The role of electoral stakeholders in Eastern African communities: a comparative analysis of selected states

Rev John Maphephe

The role of electoral stakeholders in Eastern African communities: a comparative analysis of selected states

by

Rev John Maphephe

2010 077 242

Submitted in partial fulfilment of the requirements for the

Magister Degree

in

Governance and Political Transformation

from the

Programme in Governance and Political Transformation

at the

University of the Free State

Bloemfontein

JANUARY 2012

SUPERVISOR: Ms. Jo-Ansie van Wyk

DECLARATION

I, John Maphephe, hereby declare that this extensive mini-dissertation for the Programme in Governance and Political Transformation at the University of the Free State (Bloemfontein) is my own original work and has not been submitted by me or any other individual at this or any other university. I also declare that all reference materials, used for this study, have been properly acknowledged.

…………………………………..

Rev John Maphephe
STUDENT NUMBER: 2010 077 242

ACKNOWLEDGEMENTS

having endured so much in order to make me realise my life ambition. This research is dedicated to the Maphephe's family.

Above all, I give glory and honour to Almighty God through whose infinite mercy I am able to attain this height of intellectual achievement.

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

LIST OF ABBREVIATIONS AND ACRONYMS

AARC	Abyei Area Referendum Commission
AFIS	Automatic Fingerprint Identification System
APD	Academic Peace and Development
AU	African Union
BBC	British Broadcasting Corporation
CHD	Centre for Humanitarian Dialogue
CIIR	Catholic Institute for International Relations
CLARION	Centre for Law and Research International
CPA	Comprehensive Peace Agreement
CSCE	Conference on Security and Co-operation in Europe
DPU	Development Planning Unit of University College London
DUP	Democratic Unionist Party
ECK	Electoral Commission of Kenya
ECOSOC	United Nations Economic and Social Council
EISA	Electoral Institute of Sustainability of Democracy in Africa
EMB	Election Management Body
EMC	Electoral Monitoring Committee
ERIS	Electoral Reform International Services
EVR	Electronic Voter Registration
FOPAG	Forum for Peace and Governance
FRS	Facial Recognition System
FVVL	Final Valid Voters List
GNU	Government of National Unity
GOS	Government of Sudan
GOSS	Government of Southern Sudan
HCTV	Horn Cable Television
HEC	High Election Commission
ICCPR	International Covenant on Civil and Political Rights
ID	Identification Document

IDASA	Institute for a Democratic South Africa
IDEA	Institute for Democracy and Electoral Assistance
IDP	Internally Displaced Person
IEOs	International Election Observers
IFES	International Foundation for Electoral Systems
IGAD	Intergovernmental Authority on Development
IIECK	Interim Independent Electoral Commission of Kenya
IMF	International Monetary Fund
INGO	International Non-Governmental Organisation
IOMG	International Observer Mission Group
IPPG	Inter-Parties Parliamentary Group
IREC	Independent Review Commission
IRI	International Republican Institute
ISG	Independent Scholars Group
ISS	Institute of Security Studies
JEM	Justice and Equity Movement
KANU	Kenya African National Union
KBC	Kenya Broadcasting Corporation
KEDOF	Kenya Elections Domestic Observation Forum
KICC	Kenyatta International Convention Centre
KPTJ	Kenyans for Peace with Truth and Justice
LTO	Long-term Observer
MTO	Medium-term Observer
NAGAAD	Network of Women's Organisations in Somaliland
NCP	National Congress Party
NDA	National Democratic Alliance
NEC	National Elections Commission
NEC	National Electoral Commission
NGO	Non-Governmental Organisation
NIF	National Islamic Front
NISS	National Intelligence and Security Services

NSP	Somalia Non-governmental Organisation Safety Programme
OAU	Organisation of African Unity
ODIHR	Office for Democratic Institutions and Human Rights
ODM	Orange Democratic Movement
OSCO	Organisation for Security and Co-operation in Europe
PCP	Popular Congress Party
PEUDP	Peace, Unity and Development Party
PNU	Party of National Unity
PR	Proportional Representation
SAF	Sudan Armed Forces
SFUK	Somaliland Focus United Kingdom
SHURONET	Somaliland Human Rights Network
SLNTV	Somaliland National Television
SOMRA	Somali Relief Association
SONSAF	Somaliland Non-State Actors Forum
SONYO	Somaliland National Youth Organisation
SORADI	Somaliland Research and Development Institute
SPA	Six-Point Agreement
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
SPLM-DC	Sudan People's Liberation Movement–Democratic Change
SPU	Special Protection Unit
SSCMG	Sool, Sanaag and Cayn Militia Group
SSCTV	Somaliland Space Channel Television
SSRB	Southern Sudan Referendum Bureau
SSRC	Southern Sudan Referendum Commission
STO	Short-term Observer
SUDEMOP	Sudan Domestic Election Monitoring and Observation Programme
TFG	Transitional Federal Government
UCID	Justice and Welfare Party
UCID	Ururka Cadaaladda iyo Dimoqraadiga

UDF	United Democratic Front
UDSF	United Democratic Salvation Front
UDUB	United Democratic People's Party
UDUB	Urrurka Dimoqraadiyadda Ummadaha Bahoobay
UN DSS	United Nations Department of Safety and Security
UN	United Nations
UNDP	United Nations Development Programme
UNDP-EAD	United Nations Development Programme Elections Assistance Program
UNIFEM	United Nations Development Fund for Women
UNMIS-EAD	United Mission in Sudan- Electoral Assistance Division Support
USAID	United States of America International Development

CHAPTER ONE
INTRODUCTION

1.1. Introduction

When an election in Africa draws international attention, the news is seldom good. On 27 December 2007 some ten million Kenyans went to the polls in what was generally anticipated to be the most hotly contested and close-run presidential, parliamentary and civic elections in the country's 45 years since emerging from British colonial rule, an example will be given where fuelled violence which left 1,500 dead and 300,000 displaced, while 2008 elections in Zimbabwe suffered from massive fraud and brutal suppression. Accordingly to the late Colonel Muammar Gaddafi, former Chairman of the African Union (AU), suggested in 2010 that multiparty democracy in Africa can only lead to bloodshed even some supporters of democracy in general agree that most African countries are not ready for elections. Recent headline-grabbing electoral failures, however, do not justify abandoning efforts at developing electoral democracy in Africa. Although elections are often marred by fraud or incompetence and do sometimes result in violence, no other means have brought about nonviolent transitions of power with the same consistency (IFES, 2011:1; IFES, 2010:2).

The majority of Africans (60%) believe, according to an Afrobarometer (2005) survey, that democracy is preferable to all other forms of government. As argued by Holmquist and Ford (1992:97-110), self-appointed rulers are facing hard times all over Africa. Democracy is everywhere in the air and popular mobilization, though very uneven, is consequential. With little room for manoeuvre, several autocrats have fallen or pledged transitions to democracy. Even in the countries that have suffered most from failed or flawed elections or even from the failure to hold elections entirely the people have responded not by abandoning democracy but by increasing their demands for accountability and reform. In reality, then, Africa's experience with electoral democracy has been mixed. Some progress has been made, but challenges remain. The various elections in the past several years from Kenya, Zimbabwe, and Nigeria to Ghana and

Sierra Leone have become historical landmarks for different reasons, varying drastically in their conduct and outcome of elections (Salih and Hamdok, 2007:123).

This mix of electoral experiences has generated considerable debate on the subject of transparent, free, and fair electoral processes among election communities. Elections stakeholders, in democratic progress itself can come with challenges; as regular elections are held. The increase of competitive elections, one-party and military regimes face potentially destabilising challenges that could increase the risk of fraud and violence. It is thus difficult to identify a general trend in elections for the continent as a whole. In the broadest of terms, Sub-Saharan Africa (SSA) is certainly more democratic and holds more free and fair elections today than several decades ago, but gains in some countries have been offset by losses in others, while a number have remained democratically stagnant since independence. Therefore, to understand recent trends in African elections, it is helpful to examine individual countries along with others that have shared similar experiences and will thus face similar challenges and opportunities in the coming years (Norman, 2010:321-326).

Elections management is crucial for the attainment of development (Norman, 2003, 2005; Bird, 2004; Wallington, 2004). Nevertheless, thorough accomplishment of elections management depends on two parts of the players. Firstly, is the competence of the electoral body (Heywood, 2002:232; International Institute for Democracy and Electoral Assistance, 2006: 9). Secondly judging from some recent turbulent electoral reform experiences in Africa it is obvious that in most cases the stakeholders are narrowly defined as the electoral commission, the legislature, religious church leaders, civil society groups, parliament, government of the day, International agencies, national voters, the political executive leaders, and opposition political parties leaders were given token representation, enabling the governing party to overrule them. The study will elucidate the major stakeholders in the electoral process and what their functions are and how it affects the elections outcome.

National elections are a significant feature of stable democracies and the need to deepen democracy through regular free and fair elections in Africa cannot be overstated. As Africa navigates through a phase of consolidating democracy, elections are yet to serve as reliable instruments for enhancing democratic tenets and good governance. Elections in many African states are characterised by controversies and disputes which, in most cases, transform into violent conflicts (Anstee, 1996:265). These electoral conflicts arise at all stages of the electoral process from political party registration through the registration of voters, the nomination of candidates and conflict at polling stations. This is often, amongst others, the result of the attitudes and biases of Elections Management Body (EMB).

In emerging democracies, there is an increasing trend to establish independent EMBs (Barkan, 1997). This is seen as an important step in building a tradition of independence and impartiality, as well as building the confidence of the electorate and political parties in the electoral process. Administering democratic elections requires that EMB's regarded as impartial and independent of government or other influences. This is a critical area as the election administration machinery makes and implements important decisions that can influence the outcome of an election. The political circumstances of a particular country under consideration need also be taken into account when assessing the legal framework regulating electoral management bodies (Butler and King, 1966: 66-128).

Election management became more complex in the 1980s and 1990s when more and more countries entered the wave of democratisation and held multiparty elections (Lekorwe, 2006: 63-64). Moreover, a well-managed election depends on the quality of the election management body (Lekorwe, 2006). The (IDEA, 2006:5) demonstrated their intention in developing the international elections guidelines to set out the basic components of a legal framework governing democratic elections, incorporating internationally-recognized electoral standards (so-called "international electoral standards"). These international electoral standards are relevant to each component,

and necessary for the legal framework to be able to ensure democratic elections (Klein, 1995; Harris, 1997; Dundas, 1993; 1998).

It is a regular practise that each country has discretion in its choice of political representatives and an appropriate electoral system. However, such discretion is not unlimited and should be consistent with international electoral standards on free and fair democratic elections. Many African countries had adopted electoral systems which applied during their colonial periods or for other historical reasons, the review of a country's legal framework could usefully reflect on current cultural, political, social or other factors and realities (IDEA, 2006:23).

Recently, Eastern African communities have seen a welcome revitalisation of political stability and development as well as academic interest in electoral systems. The elections in, for example, Kenya, Sudan, and Somaliland took an innovative step forward from 2007 to 2010 (Juma, 2009:407). Against this background, this study offers a brief review on the role of elections stakeholders in the Kenyan elections in 2007, the Sudan 2010 elections and the Somaliland 2010 elections, analysing the democratic elections transition process and these countries' prospects for consolidating a democratic practise in the future. An analysis of the Sudan, Kenya and Somaliland electoral processes will be made in order for the researcher to make recommendations on how to achieve each elections stakeholder mandate within the interest of delivering democratic elections. The purpose is to examine the involvement of elections stakeholders and the international community enrolment to undertone the democracy emerging in the Eastern African communities. The study will also examine the elements of the elections process, the concepts used, methods of approach, governance framework, and the role of elections stakeholders in each case.

1.2. Literature review

The study of democracy and elections has been a continuing source of inter-disciplinary conflict (Key and Munger, 1959; Sheingold, 1973). However, there is an agreement that

a democratic system must eventually involve all major political forces and the establishment of full civil liberties in a post war settlement (Raymond, 1980:157). A free and fair electoral process is regarded as a necessary condition for a democratic society premised on good governance and a culture of peace (Mbugua, 2006:22; Taylor and Johnston, 1979).

Democratic government is generally characterised by the existence of a strong civil society that is able to keep a check on government performance and make an input into policy and processes that will enhance good government (ISS, 2008). Lle and Mapuva (2010: 30-42) assert that many forums through which citizens could make contributions to debates on issues affecting their lives have been deliberately blocked by those who are supposed to ensure the views of citizens are incorporated in the decision-making structures of society. This has resulted in the current debates about the dire need to deepen and broaden democratic structures in various institutions to enable citizens to be involved in public affairs. Current debates on the deepening and consolidation of democracy have a distinct bias towards the introduction of participatory approaches that will enable citizens to take up their citizenship rights (Esau, 2006:1). Esau (2006) maintains that this process requires that citizens become more engaged in the state to enhance state responsiveness, ensure watchfulness and accountability and influence policy that affects their livelihood (Lle and Mapuva, 2010: 30-42). Writing on electoral systems, Norries (2004:40) demonstrates that since the seminal work of Duverger (1954) and Rae (1967), a flourishing literature has classified the main type of electoral systems and sought to analyse their consequences. The discussion of electoral systems must go beyond whether a majoritarian/ pluralist, proportional or mixed electoral system is best practice. Jackson and Jackson (1997: 371) state that 'each system offers certain benefits and disadvantages in terms of the representation of different groups in society'. Although the electoral system plays an important role, especially in inner-party democracy and the role of parliament, the legitimacy of elections rests upon other factors. Electoral infrastructure and electoral rules become important and are often neglected when it comes to the analysis of voter turnout. The study shall dwell on the majoritarian model to bring more clarity towards the aims and

objectives. The study will consider the five criteria which may be defined for the quality of electoral systems. These are representation, concentration, participation, transparency and simplicity. The constitutional criteria for a free, fair, secret vote will also be included (Kersting, 2005; Reynolds, Reilly and Ellis, 1999; 2002).

