, the other mandate includes identifying different factors hindering the credibility of the electoral process and decides on whether the electoral process was conducted in line with the democratic standards to which Kenya has committed itself (Commonwealth Secretariat 2007). Following the observations, it was also mandatory for these groups to write the Final Reports to proffer recommendations and proposals to the responsible authorities. This would assist the holding of future elections as well as consolidating the democratic structures. The final terms of reference for the observer mission groups was to submit their reports to their higher authorities, mostly the secretary general, who will then forward them to the Kenyan government, the political parties that participated and their respective regions (United Nations 2005).

It is vital to present details of how international election missions looked like in Kenya. A few examples shall be cited to provide a general overview of their presence. In the 2007 election, the European Union (EU) deployed 38 long-term member observer and 94 short-term observers (European Union Observer Mission 2008). These were deployed in all eight provinces of Kenya. The Commonwealth Observer Group deployed their groups on 23 December 2007 in 9 regions. The groups took time to familiarise themselves with the areas they were assigned (Commonwealth Secretariat 2007). More so, domestic observers were deployed on the election-day. Civil society deployed 17,000 observers and these assisted to ensure transparency at the polling station (European Union 2008). This information is accessible in the Final Reports of the international election observer missions. It constitutes part of the literature to be reviewed.

During the 2013 elections, the Commonwealth deployed the Observer Group in 7 areas in Kenya (Commonwealth Secretariat 2013). They took time to meet with different political representatives, media, civil society groups and other international observers. The Carter Center had 52 trained observers that were deployed across all regions of the nation. 14 of them were long-term observers and 38 were short term (Stremlau 2013). This information is relevant to the research question because it determines the activities of the international observers in Kenya remains unknown in the observer missions. By so doing, it enables to ascertain both the short-term and long term impact of the observer missions on the domestic politics of Kenya.

Evidence from the election reports by the international election monitoring agents suggest that the recommendations they offer are directed towards strengthening the democratic culture of the host countries and advancing the electoral process that fulfils the acceptable international standards (Commonwealth Secretariat 2007; Dagne 2008; EU 2008; Stremlau 2013). Ake (1993) asserts that elections are the linchpin of a democratic process. This supports the relevance of improvements made from the observer Final Reports' recommendations. Nonetheless, the challenge to these recommendations and all the efforts toward democratic consolidation through elections lay in the efforts of the Kenyan government to adhere and commit to reforms. The fact that there are no enforcement agents to ensure that the recommendations are adequately fulfilled remains a challenge.

The election reports published by the international observer organisations at the end of the elections provide insightful contributions to the research. It provides clues on how to approach the domestic effects of the presence of international observers in Kenya. Their critics and recommendations form the basis for future adjustments to ensure a credible electoral process and strengthening the domestic democratic structures. By and large, the election reports alone cannot automatically lead to democratic governance unless there is a commitment from the government itself. On another account, the Peer Review Mechanism strategy that African governments have adopted in 2003 of which Kenya is a signatory has been instrumental in contributing the democratic commitments (Cilliers 2002).

The micro mechanisms of the international election observers in Kenya are an area that is underexplored in the literature. Very little is known about the instruments through which these missions work. Instead, the scholars focus much on the aspects of the internal electoral process such as electoral institutions, campaigns, voting and vote counting (European Union

Election Observer Mission 2008). This research will add more insights on the micro mechanisms of the international observers. The information will assist in analysing what we should expect from these missions in terms of impact on Kenyan politics.

Kelley and Carothers write on the biases of the international observers in their assessments of the electoral process. They carry out a systematic analysis of the activities of the international election monitors in an effort to comprehend their effects on the voter confidence, election logistics, enhancing international electoral norms and deterring fraud (Carothers 1997; Kelley 2007). These articles address a relevant issue that is at stake in the election monitoring literature. The activities of international election monitors have long been neglected and this constitutes an important part in determining effects of these activities in Kenyan democratic governance.

Moreover, Carothers praised the efforts by international monitors for consolidating the standards of election administration and deterring fraud (Carothers 1997). On the other hand, he criticised the presence of less experienced observers, inability of observers to be impartial and the superficiality of the monitoring process. Noteworthy is the case studies of observer biases in different countries. This is often one of the biggest challenges observers are confronted with in executing their duties. In the Russian case of 1999 elections he cited the issue observers contradicting themselves, Zimbabwe 2000 elections the lenient assessment of observers, and Kenya 1992 there was a case of confusing assessments (Carothers 1997). This article resonates with the Kenyan encounter with international observers. In 2007 the United States congratulated president Kibaki before election announcement was finalised. Consequently, more insights can be drawn from this reading in assessing the performance of the observer missions.

Research Objective and Question

Does international election monitoring and observation improve democratic governance in African States? Reflections on the Kenyan elections 2007-2013.

Sub questions

1. What effect does the observation and insights from the international election monitors yield in Kenyan democratization.
2. What lessons have been learned from the international election monitors and what is their contribution to the democratic consolidation in Kenya?

3. What are some of the transformation mechanisms that can be employed to ensure the international election monitoring contributes constructively to the democratic set-up in African states?
4. How did the relationship between the domestic observers and international observers play out in the Kenyan elections? Is the relationship competitive or supplementary?

Methodology

I intend to make an analysis of how international election observers contributed to the domestic politics of Kenya, how the observers executed their activities, how the international observers were supported by the domestic observers and how instrumental were the observer's recommendations.

My focus will be on the following areas in each case study:

1. The pre-election period (2007; 2013 in Kenya).
2. Election Day (2007; 2013 in Kenya).
3. The post-election period, stretching until when the election reports were published and taken into consideration (2007-2012; 2013 Kenya)

I will supplement this analysis with process tracing in each stage in an attempt to identify the activities that were performed by the international election observers and the methods they employed to ensure the integrity of the election; and how these activities impacted on the Kenyan democratic structures afterwards. This will enable me to come up with empirical evidence of both the short-term and long-term effects of observers on the domestic politics.

In the first phase, I will analyse the political situation preceding the elections, the electoral set-up, and the activities of the long term international observer mission groups; notwithstanding their engagement with the electorate since instilling confidence in them is some of their responsibilities; and how the observer groups were able to identify factors impinging on the electoral process.

In the second stage, I will analyse how international election observer groups conducted themselves, whether it was in line with the standards expressed in the International Declaration of Principles or not; and analyse how the observers monitored the conduct through which Kenya held elections, also paying attention to whether it was conducted

according to the standards for democratic elections to which Kenya committed itself. This includes identifying if the observer groups had full access to the polling and tallying centers; and if so, were they able to fulfil their duties freely.

In the third stage, I will analyse how the international observers determined the outcome of election processes and results; and how they came up with the recommendations on the election. Most importantly is how they intended to ensure that all their recommendations were enforced in the Kenyan domestic politics for future elections.

The most important aspect in each stage will be identifying activities of the international election observers that uphold or undermine the democratic institutions in Kenya and how their cooperation or competition with the domestic observers contributed to the positive or negative effects on the domestic politics. It is relevant to interrogate in each section whether the absence of the international election monitors would have led to a better outcome, thus assessing the importance of observer missions in host countries.

Independent Variable: International Election Monitoring

Indicators:

- Non-governmental institutions or independent parties observing elections
- Assess the conduct of an election process based on the national legislation
- Assess the conduct of an election process based on the international election standards
- Record and report electoral irregularities
- Observes the entire electoral process over a long period of time as opposed to the Election Day proceedings only.

Dependent Variable: Democratic governance

Indicators:

- A governmental system where institutions operate according to democratic norms and processes.
- The free expression of the will of the people to be the foundation for legitimate political authority.
- The rule of law

- The right to participate in public affairs (civil society).
- Genuine and periodic elections
- The right to assemble, this include political parties and the electorate during campaigns.

Intervening variables

Indicators:

- The presence of broad support for the international election monitors to observe the elections in the Kenyan political environment.
- Freedom and autonomy of the observer agents to have full access to the polling and tallying stations.
- A conducive political environment for elections to be conducted and a conducive environment for observers to freely execute their duties.
- The Kenyan government's commitment to allow the free operation of international election observers and adherence to their recommendations for future electoral hygiene.
- The benefits that come with being regarded as democratic to African countries enabled the international election monitors to be invited, to legitimize elections and the Kenyan government was also obliged to comply with the recommendations prescribed by the observer group in order to benefit. Benefits include aid money and international support in the fight against terrorist attacks in Kenya.

Operationalization

Operationalization of the phenomena shall take the form of defining the variables into measurable factors in order to increase the quality of the results and improving the effectiveness of the design. The four indicators mentioned above shall be measured against the backdrop of the 2007 and 2013 Kenyan elections to explore whether the election monitoring process conducted by organizations such as the Carter Center, European Union, Commonwealth and African Union has had causal effects on the dependent variable, either in the short term or long term period after the elections. These indicators have been identified as the most visible aspects of democratic governance and therefore, their presence or absence in

the Kenyan body politic after a series of these elections would determine the causal effect of the International Election Monitors.