There have been no major comparative studies on the role of electoral stakeholders in Eastern Africa, in general, and in the countries selected for this study, in particular. In the last decade, the quest for elections stakeholders and good governance has become an important area of concern in Africa and the world at large. A number of countries have moved away from hitherto dictatorial regimes to an adherence to democratic principles (Otlhogile, 1998). Such countries include Uganda, Liberia, Egypt, Tunisia, Libia, Mozambique, Sierra Leon, Sudan, Lesotho, Malawi, Tanzania, Somaliland, Ghana, Botswana, Namibia and South Africa. Moreover, a premium is placed on the legitimacy of the government of the day. Elections stakeholders have become important in determining the adherence of democratic principles. Salih and Hamdok (2007: 133), and Norman (2010:321-326) argue that critics of the conduct of African elections are concerned with at least two types of structural deficiencies emanating from the quality of democracy).

Some African countries are in the formative stages of competitive democracies having only recently done away with one-party systems or authoritarian, military or military-civilian rule (Salih and Hamdok, 2007: 133). The electoral process is an essential tool for decision making in a democratic societies and institutional capacity building. Once clear elections are held, they gain respectability and credibility. Therefore, a free and fair election is a major foundation of a substantive democracy. It is from such a perspective that Byakagaba (1998) indicated that elections are a very important aspect of democratic process, which requires careful planning and handling must be done advanced (IFES 2010:1).

Institutions manage elections. In some, depending on the nature of the country, these bodies are known as a National Election Commission, an Independent Electoral

Commission or an Institute of Electoral Management. These institutions are worthy in managing elections. However, to facilitate an independent body, the electoral bodies need to be impartial and not affiliated to any political party. Further, there are voter education programs which refer to education with emphasis on the importance to vote. It answers the questions why, how, where and when to vote. Voters are also stakeholders where by a voter as any customer needs to be sensitized. However, the difference between a normal customer and a voter is that the decisions of a normal customer, so to say a teacup customer, or a gown customer, do not necessarily affect the public. In other phrases, whether one buys a cup of tea or a dress, this does not entirely affect a hat or trouser customer (Norman, 2010: 321-326).

Governments also form part of the three institutions of the state. Others are the judiciary and the Parliament. These three institutions, according to Norman (2003), set the so called checks and balances, which literary assume that the mandates of the three different institutions are equal. It can, of course, be argued on the one hand that the mandate are equal on the basis of the spelt of the law, particularly when it indicates that it is not proper for any arm to intervene the performance of the other (Norman, 2010: 321-326). Voters are consumers of the service provided by the election management body. If the service is poor the voters' attitude will be negative and their participation in the electoral process will be negatively affected. It is therefore, crucial that elections managers recognise the value of the quality of election service that they need to provide to the voter. The organisation of elections from the time of registration of voters, up to the polling date, security of the voting place, distance of the polling stations from a voter's home, attitude of election administrations and of the politicians themselves, as well as the weather combine together to determine the voters' perspective on the elections (IFES, 2010:2) .

1.3. Background to case studies and problem statement

More than a month after the 2007 elections in Kenya, for example, several factors aligned in a concert of action to deliver a successful mediation that led to the signing of

the National Accord and the formation of the Grand Coalition Government. The first factor was a framework for mediation that emerged within the ambit of the AU around which support and momentum grew over time. Accepted by both sides of the conflict, this mechanism enjoyed legitimacy and became a rallying point for all actors interested in resolving the crisis (Juma, 2009: 407). A second factor involved the role of Kenyan election stakeholders in mounting and sustaining pressure on the parties of the conflict and the mediating team to return Kenya to peace. Mobilising across party lines, Kenyans from various constituencies engaged the peace process from the start to beyond the signing of the accord. In many ways, this translated into local ownership of the peace process and built a constituency of support for it (Holmquist and Ford, 1992:98).

A third factor was the character of the mediating team, which embodied experience, expertise, network and mediation skills for addressing the crisis. All the eminent personalities enjoyed respect in Kenya and internationally and hence raised confidence in the process (Juma, 2009: 407).

In Sudan, for example, since the self-rule period between 1953 and 1956 when the first multiparty elections were conducted, the country has had an accumulative legacy of electoral experience. Before long, multi-party or one-party executive and legislative elections were introduced according to the constitutional changes affecting the system of governance. Yet, the general elections of 2010 were recorded as a different from all previous electoral experiences (Sudan National Election Commission 2010: 3).

On 26 June 2010, the Somaliland National Election Commission delivered a successful presidential election, which international observers declared generally to have met the international standards. Against this background, there is a justifiable need to consult and analyse whether the three eastern African countries comply with the set international elections standards (IDEA, 2006: 5). The primary sources for the international standards set forth in these regards are a range of international charters, signed treaties towards the practises and norms for elections, regional agencies views,

United Nations (UN) declarations and conventions on human rights and other relevant legal documents. The assumption is that an appointed electoral commission and all elections stakeholders must be committed to overseeing the election process to be impartial and independent, transparent, accessible, accepted, creditable, free, fair, inclusive and accountable for every citizen of their own states at accepted regional and international standards, norms and practise (SADCPF, 2001).

Sudan, for example, held its first competitive multiparty elections in 2010 after 21 years of the National Islamic Front (NIF), the predecessor of the National Congress Party (NCP), overthrew the elected government of Sadiq al-Mahdi and for a period banned all political parties and activity. Elections in 1996 and 2000 failed to meet basic international standards for a genuine electoral process, and several parties boycotted the processes and results (Carter Centre, 2010:8-9). The signing of the January 2005 Comprehensive Peace Agreement (CPA) between the NCP and the Sudan People's Liberation Movement (SPLM) ended the 22-year long North-South civil war. The CPA established a six-year interim period during which the Government of National Unity (GNU) composed of the NCP (holding 52 per cent of National Assembly seats), SPLM (28 per cent), and other parties (20 per cent) governed. The interim period concluded with a referendum on self-determination for Southern Sudan in January 2011 (Carter Centre, 2010:9).

The Commissions of Inquiry Act of Kenya reveals, for example, that on 27 December 2007 some ten million Kenyans also went to the polls in what was generally anticipated to be the most hotly contested and close-run presidential, parliamentary and civic elections in the country's 45 years since emerging from British colonial rule (Kenya, 2008: 1-5). The register of voters had been swelled since the previous elections by several million new registrations, many of them young first-time voters. The Electoral Commission of Kenya (ECK) had doubled the number of voting stations to 27 555, arranged in some 20 000 polling centres. Writing on Somaliland, Mathieson and Wager (2010) demonstrate that the Somaliland presidential elections were due to have taken place in April 2008 but were delayed to allow for the introduction of a voter registration

system. In early 2009, all three political parties agreed that the elections should be held on 27 September 2009. However, due to concerns over the integrity of the new voter list and a decision by the two opposition parties to boycott the election, the election was again postponed. An entirely new NEC was sworn in on 28 October 2009 and charged with the responsibility of creating a viable voter list from the existing data and organising free and fair elections within a reasonable and practical timeframe. The three parties have agreed that there is a need for a voter registration list as legally required, for this and for future elections (Mathieson and Wager, 2010: 1).

As articulated by Menang (2006: 61-63), African leaders, intellectuals, civil society leaders and election managers meeting at both continental and sub-regional fora have, in recent years, reflected on the conduct of elections on the continent and issued guiding principles that should eventually form the basis for election management norms and standards. One such encounter was at the 38th Ordinary Session of the Organisation of African Unity (OAU) held in Durban, South Africa, on 28 July 2002 (SADCPF, 2001). In their *Declaration on the Principles Governing Democratic Elections in Africa*, African leaders accepted that democratic elections should be conducted: freely and fairly, under democratic constitutions and in compliance with supportive legal instruments, under a system of separation of powers that ensures, in particular, the independence of the judiciary, at regular intervals, as provided for in national constitutions, by impartial, all-inclusive, competent, accountable electoral commissions staffed by well-trained personnel and equipped with adequate logistics. This Declaration was adopted by the AU, which came into being at the end of the Durban Summit.

The peaceful way out is via the negotiating table and an attempt to thrash out some kind of power-sharing deal or elections run off. Lle and Mapuva (2010:30-42) assert that this has led to situations where political opponents are compelled to co-exist in government while at the same time creating apathy and despondency among the electorate who feel short changed by the disregard for their will and the imposition of leaders who should have exited from the leadership positions in government through electoral defeat. Thus, it can be argued that, elections have become a smokescreen used by politicians to cling

to power by claiming legitimacy from the electorate (Lle and Mapuva, 2010:30-42). Many countries, especially those that have institutionalised periodic elections, functioning legislatures, established human rights commissions and constitutional courts, seem to have done well in this regard. But, as the experience of many of them has shown, democracy is not simply about satisfying theoretical expectations. For example, it is not about the electoral defeat of unpopular or discredited incumbents or, for that matter, about holding periodic elections.

Rather, the democratic project is about and for citizens who have stakes in the project and expect dividends from it. Ordinary citizens who queue for long hours to cast their votes, or take part in riots and demonstrations to oust authoritarian governments, and those who lead and join reform-seeking social movements and political parties, as of legitimate right, expect immediate and long-term dividends (Cowen and Laakso, 2002:1-26). However, because the ensuing democracy was in many cases the product of conditions imposed by Western powers and/or the diffusion effect of the globalist triumph of liberal democracy, emphasis has tended to be laid on building formal democratic institutions and structures instead of capacitating and institutionalising the electoral stakeholders in a holistic approach (Salih an Hamdok, 2007: 133). Elections reports and international observation further suggest that some African countries are still in the formative stages of competitive democratic politics having only recently done away with one-party systems or authoritarian, military or military-civilian rule. Most of the problems they have experienced have related to the electoral system and stakeholder participation that they have chosen (Holmquist and Ford, 1992:98).

Against this background, the study will examined the level of election stakeholders' determination and involvement towards the successful and unsuccessful elections, using Kenya 2007 elections, Somaliland 2010 elections and the Sudan 2010 elections as the primary focus for learning. It will analyse factors that may have influenced the participation of elections stakeholders and involvement of their routine operations. In the selected case studies, the elections system have not been able to achieve some of the interest in the nexus between electoral model, effects on election results, political

inclusivity, and political legitimacy, democratic government, peaceful states, growing economy, and good governance. Du Toit (2010:78) asserted that Africa has entered the era of democratic government and economic globalisation. The first steps on this road are not free from growing pains, nor can we predict that democratic government will assume the same form in all African countries, any more than their style of participation in a global economy many elections in Africa's democracies are still marked by controversy. Often the victorious party is accused of corruption and election fraud, and the outcome is refuted resulting in a stalemate. Osaghae (2004:1-2) altercates that the liberalisation of political space that came through pluralism, multiparty politics and constitutional reform in the wave of democracy which swept through Africa in the 1980s and 1990s was a major achievement on African continent where authoritarian one-party and military regimes previously held sway (Cowen and Laakso, 2002:1-26).

1.4. Objective of study

Although some African countries (e.g. Botswana, Burkina Faso, Mauritius, Senegal) have had a longer experience with competitive democratic electoral politics than others, many of them still encounter democratic deficiencies emanating from electoral system inadequacies. There is strong correlation between political violence, stakeholders' involvement, instability, and democratic deficit, on the one hand, and the quality of electoral systems, on the other. For these reasons, this research hopes to bring a preface that will plug into some grey areas in Africa's democratic experience (Salih and Hamdok, 2007:133). The absence of comparative studies as cited is that most African countries have opted for a presidential regime which was more of a dictatorship which tends to be encouraging the emergence of a dominant parties in their own countries, especially when they take the extreme form of presidentialism, in which parliaments as one of the role player and national elections commissions are very weak to administer the process without any direct control of government or political party (Kalima and Cassam, 2006: 2). Therefore, the primary objective of this study is to:

- Provide an overview of the history of electoral participation in the context of Kenya, Somaliland and Sudan, in general, but the main discussion will be on the

2010 election for Sudan, 2007 elections for Kenya and 2010 election for Somaliland;

- Discuss the mandate of elections stakeholders in order to assess the clarity and relevance of each stakeholder's role;

- Investigate whether the elections stakeholders has inherent weaknesses in its structures, such as lack of institutional capacity, lack of political will or lack of operational autonomy; and

- Identify the resources, strengths, and potentials that electoral stakeholders can bring for the future elections to be held in the region.

1.5. Analytical and theoretical framework

As argued by Babbie (1998:282), a case study is an ideographic examination of a single individual, group, or society. Its purpose is to describe although attempts as explanations are also acceptable. Lofland and John (1995:127-45) suggest six different ways of looking for patterns in the topic of the research namely frequencies, magnitudes, structures, processes, causes, and consequences. The study has used the above-mentioned theoretical approaches to record sensible observations. For analytical and comparative purposes, each country case study was analysed in terms of the following:

- Historical background;
- The constitutional, legal and administrative framework regulating the elections in each country;
- The pre-elections phase, the elections day and the period subsequent to the selected elections;
- The role of electoral stakeholders;
- The management and maintenance of electoral partnerships including the assistance of international community; and
- Issues pertaining to the successful of holding free, fair democratic elections and the factors leading to the failure or collapse of elections stakeholders in the selected countries.

Sardy and Grosof (1985:207) claim that the principal purpose of data analysis is to reveal patterns, differences, and relationships which might not be evident from the direct inspection of data and to permit the researcher to decide whether observational evidence supports the hypothesises.