Variance

The research will make use of process tracing to prove causality between international election monitoring and democratic governance. Van Evera (1997) defines process tracing as the process in which the investigator explores the chain of events or the decision process by which initial case conditions are translated into case outcomes.

The proposal will use mechanism based process-tracing. The micro-mechanisms through which the observer missions work shall be explored from the 2007 election until 2013 election in Kenya. Firstly, there is need to know the actors that were involved in both elections in order to explore the micro-mechanisms and the proceeding events that would lead to the outcome. The main organisations involved include; Carter Center, African Union, European Union to mention but few.

Chapter 2

Conceptual Framework: Understanding the international influences on democratisation

Ideas about the international influences on democratization revolve around the global interdependence and interconnectedness. In 1948, Article 21 of the Universal Declaration on Human Rights (UDHR) stipulates that every citizen has the right to elect their preferred government (United Nations 2015). The facets of democratization such elections have over the years acquired an international dimension, which is opposed to the traditional locus that was purely a domestic jurisdiction and trademark of sovereignty (Kelley 2012). Today, the pervasiveness of international influences goes as far as affecting the core elements of the way some countries structure and conduct elections. Moreover, the international community, including development agencies, nongovernmental organisations and intergovernmental organisations, has been intruding extensively and actively in domestic elections all over the world. To illustrate, almost 80 percent of the elections held in African states since the inception of the multiparty politics were monitored by international observers (Kelley 2012). By and large, the democratization process in these states is being influenced by international factors.

Understanding the different stages of democratisation provides a conceptual optic of the factors underlying the international influences in as much as the concept democratisation is concerned. A wave of democratisation originated from Portugal and Spain in the 1970s and spread across the developing world in the 1980s and 1990s. The process saw a transformation of about three fifths of the world's states into formal democracies spawning from 41 democracies in 1974 (Huntington 1991). In essence, democratisation is a process that can be categorised into three phases: (a) the liberalization phase; (b) the transition phase; and (c) the consolidation phase. Therefore, it is noteworthy to understand that democratisation process does not necessarily follow a linear trajectory because more often than not, democratic openings or transitions have not produced consolidated democracies (Rakner et al. 2007). As a consequence, most regimes will get stuck in transition or even regressing to authoritarian rule.

Explanations that link international influences and democratization illuminate how the activities of the external actors promote domestic political reforms and the different responses to international efforts by governments. Additionally, understanding international influences

on elections shade more light on debates about the role of elections on democratization (Kelley 2012). Majority of international actors engage expansively in domestic politics to forward the democratization process that has become the agenda for the Western democracies to spread the ideology in non-democratic countries. The financial institutions such as the World Bank joined the bandwagon of spreading democracy which to them is a prerequisite for sustainable development. This is done under the banner of good governance (World Bank 1993). Furthermore, the United Nations has intensified the efforts to promote democratic governance worldwide and in the year 2000 they instituted the Millennium Development Goals (MDGs) to ensure good governance and promote the wellbeing of every individual worldwide (United Nations 2015). Several non-governmental organizations and national development agencies like the USAID have also developed mechanisms to enhance democracy in various countries. In addition, regional organisations have been making concerted efforts to implement standards on elections and creating agencies to supervise and promote these standards.

The international influence on democratization has focused on different mechanism to enforce their standards. Such mechanisms range from sanctions, military intervention and political conditionality. These have helped in understanding a number of causal mechanisms such as shaming, coercion and socialization (Kelley 2012). Shaming includes the reputational costs exposed to the governments that are non-compliant to the democratic norms and these are usually termed pariah states or international pariah. The challenge of being considered as a pariah state lies in the alienation from the international community. Examples of these include countries like Iran, Sudan, Syria and North Korea (Kelley 2012). Political conditionality as a mechanism by the international influences includes suspension of aid money and other resources as a condition for a country to become democratic. To illustrate, following the 2002 fraudulent Zimbabwean presidential elections, the US and the European Union withdrew the aid money and slapped the government with sanctions as a condition to become democratic (Department of the treasury 2013). Within this framework that is when the issue of coercion comes into play even though there might not be any direct force involved. Furthermore, the other alternative mechanisms involved are what academics have named learning or socialization whereby they educate and expose countries to new ideas and theories (Kelley 2012). In response to the ideologies and democratic initiatives of the international influences, the African nations have also adopted the African Peer Review

Mechanism (APRM) (Bing-Pappoe 2010). This is a self-monitoring mechanism voluntarily assented to by the African Union (AU) member states.

Explanations of the democratization process and democracy assistance in the developing world are anchored in the influences of the international community. The democratization process in particular that have swept across the third world countries since the 1980s is a testament to the efforts and influences of the international community in spreading democracy (Huntington 1991). Democratic assistance agenda emerged after the democratic transitions in the 1980s when democracy promotion became a primary goal of development assistance and foreign policy. Governments, non-governmental organizations, multilateral organizations and international organizations, revisited and expanded their democratic commitments to international engagement. Since the 1990s an estimate of approximately US\$2 billion per annum has been channelled towards democracy related projects (Rakner et al. 2007). More so, in a bid to spread democracy, European, American and multilateral organisations have embarked on a mission to provide aid to government agencies, advising political parties, strengthening civil society, training judges, helping to develop electoral laws and new constitutions (Rakner et al. 2007).

Democracy assistance and the good governance agenda constitute the core elements of the broader perspective of international influences on democratization. The link between democratic assistance and democracy promotion leads to a broader international agenda to support good governance (Rakner et al. 2007). Although the concept of good governance suffers definition problems, the values of the concept include, clear separation of powers as an effort to build strong democratic institutions and how states should govern.

The influences posed by the external actors in the democratisation process had universal effects across the board. In the European region, the countries such as Spain, Portugal and Greece for example, attained democracy as a trump card of having access to the European Union membership (Huntington 1991). Moreover, the end of Cold War and Gorbachev's policies were vital in stimulating the democratic transformation of Soviet Union and Eastern Europe. The role of international influences was remarkably high in the African democratic transitions, more specifically in countries that largely depended on aid (Rakner et al. 2007). In this regard, the international organisations used aid as a condition to coerce repressive regimes into democracies.

Regional organisations are at the forefront of driving the democratic agenda. The Organisation of American States (OAS) and the African Union (AU) are fostering their norms and values in the continent and to act as voices of reason (Cilliers 2002). Several transformative measures have been suggested to be put in place as well as positive change. To illustrate, in Africa the New Partnership for Africa's Development (NEPAD), officially adopted in 2001, and is now incorporated as the developmental framework for the continent. One of the fundamental clauses of the Partnership stipulates that democracy, good governance and peace, are the preconditions for development in Africa (Cilliers 2002). Additionally, the African Peer Review Mechanism (APRM) is a brain child of (NEPAD) and it also promotes democracy and good governance. Kenya is also part of the leading participant nations in promoting the principles of the APRM.

International influences assume a vital role in fragile democracies such as those emerging from conflicts or war. It is common knowledge that elections in post conflict setting settings are significantly different from the ones organised in peaceful times (Kumar 1998). However, elections in post conflict settings serve to put an end to intrastate conflicts. These elections occur following the negotiations of peace accords and a major role is afforded to external actors, who happen to be the international influences (Kumar 1998). The international actors have the duty to deploy the military forces, committing to assume a role in supervising, administering, funding, observing and supporting the elections. The international community encourages nations emerging from conflicts to resort to elections as a counter piece of intrastate peace accords. The agenda is forwarded in line with the much touted democratization that enables election-related issues to be discussed during the peace accord negotiations. With that in mind, scholars provide puzzling remarks underscoring that elections and democracy are two different things but the inability to hold elections may be a bad indicator with regard to democratic commitments to the negotiating parties (Kumar 1998).

The ideas of democratic governance are at the heart of Western countries who consistently push for democracy and elections. Western countries championed democracy promotion efforts in post-communist countries, Africa, and elsewhere in the world. For instance, in Kenya the 1992 elections were as a result of pressure from international donors (Kelley 2012). Hence international influences have been instrumental in promoting democracy across the world.

More often than not, international influences on democratization are confronted with a number of challenges in their execution. The efforts to democratize rests on a number of false assumptions whereby the liberal attempts to advance elections in countries that lack liberal institutions can produce illiberal democracies (Kelley 2012). In some instances, hasty efforts to democratize have had catastrophic effects such as war or great instability. Notably in 1992 Kenyan elections, international pressure to hold elections inadvertently caused the privatization of state violence. This illustrates how badly international influences can impact in the domestic affairs of nations they intervene.

Perspectives of the international influences particularly on elections are confined to either direct or indirect international influences. Indirect influences include aspects such as the emulation behaviour and colonial legacies that assist in predicting the patterns of electoral systems around the world (Kelley 2012). Nonetheless, the indirect international influences do not contribute towards the empirical and conceptual evidence required by the research which renders it obsolete. The direct international influences are the main focus, and there are numerous types of direct engagement and mechanisms of influence at work in the activities. Some of these activities are; legal advice, electoral assistance, observation and assistance, and post-election engagement. Theoretically, the aforementioned efforts have the capacity to improve elections in a number of ways, such as capacity building, learning, persuasion and incentives. On a practical sense, however, these mechanisms usually blur owing to the fact that different types of engagement may work through various mechanisms (Kelley 2012).