1.6. Conceptual clarification

The ability to explain and understand the findings of research within a conceptual framework which makes sense of data is the mark of matured disciple whose aim is the systematic study of particular phenomena (Habermas, 1994:116-17). Regular consultation with its stakeholders promotes awareness about National elections commission operations and allows stakeholders to directly advise the National elections commission of their assessments of its performance and suggest potential improvements. These consultations could be regular or event-driven, mandatory or voluntary, structured or informal. The consultative approach allows the concepts of democratic free, fair elections and a creditable election is achieved. According to IDEA (2006:89) elections must be transparent and open, accessible, inclusive, be within legal framework, peaceful, and allow elections sufficient safeguards, respect human rights and meet declared international standards.

Democratic free and fair elections: Affirm that democracy is a universal value based on the freely expressed will of the people to determine through participation their own political, economic, social and cultural systems. Emphasize that democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing.

For the purpose of this study, the following concepts are of importance:
- **Transparent and creditable elections:** The type of elections where the local elections stakeholders take bold step to invite local, regional and international observes to assess the electoral process from short term to long-term period.

The observer mission observes from pre-elections phase, during elections and post elections to provide reports from different elections phases (IDEA, 2006:89-92). The study went beyond cross culture and political environment to align the arguments using the above cited concepts and material.

- **Elections Stakeholders**: Elections stakeholders encompass all individuals and organizations that conduct or ensure that the elections are done on the one hand and individuals to whom elections are performed on the other. Thus, stakeholders include the EMBs, the law and order institutions and many more organizations whose are indebted with the elections. In Tanzania, for example, there were several organizations that play a vital role of observing elections (Norman, 2010:321-326). In general, the media being one of the typical and common stakeholders also refers to various means of communication. For example, television, radio, and the newspaper are different types of media (IFES, 2010:1). The role of the media in development may also be looked into two perspectives. One being the role as prescribed by the law and the other being the role as observed from the real practical experience (Norman, 2010:321-326). The strength of a democratically elected government depends not only on the inclusiveness of its electorate, but also on the degree to which its citizens are aware of their rights and responsibilities and participate in the political process. The International Foundation of Electoral Systems (IFES), for example, works to enhance civic participation as a pivotal ingredient of representative government by strengthening the capacity of civil society organizations (CSOs) to mobilize citizens in a constructive and effective manner. Civil society programs foster both civic initiative and government responsiveness and accountability (IFES, 2010:3).

- **Political party:** A political party is defined as an organized group of people with at least roughly similar political aims and opinions, that seeks to influence public policy by getting its candidates elected to public office (Pippa, 2004; Alan, 1996; Butler and Leonard, 1991; Austin and Tjernsron, 2003). Parties tend to be deeply and durably entrenched in specific substructures of the specific society in a sustainable and well-functioning democracy. They can link the governmental institutions to the elements of the civil society in a free and fair society and are

regarded as necessary for any modern democratic system (Wägnerud, 2000; Norman, 2009). Political parties have a big stake in elections management. Firstly, the roles of political parties are crucial since they are the once that play the game. Other elections stakeholders play a passive role.

1.7. Research methodology

In order to examine the role of elections stakeholders, in terms of regional integration, international elections standards, and guide to principle of free and fair elections, elections conflict prevention management approach and electoral resolution, primary and secondary sources were consulted. The study employed the use of comparative methodology qualitative and quantitative designs. However, the study did focused more on qualitative method. The qualitative method was designed to complement the results generated from quantitative data sources (Creswell, 1994:159). As already noted that a study of this kind requires multi –disciplinary approaches involving quantitative and qualitative research methods. Research experience has proved that both methods complement each other. Qualitative research method generates non-numerical data through in-depth interviews. Qualitative method was used through open ended interviews with the use of interviews schedules. Review of relevant literature and personal interviews with elections stakeholders, elections practitioners and international observers were generated to create qualitative data. This means that information required establishing findings were basically generated through primary and secondary sources available in both public domain and original sources. Most of the materials used for the study are books, journals, reports, elections conferences, articles, websites, International charters, government agencies, donor agencies, EMB documents and magazine. Babbie and Mouton (2001: 647) define research methodology as "The methods, techniques and procedures that are employed in the process of implementing the research design or research plan, as well as the underlying principles and assumptions that underlie their use". This is qualitative research using the phenomenological or interpretivist tradition which emphasises the differences between

the object of natural science and social sciences. Within this paradigm, the aim of the human sciences is defined as understanding people not merely explaining them.

As Babbie and Mouton (2001:28) assert, "[w]e continuously interpret, create and give meaning to, define, justify and rationalize our actions". The goal in this perspective is to understand the actors under consideration as rational actors making decisions that fit the circumstances as they see them. Babbie and Mouton (2001) point out that a semi-structured interview entails specific questions asked in a largely open-ended format. This means the questions but not the response categories are predetermined. The researcher took the responsibility of classifying the responses into categories for analysis. An interview involves direct personal contact with the participants who were asked to answer questions. Interviews provide the researcher with an opportunity to investigate subjective human experiences (Boikhutso, 2005: 7). In this study a method of getting people to express their views broadly, comment freely and widely on the topic were generally used. This is a structured interview. Probing techniques were used to encourage respondents to communicate their views and feelings openly. The study kept the aiming of being a descriptive and explanatory. As argued "comparative analysis is undertaken to explain and understand differences" (May, 1997: 186). This is a descriptive research project which provided a comparison for the participation of elections stakeholders particularly in Sudan, Kenya and Somaliland.

The study adopted a continuous explanatory approach in the sense that it aim to establish why democratic elections were successful held in some of the African countries and why the elections were not successful within some of African states members, what has been the mandate of elections stakeholders on democratic elections in order to assess the clarity and relevance of each stakeholder's role. As stated by May (1997: 179), comparative research is an evolving topic, yet one long and rich in history. However, it is growing area fostered, for examples, by international organizations and institutions such as European Union. In terms of its collective methods and theories, we may characterized it as a pluralist approach centred mainly, but not exclusively around the theme of comparing countries under the umbrella term

'cross national' studies (May, 1997: 184). While cross-national comparative research is a growing phenomenon, we are use the idea of comparison when making judgements in everyday life and the practise of social and natural sciences is inconceivable without it. According May (1997:185), the important-mirror view suggests that the project of comparative analysis is worthwhile because in producing findings on the practise of other countries, the better some are able to see the basis of their own practise. The comparison had offered some idea from other countries, theories being tested and experienced to be good lesson and similarities which can be borrowed from other countries. The research method also allowed importation of different methods of societies affairs to improve their efficiency.

1.7.1. Case study approach

Babbie and Mouton (2001) define the case study approach as research which studies a few people or cases in great detail over time. It focuses on the process, complexity and particular nature of the case in question which can be a person, a family, a community, a social group, an institution, an organisation or an event in its natural setting and from the perspective of the insiders. In this research, Kenya elections for the year 2007, Sudan elections for year 2010 and Somaliland for the year 2010 were used as a case study for an in-depth qualitative analysis of the role of elections stakeholder to have free and fair democratic elections.

1.7.2. Research instruments

The research instruments that were used for this research was a telephonic and face-face interviews. To supplement the information to be more adduced from the interviews, a questionnaire was also be used in these interviews. This questionnaire was used to generate a quantitative data while the question guide was used to generate qualitative data. While designing the instruments, considerations were given to research participants and therefore the questionnaire was placed in such way that lower ranking staff members could interpret the questions. The research also seeks to benefit from triangulation, which entails the use of two or more methods of data collection

procedures within a single study (Babbie and Mouton, 2006). This means that it was possible for the researcher to gather supplementary information using other techniques. The researcher attended some sessions of the mediation process in order to get an insight on the negotiations.

1.7.3. Targeted population

The target population of the study were the stakeholders of various government agencies, international donor agencies, voters, political parties, civil societies, media, National election commission, religious leaders, Business suppliers for electoral materials, and other selected public institutes. This includes top management staff, operational management, technical managers, and middle, junior staff, and politicians and individual. Customers, clients and individuals that may have served with relevant government agencies were also co-participants in the study. The rationale behind the questionnaires was to allow the research to be participatory action approach and, involved the researcher and the stakeholders of various activities.

1.7.4. Research design

A research design can be defined as "… a plan of action that includes the techniques that will be employed in the implementation or execution of the research" (Babbie and Mouton, 2001:159). Qualitative research relies on interpretative or critical social science. It is concerned about issues of the richness, texture, and feeling or raw data because its inductive approach emphasises developing insights and generalisations out of the data collected. In contrast, quantitative research focuses on issues of design, measurement, and sampling because its deductive approach emphasises detailed planning prior to data collection and analysis (Babbie and Mouton, 2001:42). Qualitative research works from natural settings and provides an interpretative understanding of the phenomenon or event. Quantitative search works with controlled settings and selected samples. It gives explanations and makes predictions. According to Babbie and Mouton (2001:38), qualitative data often provides richer insights than quantitative data because quantitative researchers tend to neglect data that is not readily quantifiable.

Furthermore, Babbie and Mouton (2006: 309) comment on the qualitative research design as "appropriate to the study of attitudes and behaviours best understood within their natural setting as opposed to the somewhat artificial settings of experiments and surveys" characteristic of quantitative research.

1.7.5. Document analysis

Official local and international documents were an invaluable source of data in this research as they provided very vital information in all the stages of research from the formulation of the topic, research questions, literature review, field work, analysis and presentation of the research findings. Document analysis can help support and verify, or contradict and challenge testimony from participants. It was the responsibility of the researcher to sample the relevant documents and interrogate as a component of the research proceedings in order to identify those relevant and also to establish the authenticity and accuracy of the documents. Documentation comprised of information from the Southern African Development Community (SADC) which commit them to a regional version of the AU Declaration by adopting the *Principles and Guidelines Governing Democratic Elections.* Summit meetings, conferences, policy documents, analytical reports, International observer mission reports, communiqués, relevant statements by regional leaders, academic papers and other scholarly research on regional integration were collected to substantiate the study arguments. Information was also obtained from on-line sources (World Wide Web) and journal contributions from elections researchers and academic practitioners in the field.

1.8. Scope and limitations of study

The study is confined within the past elections experiences of three Eastern African communities, namely Sudan's 2010 elections, Kenya's 2007 elections and the elections in Somaliland for the year 2010. More emphasis was on the role of election stakeholders' contribution towards free and fair elections. Other issues such as legitimacy of the government, functioning of the government of the day, and economic growth were not covered here as there is a need to research more about them.

1.9. Chapter outline

CHAPTER 1: INTRODUCTION

This chapter introduced the topic, outlines the study's problem statement, aims and objectives, methodology and the layout of the study.

CHAPTER 2: ELECTION STANDARDS, STAKEHOLDERS AND MANAGEMENT SYSTEM

Chapter 2 analyses international elections standards and the role of stakeholders in elections. The participation of national elections commission as the leading institute for the elections processes were investigated in line with anticipated corporation with other stakeholders identified in the study.

CHAPTER 3 - 5

Chapter 3 to 5 address the countries case studies selected for this dissertation. Each of these chapters has the same outline. Chapters 3 to 5 focus on the process, complexity and particular nature of the case in question. The first section in each of these chapters provides the historic background regarding each case study's background. For instance, chapter 3 on Sudan include a review of Sudanese elections from 1996 to 2000, the historic electoral experiences towards the accomplishment of free and fair elections based on international standards and regional accords and the signing of CPA. The second sections of chapters 3 to 5 gives an overview for the participation of elections stakeholders in each selected country. The constitutional, legal and administrative frameworks regulating the elections were covered in the third section. The fourth section describes the information about pre elections phase, the actual elections time and post elections. The fifth section deals with the management of and maintenance of building sustainable electoral partnership including the assistance of international community. The sixth section consider issues pertaining to the successful of holding free, fair democratic elections and the factors leading to the failure or collapse of elections stakeholders in the country. In this research, the participative approach of electoral

stakeholders were used as a case study for an in-depth qualitative analysis of the role of a local authorise, political parties, National elections commission, UN technical assistance for elections, civil society groups and native leaders.

CHAPTER 6: AN ANALYSIS OF THE ROLE OF ELECTORAL STAKEHOLDERS IN EASTERN AFRICAN COMMUNITIES

The results of the study were presented and analysed. The role of elections stakeholders' contribution towards transformation, democratic elections, free and fair elections, was deeply investigated. All different findings were categorised and discussed to explain the meaning thereof and what has transpired in each selected country for the research.

CHAPTER 7: CONCLUSION

This chapter present findings and conclusions as deduced from the research findings and recommendations for future elections.

1.10. Conclusion

The past elections experiences in Africa need not to discourage government authorities, international donor funds, elections management bodies, civil society, national voters and political parties from future efforts to improve more to achieve democratic peaceful elections .

The next chapter of the study will explore more on International election standards, regional, stakeholders roles, responsibilities, contribution towards free and fair democratic elections and elections management system within the context of International approach and declared African norms, practises and standards.

CHAPTER TWO
ELECTION STANDARDS, STAKEHOLDERS AND MANAGEMENT SYSTEM

2.1. Introduction

This chapter will discuss a broad range of election management and stakeholder role in the context of elections operations. Beginning with an overview of contemporary electoral literature landscape regarding elections standards, the roles of each stakeholder identified within the study and examines the expected contribution from each. Round one of French presidential elections 2002 electrified the world and changed the course of French politics. (Gaffney, 2004:12) Like their counterparts in other advanced liberal democratic societies, the 2002 French elections were largely contented through the use of media. (Gaffney, 2004:83) therefore, it is not surprising that the performance of elections stakeholders in some African countries is scrutinised by politicians, journalists and authorities among others. This poses a serious threat and discourages anticipated input from the elections stakeholder in order to apply their minds and resources full to achieve competitive elections.

As altercated by (Oyen, 1990:1) that there is no reason to believe that elections research can exists easily and straight forward entry into comparative social research. The fact of the matter being that all the eternal and unsolved problems inherent in sociological research are unfolded when engaging in cross-national studies Botswana, South Africa and Ghana are highly regarded in Africa and the world as a model of democracy and good governance, a regard that is associated with the liberal democratic credentials of the countries and with regular elections, which have been declared by commentators and observers to be 'free and fair'. However, despite the accolades bestowed on some of African countries, electoral stakeholder participation in the political affairs for these countries has been very negligible.

2.2. International standards for electioneering, election management and elections

Malan (1994:5) The primary sources for the international standards set forth in these guidelines are various international, regional and UN declarations and conventions on human rights and other relevant legal documents. The more important of these instruments include the following:

- The 1948 Universal Declaration of Human Rights;
- The 1966 International Covenant on Civil and Political Rights;
- The 1950 European Convention (together with its Protocols) for the
- Protection of Human Rights and Fundamental Freedoms;
- The 1990 Document of the Copenhagen Meeting of the Conference on
- the Human Dimension of the Conference for Security and Co-operation
- in Europe (CSCE);
- The 1948 American Declaration of the Rights and Duties of Man;
- The 1969 American Convention on Human Rights; and
- The 1981 African Charter on Human and People's Rights.

As argued by (UNDP, 2007:20) it is important to assess to what degree the country's legal framework for elections complies with international electoral standards. This will provide a set of constructive suggestions for corrections, improvements and possible best practices to strengthen the legislation. At the same time, another country's particular system or practice of legislation would not be considered to be ideal or directly transferable (UNDP, 2007:20)

2.2.1. Choice of electoral system

An electoral system can help to "engineer" specific outcomes, such as encouraging cooperation and accommodation in a divided society. Electoral systems are the rules and procedures through which votes cast in an election are translated into seats won in the legislature or some other office (e.g., a presidency). Electoral systems can also influence other aspects of the political system (e.g., development of the party system)

as well as being of importance to the link between citizens and their leaders (e.g., political accountability, representation and responsiveness). Thus electoral systems have many long-term consequences for democratic governance. An electoral system has three main tasks:

- To translate the votes cast into seats won in a legislative chamber;
- To act as the conduit through which the people can hold their elected
- representatives accountable; and
- To give incentives to those competing for power to frame their appeals to the electorate in distinct ways. In divided societies, for example, where language, religion, race or other forms of ethnicity represent a fundamental political cleavage, particular electoral systems can reward candidates and parties who act in a cooperative, accommodating manner to rival groups, or they can punish these candidates and instead reward those who appeal only to their own group. (UNDP, 2007:20).

2.2.2. Election legislation and codes of conduct

An election law neither can nor should contain all provisions relevant to the election process. The election process will require the involvement of institutions and procedures based on other parts of the national legal system. It is important that the existence of other relevant legislation is included in the review process. Of particular importance is national legislation governing the media, the registration of political parties, citizenship, national registers, identity documents, campaign finance and criminal provisions related to election law violations. All legal provisions that have an impact on the election process should be identified and assessed (UNDP, 2004:84)

2.2.3. Constituency demarcations

The legal framework for elections should seek to ensure that the boundaries of electoral units are drawn in such a way as to achieve the objective of according equal weight to each vote to the greatest degree possible to ensure effective representation. The legal framework needs to address the issue of how constituencies or the electoral units being

represented (sometimes also called voting districts) are to be defined and drawn. The overriding importance of this subject means that it is often part of the constitutional provisions of a country. The legal framework regulating drawing boundaries for electoral units should state:

- The frequency of such determination;

- The criteria for such determination;

- The degree of public participation in the process;

- The respective roles of the legislature, judiciary and executive in the process;

- The ultimate authority for the final determination of the electoral units IDEA (2006:7).

2.2.4. Right to elect and be elected

The legal framework for elections should ensure that all eligible citizens are guaranteed the right to universal and equal suffrage, as well as the right to contest elections without any discrimination. Formal constitutional or statutory recognition of a citizen's right to vote, and to run for public office, is common to democratic states and plays both a substantive and a confidence-building role. These rights are often subject to certain qualifications insofar as most states make them subject to citizenship, age and residency requirements. Those reviewing the legal framework of a country need to look carefully behind the veil of such restrictions to check for any possible hidden intent. For example, where a citizen convicted of treason cannot vote, in the context of a spate of such convictions only against leaders of the opposition by an apparently "packed" court, the genuineness of such a qualification becomes questionable. The denial of suffrage rights for long past political crimes would be equally open to question. Even seemingly simple and clear rules such as disqualification for "mental incapacity" may require examination (UNDP, 2004:84)

2.2.5. Electoral management bodies

The legal framework should require that EMBs be established and operate in a manner that ensures the independent and impartial administration of elections. In some

established democracies, national and local government officials, whose neutrality and fairness are generally accepted by the electorate, handle electoral administration. Ordinary courts settle disputes, as they have a tradition of fairness and neutrality and generally enjoy the confidence of the electorate. In emerging democracies, there has been an increasing trend to establish independent EMBs. This is seen as an important step in building a tradition of independence and impartiality, as well as building the confidence of the electorate and political parties in the electoral process. However, since there is yet no internationally-recognized standard in this respect, the term "independent EMB" in this section means an autonomous and impartial EMB IDEA (2006:7-60).

For any EMB to be credible and effective, sufficient and timely funds must be made available to it as well as human resources (election officials) who are impartial and independent. Administering democratic elections requires that EMBs be, and be seen to be, impartial and independent of government or other influence. This is a critical area, as the election administration machinery makes and implements important decisions that can influence the outcome of the elections. The political circumstances of the particular country under consideration need to be taken into account when assessing the legal framework regulating electoral management bodies (UNDP, 2004:84).

2.2.6. Voter registration

The legal framework should require that voter registers be maintained in a manner that is transparent and accurate, protects the right of qualified citizens to register, and prevents the unlawful or fraudulent registration or removal of persons. The right to vote is violated if the legal framework makes it difficult for a person to register to vote, as normally a person who is not registered cannot legally vote. The right to vote is also violated if the legal framework fails to ensure accuracy in voter registers or facilitates fraudulent voting. The international standard for voter registration is that the register must be comprehensive, inclusive, accurate and up to date, and the process must be fully transparent. The process should facilitate the registration of a qualified voter, while

at the same time safeguarding against the registration of ineligible persons. Some of the fundamental issues that must be clearly defined in the legal framework for elections are:

- Citizenship and age qualifications;

- Residential qualifications;

Methods of voter registration, process for dealing with objections and appeals and Identification of voters; and Documentation required by voters (EISA, 2005:1).

2.3. Ballot access for political parties and candidates

The legal framework should ensure that all political parties and candidates are able to compete in elections on the basis of equitable treatment. The legal framework should differentiate between the registration of political parties in general and the rules governing ballot access at election time. Many of the procedural requirements for getting access to the ballot may be the same as for the initial registration of parties (signature requirements, deposits, geographic spread etc.) but the legal framework might make it easier, or sometimes even automatic, for registered parties to be on the ballot papers (EISA, 2005:1).

2.3.1. Registration of political parties

The legal framework should provide a structure for the registration of political parties. The legal framework should also clearly provide for notification of the dates for commencement and closure of registration, or provide that such registration could be continuously open; specify when, how and where registration procedures must be undertaken; and set out the process of verification of registration. Where the legal framework requires the collection of signatures as evidence of support of an application for registration, it should provide for a reasonable timeframe for this to be done and for the subsequent verification of the signatures. The legal framework should provide for uniformity in the registration process so that the same process applies to all political parties at all levels AU (1982:4-10).

2.3.2. Ballot access

Some registered parties may be able to gain ballot access automatically by virtue of their status as a registered party, while unregistered parties may need to fulfil some or all of the requirements for registration before gaining ballot access. The legal framework should clearly provide for notification of the dates for commencement and closure of nominations; specify when, how and where nomination procedures must be undertaken; and set out the process of scrutiny and verification of nomination forms and declarations. Where the legal framework requires the support of a nomination by the collection of signatures, it should provide for a reasonable timeframe for this to be done and for the subsequent verification of the signatures. The legal framework should provide for uniformity in the nomination process so that the same process applies to all political parties at all levels Guy (1994:45-65).

2.3.3. Democratic electoral campaigns

The legal framework should ensure that each political party and candidate enjoys the right to freedom of expression and freedom of association, and has access to the electorate, and that all stakeholders in the election process have an equal chance of success. Elections are a means to translate the general will of the electorate into representative government. To achieve this objective it is necessary that all parties and candidates be able to put out their manifestos -- the political issues and their proposed solutions -- freely to the electorate during the electoral campaign. The electoral campaign period should normally be well defined and should commence after the valid nomination of parties and candidates, ending one or two days before polling. However, certain jurisdictions might not have any well-defined campaign period. All contesting parties and candidates should be afforded an opportunity to reach out to the electorate at large and to put forth their views, policies and programmes. The legal framework should ensure that: there are no unreasonable restrictions on the right to freedom of expression and whatever restrictions there are be set out in the law (Institute of Security Studies, 2002:1-5).

2.3.4. Media access and freedom of expression

The legal framework should ensure that all political parties and candidates have access to the media and are treated equitably by media owned or controlled by the state, and that no unreasonable limitations are placed on the right of political parties and candidates to free expression during election campaigns. Some political parties own newspapers and even television channels, which are used as party mouthpieces to communicate the campaign issues of the party to the electorate. Where there are private rather than government owned media the question of equitable access for parties and candidates arises and may need to be regulated. The acceptable international standard in this respect is that of non-discrimination. If political advertising is allowed, private media should charge the same rates to all parties and candidates without any discrimination. Some jurisdictions ban political advertising altogether; in other jurisdictions such a ban has been interpreted as an unjustified breach of the right of free speech and expression. Nevertheless, paid political advertising should always be identified as such and should not be disguised as news or editorial coverage (Institute of Security Studies, 2002:1-5).

2.3.5. Campaign finance and expenditure

The legal framework should ensure that all political parties and candidates are equitably treated by legal provisions governing campaign finances and expenditures. One of the main characteristics of a democracy is the holding of multiparty elections. The availability of credible alternative choices depends on the existence of robust political parties. In turn, political parties require a secure base for financing their election campaigns and their routine operations. Thus it is an acceptable practice for a legal framework to provide for the campaign financing of parties and candidates. Laws relating to the financing of parties and candidates are sometimes found not in the electoral legislation but in separate laws. Basically there are two forms of funding of parties and candidates: public funding and private funding, with contributions sometimes coming from foreign sources. The legal framework may provide for electoral campaign financing on the basis of the following internationally-recognized standards: That there

should be a transparent system of disclosure of the funding received by any party or candidate;

- That there should be no discrimination with regard to access to public funds for any party or candidate;

- That public funding should be made available to parties on an equitable basis; and

- That there should be a level playing field among the parties or candidates International IDEA (2006:7-80).

2.3.6. Balloting

The legal framework should ensure that polling stations are accessible, that there is accurate recording of ballots and that the secrecy of the ballot is guaranteed. Secrecy of the ballot the international standard for a democratic election requires that votes be cast by secret ballot or by other equivalent free, secret voting procedure. The provisions in the legal framework regulating control and security of the ballot, as well as the provisions governing the casting of a ballot at the polling station, should ensure ballot security, while at the same time ensuring that no individual ballot can be identified as having been marked by a specific voter. Ballot secrecy is an effective counter to vote-buying, to voter intimidation and to other undue influences. No member of a polling station committee or any other person, except during the counting of ballots, should be allowed to see a voter's marked ballot. Obviously, this prohibition does not apply to a person legally authorized to assist a blind voter or a voter requiring assistance due to physical infirmity or illiteracy in certain cases. However, a member of a polling station committee should not handle or control the voter's marked ballot before it is placed in the ballot box. The principle of secrecy of the ballot requires election legislation to ensure that secret voting is not only a right on the part of the voter but an absolute obligation (Institute of Security Studies, 2002:1-5).

2.4. Voting procedures

When reviewing the legal framework all provisions regulating the voting process should be carefully examined. These should ensure that voters are adequately identified and that other mechanisms are in place to prevent fraudulent or double voting. However, voting procedures should not be as cumbersome or complicated as to hinder the voting process. Voting provisions should require that all ballots and voting materials be adequately safeguarded before, during and after voting. The legal framework should be flexible enough to allow for technological innovations to be applied to various aspects of balloting and counting, for example, utilizing electronic voting machines for recording and counting of ballots. Such wide flexibility might be regulated by requiring that certain types of approval be obtained before adopting them. The legal framework for elections should prohibit the presence of unauthorized persons in polling stations. This can usefully be coupled with a provision for police officers only to enter polling stations either to vote or when officially requested to restore order. In the latter event, police should enter polling stations only if authorized by the person in charge of the polling station, and should be required to leave as soon as order is restored International IDEA (2006:7-80).

2.4.1. Counting and tabulating votes

The legal framework should ensure that all votes are counted and tabulated accurately, equally, fairly and transparently.

2.4.2. General principles

A fair, honest and transparent vote count is a cornerstone of democratic elections. This requires that votes be counted, tabulated and consolidated in the presence of the representatives of parties and candidates and election observers, and that the entire process by which a winner is determined is fully and completely open to public scrutiny. The legal framework should provide for the presence of the representatives of parties and candidates and election observers during the counting, tabulation and consolidation of votes. The legal framework must clearly state the electoral formula that will be used

to convert votes into legislative seats. Thresholds, quotas and all details of the electoral formula must be stated clearly and all possibilities, such as ties, withdrawals or death of a candidate must be addressed. The law must lay down clear criteria for determining valid and invalid ballots in all polling and counting stations across the jurisdiction. Rules for determining the validity of ballots to be counted should not be so stringent as to unreasonably result in disenfranchising a voter. The paramount principle should be that if the intention of the voter is clear, the ballot should be counted Haas (1975:123).