Conclusion

The conceptual optic of the international influences on democratization frame the basis for understanding the short-term and long-term effects of international election monitoring on the democratic prospects of Kenya. A layout of the foundations of international influences as well as the different dimensions of international influences feeds into the vital aspects of the topic. An understanding of how international influences have been operating around the issues of spreading the democratization process shall guide the topic in conformity with the Kenyan case.

Chapter 3

Case study: 2007 and 2013 Kenyan elections

Introduction

This section will provide evidence of the micro-mechanisms and activities through which international election observers worked both in 2007 and 2013 Kenyan elections. The evidence shall be provided using process tracing in an attempt to prove causality between international election monitoring and democratic governance in Kenya. I shall explore a chain of events and the activities of international monitors from the 2007 election to the 2013 election. More focus will be directed at the observer mission activities and the changes that came about as a result of their presence or influence.

Before I discuss the details of this Chapter, firstly I will provide a brief background of both General elections and some institutional structures so that the evidence that proceeds will not be in vein. For both elections I have selected some, not all of the international election monitoring groups that observed the 2007 and 2013 elections. Information derived from these shall be generalised to represent all the international monitors.

Background

The international election monitors receive an invitation from the host country to act as an independent observer. This is enshrined in the Presidential and Parliamentary Elections (Amendment) Regulations 2002, which stipulates that the Electoral Commission may, at any election, accredit any individual, association, organisation or institution who or which is manifestly non-partisan to act as election observers (Kenya Law 2009). As a consequence, the ECK accredited international and local observers from 62 organisations. There were also 17,000 domestic observers chosen from the Kenya Election Domestic Observer Forum (KEDOF). Most of these convened for briefings before the election proceedings (International Foundation For Electoral Systems 2014). The accredited organisations include the International Republican Institute (IRI), the European Union (EU), the Pan African Parliament, the Common Market for Eastern and Southern Africa (COMESA) and the East African Community (EAC) (Commonwealth Secretariat 2007).

The 2007 General Elections presents a puzzling picture of democracy in Kenya. This election is unique in the sense that the Kenyan citizen were enthusiastic about exercising their democratic right and they turned out in high numbers, whereas in most African countries voter apathy is the animating factor (O'Grady and Stevens n.d). The observers were initially

impressed by the demonstration of participatory democracy exhibited by the Kenya voters. The long queues of voters seemingly demonstrated that the Kenyans were eager to participate in the democratic matters of their country. However, the most captivating factor is how did such an ostensibly democratic electoral process culminate in a political turmoil (Toulou 2007).

Legal issues

Kenya's Obligations under International and Regional Standards

Kenya has ratified a number of regional and international treaties that are closely related. All these treaties are legally binding meaning that Kenya has the obligation to comply with the provisions of the treaties. The treaties include; the Convention on the Elimination of All forms of Racial Discrimination (CERD), the African Charter on Human and Peoples' Rights (ACHPR), and International Covenant on Civil and Political Rights (ICCPR) (Stremlau 2013). Kenya has endorsed the Principles Governing Democratic Elections in Africa included in the 2002 Declaration and the 2007 Charter on Democracy, Elections and Governance. Kenya has ratified the conventions that uphold the voting rights of women. These include; the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and the Convention on the Elimination of Discrimination Against Women (CEDAW). Additionally, Kenya has commitments to human rights, good governance and the rule of law within the context of the African, Pacific and Caribbean States (ACP) Partnership agreement with the European Union (European Union Election Observer Mission 2013; Commonwealth Secretariat 2013).

Moreover, there are six universal election standards that Kenya comply with and these are stipulated in the Universal Declaration of Human Rights. The standards include; (a) periodic holding of elections, (b) they must be genuine, (c) right to universal suffrage must be guaranteed, (d) right to equal suffrage, (e) free will of voter to be the basis of elections; and (f) guaranteed right to secret ballot. In support of these standards, both article 13 of the African Charter on Human and People's Rights and Article 25 of the ICCPR reiterates by guaranteeing the right to stand for election and the right to vote to every citizen (European Union Election Observer Mission 2008; African Union 1986).

The legal framework

Besides the constitution, the General Election was also under the guidance of the Local Government Act, National Assembly and Presidential Elections Act (NAPEA), The Kenya

Broadcasting Corporation Act, The Election Offences Act, The Public Order and the Preservation of the Public Security Act, The Police Act, The Registration of Persons Act, and The Societies Act and the Penal Code (Stremlau 2013).

The Constitution

The then constitution in 2007 was adopted on 12 December 1963 and had gone through several amendments. The most notable was in 1964 when Kenya became a nation (Sanger and Nottingham 1964). From then, the other amendment was in 1991 when the multiparty system was revived (DFID 2008). After this came the 1997 amendment when media access was granted to all political parties and the authorization of the opposition parties to participate in selecting the 12 members of the National Assembly. The other one was the 1999 amendment when the level of executive control over the executive process was reduced (Harneit-Sievers 2008).

Political environment

Early elections

The early elections in Kenya were marred with controversy and violence except for the 2002 election that surprised people with its peacefulness. The 27 December poll marked the ninth General Election in Kenya since independence (DFID 2008).

Political Parties

There were over 100 registered political parties at the time leading on to the election. This was a good sign of a democratic system whereby political tolerance is guaranteed. Besides having such a huge number of political parties, there were only three major ones. These were; Orange Democratic Movement - Kenya (ODM-Kenya), Orange Democratic Movement (ODM) and Party of National Unity (PNU). The other main parties were; Chama Cha Uma (CCU), Kenya African National Union (KANU), KADU and NARC. On the presidential race, there were nine elected presidential candidates (IRI 2007).

Functions of international election observers

The role played by international election monitors has gone through a series of transformation. It has evolved from passive observation of the election procedures to a much more active role. There are eight functions that the observers may perform (Anglin 1998). These functions shall be aligned with the activities of the international observers who participated in the Kenyan elections. It is from these activities that the relevance of

international election monitors in promoting democratic governance shall be assessed. The functions are:

1. Confidence building- the presence of international observers can inspire opposition and voter confidence, increase voter participation, and facilitates the easing of political tensions between political parties. Their effectiveness is dependent upon three important factors which are; the numbers of deployed observers across the country, how widely and how early they are deployed.
2. Deterrence/conflict prevention- the presence of observers is considered widely and deters the would-be offenders from engaging in fraudulent tendencies. However, over time they lose momentum as offenders manoeuvre ways of dodging the new challenges.
3. Dispute resolution- observers have the mandate to intervene and defuse seemingly explosive local disputes by giving advice to the warring factions. This should be done in a discreet, cautious, and judicious manner. The main aim is to preserve the observer impartiality and integrity.
4. Reporting- reporting has evolved over time and it now has variations. Some sponsoring bodies have now resorted to endorsing the conclusions rather than making public statements. Some publish monographs and later analyse the process in detail. For instance, the Commonwealth.
5. Observation- the observers have the primary responsibility to monitor the conduct of an election and the organisation. This involves from the pre-election period to the post-election period including the functioning of the national electoral commission.
6. Verification- observer missions have the responsibility to validate the overall electoral process taking consideration of the events in every stage of the exercise.
7. Advice- Observers have the responsibility to observe not to supervise. They make suggestions to the government or other concerned institutions on matters that would assist the smooth running of elections.
8. Insurance certificate- endorsing an election through certifying it as free and fair, promotes democracy and also prevents the possibilities of future coups (Anglin 1998).

Activities of International observers

European Union Observer Mission

Election observation has become an integral part of an electoral process and an indicator for its integrity and credibility. Observer missions have the responsibility of evaluating the fairness and legitimacy of an electoral process and can contribute significantly to the deterrence of election-related conflict. They also have a task to give recommendations to the relevant electoral authority for them to review critical areas for future elections (Mbugua n.d).

The European Union Election Observer Mission (EU EOM) received an invitation to monitor the 2007 elections from the Government of Kenya and the Electoral Commission of Kenya. The team arrived in Kenya on the 14th of November and commenced the monitoring on the very same day. Alexander Graf Lambsdorff led the EU EOM team that consists of 152 observers from EU Member States (European Union Election Observer Missions 2008). In this process, the observers were guided by the international and regional standards for elections. The observers visited 752 polling stations on the Election Day. The EU EOM consisted of 94 short-term observers and 38 long-term observers chosen from 26 EU Member States. These polling stations covered all the provinces of Kenya to observe and assess the whole election process. The EU EOM also remained in Kenya after the election to observe the post-election developments (European Union Election Observer Missions 2008).

In their report, the EU EOM concluded that the 2007 General Elections did not represent the general will of the people and fell short of required regional and international standards for democratic elections. The European Union Election Observer Mission (EU EOM) received an invitation to monitor the 2007 elections from the Government of Kenya and the Electoral Commission of Kenya.

EU EOM observers received a warm welcome from party agents, voters and election officials at the polling stations. Evidence indicates that the widespread presence of international observers, domestic observers and political party agents- added value in the confidence and transparency in the voting process (European Union 2008). The above mentioned evidence also feeds into the discussion of whether international observers and domestic observers are

competitors or complementary (O'Grady and Stevens n.d) . However, this discussion shall be thoroughly explored the in following chapter.