2.4.3. Counting ballots

Regardless of whether ballots are counted at the polling station or at a central counting location or at both places, the representatives of parties and candidates and election observers should be permitted to remain present on this occasion. As well as ensuring the presence of above all entities during the counting of ballots, the legal framework should provide safeguards where technology is used to count ballots. The legal framework must make possible the independent verification of the accuracy and soundness of hardware and software used for counting ballots. Whether manual, mechanical or electronic counting is used, overview procedures must be in place to ensure accuracy and reliability. The law must also allow objections to counting procedures, including objections to criteria used to determine the validity of ballots. The legal framework for elections should clearly specify that the representatives of parties and candidates and election observers be given, as far as practicable, certified copies of tabulation and tally sheets. The law must also clearly specify what authorities, if any, are entitled to receive this information prior to certification of the election results by the central EMB (EISA, 2005:1-25).

2.4.4. Tabulating election results

The legal framework should provide, in clear and objective language, the procedures for transferring the certified copies, results of counting, ballot papers and other election materials from polling stations and other, lower levels of EMBs to intermediate and higher EMBs for consolidation and safekeeping. The law should require that all

consolidation of vote counts be available in tables or similar format so that representatives of parties and candidates and observers may track the vote count of any polling station all the way up, through intermediate levels to the final consolidated results. The tabulation for any polling station should provide detailed information such as the number of ballots used and returned, the number of blank, spoiled and invalid ballots, and the number of votes for each political party or candidate. This information should be broken down for alternative methods of voting, such as voting by mail or mobile voting, where this can be done without compromising the secrecy of the ballot. This degree of detail is necessary to enable the representatives of parties and candidates and election observers to track results and locate specifically, if fraud has occurred, where the numbers have been unlawfully changed during the consolidation processes (UNDP, 2004:84-95).

2.4.5. Publication of counting, tabulating and consolidation of results

Many times timely publication of the result of ballot count may turn out to be crucial for its acceptance by all contenders. Therefore the legal framework should provide for such timely publication of results. It should also clearly state whether the election authorities may announce partial or preliminary results prior to final certification. If results can be announced prior to final certification, the legal framework should clearly regulate the making of such announcements. Subject to restrictions regarding time zones, the media and party, candidate or other representatives should be free to publicize the poll results. It is normally the chair of the polling station committee, in the case of counting at the polling station level, or the director of elections at the higher level of the EMB, who announces the results of the count. It is acceptable in countries that spread across more than one time zone for there to be restrictions on the reporting of results before all polls have closed International IDEA (2006:7-80).

2.5. Role of representatives of the parties and candidates

As a necessary safeguard of the integrity and transparency of the election, the legal framework must contain a provision for representatives nominated by parties and

candidates contesting the election to observe all voting processes. The rights and responsibilities of candidate and party representatives in polling stations should also be defined in the legal framework International IDEA (2006:7-80).

2.5.1. Observation and monitoring role

The legal framework should clearly state that party and candidate representatives are permitted to observe proceedings, not to campaign or otherwise participate in voting. All legal restrictions on campaigning within the polling station area -- such as communication with voters, distribution of partisan material, wearing of badges or apparel, or public broadcasts that can be heard within the polling station -- must be enforceable. The law must clearly state whether the representatives of parties and candidates are to be allowed to handle any election document at any stage, as well as any penalty for mishandling (United Nations, 2004).

2.5.2. Election observers

To ensure transparency and to increase credibility, the legal framework should provide that election observers can observe all stages of election processes. A transparent election process is an international standard necessary to ensure democratic elections. The presence of domestic and international election observers in the evolving democracies tends to bring credibility and legitimacy to the election process being observed and serves to deter overt acts of electoral fraud, especially during the polling. However, certain mature democracies, where there is public trust in the impartiality and neutrality of the election administration, such observation of elections may not be provided. Many legal frameworks provide for the presence of observers, both domestic and foreign, in addition to representatives of the media, political parties and candidates, to ensure transparency. Essentially, election observation means the purposeful gathering of information regarding an electoral process, and making informed judgements on the conduct of such process on the basis of information collected, by persons who are not inherently authorized to intervene in the process and whose

involvement in mediation or technical assistance activities should not jeopardize their main observation responsibilities IDEA (2006:7-80).

2.5.3. Domestic election observers

There is now an increasing trend to permit domestic election observation. Election observers from civil society groups (such as various church groups, women's and youth organizations, and NGOs) can play an important role, and should have the right to be accredited to observe. All facilities should be afforded to these domestic observers to carry out their assigned duties. Any laws regulating NGOs and public associations should be reviewed to ensure that they do not unreasonably obstruct acquisition of the necessary legal status and accreditation as domestic election observers. The legal framework should provide clear and objective criteria for registration and accreditation as an observer and be clear as to the authority accrediting observers, the requirements for obtaining observer status and the circumstances in which observer status can be revoked (United Nations, 2004:105).

2.5.4. International election observers

International election observation is neither a right, nor as yet a recognized international standard. State sovereignty still requires that there should be a formal invitation to foreign election observers, and there may be more stringent requirements for accreditation of international as opposed to domestic election observers. However, regional and similar international agreements may require countries to open their elections to international observers (for example, in the Organization for Security and Co-operation in Europe (OSCE) countries); if this is the case the law must make appropriate provisions for observers. The law should also state when and by whom such election observers are to be invited (United Nations, 2004:95).

2.6. Compliance with and enforcement of electoral law

The legal framework should provide effective mechanisms and remedies for compliance with the law and the enforcement of electoral rights, defining penalties for specific electoral offences. The legal framework should provide effective mechanisms and remedies for the enforcement of electoral rights. The right to vote is a fundamental human right and the right to a remedy for violation of the right to vote is also a fundamental human right. The legal framework for elections must set forth detailed and sufficient provisions protecting suffrage rights. The legal framework should provide that every voter, candidate and political party has the right to lodge a complaint with the competent EMB or court when an infringement of electoral rights is alleged to have occurred. The law must require that the appropriate EMB or court render a prompt decision to avoid the aggrieved party losing his/her electoral right. The law must provide a right of appeal to an appropriate higher level of EMB or court with authority to review and exercise final jurisdiction in the matter. The decision of the court of last resort must be issued promptly (United Nations, 2004:45).

2.7. Election stakeholders participation in Africa

As cited by (Oyen 1990:29-39) that there are cross-national differences and similarities, but the factors explaining differences are primarily not national but cultural. Those movements have become an as yet un-institutionalized institution parallel to institutionalized politics, and as such are characteristic of protestant Europe, within that context in Lutheran areas (SADCPF, 2001:7-8). It is further argued that it can be assumed that much research, comparative or otherwise, is guided by set of principles of least resistance or invitation by opportunity. All disciplines use spatial logistic of comparison; literature reviews, law and medicine. It is in the interest of using existing results of the past assessment of what has been learned from comparing countries democratic elections, stakeholder participation, elections materials and standards used legally defined as many things, but certain including organization of authority for people living in a recognised standards that stakeholder participation in elections can be seen it

includes what has been declared by other similar institutes or individuals as a good ac throughout the whole world IFES(2011:1).

In the last decade, the quest for elections stakeholders and good governance has become an important area of concern in Africa and the world at large. A number of countries have moved away from hitherto dictatorial regimes to an adherence to democratic principles (Otlhogile, 1998). Such countries include Uganda, Mozambique, Sierra Leon, Sudan, Lesotho, Malawi, Tanzania, Somaliland, Ghana, Botswana, Namibia and South Africa. Moreover, the premium is placed on the legitimacy of the government of the day Maru (2011:4). Elections stakeholders have become important in determining the adherence of democratic principles. The electoral process is an essential tool for decision making in a democracy and for institutionalization. Once clear elections are held, they gain respectability and credibility. Therefore, an election is a foundation of a true democracy. It is from such perspective; Byakagaba indicated that elections are a very important aspect of the democratic process, which requires careful planning and handling (Byakagaba, 1998) Maru (2011:4). Elections as we have come to know them may not be new in Africa. Even before colonialism, but after AD, some clans, had to conduct elections basing on who was mostly acceptable in the entire family. However, first formal elections in Africa were conducted in Sierra Leon in 1830s. Nevertheless, the history and culture of election Would have been effectively carried, had it been the continent nipped in the bud by the century long colonial era, which was MONUC Human Rights Division (2006:1-5).

Moreover, the culture of one party state adopted by many African states a few years after attaining independence can be said to have reduced the continuity of more democratic practices. To date majority of African head of governments are in power through elections (Analysis on the Commonwealth countries as at 30th December, 2009). And about all of active members of Commonwealth African head of governments (The Commonwealth Africa composed of 22 countries and all, have until the conduct of the study, been in power through elections of the majority) have attained presidency or prime ministerial through democratic elections Maru (2011:4)

2.7.1. Development of election stakeholders

(Patterson, 2003:146) after every presidential campaign scholars and pundits say the elections would have been better if candidates had been more forthcoming, if journalists had been more judicious, and if the citizens had been more conscientious. True though these conclusions may be, they should provide the start of the analysis, not its end. Elections stakeholders encompass all individuals and organizations that conduct or ensure that the elections are done on the one hand and individuals to whom elections are performed on the other. Thus the stakeholders include EMB, the Police/guard men, and other organizations whose are indebted with the elections. In Tanzania, there are several organizations that play a vital role of observing elections. However, there is still much to do to ensure enlightenment to the whole practice of elections, in particular conducting voter education. This article will curter for the elections stakeholders, particularly the role of the government, political parties, elections management body, electors, the media and the police. Emphasis will be made on the political parties, the elections management body and the government. The logic behind such emphasis is due to the fact that institutions that work under the government are actually dancing the rhythm of the master. If the government says no to a certain move –such move will be stopped and the vice versa is true Maru (2011:4).

2.8. The media

(Patterson, 2003:65) The impact of media use in the electoral process has been substantial. The news provides a day- to – day window on the world of politics. Not that Americans also accepted the press's version of reality in its entire. Audiences filter the news through their personal needs, interest, prejudice, attitudes, and beliefs. Yet the media supply most of raw material that goes into people's thinking about political leaders and institutions. In general, media refers to various means of communication. For example, television, radio, and the newspaper are different types of media. The term can also be used as a collective noun for the press or news reporting agencies. In

the computer world, "media" is also used as a collective noun, but refers to different types of data storage options. The media coverage shapes how people perceive the world and what they consider to be important. Voters and politicians alike must pay attention to the media. In our political system, the media perform a number of functions important to the democratic process. (IFES, 2010:2).The media reports the news, serves as an intermediary between the government and the people, helps determine which issues should be discussed, and keeps people actively involved in society and politics. Every citizen of every country deserves the opportunity to live under the Rule of Law, and every country has an obligation to enforce the law fairly and effectively. There is a new global consensus that an independent judiciary, an independent media and an informed and engaged civil society are critical to achieving this overarching societal objective (The Constitution of United Republic of Tanzania (1977); and the Act N0.1 of 1985). The role of the media in development may be looked into two perspectives. One being the role as prescribed by the law and the other being the role as observed from the real practical experience. Drawing from the two roles it can be generally narrated that the media is a fundamental institution for disseminating information from one end to the other for the purpose of, among others, enlightening the community. The media has immense power within the African democracy because about all Africans, and of course the world over, get their news from the media rather than from other people or other sources (ODIHR, 2003:68-69).

In regards to the elections activities, in Tanzania the Mass media derive their legitimacy and responsibility from the constitution of the united republic of Tanzania, which in article 18(2) states as follows:' Every citizen has the right to be kept informed at all times of various events in the country, and in the world at large which are of importance to the lives and activities of the people and also of issues of importance to society'. Information is therefore basic utility recognized by the law (Kilimwiko, 2002; ODIHR, 2003:68-69). It should be noted that in every political system, the media operate according to the norms of that system. In liberal society the media behaves differently; the liberal society believes in the utility of the media in relation to the liberal political economy centred in multiparts. In this system, however, information is very much linked

to political, economic and social structures, that is to say there is a direct relationship between the structure and the character of all political, economic and social activity (ODIHR, 2003:68-69).

2.9. Civic education and demographic animation

Civic education is imperative in any society. The media specifically can assume a continuous role in which citizens are enabled to understand, appreciate and contribute to the effective workings of various political systems. The learning process not only concerns general ideas about political systems, but also the best practices is available, the greater the likelihood that citizens use to make choices within their situations. Democratic animation is another important part of the performance of the Media. It refers to social engineering of the citizens through the civic journalism. Some important notes are: It facilitates meaningful involvement and participation of citizens in political life particularly elections; it inculcates a sense of civic duty, civic pride and civic responsibility and accountability; it enables the electors to exert pressure on their leaders to account for their actions and decisions; it creates self-confidence building aiming at citizens so as to actively demand and question policy decisions hence providing checks and balances for good governance; informed electors are enabled to appreciate the performance and failure of those they periodically elect and thus exercise a performance voting as opposed to promise or mobbing voting which seem to be popular in most countries, Tanzania included(UNDP, 2004:84).

The emphasis is that once the media has performed her principal role, then the elected governments and their respective parties and leaders would rise or fall through the popular will on their performance instead of rule winding. Commonwealth (1997) and narrated some roles of the media in relations to elections: periodic competitive elections not only consolidate democracy, but also help to a large extent to legitimize governments (SADCPF, 2001).

2.9.1. Civil societies and civic education

The strength of a democratically elected government depends not only on the inclusiveness of its electorate, but also on the degree to which its citizens are aware of their rights and responsibilities and participate in the political process. IFES works to enhance civic participation as a pivotal ingredient of representative government by strengthening the capacity of civil society organizations (CSOs) to mobilize citizens in a constructive and effective manner. Civil Society Programs foster both civic initiative and government responsiveness and accountability (UNDP, 2004:84).

2.9.2. Gender and civic participation

Another group that must be included in the political development of African elections participation is women. There are more women than men in Africa but that has not been translated into massive women's participation in the leadership of political parties. Typical example is Botswana, Swaziland, Lesotho, and Sudan where a traditionally male-dominated culture permeates every facet of life in some of the above mentioned African countries and Parliament remains a men's club with the representation of women in the National Assembly standing below 20 per cent. While women in majority of Southern African Development Community enjoy the legal right to vote, in reality a web of obstacles – cultural, social, economic, legal and educational – obstructs their participation at all levels of political decision making. An attempt has to be made remove or reduce these barriers in order to motivate women to participate in all decisions that affect the country in the short, medium, and long term. In essence, women should have access to decision-making and different styles of governance if they are to have an impact on the political development of the country (Mfundisi, 2010:90).

2.9.3. Election management body

Institutions manage elections as an activity or activities. In some, depending on the nature of the country, these bodies are known as National Electoral Commission, Independent Electoral Commission; and Institute of Electoral Management to mention, but a few. These institutions are worthy in managing elections. However, to facilitate an independent body, the electoral bodies need to be impartial and not affiliated to any political party (Mfundisi. 2010:89).

Therefore the Independence of electoral body's is vital. The vitality is on the ability of the electoral management bodies, performing elections without being interfered. The assumption here is, the electoral bodies, would prefer to conduct elections activities fairly and just – thus should not be interfered. Again, a note may come across, as most of the management bodies differ from one country to another. This party covers a little bit of electoral management bodies, so as to acquire a foundation of discussion, and of the study when dealing with other stakeholders of elections, such as the voter, and the need for civic and voter education, so as to allow a fair participation in electoral process EISA (2008:21).

2.9.4. Business suppliers for election products and services

An EMB relies on many suppliers for products such as Information Communication technology, equipment, vehicles, Air cargo, Donkey hiring, election materials, and services such as consulting, cleaning, security and transport. Unless an EMB maintains good working relations with these suppliers, its performance may be adversely affected by, for example, supplier's not keeping deadlines or supplying substandard products and services. To maintain good relations with its suppliers, an EMB should ensure transparency, professionalism and efficiency in the invitations for expressions of interest to supply goods and services; share information with suppliers and prospective suppliers on the EMB's values, such as strict adherence to integrity, dignity, professionalism and efficiency; pay suppliers within the deadlines agreed; and arrange suppliers' information forums to discuss suppliers' concerns and formulate agreed solutions (United Nations, 2005:1-15).

2.9.5. Religious organisations, native leaders and civic participation

Other important civil society organisations that can have a profound impact on voter education are religious institutions and native leaders, which have a large following in countries like Botswana, South Africa, Lesotho and Swaziland. While religious groups in many parts of the world have played an important role in voter education, in some African countries like Botswana have been slow to participate. It is critical that these

bodies become involved in order to make a positive impact on the future of communities and the nation at large. It is debatable whether political party organisations should be viewed as part of civil society. Some perceive them as outside the realm of civil society because their aim is to seize political power, but some define civil society in broader terms to include them. Political parties are indispensable in bringing voter education to the people as they have the greatest interest in the political contest. They must explain why people should vote, the voting procedures, the secrecy of the ballot, and the general security of elections, and it is in their interests to urge their followers to cast valid ballots. But the ability of political parties to conduct voter education depends on the availability of resources, human as well as financial. In a country like Sudan, Kenya Somaliland, Botswana and Namibia political parties do not have adequate resources to carry out the mammoth and daunting task expected of them. Moreover, they are not financed by the state, but have to fend for themselves. In fact, voter education should be carried out by non-partisan organisations. Political parties are more concerned with carrying out programmes that attract more votes for them. They may even be selective, concentrating on the constituencies that are deemed most likely to be supportive. (United Nations, 2005:1-15).

2.10. Role of government

Governments form part of the three institutions of the state. Others are Judiciary and the Parliament. The three according to Norman (2003) sets the so called checks and balances. Which literary assumes that the mandate of the three different institutions are equal. It can, of course, be argued on the one hand that the mandate are equal on the basis of the spelt of the law, particularly when it indicates that it is not proper for any arm to intervene the performance of the other. (ODIHR, 2003:10-15).

2.10.1.   Legislature

Electoral Management Bodies need access to the legislature to ensure that their views are considered in developing electoral legal frameworks and electoral resource allocations, and to obtain feedback on their performance from an important stakeholder.

This access can be facilitated by having a formal point of contact in the legislature: for example, in Australia this is a special standing committee of the legislature, while in Namibia it is the speaker of the legislature. In the Solomon Islands the speaker of the legislature is also the chair of the EMB. The legislature is the body usually responsible for making laws, including electoral laws, and it may also approve the government budget and scrutinize all public accounts, including those of EMBs. In many countries the EMB is required by law or convention to submit election reports and also annual reports to the legislature. Maintaining a good relationship with the legislature enables an EMB to put forward its budget proposals and reports knowing that they will be dealt with by a body that has some understanding of its activities. In Costa Rica and Uruguay, the EMB has the power to place amendments to the electoral law on the agenda of the legislature. Canada and Palestine are examples where the EMB may make recommendations for amendments to electoral laws, although this is done by a line ministry or a government office in many other countries (ODIHR, 2003:10-15).

Recommendations regarding amendment to the electoral law are also a major part of the remit of the UK Electoral Commission, which does not have responsibilities for the organization of elections – although it acts as an EMB for referendums (see the case study). EMBs may play a particularly important role in the development of the electoral legal framework in emerging democracies. It is advisable for an EMB to liaise with the legislature to sensitize it about electoral reform needs and the importance of amendments to electoral laws being passed long enough before an electoral event to allow the EMB to make appropriate preparations. There are numerous examples of delays in law-making which affected electoral performance, as in Malawi in 1997, arising from lack of understanding or cooperation between the legislature and the EMB or between the legislature and the head of state (EISA, 2005:1).

2.10.2. Judicial bodies

Many components of the judicial system may interact with EMB activities. EMBs may need the cooperation of the police and prosecuting authorities in investigating alleged electoral offences, and to appear before the criminal justice or administrative court

45

systems for any resulting court action. The EMB, its members or its staff may be subject to judicial investigation or civil litigation, and EMB administrative policies and practices may be subject to challenges in tribunals. As with relationships with electoral dispute resolution bodies, it is extremely important that the EMB is professional, accessible and cooperative in its dealings with the wider judicial system (Prof. López-Pintor, 2000:87-167; Morling, 1997, 17).

2.10.3. Electoral dispute resolution bodies

An EMB may have to deal with electoral dispute resolution bodies that have powers to deal with issues such as challenges to EMB decisions, disputes between the EMB and other stakeholders, the legality of the content of EMB regulations, or challenges to election results. These may be judicial, quasi-judicial or less formal conciliation bodies. Their decisions can greatly affect the activities and public perceptions of the EMB. General openness with these bodies – including ensuring that they are well informed on all EMB activities and decisions through regular meetings, receive all EMB publications, and are invited to inspect EMB operations – can assist in maintaining a good relationship. This needs to be done in a manner that does not, and does not appear to, impinge on the independence of decision making of either the EMB or the dispute resolution body. It is of critical importance that an EMB is professional and cooperative in any investigations of electoral disputes by these bodies. It will be difficult to maintain a good relationship if the EMB is obstructive of a dispute resolution body's access to relevant electoral materials or sites, if it lobbies to limit the powers of such bodies or if its presentation of evidence on disputes is not professional (Prof. López-Pintor, 2000:87-167; Morling, 1997, 17).

(Patterson, 2003:25) argued that politics of today is candidate-rather than party centre. In this politics of the moment, strategic advantage and targets of opportunity are paramount. Candidates cannot afford to ignore the slightest ripple of public opinion because their future is firmly rooted in the present. Voters are consumers of the service provided by the election management body. If the service is poor the voters' attitude will be negative and their participation in the electoral process will be negatively affected. It

46

is therefore, crucial that elections managers recognize the value of the quality of election service that they need to provide to the voter. The organization of elections from the time of registration of voters, up to the polling date, security of the voting place, distance of the polling stations from a voter's home, attitude of election administrations and of the politicians themselves, as well as the weather combine together to determine the voter's perspective on the elections. (EISA, 2005:1).

All eligible voters, irrespective of gender, race, socio-economic status, and political affiliation are constitutionally empowered to participate, but since the onus is on voters to register in order to do so the Independent Electoral Commission (IEC) and the government have a responsibility to encourage voter participation and spearhead voter education. (Evrensel, 2010:353; Davids et al, 2008:52) argues that, "[n]o matter how proactive an EMB is in maintaining the accuracy of a permanent voters' roll, there will be a tendency for the overall accuracy of the information to degrade over time. This requires constant monitoring through comparison with population and land use data." The future health of Eastern African communities' democratic governance lies in a large number of eligible voters actively participating in the election process (Prof. López-Pintor, 2000:87-167).

2.10.4. Political parties

A political party is defined as an organized group of people with at least roughly similar political aims and opinions, that seeks to influence public policy by getting its candidates elected to public office (Pippa, 2004; Alan, 1996; Butler & Leonard, 1991; Austin; Tjernsron, 2003). Parties tend to be deeply and durably entrenched in specific substructures of the specific society in a sustainable and well-functioning democracy. They can link the governmental institutions to the elements of the civil society in a free and fair society and are regarded as necessary for any modern democratic system (Wägnerud, 2000; Norman, 2009). Political parties have a big stake in elections management. Firstly, the roles of political parties are crucial since they are the once that play the game. Other elections stakeholders play a passive role. (Prof. López-Pintor, 2000:87-167; Morling, 1997, 17).

2.11. Donor community and electoral assistance agencies

Africa is giving an international community some of the serious challenging and duties to contribute in the post-Cold War world, participating in peacekeeping missions. Africa is one of the major troop contributors in the numerous efforts to restore peace and order to various conflict areas, particularly those on the African continent. The bulk of African conflicts were either inherited, in the context of the post-colonial crisis1 that bedevilled the continent, or came during the process of adjustment, consequent to the recession of Cold War politics. The conflict-inducing potential of the simultaneous pursuit of economic reforms, in the form of structural adjustment programmes and democratisation, has also been noted (UN, 2004:84-95).

In addition, elections have proven to be a contentious issue, as the continent's entrenched leadership confront the reality of the periodic renewal of their mandate with the electorate. The proliferation of peacekeeping missions is indicative of the international mandate of the United Nations (UN), in its attempt to provide the enabling environment necessary for the reconstruction of societies. However, while there is a willingness to provide troops by Africa and other Third World states in what appears to be the emerging international division of labour (EISA, 2005:15).

The key role played by donor agencies in democracy building and electoral assistance around the world makes them an indispensable partner of many EMBs. Donor funding may go direct to an EMB, or through an intermediary, such as a government ministry. There may be a direct bilateral electoral assistance agreement with a donor, or multiple donors' assistance may be channelled through arrangements such as a UN Trust Fund (as in Indonesia in 2004 and in Liberia at the turn of 2004) or a UN Basket Fund as in Haiti, Tanzania and Yemen. In all cases, an EMB needs to ensure that all donor requirements, including budgets, project implementation reports and financial reports, and any requests for access to inspect the EMB's activities, are met with maximum efficiency and timeliness. Donor round tables can be used as a mechanism for an EMB

to report on its progress in electoral administration and use of donor funding. Donors may require, and certainly appreciate, an EMB acknowledging donor assistance in its public relations events, publications and media productions (United Nations, 2005:1-15).

2.11.1. Election monitors and domestic and international election observers

It is important for an EMB to create and sustain a good relationship with election monitors and observers. Both election monitors (who have power to intervene and rectify any shortcomings in the electoral process) and domestic and international election observers (who do not have powers to intervene and must only report what they have seen) can be critical players in the electoral process. EMBs need to put in place simple accreditation procedures and adopt effective and timely accreditation mechanisms (EISA, 2005:1).

2.11.2. Regional and international networks

An EMB has stakeholders who do not form part of its immediate environment but have a bearing on its policies and programmes. The linkages of EMBs with the international community have become stronger as a result of intensified international cooperation in democracy promotion and electoral assistance. The creation of regional and international electoral networks has opened up opportunities for EMBs to meet regularly at conferences and workshops and to undertake study visits and other joint. Regional networks present opportunities for partnerships in sharing knowledge and materials and in the processes of peer review and evaluation. International and regional instruments are a basic yardstick for assessing the quality of elections and have been widely used by election observers. The Global Declaration of Principles and Code of Conduct for International Electoral Observation adopted by the United Nations and by global and regional organizations in October 2005 is an example. An EMB that seeks to maintain a good reputation needs to align its practices and policies with internationally and regionally recognized principles, and be aware of global trends in electoral management (United Nations, 2005:1-15).

2.12. Conclusion

This chapter has examined and discussed the standards of elections across the world and the role of elections stakeholders in the electoral process, elections management systems, define their input within view of declared international elections standards, analyse them; the nature, concepts, sources and functions of each stakeholder, also to discuss the rational of elections standards towards free and free democratic elections. Elections management is crucial for the attainment of country development (Norman, 2003; 2005; Bird, 2004; Ballington, 2004). Nevertheless, thorough accomplishment of elections management depends on two parts of the players. Firstly, is the competence of the electoral management body. Secondly is the ability of entire elections stakeholders in articulating rules and regulations that govern elections and realizing the fact that one among the political parties must emerge a winner for the entire election. IFES(2011:1).

This will facilitate a healthy democracy which should be the pride of an active civic societies groups and other stakeholder's engagement in all facets of public life. Citizens should play an active role in all the socio-economic and political structures and institutions available in the country. Since the dawn of majority of African stated member's independence from 1960's to 1990s, civic participation has declined steadily in both the political and social spheres. Political participation started at an acceptable level, bearing in mind that many centuries of authoritarian socio-political regimes has declined since then. On the social front, an initial zeal for community involvement has evaporated and fewer members of African communities are members of interest or pressure groups through which they can collectively influence public policy Carl (1998:25).