Following the 2007 election observation in Kenya, the EU EOM published a report and offered recommendations in various areas they thought had deficiencies and should be improved with immediate effect. This function falls under the reporting and advice given by the observers in the aftermath of the election (Anglin 1998). Advice from the EU EOM on the 2007 election was channelled towards strengthening the democratic structures in Kenya in view of improving the framework and regulation of future elections. This ranged from, (a) efforts by the Kenyan government to review the legal provisions; (b) efforts by the ECK to review its activities during the 2007 elections in an effort to restore confidence in its activities; (c) an overhaul of the tallying and results announcement to ensure greater security measures and transparency; (d) addressing the human rights situation with immediate attention; (e) a review of the regulatory framework of the media sector and align it with international standards (European Union Election Observer Mission 2008).

The International Republican Institute (IRI)

The IRI convened pre-election meetings with political parties' representatives, experts on Kenyan politics, civil society leaders and other international organisations that operate in Kenya. This was done in an effort to gather sufficient information of the political climate leading up to the elections (The International Republican Institute 2008).

The IRI election observation delegation was led by former U.S. Assistant Secretary of State for African Affairs and IRI Board Member Elizabeth Dugan and Berry Newman. The IRI deployed 32 election observers to 33 constituencies in all the 8 provinces, and they monitored electoral processes at over 100 polling stations (The International Republican Institute 2008).

The IRI delegation observed the voting process unfold smoothly in the initial stages, with few logistical problems. They observed that the majority of Kenyans turned out in large numbers to participate in the democratic process of their country (The International Republican Institute 2008). The patience of waiting in the long queues indicated the enthusiasm they had in participating in this democratic process. In this manner, the presence of the IRI observers yielded the intended results of instilling confidence in the citizens. This function is known as confidence building in the elections literature (Anglin 1998). This signifies the relevance of international election observers in promoting democratic governance.

On the Election Day, December 27 2007, the IRI observer remained on the polling station after the casting of vote. The main reason for remaining was to observe the counting and tallying process. They confirmed that the process was transparent. This is a verification function they performed. They also witnessed the sealing and transfer of boxes to constituency-tallying centres (The International Republican Institute 2008).

The IRI reported that some constituency-level officials from ECK switched off their phones and this happened when the ballot boxes were transferred. They suspected the officials of tempering with the presidential results. Additionally, throughout the final process the observers were not allowed into the tallying areas and this was done by the ECK in Nairobi. The suspicion of malfeasance was further fuelled by the government's institution of a media blackout until the announcement of results (The International Republican Institute 2008). The IRI performed the observation and reporting function as they exposed the malpractices of the ECK. The IRI finally published that they had every reason to believe that electoral fraud took place in the 2007 polls.

Review of IRI efforts to democracy in Kenya

IRI first had contact with Kenya in 1992. They launched their activities by training poll overseers and deployed international monitors for the landmark elections. After the election, IRI came up with a political party training awareness to enhance the party system. Following a short break in programming, IRI initiated a debate polling program in the year 2000 (USAID 2015). This program was well embraced with the media attention and covered a number of significant topics such as governance, election issues and constitutional reform. The institute also offered expert advice to the Constitution of Kenya Review Commission (The International Republican Institute 2008).

In 2001 IRI endeavoured in programs to encourage competitive and transparent elections encouraging the presence of more international election monitors for the 2002 elections. They also organized advocacy workshops for Kenyan civil society groups in 2003. They covered topics such as media relations, development of profession relations, coalition building, policy analysis and lobbying (The International Republican Institute 2008).

Ahead of the 2007 elections, IRI embarked on a campaign to uphold the positions of the marginalised groups in society. They fought for their right to compete for public office. These groups include the youth, Muslim and women. IRI vowed to continue building the capacities

of these groups in the political space in an effort to promote equality (International Foundation for Electoral System 2014; The International Republican Institute 2008).

Commonwealth observer group

The Commonwealth observer group received an invitation from the Minister of Foreign Affairs to observe the 2007 General Election in Kenya. Following an invitation, the Commonwealth Secretary General, Rt Hon Don McKinnon sent a delegation for an assessment to Kenya. The delegation went to assess whether Commonwealth observers would be given an opportunity to have access to the polling and tallying centres (Commonwealth Secretariat 2007). There was also need to assess whether their presence in Kenyan elections would be met with a broad support. This was to be discussed with the main players in the Kenyan political environment. As a result, an observer group was created and deployed. The group constituted of thirteen eminent persons and six Commonwealth staff members.

Terms of reference

The terms of reference provide guidelines for the responsibilities of the observer missions when they operate in a specific country. By providing the terms of reference, more will be exhumed with regard to the activities of the Commonwealth observer missions in the December 2007 General Elections. Below is a list of the terms of reference:

- (a) They were supposed to observe important aspects of management of the General Elections that were scheduled to run in December 2007;
- (b) To take into consideration a number of factors hindering the integrity of the electoral process and judge whether the elections have been guided by the democratic standards of elections to which Kenya is obligated, with reference to international standards;
- (c) To act independently and impartially and passionately observe the standards expressed in the International Declaration of Principles to which they signed and ratified. The function of the group was to observe the whole electoral process and pass the judgement being cognisant of the fact that they do not possess executive powers to supervise the election;

- (d) To come up with a Final Report, this contains recommendations and proposals to the concerned authorities on institutional, procedural and relevant matters that would assist the future election (Commonwealth Secretariat 2007).

Pre-election observation

The Commonwealth team arrived in Kenya on the 19th of December 2007 and issued an Arrival Statement. The group and three support staff members were deployed on the 23rd of December in teams. The teams were deployed in eight regions. These are; Nairobi, Rift Valley, Central, Nyanza, North Eastern, Coast, Eastern and Western (Commonwealth Secretariat 2007).

The teams familiarised themselves with their designated areas upon their arrival at the places of deployment. They convened with the District Electoral Co-ordinators, local police, civil society stakeholders and political leaders at local level to go through the final assessment of the election preparations (Commonwealth Secretariat 2007). They also had an opportunity to observe the final stages of the campaign and engaged with the general public. The Chairperson travelled to Central Province on the 23rd of December where he was briefed by several local stakeholders.

Poll and the count

The teams in all provinces across the country started off the day by observing the opening of polling stations. The teams also made it a point to partner with other international observers to cover as many polling stations as they could. The Commonwealth observer mission group was pleased with the welcoming approach of the polling station officials (Commonwealth Secretariat 2007).

The opening of the polls

The team observed the Presiding Officers going through the opening procedures meticulously, making sure agents must see the empty ballot boxes and affix their seals. A considerable number of stations across the country opened at 6:00 except for a few that were delayed (Commonwealth Secretariat 2007). In some large polling centres there was insufficient polling stations which caused overcrowding. The Commonwealth observer group recommended for such centres to be split up, especially in areas where there were unused school premises nearby.

Announcement of the results

The Commonwealth considered the delay in announcing the results by the ECK was a cause for concern as far as the integrity of the electoral process was involved. It is unacceptable that the ECK did not guarantee accurate and speedy communication of results to the centre and they also appointed Returning officers who failed to execute their duties. The credibility of the results was considered flawed because of a series of unclear events in the process commencing with the tallying of votes (Commonwealth Secretariat 2007). Therefore, the Commonwealth observer group concluded that the ECK was still deficient with regards to establishing the veracity of the tallying process, leading to the assumption that the electoral process was fraudulent.

The observer group also made recommendations to the ECK. They urged the ECK to address the transmission and announcement of results processes as a matter of priority. Addressing this will evoke confidence in the accountability, transparency and integrity of the electoral process. However, the group also commended the actions of the ECK in advising the Kenyans to respect the rule of law.

Role of Domestic Observers

It is noted that more than 17,000 observers were deployed by the civil society to the polling stations on Election Day. The presence of domestic observers was vital for the transparency at the polling station level (IEBC 2016; European Union Election Observer Mission 2008).

A Final report by the EU EOM stressed that they were impressed by the presence of the domestic observers. They were deployed in large numbers in polling stations across the 8 provinces in Kenya. However, the EU EOM observed that most of the domestic observers were inexperienced and this was attributed to the fact that the ECK encountered some logistical challenges of training large groups of people. As a consequence, the international monitoring groups recommended for an effective and consistent training of the local observers (European Union Election Observer Mission 2008).

Lessons to be learned

A myriad of lessons must be drawn from the experiences of the 2007 election. Firstly, the international election monitors must be conscious of the impending possibility of electoral violence in every election they observe (Cheeseman 2008). One of their fundamental duties is to avoid the possible occurrence of such mishaps. As a way to curtail this, the international observers need to be familiar with the political history of the host countries and not just focus

on the events of the Election Day. This solution calls for the need to deploy more long-term observers who will dedicate more time to study the political environment.

Secondly, close cooperation amongst the local and international actors has proven to be the best solution for conflict resolution and mediation, in case conflict breaks out (Gillies 2011). This follows the suggestions drawn from the conceptual framework whereby international influences on democratization are thought to be the force behind democratic consolidation in African nations (Kelley 2012). In the same vein, Kenya's Coalition Government would not have been successful if different international actors worked at cross purposes.

Thirdly, the continued involvement of international activities in African states can be crucial. This was witnessed by the micro-mechanisms which the international community employed in a bid to bring the two warring factions to dialog. The micro-mechanisms used were diplomacy and the threat of sanctions. In addition, Brown (2009) argues that international monitor's efforts may not be sufficient but they might be essential. The international community and the aid donors have an important task to hold the Kenyan government to account (Gillies 2011; Cheeseman 2008). Without the help of local stakeholders and political actors, it is an epic task for the international influences to force the government to democratise if it is not willing to do so. However, at a minimum, their efforts can be quite influential.

2013 General Elections

The 2013 General elections became the first one to be held under the new constitution and a chain of new laws guiding the elections. The new laws included the 2010 Constitution, Political Parties Act, the 2011 Elections and IEBC Act. The election represents greater strides towards the devolution and reform process. Most importantly, the election was the first since the tragic events of 2007 polls, and so a key test for the country (Stremlau 2013). The new legal framework forms the foundation for inclusive, competitive and credible elections.

Legal framework

Kenya's international and regional obligations

The electoral legal framework of Kenya was totally altered since the 2007 elections. Inspirations and lesson were drawn from the tragic event of the 2007 electoral polls. The constitution and other laws have been changed, the dispute resolution instruments improved and the judiciary transformed (Kenya Law 2009). The new overhauled legal framework is in

harmony with Kenya's regional and international commitments related to the conduct of democratic elections. Kenya is committed to the major international instruments which cover electoral rights including the African Charter on Human and People's Rights (ACHPR), the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (EU EOM 2013; Commonwealth Secretariat 2013). These treaty obligations have been incorporated directly into the Kenyan law under the new constitution and can be used as points of reference in court.

Constitution

The 2010 Constitution contains an extensive Bill of Rights which emphasises protection for the civil and political rights related to elections, access to information and freedom of the media, and gives privilege to the rights of children, women, young persons, persons with disabilities, marginalised groups and minorities (International Foundation For Electoral Systems 2014). The constitution has been tailor-made to fulfil the democratic aspirations of the citizens. This can be noted as a milestone in the Kenyan democratic journey.

International observer activities

European Union election observer mission

The European Union Election Observer Group arrived in Kenya on 25 February 2013. Prior to the election, the group made an effort to meet with various stakeholders amongst them the representative of political parties, the Independent Electoral and Boundaries Commission (IEBC), civil society, media and other national and international observers. This process was done in order to come up with a comprehensive picture on the electoral conduct. The teams were based in seven Provinces and they observed the voting, counting and results combination (European Union Election Observer Mission 2013).

Having been observed the pre-election, Election Day and the post-election, the EU EOM compiled a report regarding their observations. Since the election monitors do not have executive powers in their observation, the important aspect about their observation is the recommendations and the criticism they offer as a way of consolidating democracy. Below are some of the recommendations the EU EOM offered for consideration by the Kenya authorities.

1. Review the legal framework in order to pave way for gender equality principle.
2. Easy access of registration for all eligible citizens
3. An accurate, inclusive and reliable voter register
4. Voter education should be provided as a priority and timely.

The recommendations from the international observer missions are a building block towards the democratic build up in African nations. Their recommendations and critics help mould the democratic institutions and offer further advice for the elections. But the developments can only be noticed if there is compliance from the government.

The Carter Center

The Carter Center observer group arrived in Kenya in mid-January to observe the March 4, 2013 electoral polls. The group stayed in Kenya until April when the final results were announced and challenges deliberated upon. The Carter Center had 52 trained observers whom they deployed in 8 provinces on Election Day. Prior to the Election Day, they deployed 14 long-term observers and a few days before Election Day, 38 short-term observers were deployed to observe voting and counting (Stremlau 2013).

The Carter Center assesses the conduct of Kenya's elections against the country's legal framework and obligations for democratic elections. In order to improve future elections, the Center hopes the conclusions and recommendations in this report will be taken under advisement. The main findings and recommendations of the Carter Center's election observation mission are as follows:

- (a) Legal Framework – promote the development of women;
- (b) Electoral System- strengthening accountability through reforms;
- (c) Election Management- ensuring independence of the election commission;
- (d) Voter Registration- ensuring a credible voter register;
- (e) Voter Education – improve voter education;
- (f) The Media – fair media coverage
- (g) Dispute Resolution – better mechanisms to improve dispute resolution.

Deployment of long term observers

The Carter Center deployed 14 long-term observers. They arrived in Nairobi and were briefed before commencing their assessments. The team observed the campaign period and preparations preceding the elections. The Carter Center was of the view that observation of all aspects of the electoral process is important to decide the extent to which the electoral process fulfils the regional and international obligations of the country (Stremlau 2013). They argue that the electoral process is inclusive that starts with issues like voter education, voter registration and campaigning. More so, the presence of long-term international observers fosters the development of a relationship with party candidates, election officials, stakeholders and members of civil society. The long term observers remained in their respective areas to observe the tabulation process as well as the post electoral developments.

Deployment of short term observers

The Center deployed 38 short-term observers for the voting and counting process. Carter Center observers were using an election monitoring program on handheld tablets to electronically send checklist data throughout the day. This was used on the Election Day. In the same vein, the Carter Center observers also had the responsibility to report any issues unfolding in their areas of responsibility. The observers departed the country upon the conclusion of the polling (Stremlau 2013).

The Center assessed Kenya's electoral processes based on the country's legal framework and its obligations for democratic elections contained in regional and international treaties. Some of the major sources of Kenya's regional and international obligations include; UN International Covenant on Civil and Political Rights, UN Universal Declaration of Human Rights, United Nations Convention Against Corruption, to mention but a few (Stremlau 2013). All of these organisations are at the forefront of promoting democratic governance in countries that are still lagging behind democratically. Moreover, the Center performed almost all the functions that are expected from the observers during the election process. This is a sign that the election monitoring process has actually evolved over time, as opposed to their prior passive observation role.

Conclusion

This chapter has provided evidence of the activities and responsibilities that were performed by the international election monitors in both the 2007 and 2013 elections. Process tracing based mechanisms was employed to provide the exact details on the micro-mechanisms

through which the observer missions work. The chapter contributed some empirical details on the work of the observer missions which in turn shall be used to analyse the relevance of international observer missions in the domestic politics of Kenya. The chapter saves as a case study upon which evidence based information shall be analysed in the proceeding chapter.

Chapter 4

Discussion and Analysis

Introduction

The research aimed to gather full details of the exact activities that the international monitoring groups engage in upon their deployment in various countries they observe the elections. The deployment of these international monitors has become a norm and standard procedure in today's elections. Information presented in Chapter 3 has clearly exhumed most of the micro-mechanisms that the international monitors were performing during the 2007 and 2013 elections in Kenya. However, the research could not exhaust all the information on the activities of the observer missions because of some discrepancies in accessing the primary data. The observer final reports which happen to be the primary sources of information have randomly provided the details pertaining the work or activities of the observers.

Given the vast amount of evidence regarding observer activities in Chapter 3, this discussion and analysis section shall match how the observer missions work and their short and long-term. Simply put, the research seeks to explore the influence of the international monitors on the domestic politics of Kenya.

In this section as well, the research question shall be addressed, together with all the sub questions that I have highlighted in the proposal. More so, the results and evidence provided prior will be analysed in line with the literature that I have reviewed in the second Chapter. I will discuss the results in a wider context and connect them with the themes chosen during the literature review. It is in this section that matters such as the relationship between the evidence and the hypothesis is assessed to determine the validity of research. Moreover, each research question will be discussed in connection with the evidence provided as well. A brief recapitulation of the methodology and literature review shall be provided.

Changes facilitated by the international monitors in Kenya

Following the recommendations proffered by international monitors who observed the 2007 elections in Kenya, a number of them were taken into consideration by the Kenyan authorities. Remarkable is the institution of a new constitution in 2010. The international monitors recommended that the Kenyan authorities should review their legal framework and this also includes the introduction of the new constitution (European Union Election Observer Mission 2013; Stremlau 2013 & Commonwealth Secretariat 2007). This was quite a

milestone in the works of observer missions in transforming the domestic politics in Kenya. The achievement is a long-term development.

The 2013 elections became the first elections since the passage of a new constitution in August 2010. The constitution introduced a number of changes to the Kenyan political system and these include; the devolution of the government system that decentralises authority from the national level to the newly created countries; the introduction of bicameral system; limited presidential powers; clearly defined separation of powers between the arms of government; a restructured judiciary; electoral reforms and promoting underrepresented groups (NDI 2013). All the changes made points out to a democratic institution that has distinct separation of power and respect rule of law.