A great deal must be done by both government and civil society to resuscitate the spirit of voluntarism and membership of community associations in order to promote an active citizenry. The government should entrust the Independent Electoral Commissioners with the conduct of voter education and should finance civic education programmes to educate citizens about the efficacy of participation in elections. Furthermore,

government should reform the electoral laws to make them more progressive and facilitative of civic participation in public life. Civil society should take its rightful place in engineering the active participation of citizens in all spheres of life (Mfundisi, 2010:95). The introduction of civic education into the national curriculum of primary and secondary schools is long overdue many countries in Africa. The country must instil a concept of civic responsibility at a tender age in order to enhance popular participation in the political process in the long run. In addition to civic education, voter education programmes would contribute to specific issues pertaining to the electoral process. There should be thorough implementation and evaluation of voter education programmes. Moreover, adequate planning for and funding of voter education activities are important to the achievement of voter awareness and participation in the electoral process (Mfundisi, 2010:95).

The next chapter 3 to 5 will addresses the case studies selected for this dissertation which is Sudan, Kenya and Somaliland respectively.

CHAPTER 3
SUDAN

3.1. Introduction

This chapter examines election practises, standards, the roles of each stakeholder for Sudan 2010 elections and the entire elections management activities of Sudan. This chapter also identifies perspectives on regional integration and the role of elections stakeholders, importance of elections stakeholders in re-engineering election related management in particular, in order to provide coherently informed research findings. The main thrust of the case study is to provide dimensions and perspectives on the sources and dynamics of free and fair democratic elections, which are acknowledged by the world best electoral practise and regional organisations.

Dr. Peen, Curless, Flesken, (2010: 1) pronounce that Sudan is a country of approximately 40 million people. Popular accounts often divide the country into an Arab-Muslim North and African-Christian South. This is a gross oversimplification of a complex historical and ethnographic record. In terms of ethnic and linguistic diversity, Sudan is one of the most heterogeneous countries in Africa. Over the past 20 years, people from peripheries, fleeing civil war, famine, and desertification, have migrated to the urban centres of northern Sudan (Johnson, 2007:155-157) see map in Figure 1). It is estimated, for example, that approximately 1.5 million people from South Sudan now live in Khartoum (El- Battahani, 2009: 36). Sudan's peripheries – South Sudan, Darfur, and eastern Sudan are even more diverse than the central northern states. In South Sudan, a region with an estimated population of eight million, according to the 2008 census, approximately 100 different languages are spoken. An estimated two-thirds of the population of South Sudan belongs to the Nilotic-speaking Dinka and Nuer peoples, but even these peoples are not homogenous, segmented as they are into numerous groups and sub-groups (Johnson, 1998: 55).

Figure 1: Map of Sudan

Source: (United Nations Cartographic Department, 2007).

3.2. Brief historical background of Sudan's recent elections

(The conduct of the 2010 Sudan General Elections is a milestone and a significant step in the implementation of CPA. The election, for the first time in the recent history of Sudan gave an opportunity for citizen participation at all levels. Sudan held its first competitive multiparty elections 21 years after the NIF, the predecessor of the NCP overthrew the elected government of Sadiq al-Mahdi and for a period banned all political parties' activities. The 1989 coup installed a one-party political system led by the NIF. Omar al-Bashir became the official head of the state and the prime minister while Hasan al-Turabi became the second most important political figure, the leader of the NIF and the spiritual Islamic leader of the country. The new regime was marked by a hard dictatorship, prohibition of any political activities or opinion that does not confirm with the principals of the regime. Elections in 1996 and 2000 failed to meet basic

international standards for a genuine electoral process, and several parties boycotted the process. The signing of the January 2005 CPA between the NCP and the SPLM ended the 22-year long North-South civil war (SUDEMOP, 2010:6).

Dr. Peen, Curless, and Flesken, (2010: 6) state that the CPA signed on the 9 January 2005 by the ruling NCP and the primary opposition group in the South, the SPLM, brought to an end more than two decades of civil war in Sudan. The CPA, with the creation of the GONU and the GOSS, is designed to provide a formula for a power-sharing partnership between the NCP and the SPLM. Key features of the CPA include: the sharing of revenues from the southern oil fields between the GONU and the GOSS, the demarcation of the North-South border, the completion of a national census, the holding of national elections (originally scheduled for 2008/09), and the scheduling of a referendum on the issue of southern secession for 2011 (Toft, 2010: 141-3). Over a six-year interim period, the CPA is designed to offer the two signatory parties a framework to address the political and economic imbalances that have plagued Sudan since independence (Johnson, 2007: xviii).

Table 1: GNU sharing Percentages

NCP	SPLM	Other parties
52	28	20

Source: (CPA, 2005)

Following objections to the accuracy of the 2008 census, an agreement was reached in early March 2010 between the NCP and the SPLM to provide Southern Sudan with 40 additional seats in the National Assembly, Abyei with two, and South Kordofan with four. In the case of South Kordofan, the parties agreed to repeat the census and voter registration in preparation for the state assembly and gubernatorial elections that should be held by June 11, 2010. This agreement between the SPLM and NCP on National Assembly seats and the South Kordofan State Legislative Assembly was subsequently endorsed by the National Elections Commission (SUDEMOP, 2010:6).

Concerns related to the census elsewhere in Sudan, particularly in Darfur and the East, were not resolved. There are generally considered to have been six multiparty elections in Sudan prior to the April 2010 election (1953 before independence, 1958, 1965, 1967, 1968, and 1986). These elections were not monitored by international observer groups, but accounts from journalists and other witnesses suggest that while the processes were sometimes events for popular mobilization, they were not inclusive of the whole of Sudan, suggesting that they fell short of international standards for genuine, credible elections. The last Sudanese multiparty election took place in 1986 after a long period of authoritarian rule and was held during conditions of war in the South that did not permit voting in significant parts of the territory. However, the 1986 election gained acceptance of the Sudanese and unlike the April 2010 general election was overseen by government bodies that had the trust of the various political parties in the North (CPA, 2005).

The study will present and cite the international assistance for Sudan 2010 elections the International observer mission groups (IOMG, 2010) which were deployed on a longer-term mission assignment to provide elections observation and election framework guidance for the Sudanese authorities in their daily operation of elections activities, just to mention few IFES, UNIFEM, UNDP, EISA, EU, Carter Centre under the umbrella of UNMIS based in Khartoum, Darfur with satellite offices across the entire 26 states including Southern Sudan Juba based. (IOMG, 2010) are members of international community who were coordinating both the bilateral donor fund basket, technical operations for key domestic elections stakeholders and participated on the most challenging phases of paving the political harmonisation of Sudan 2010 elections. (Jon et al 2010:9).The study has discovered from original sources documents that in many occurrences, that the majority of key elections issues which were seen as more controversial were treated collaborative in a unified approach including the use of local authorities at all levels of the issues being solved Dr. Peen, Curless and Flesken(2010: 6).

3.2.1. The legal and political context of the April 2010 elections in Sudan

The legal and constitutional context for the April 2010 elections was determined by the CPA, the Interim National Constitution, and the unanimous decision of the National Assembly on the establishment and composition of the National Elections Commission. The National Elections Act establishes a progressive and comprehensive electoral framework for Sudan's elections and lays a foundation for credible elections that is bolstered by the broad protections for human rights established in the Constitutional Bill of Rights, guaranteeing freedoms of expression, association, and assembly. This review of Sudan's legal framework describes the degree to which Sudan has upheld its commitments while also providing initial recommendations for future electoral processes, further detailed in the study's conclusion. Just as the political context in Sudan prior to the election was framed by years of repression that had only just begun to shift toward pluralism since the signing of the CPA, the legal framework in Sudan had similarly only begun an imperfect transition from a restrictive, authoritarian framework to a more open democratic system (Sudan Nation Election Commission, 2010:8-35).

Specifically, Sudan's legal and electoral framework for the 2010 general elections, while in some cases offering certain freedoms and protections, was overall contradictory in its design and implementation due to pre-existing repressive legislation, some of which originated well before the CPA. The 2005 CPA establishes the overarching legal framework for Sudan. Additional domestic legal instruments governing these elections included the Interim Constitution of Southern Sudan, State Constitutions, the Political Parties Act, and National Elections Act 2008. In addition, through accession to and ratification of international treaties and incorporation of internationally recognized obligations into its Constitutional Bill of Rights, the Government of Sudan has committed itself to the protection of a variety of political and human rights essential to the conduct of democratic elections, including freedoms of expression, assembly, and association (Sudan Nation Election Commission, 2010:17-30).

The United Nations Human Rights Committee has concluded that "freedom of expression, assembly and association are essential conditions for the effective exercise of the right to vote and must be fully protected." To further articulate the significant of elections legal framework is one of the pivotal tool in preparations of free and fair elections, the final elections report of Sudan 2010 April elections (Carter Centre, 2010: 15) states that "[t]he National Elections Act establishes a progressive and comprehensive electoral framework for Sudan's elections and lays a foundation for credible elections that is bolstered by the broad protections for human rights established in the Constitutional Bill of Rights, guaranteeing freedoms of expression, association, and assembly". The enjoyment of these rights presupposes enjoyment of the right to liberty. These restrictive laws and the failure of state authorities, both in the North and South, to comply with their human rights obligations, contrary to the express provisions of the CPA, negatively impacted the electoral environment, in particular the campaign process, freedom of the media, and civil society participation (El-Battahani, 2009: 36).

These incidents developed an impacted on the elections because in order to be accredited as a domestic observer organization, NGOs were required to have previously registered. The Press and Publications Act 2009 provided for a Press Council with the power to suspend a newspaper for up to three days and prescribe conditions for the registration of journalists, distributors, and printers. The law failed to remove the offense of criminal defamation against the state, a provision that had the potential to limit debate during elections. "On April 11, 2010, reporter Alhaj Warrag and Faiz Silaik, deputy editor-in-chief of Ajras Alhurria, a newspaper linked to the SPLM, were interrogated by authorities about an article written by Warrag". (Carter Centre 2010:16).The political context in Sudan, along with international developments, also significantly influenced the developments leading up to and affecting the election. First, the national polls were framed by years of government domination of the political process and the systematic abuse of human rights. Second, the on-going war in Darfur served to both limit participation in the election and create obstacles to the resolution of the region's crisis. Third, the lack of capacity of all the parties in both the North and the South, excepting the NCP and SPLM, had major implications for the election. Fourth,

the context of the election was defined by failed attempts of the Northern opposition to remove the NIF/NCP by both political and military means in the previous two decades and their continuing attempt to discredit the ruling party (El-Battahani, 2009: 36).

Dr. Peen, Curless, and Flesken, 2010: 2) in 2005, when the agreement was signed, the elections represented a key element in the CPA's overall strategy of developing 'a more equitable, stable, and inclusive political system' (El-Battahani, 2009: 36). In this way, international mediators hoped, the elections would broaden the peace process, thereby legitimizing the CPA (Thomas, 2009: 10; Young, 2007: 30-1). Such sentiment is part of the pervasive international logic that views 'free and fair' elections as the key to political transformation, a necessary step to end conflict and deliver good governance (Willis and El-Battahani, 2009: 192).

3.2.2. Election stakeholders in Sudan's 2010 elections

One of the objectives of this study is to provide an overview of the history of electoral participation in the context of Sudan, in general, but the main discussion will be on April 2010 elections in Sudan. It is against the background of discussed elections standards and anticipated participation by member states that the study will review the Sudanese elections stakeholders in the study to provide an impartial assessment of the overall quality of the electoral participation, measure whether an inclusive electoral process for all Sudanese were moderately involved and demonstrate whether the participation was full accepted by both domestic, regional and international electoral stakeholders (Keen, 2008: xix).

3.2.3. The national elections commission

The Sudanese National Elections Commission (NEC) was established as an independent, impartial and transparent commission that undertakes the processes of organizing and managing the elections with the utmost degree of administrative, technical and financial independence, without interference from any other body in its affairs, functions or competences. The NEC comprises nine members, who were

appointed by the President of the Republic with the consent of the First Vice-President and the unanimous approval of members of the National Assembly. The Chairman and Deputy Chairman of the Commission were selected from among the Commission members by the President of the Republic and the consent of the First Vice- President (Sudan Nation Election Commission, 2010:2). It is worth noting that some of the key criteria used for selection are integrity, independence, non-partisanship besides academic qualifications. The Commissioners are the following:

i.   Abel Alier (Commission Chairman)
ii.   Prof. Abdalla Ahmed Abdalla (Deputy Chairman)
iii.   Mrs. Felester Baya Lawiri
iv.   Police Lieut. Gen. Abdalla Bela Alhardelo
v.   Dr. Mahassen Abdelgader Haj Assafi
vi.   Dr. Mohammed Taha Abu Samra
vii.   Prof. Mokhtar Mohammed Mokhtar Al-Asam
viii. Police Lieut. Gen. Elhadi Mohammed Ahmed Prof. Akolda Mantier (Sudan Nation Election Commission, 2010: 50).

Hon.Prof. Akolda Mantier replaced the late Hon. James Bol Kalmal, who was among the original Commission members selected by the President of the Republic. Keeping the scope of its mandate in mind, the Commission commenced its functions by setting the regulatory and executive management at the headquarters and states' levels for the electoral process. Hence it formed permanent committees with members of the Commission as coordinators, appointed experts for each committee and formed the Commission's Secretariat General and its specialized departments led by the Secretary General Dr. Gallal Mohammad Ahmad. It also appointed chairpersons and members of the State's High Committees (SHC) in the states and Southern Sudan in order to carry out the electoral process in all states (Sudan Nation Election Commission, 2010:3).