Nonetheless, the Kenyan government and its citizens are facing challenges in implementing the constitution and shifting to a more decentralized government. The delegation of powers between the national officials and the newly formed governments is still unclear and it continues to derail the progress of the government (NDI 2013). Consequently, the devolution process has continued to make slow progress such that allegation of low accountability and corruption have posed challenges to the administration of the process (Commonwealth Secretariat 2013). Despite the shortcomings of the provisions of the constitution, overall the new legal framework lays the foundation for inclusive, credible and competitive elections (ICG 2013).

Influences of the international election monitors

One of the visible functions of the international monitors is to deter or prevent the escalation of conflicts during the electoral process (Anglin 1998). Surprisingly the December 2007 Kenyan election resulted in an unexpected political turmoil that brought the country on the brink of a civil war (Kelley 2009). The outbreak of this violence was enough evidence to discredit the relevance of international monitors during the elections. Nonetheless, the international monitors successfully executed some of their expectations. They adequately exercised their authority by refusing to endorse the initial declaration of victory for President Kibaki (Harneit-Sievers & Peters 2008). This they did with the support of civil society and domestic observers. Consequently, the refusal of international monitors to verify and grant the insurance certificate to the 2007 fraudulent electoral process, strengthens their position to promote democratic governance in African countries. Unfortunately, the developments were

not sustainable in the long-term perspective to promote democratic governance since the coalition government was a temporary measure.

Following the debates of international influences on democratisation laid out in Chapter 2, evidence extracted from the December 2007 electoral aftermath supports the same idea (Kelley 2012; World Bank 1993). The international community stood united, disputed the electoral results and pressured the Kenyan political leaders to solve the impasse. As discussed in Chapter 2, the international community employed different mechanisms to enforce the democratic standards in Kenya (Kelley 2012). In February 2008, both parties entered into a coalition government brokered by the former UN Secretary General Kofi Annan. Evidence from this case study resonates well with the previous work done by scholars in the literature (Harneit-Sievers & Peters 2008). As a consequence, the international election monitors managed to influence positively the domestic politics of Kenya. This was also a milestone on the promotion of democratic governance.

As a measure to redress future electoral disputes in the country, the Carter Center encouraged the establishment of the Judiciary Working Committee in a bid to manage election disputes effectively and efficiently (Stremlau 2013). Additionally, the government further went on to enhance system by training all the judges, court registrars and magistrates. This initiative was commended by the Carter Center as step forward towards democratic consolidation in Kenya. As a result, the reason why the Supreme Court of Kenya's ruling on the electoral results was respected is because the Judiciary was sacrosanct and independent (Schulz-Herzenberg and Gatimu 2015).

The Institute for Security Studies carried out a survey after the 2013 election in order to generate data that could inject insights into the attitudes and views of Kenyan people towards their political institution. Kenyans expressed their support for the presence of international observers during the election. 62% of the respondents expressed that the presence of international observers is vital and widely acknowledge, while 27% criticised and 11% said they did not know (Schulz-Herzenberg and Gatimu 2015). Retrospectively in 2009, Kenyans were asked the same questions and 82% responded that countries should at all times invite the international observers, while 17% felt countries should not. Both evidence shows that the presence of international observers improves public confidence in the electoral process (Schulz-Herzenberg and Gatimu 2015). However, evidence also presents that the levels of

confidence in election observers have declined from 2009 to 2013. Explanations could be attributed to the superficiality of the observation process (Geisler 1993).

Measuring democratic governance

Indicators:

One of the major lessons drawn from the research is that election monitoring must be viewed in a broader context. In addition, democracy means more than elections since it has many components (Anglin 1998). Free and fair they might be, but democratic governance must not be limited to that scope as it is an integral part of peacebuilding. Supporting evidence from a survey of worldwide civil and political rights postulates that there has been a continued weakness of democratic institutions even after holding democratic elections (Freedom House 2007). Some of these aspects include; respect for human rights, freedom of the media, political liberties, a culture of tolerance, independent judiciary, a competent public service, and strong civil society (Cheema 2005). Not all the principal yardsticks for democratic performance have been mentioned above but these include the most important ones.

A governmental system where institutions operate according to democratic norms and processes.

Another important indicator for democratic governance through which the influence of international observers can be assessed in the Kenyan domestic politics is, “a governmental system where institutions operate according to democratic norms and processes”. This indicator has to be measured using a timeframe, thus 2007 to 2013. In both 2007 and 2013 elections, the institutions responsible for regulating elections operated in a manner that was inconsistent with the domestic norms and processes (Freedom House 2008). The 2013 election was relatively organised than the 2007 because voting was streamlined but the manual delivery of ballots was delayed and not transparent. A series of flaws in 2007 whereby the international monitors were not allowed access to the tallying areas in the final process and the media was silenced by the government up until the immediate announcement of Kibaki’s victory (IRI 2007). The international observers failed to have access since they do not have executive powers. Their presence was reduced to that of tourists who have no influence on the domestic politics of Kenya (Glidden 2001; Geisler 1993). The evidence from the elections is in harmony with the literature.

The free expression of the will of the people to be the foundation for legitimate political authority

One way to measure democratic governance in Kenya is by looking at the free expression of the will of the people as the foundation for legitimate political authority. Contrary to this, the animating factor in the Kenyan body politic has been the government's unwillingness to reform and this has raised concerns about the democratic development of Kenya (Marshall 2013). Kenya's political rights ratings declined from three to four according to the Freedom House (2008). The main reason behind this sharp decline is because of the manipulation of the December 2007 votes in favour of the incumbent Mwai Kibaki. The violence that ensued was a sign of dissatisfaction. As seen in the December 2007 Presidential polls, the will of the people was suppressed in the presence of the international election monitors (Freedom House 2008). In an attempt to understand the international influences on democratisation in connection with the 2007 election, it is apparent that they succeeded to certain extent in transforming the domestic politics of Kenya through facilitating the Peace Accord but the pressing question advances the notion that they could have prevented the outbreak of violence in the first place. Hence international influences on democratisation in Kenya were not very effective.

The right to participate in public affairs (civil society)

The right to participate in public affairs calls into question the effective role of civil society. The case study demonstrates that political participation and the role of civil society was very effective even though there were few shortcomings. In both elections more than 17,000 observers were deployed by the civil society to the polling stations on Election Day (IEBC 2016; EU EOM 2008). Even though the presence of these observers was vital for the electoral transparency at the polling station level, their effectiveness on the domestic politics of Kenya was short-term. Moreover, the new constitution guarantees freedom of speech and press, and there an active and independent media in Kenya. However, in practice there is huge censorship because there are many laws that restrict such rights and sometimes the government harass members of the press. As a result, the media avoid reporting on sensitive matters such as; government corruption, IEBC shortcomings, and ICC proceedings, fearing harassment (Freedom House 2008). This is an indicator that the work of international observers in recommending the freedom of media in Kenya was not taken into consideration because of the government's unwillingness to commit to reforms.

1. What effect does the observation and insights from the international election monitors yield within the democratic systems of Kenya?

The presence of the international election monitors in the 2007 and 2013 elections was phenomenal since majority of the general populace expressed approval of the presence of these agencies (Schulz-Herzenberg and Gatimu 2015). The huge numbers of voter turnout in the December 2007 election was largely inspired by the presence of international observers as the voters felt confident to exercise their democratic rights. The same also happened in the 2013 election where the public confidence was very high and 62% of the voters felt the presence of these observers was optimal and widely acknowledged (Schulz-Herzenberg and Gatimu 2015). Evidence from my research fits well into the existing literature because it validates the work done previously. It resonates with Kelly's work in the article; "International Influences on Elections in New Multiparty States", where she argues that international activities affect the conduct and structure of elections (Kelley 2012; Judith 2009). This implies that the mere presence of the international observers had an impact on the democratic systems of Kenya.

Additionally, a number of the international election monitor's insights are revealed in the election final reports of the observer's and they come off as recommendations for future elections. Anglin (1998) points out that it is unfortunate that the international monitors do not have the executive powers when observing elections. Their mandate is strictly observing, reporting and giving recommendations. It will then remain the discretion of the government in particular to adopt or reject the recommendations. As a result of this, scholars like Geisler have resorted to calling election observation an imperfect art at best (Geisler 1993). However, critics like Kelley may argue that international observers employ different mechanism to enforce their democratic standards. These mechanisms include sanctions, military intervention and political conditionality (Kelley 2012). In support of Geisler's argument, examples of the mechanisms used by international observers to force undemocratic countries to democratize can be cited in the Zimbabwean 2002 fraudulent elections. Since 2002 the Zimbabwean government has been under the US and EU sanctions but the democratic system is still fragile.

International observers recommended that the ECK must make efforts to review its activities during the 2007 elections in an effort to restore confidence in its activities and to seek an overhaul of the tallying and results announcement to ensure greater security measures and

transparency (European Union Election Observer Mission 2008; Commonwealth Secretariat 2007; Stremlau 2013). Both recommendations were taken into considerations in the 2013 elections even though there were still minor challenge in the tallying and announcement of results. The voters turned out in great numbers in 2013 election (Stremlau 2013). In addition, the human rights situation was addressed as well because the 2013 election was peaceful. These changes into the Kenyan domestic system are partly as a result of the influence of the international observers.

2. What lessons have been learned from the international election monitors and what is their contribution to the democratic consolidation in Kenya?

A number of lessons were learnt as a result of the presence of international election monitor's presence during the Kenyan elections. Some are positive and some negative. The international observers brought along the international experience and insights into the Kenyan election discourse (ELOG 2016). Throughout the election period the international observers emphasised the importance of adhering to the regional and international standards on elections to which Kenya is a signatory. It is on this basis that the international observers such as the Carter Center, EU EOM and the Commonwealth, observed the Kenyan elections. The research shows that some of the democratic obligations are contained in the international treaties such as UN International Covenant on Civil and Political Rights, UN Universal Declaration of Human Rights, United Nations Convention Against Corruption (Stremlau 2013). This evidence supports the literature on the mechanisms that the international influences apply in order to reinforce the democratic standards (Kelley 2012). By so doing, the international observers emphasised the relevance of complying with the international standards while consolidating the democratic culture in the process.

On the other hand, it is regrettable that the regional observers were seemingly not sincere in executing their duties in both 2007 and 2013 election. It was learnt that observer missions such as Southern African Development Community (SADC), AU, EAC and ECOWAS were not very critical in order to protect the incumbent government. Steytler (2013, 3) buttressed the idea by pointing out how these intergovernmental bodies and other regional leaders have developed the, "you rub my back, I will rub yours" approach to certifying elections. Moreover, Kenya shares geopolitical interests with AU, COMESA, EAC and IGAD, because it is a member. Research discovered that representatives of the regional observer missions are more sympathetic with the position of government and they are less critical. For example, the

Intergovernmental Authority for Development (IGAD) coalition mission pronounced the party nominations as successful, a process that was at best imperfect (IGAD 2015). There is no ambiguity from the evidence provided that the regional observer missions contributed to democratic fragility in the Kenyan body politic as they sanctify the neo-patrimonial politics.

Moreover, some evidence also indicates that even international observers sometimes are reluctant to engage in controversial issues during the elections. In the 2013 election they avoided providing detailed report of the suspected irregularities. Majority of the domestic and international observer reports did not reflect how the losing CORD in partnership with the Africa Centre for Open Governance (AfriCOG) challenged the legitimacy of election results at the Supreme Court (Schulz-Herzenberg and Gatimu 2015). Instead they just reported that the election represented the will of the people, with a few irregularities. It is therefore suspected that the apparent reluctance to engage with such controversies might have led to the declining levels of confidence in observer assessments by the Kenyan voters. The levels of confidence in election observers have declined in Kenya from 85% in 2009 to 62% in 2013. This is according to the survey carried out by the Institute for Security Studies (Schulz-Herzenberg and Gatimu 2015).

3. What are some of the transformation mechanisms that can be employed to ensure the international election monitoring contributes constructively to the democratic set-up in African States?

The role of international observers has been downplayed particularly in African one party states where the holding of elections was just a ritual that doesn't have an effect on who takes the presidency (Abutudu n.d). The process was just recycling the same kind of leadership. However, the introduction of multiparty states brought about transformation mechanisms through which the leadership could be replaced if defeated in the electoral process (Lopes 1996). International observers became an integral part of the electoral system and as a result of the introduction of the democratisation process in African states. Considering the high stakes in the electoral process because of the presence of international observers, African leaders have resorted to the Afro-centric approach pretending that external influences would not yield the desired African solutions (Hyde 2011). As a result, these observer missions have been confronted with a lot of resentment.

The undermining of observer missions was evident in both 2007 and 2013 since most of their recommendations were not taken into consideration by the Kenyan government. As a

remedial antidote to the challenges of election observation and monitoring in Africa, the activities of these observer missions must be incorporated into the peer review mechanism of NEPAD, institutionalizing it at the level of the African Union. The Peer Review Mechanism also institutionalised good governance and democracy as the main element (Cilliers 2002). In this context, some of the developments include the adoption of the Declaration on the Principles Governing Democratic Elections in Africa. This was adopted by The Assembly of Heads of States and Government in July 2002. Articles V and VI contains the role of election monitoring and observation in an attempt to consolidate democracy in Africa. To this extent, Matlosa (2002) suggested that adopting such methods through peer review mechanism would enable African states to tailor make election monitoring and observation within the African context. This idea also supports the Africanization of democracy theories which purports that African has an electoral exceptionalism that is radically different from liberal democracy (Ake 1993; Lopes 1996; Leon 2010).

Furthermore, there is an urgent need for the international election monitors to elaborate on the pre-election phase through long-term observation if they are to contribute constructively to the democratic set-up in African states (Abutudu n.d). This conforms to the already existing literature that regards the monitoring process by international observers as superficial since they are only concerned about what happens during the voting day. 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 1993). Looking at the 2007 election in retrospect, it is evident that most international observers were short-term. Instead, the domestic observers monitored the period prior the Election Day. The same also happened during the 2013 elections as observers arrived in Kenya a few days before the Election Day (European Union Election Observation Mission 2008). As a consequence, both elections were marred with irregularities even though the 2013 election was peaceful. International observers must focus on deploying more long-term observers as a mechanism that contributes constructively to the African nation's democratic set-up.

4. How did the relationship between the domestic observers and international observers play out in the Kenyan elections? Is the relationship competitive or supplementary?

During the 2013 election the Independent Electoral and Boundaries Commission (IEBC) accredited 1,834 international observers and 21,554 domestic observers. This also included 6,327 international and local journalists (IEBC 2016). Together as a team both the international and domestic observers monitored the electoral process in Kenya's 47 countries. Noteworthy, was the presence of the Elections Observation Group (ELOG), with the biggest number on the ground that amounted to 7,000 in 290 constituencies (ELOG 2016; Krzysztof 2013). Research shows that the relationship between the domestic and international observers was supplementary as they all worked together towards a common goal. They all released their post-election statements agreeing that the election was satisfactory and non-violent.

Steytler asserts that domestic and international election observer missions are significant to African elections (Steytler 2013). Their relationship was complementary as opposed to what the literature says. Often the international observers have been accused of undermining the domestic observers, therefore portraying the relationship as a competitive one (Hyde 2011; Judith 2012). Contrary to this previously work, the relationship between the two was supplementary. The domestic observers contributed much by the long-term monitoring before the arrival of international monitors whereas the international observers brought along the international experience and insight (ELOG 2016). As a consequence, the research adds insights on the relationship between the local and international observers that the scholars have neglected.

Mbugau (n.d) pointed out how domestic observers have become an integral part of the electoral process and international observation as a contributor to electoral integrity, credibility and general acceptability. Both these observers have become a significant part of the electoral process such that one cannot work without the other as they play an important role. In the 2007 Kenyan election, the domestic observers worked alongside the international observers cooperatively even though some domestic observers were accused of being biased. They also both stood together in disputing the election results and putting pressure on the political leaders to solve the then pressing problems (Harneit-Sievers 2008). Having a strong civil society that is independent from political influence is measured as a sign of democracy in a nation. Moreover, during the 2013 election domestic observers had the biggest number on the ground and they helped monitoring the preliminary stages of the election before the arrival of international observers. When the international observers arrived they continued with the work that the domestic observers had started and they worked alongside each other (Cheeseman 2013).

Most international observers defied the general assumptions made by scholars with regards to how they relate with the local observers. Kelley asserts that international observers undermine the existence of the local observers and therefore she regards their relationship as a competitive one. Contrary to these debates, events of the 2007 elections prove that international observers such as the International Republican Institute, EU EOM and the Commonwealth were compliant with the activities of the domestic observers (IRI 2007; EU EOM 2008). International observers held pre-election meetings with leaders of political parties, civil society and domestic observers in order to gain an insight of the political climate leading up to the elections. By so doing, the international observers showed some allegiance to the local team and they also demonstrated a high level of team work.

Meanwhile, the emergence of election monitoring is connected to the recent resurgence of civil society and its perpetual role in the construction and strengthening of democratic rule. In this context, election observation could reflect the active participation of the civil society in the democratization process. Scholars have also resorted to liken civil society as an extension of international observer, thus the internationalization of civil society (Abutudu n.d). These explanations all revert back to the idea of how intertwined the domestic and international monitors are. Hence the relationship is complementary to a greater extent.

Research question

Getting to the bottom of whether international election monitoring improves democratic governance is quite a gargantuan task that requires a lot of considerations. Based on the research, it is justifiable to safely assert that international election monitoring did not contribute significantly to producing the much desired results as far as democratic governance and consolidation is concerned. On the other hand, there are some positive aspects that can be identified with the work and progress of international observers in Kenya but the demerits are by far outweighed by its merits. Moreover, the merits of the international observer missions in promoting democratic governance in Kenya are of short-term consequences.

The research is in support with the literature that suggests that democracy is purely a domestic affair and there is little that the external influences can do to change the status core (Sørensen 1998). Much work and effort towards democratisation has to be done internally in order to promote the process. Since the 1980s international influences have been trying persistently to foster the democratic standards in African nations but the progress is very

slow. In that same effort they have also resorted to using different mechanisms in order to enforce these standards. Sanctions, political conditionality and military intervention are the major conditions at play (Kelley 2012). For instance, sanctions were used in Zimbabwe as a condition to transition to democracy but there is no significant improvement till date (Department of the treasury 2013). These examples rest upon the fact that democracy is a domestic affair.

In addition, countries that have voluntarily adopted democratic measures are better off than the ones that are being compelled. Kenya is part of the countries spearheading the self-evaluation process of the African Peer Review Mechanism of NEPAD. This is a self-monitoring mechanism voluntarily assented to by the African Union (AU) member states. (Cilliers 2002).

The shortfalls of international observation lie in the inadequacy and imperfection of the art. As witnessed in both Kenyan case studies, thus 2007 and 2013, the international observers were focused on the polling day procedures more than anything (Cheeseman 2007; ICG 2013). Significant as the Election Day procedure may be, there is more to the election process as well. There is a high probability of election abuse and irregularities in the pre-election phase. Reports of the pre-electoral flaws were launched in Kenya when the candidates were chosen and campaigns carried out. During this period there were only local observers on the ground as international observers arrived a few days before the election-day. Abutudu (n.d) asserts that the election observer's period of field presence is very limited to cover the election process and familiarize with the local political circumstances. This has been the case with most observers deployed in African countries. Given this, still has a lot do in order to promote democratic governance.

Additionally, international observers proved to be powerless in the 2007 December 27 election because they could not curb the occurrences of some malpractices from the ECK officials and the media as well. In their report, the IRI reported that soon after the ballot boxes were transferred to the constituency-level officials, there was a series of suspected malpractices witnessed but they could not stop or do anything about it. Firstly, they were not allowed access into the tallying areas in the final process and secondly, the media was silenced by the government up until the announcement of the results (IRI 2007). The occurrence of such flaws indicates the incompetence of international observers in executing their duties. It is the duty of international observers to prevent the election fraud or conflict

(Anglin 1998). As a result, election observers were not instrumental in promoting democratic governance in Kenya because of their ineffectiveness.

Based on both Kenyan elections under study, evidence is in harmony with the previous literature that emphasise on the activities of the international observer as too superficial to enforce the democratic culture in the domestic politics (Schulz-Herzenberg and Gatimu 2015). The literature asserts that the activities of the international election monitors are superficial as they are only concerned about the voting day yet chances are high that the election might have been rigged way before the votes were cast and counted (Kelley 2012; Geisler 1993). To this end, the observer teams have been likened to a bunch of terrorist who just visit the polling station, wine and dine, write a report about the observation and claim to consolidate democracy in African countries (Geisler 1993). Similarly, the Kenyan case study reviews that there was absence of sufficient familiarity with the political situation on the ground by international observers (Krzysztof 2013; DFID 2008). This may have led to conclusions that are not grounded in reality.

Additionally, Kenya is still confronted with political challenges similar to conditions that followed the 2007 electoral violence, ahead of the 2017 elections. The political tensions are escalating just as the Election Day approaches. Remarkable is the lack of trust in the institutions responsible for regulating the elections. The Coalition for Reforms and Democracy (CORD) has been fighting hard to force the Independent Electoral and Boundaries Commission (IEBC) out of office (Noor and Alingo 2016). The IEBC advocates from the Jubilee Coalition maintained a hard stance in response to the CORD's claims pronouncing that the body can only be removed after proper procedures have been followed. These tensions have been escalating and threatening a more violent election in 2017. The public has lost confidence in the IEBC following the outcome of the 2013 election in which they were accused of being biased. Given the political climate in Kenya, it is apparent that the efforts of international election monitors to improve democratic governance were of short term consequences.

Abutudu (n.d) suggests as a solution to the aforementioned problem that there must be created an opportunity for long-term observation. This system is more efficient and sufficient than the short-term observers. Justification is attributed to the fact that while short-term only covers the activities of the actual election-day, long-term involves observing the events that make-up the electoral process. Long-term observation enables the monitors to have a better

understanding of the context in which the electoral process happens. Therefore, international monitoring could have made an impact in changing the domestic systems in Kenya, if there were more long-term observers.

However, some notable differences can be identified in the Kenyan domestic settings as a result of the work and influence of international election monitors. More significantly, the presence of the international observers particularly in the 2013 election was widely noticed and it helped maintain the credibility of the electoral process. By so doing, they influenced the integrity of the electoral process which is a democratic act. However, as the literature asserts that the electoral period alone is too short to consolidate democratic governance in a nation (Kelley 2012; Geisler 1993 & Simpser and Donno 2012). The presence of international observers was helpful in promoting democratic governance in the short-term perspective. It has to be noted that democracy is a process not an event.

Chapter 5

Conclusions and Recommendations

The activities through which international election monitors functions underscore the search for effective mechanisms that will enhance the election monitoring process throughout the world. International election monitoring has been rising at an exponential rate since the inception of the third wave democratization but there have not been any significant improvements in the way in which they influence the domestic political structures. Contrary to the international influences on democratization literature which claims that the international observer missions are vital in improving the democratic systems of the host countries, evidence from the Kenyan case study reveal that international election observers can transform some democratic institutions but the effect has short-term consequences.

In addition, more attention is drawn to the fact that democracy means more than elections because it has many components (Anglin 1998). Focusing on elections solely as a measure of democratic governance would produce inaccurate results. Democratic governance is an integral part of peacebuilding and it should not be limited to the scope of elections regardless of how free and fair they might be. The Freedom House conducted a lot of surveys and figured out that a number of democratic institutions have continued to weaken even after holding democratic elections (Freedom House 2007). As a consequence, a comprehensive approach requires focusing on areas such as strong civil society, respect for human rights, freedom of the media, political liberties and independent judiciary, as they constitute vital elements of democratic governance.

The presence of international election observers during the Election Day contribute towards the credibility and integrity of the election. The observers deter political parties from cheating as they fear negative publicity which results in adverse effects such as shaming and sanctions. These are some of the mechanisms which the international observer missions use. Even though these micro-mechanisms are considered useful, it is puzzling how some leaders continue inviting observers knowingly that they have intentions to rig the election. Nevertheless there is an urgent need for international observer missions to employ more sophisticated micro-mechanisms that can ensure long-term democratic prospects in African states.

International election observers bring along the international experience during the Election Day. In both 2007 and 2013 elections the international observers had a complementary

relationship with the domestic observers. They also nurtured the local observers with the international experience they brought. This involves advising the IEBC to adhere with international treaties to which Kenya committed to. The recommendations they provided were also useful for the betterment of Kenya's democratic systems. However, the main challenge for the realization of these prospects lies in the country's internal systems. Democracy turns out to be a domestic process which requires commitment from national leaders to be realized. Efforts by the international influences alone will not be sufficient to transform the democratic systems. If they do, it is only a short-term prospect that cannot be sustainable in the long-term as evident in the Kenyan case.

The international influences on democratization have also proven to be a conundrum. The efforts to entrench liberal democracy in African countries has been met with a lot of resistance. African authoritarian leaders are resistant as they claim that democracy is country specific. This notion is in sympathy with the ideas of Africanization of democracy which argues that the African model of democracy must be guided by the singular reality that the ordinary people of Africa's democratic participation should be at issue (Ake 1993). This puzzle presents an opportunity for future research on the ways to negotiate the issues of democracy in an attempt to enhance the observer mission's role in promoting democratic governance.

Despite the concerted efforts by international election monitors and various local stakeholders, the Kenyan democratic prospects are still bleak. There are a lot of impediments threatening the realisation of Kenya's democratic ambitions. Some of these have been identified as lack of accountability in public institutions, corruption, weak institutions and escalating political tensions ahead of the 2017 elections.

The initiatives identified in this paper speak to a growing international quest to promote democratic governance in African nations. Given the complexity of democracy notions, the search for more advanced ways to improve the election monitoring process as an integral part of the democratization process is underway. As a consequence, major recommendations to introduce sanity in the electoral process and promote democratization should entail the following approaches: 1. Accountability of the observers; 2. More long-term observers; 3. Observer training.

1. Accountability

Lack of responsibility on reporting the election proceedings have been recognized as a contributing factor to the ineffectiveness of the observer missions. The rate of confidence on international election monitoring organisations has declined over the years because of their lack of accountability and the suspected bias. This has prompted African leaders to lose confidence in their recommendations; therefore hindering the democratic process. As a procedure, observers should be held accountable for their actions. Despite their efforts to initially publish the statements in the electoral aftermath, some of them fail to produce their final conclusions, a development which raises a lot of questions.

2. More long-term observers

The superficial nature of the monitoring procedures of international election observers has also been identified as a contributing factor in the challenges faced in an attempt to promote democratic governance through elections. Additionally, the deployment of observers a few days before the Election Day is considered a challenge to the quality of and integrity of the election. There is a high possibility that the election might be rigged before it starts. As a result, the deployment of more long-term observers is encouraged in an effort to improve the quality of elections. This enables the observers to familiarize themselves with the place and it is an antidote to accurate assessments.

3. Observer training

There is urgent need for international election monitors to receive proper training before they are deployed on the election sites because evidence review that most of them were not experienced. They did not know what was expected of them. This could present a number of challenges when it comes to measuring the integrity of the electoral process.

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