The NEC was guided by fairness and independence in selecting SHC members. The NEC provided training for those members in order to build their capacity and enhance their performance in cooperation with media, security and judicial institutions in the

states. Immediately after setting up the Commission administrations and establishing State High Committees in the states, the Information Communication Technology (ICT) Administration installed one of the biggest communication data centre and audio transference networks in the Sudan to connect all states with the Commission headquarters via satellites. Afterwards, the Commission facilitated communication and cooperation with political parties, set up the elections budget, training strategy for stakeholders, particularly training and education of voters, as follows; European Parliament Mission, 2010 In terms of its communication and cooperation with political parties, the Commission strived to establish communication and dialogue with political parties through holding collective or one-to-one meetings to exchange views about the stages of the electoral process and carry out the elections with a great ideal of fairness in accordance with the law.

European Parliament Mission (2010) in the course of their visits to the states, the Commission Chairman, Deputy Chairman and members of the Commission were keen on meetings with heads of political parties to enhance communication and cooperation. In keeping up with this cooperation, the Commission accredited representatives of each and every political party to follow up their parties' affairs with the Commission. But, some political parties made a habit of lodging memos containing demands, complaints and accusations revolving around several issues pertaining to the elections, such as objections to the population census results and demarcation of geographical constituencies boundaries, lack of independence of the Commission and State High Committees and insufficient period for registration, to name but a few states (Sudan Nation Election Commission, 2010:2-6).

The Commission responded to the remarks and demands made by the political parties with a great deal of professionalism and objectivity. It responded positively to some and refuted others, which were not corroborated by facts or were beyond the Commission's powers. Keeping up with this approach, the Commission committed itself to providing information and documents to the political parties in due course in accordance with the Elections, time frame and regulations, including:

a) Final report on demarcation of geographical constituencies;

b) Final voters register;

c) Final list of candidates nominated for executive and legislative offices at all levels. This includes the final list of presidential candidates.

The Commission has continued to publish updates on the elections on its website. The NEC organized several workshops and seminars that involved political parties, in preparation for the stages of the electoral process. It also trained political parties and their agents besides those of independent candidates and agents. The Commission was keen on engaging agents representing political parties and independent candidates – in accordance with the Act and regulations - in observing the processes of polling and announcement of results in polling centres in the states and outside the Sudan, where the elections were limited to the president of the republic. The Commission held several press conferences attended by heads of political parties, particularly during the commencement of nomination and the launch of polling period by the end of the electoral campaigns (Sudan Nation Election Commission, 2010:3-9).

3.2.4. Political parties

Political parties are the heart of democracy without which it (democracy) cannot exist or at least work. Political parties are essential for any democracy (Sadie, 2007: 202). Schattschneider (in Sadie, 2007:202) says that "[p]political parties created democracy and modern democracy is unthinkable save in terms of parties". Sadie (2007:202-203) argues that the condition of the parties tells more about the nature of any regime. In other words if political parties operate in a free and competitive political environment then it could be said that the country's democratic system works well and vice versa. Austin and Tjernström (2003) "[p]arties tend to be deeply and durably entrenched in specific substructures of the specific society in a sustainable and well-functioning democracy." The right of individuals to participate in public affairs, including the establishment of and free association with political parties and participation in campaign activities, is protected by international principles and fundamental electoral rights. Over 70 political parties and over 16,000 candidates contested approximately 1,800 seats in

61

Sudan's 2010 general elections. Only two parties, the NCP and SPLM, had sufficient financial and human resources to compete in the elections across most constituencies (Sudan Nation Election Commission, 2010:204-210).A fair number of political parties deployed party agents to registration centres, although this practice was limited and less diverse in Southern Sudan. Party agents often demonstrated initiative and enthusiasm in their work, despite limited technical training. Representatives of the SPLM and NCP directly participated in registration activities, including the practice of collecting the slips of newly registered voters. Although the collection of slips is not technically a violation, the activity continued until the eve of the election and created confusion among voters.(Mauritanian Mission, 2010:12).

The presence of active and pervasive party and candidate agents representing different interests in polling stations is critical to the integrity of the polling. Agents' effectiveness, however, is built on their ability to work freely, with a strong comprehension of their role and of polling procedures. Party agents were seen in the majority of polling stations observed. However, it was noted that many lacked a proper understanding of the electoral process and sometimes overstepped the boundaries of their remit. Where the procedures for assisted voting were widely misunderstood, including in Northern Bahr al Ghazal and Upper Nile, party agents inappropriately assisted voters. Others demanded they be allowed to observe the process of assisted voting, further undermining voters' right to secrecy. Some party agents did not fully understand the official complaints process, which was recorded on Form 7 (UNMIS-EAD, 2010:16).

3.2.5. Media

Equitable access to broadcast and print media is a fundamental democratic right of contesting political parties. Although the NEC established procedures and bodies designed to regulate the media, provide greater freedom to the press, and promote equality of access, many Sudanese viewed the measures taken as biased toward the ruling parties. Articles 65, 66, and 98 of Sudan's National Elections Act provide for the equal distribution of time among candidates and political parties during the electoral campaign period, in accordance with the rules and regulations of media outlets. The act

states that every candidate or political party shall enjoy unrestricted freedom of expression, presentation of its campaign program, and access to information (UNMIS-EAD, 2010:17).

The NEC created a joint media monitoring mechanism to design and monitor a timetable that provided free and equal access to the state-owned radio and television stations for presidential and gubernatorial candidates. However, the mechanism collapsed when all but the NCP members of the committee withdrew from the body, claiming it was biased and overly representative of NCP members. While attempts were being made to give equitable access to candidates on state radio and television during periods set aside for party broadcasts, disproportionate airtime was given to NCP candidates in senior government positions. The International observer mission groups particularly the UNDP, EU, UNMIS,IFES and NEC called upon the NEC to pay close heed to such practices and, when appropriate, issue public warnings to ensure that the media remained truly neutral during the campaign (Jon et al (2010:8-14).).

The NEC took actions that suggest it did not fully respect freedom of speech, including NEC Decision 68, which stated that parties and candidates must prerecord their campaign programs for approval by an NEC committee before being aired. Umma Party leader Sadiq Al-Mahdi was accused of inciting hatred in a speech that was refused broadcast (Radio Omdurman, 2010) a decision subsequently endorsed by a subcommittee of the NEC. The found no evidence to sustain the NEC's accusation that Sadiq's speech would have incited hatred, but rather simply would be unflattering to the government. The committee's objective, when reviewing prospective broadcasts, should be to allow constitutionally protected freedom of expression, not to censor political speech. Subject to the law, the NEC and its subsidiary committees should have no opinion on the content of any material presented. The Canter was encouraged that some of Sudan's state HECs worked closely with local media to create an equal distribution of time for the different parties. The International observer mission did not receive reports that payments were required to air party political programs that would have disadvantaged smaller, less-well funded candidates and parties (AU, 2010:1-16).

3.2.6. Civil societies

Northern Sudan had one of the most developed civil societies in Africa and the Middle East, but it has been systematically dismantled in recent years. An international obligation to provide all citizens with the right to participate in the public affairs of the country includes the opportunity to join civil society and domestic observation organizations. Election monitoring by nonpartisan civil society organizations is an important means for citizens to take part in democratic processes, serves to safeguard the process, and provides important information and recommendations regarding the integrity of the process. (SUDEMOP, 2010:4). The Organization of Humanitarian and Voluntary Work Act of 2006 is particularly detrimental to the development of civil society in Northern Sudan. According to the act, nongovernmental organizations must obtain the approval of the general registrar of organizations, which is appointed by the president. To be accredited as a domestic observer organization, NGOs must have been previously registered. Southern Sudan has a weak civil society largely defined by tribal chiefs and churches. The history of civil society in Southern Sudan is heavily focused on facilitating humanitarian aid. As a result of its repression in the North and lack of development in the South, civil society had a limited role in the peace process leading to the CPA (AU, 2010:1-16).

The 2010 elections gave rise to several domestic observation networks in both Northern and Southern Sudan (Mauritanian Mission, 2010:20). The most active were the National Civic Forum, al-Khatim Adlan Centre for Enlightenment and Human Development, and the Sudanese Group for Democratic Elections in the North; and the Sudan Domestic Election Monitoring and Observation Program and the Sudanese Network for Democratic Elections in the South. Together these organizations deployed approximately 9,000 observers across Sudan for polling and counting. According to the (Sudan Nation Election Commission, 2010:204) 10,286 Sudanese observers received accreditation to observe the elections. The (IOMG, 2010)'s Engaging Sudanese Civil Society in the Electoral Process (a domestic observation training program) supported

the general election observation work of these civil society groups and others in both Northern and Southern Sudan (Centre of Foreign Policy Analysis Mission 2010:15).

3.2.7. Participation of woman, minorities and other marginalized groups

The CPA guaranteed a minimum of 25 per cent representation for women in the national, Southern Sudan, and state assemblies. The international community agencies welcomed the spirit of this decision and the participation of Sudanese women in the electoral process, particularly the landmark event of the first woman to run for president. Besides the specific women's list, however, there were low numbers of women on the geographical and party lists. (SUDEMOP, 2010:3). Moreover, the complexity of the list system was of concern because it biased the system toward larger parties. A direct-vote system with quotas may prove to be a better alternative in future elections. In general, the parties ran a small number of women in the geographical constituencies (Willis and El-Battahani, 2009; Gustafson, 2010a) No evidence was reported by observers of candidates being discriminated against because of their gender, though the international observer mission (IOM) saw the SPLM candidate for governor, Taban Deng Gai, making derogatory comments about the capacity of an opponent in Unity state because of her gender. No evidence was reported by observers of candidates being specifically denied basic rights because of their ethnic origins, religion, or minority status. However, Sudan's many illiterate and partially literate voters encountered difficulties during polling that increased the processing time and made it difficult for them to find in the voter lists the station in which they were assigned to vote. Little effort was directed to ensuring that the country's illiterate population was fully informed about the election. The IOM was pleased that the NEC altered its rules to allow those voters who needed assistance in marking their ballots to appoint their own help. However, there were many concerns that the regulations did not provide sufficient safeguards to restrict helpers from abusing their trust and marking ballots contrary to the wishes of the voters (Sudan Nation Election Commission, 2010:2).Sudan's many illiterate and partially literate voters encountered difficulties during polling due to the complexity of the poll, poor voter education, and a general failure to recognize the meaning of symbols. This increased the time required to find the station in which they were designated to vote and

made it difficult to cast a ballot. While the use of symbols for candidates, parties, and positions is an international best practice particularly in countries with high rates of illiteracy, many candidates and parties did not understand the meaning of these symbols due to the weak system of voter education. The complexity of the polling, with multiple ballots and long candidate lists, overwhelmed many illiterate voters (Mozzafar and Schedler, 2002:103-122).

3.3. Issues relating to the elections

As pointed out by Dr. Bam (2009) "[e]ach elections that the IEC had to deliver them, has its own character and dictate the contextual realities." The following headings will highlight briefly how some of the issues related to elections were approached.

3.3.1. Voter education

The NEC initiated a voter education and awareness programme through general seminars held in universities and institutes in October 2009. Several Commission members addressed the students to introduce them to the different aspects of the electoral process and the need to participate in it, besides responding to queries posed by the audience. (SUDEMOP, 2010:3). Voter education and awareness plan included several programmes, some of which were conducted in collaboration with international organizations, like the UNDP, UNIFEM and International Organization for Migration (IOM), and others were directly financed by the NEC. The programme implemented in cooperation with the UNDP included many activities, including radio and television programmes in national and state broadcasting channels (talk shows, interviews, advertisements, music, drama and films) banners and posters, as well as direct information like advertisements and press releases (Centre of Foreign Policy Analysis Mission, 2010:15).

3.3.2. Security of elections

The elections act holds the Commission responsible for providing security to the elections and guaranteeing the people's exercise at their political rights throughout the entire stages of the electoral process. The Commission understood this authorization to be demanding the full protection of citizens, electoral staff as well as centres and fields of electoral operations so as to guarantee the success of the elections as a constitutional means to govern the country. At the early preparation stages for the elections, the Commission contacted the Ministry of Interior (Police Headquarters) to take the necessary measures for the security and protection of the elections. On its part, the ministry responded by directing the Police Director General to form the Elections Security High Committee (Mission of International Institution for Democracy and Peace in Africa, 2010:13).

3.3.3. Domestic and international elections observers

The international community adopted the approach of international observation on elections as a means and mechanism to ensure the conduct of free and fair elections. The significance of international observation adds legitimacy to the elections as well as enhances the voters' confidence in the credibility and neutrality of the institutions that are organizing and managing the elections. The 2010 elections enjoyed wide international and domestic observation in response to the Commission's invitation to the CPA sponsoring states and other states as well as a number of international and regional organisations to observe the elections. Responding to this request, observation missions came from the African Union, European Union, Arab League, long-term (IOMG, 2010) and some states like China, Kenya, Russia, Japan and Brazil, to name but a few. The Commission also accepted applications from some Civil Society Organizations and accredited them among other observers' missions (Japanese Mission, 2010:13).

The (IOMG, 2010) welcomed the role of domestic election observers in the voter registration process. However, the NEC's delay in determining procedures for domestic Sudanese observer accreditation was unfortunate and resulted in delayed deployment of Sudanese observers. In addition, at least four different types of accreditation

documents were issued to domestic observers between the NEC and the state HECs. The unclear procedures placed an undue burden on domestic observer groups applying for accreditation and on registration officials in allowing observers access. In the future, election authorities should facilitate simple and fast accreditation procedures for domestic observers. The right for domestic observers to participate in Sudan's electoral process is a key component of national laws and international obligations. After a short initial delay, the international observer mission's international observers were fully accredited by the NEC, and observation of the registration process proceeded relatively problem free. (IOMG, 2010) were largely able to exercise freedom of movement and access to the electoral process. Due to security concerns, however, the some observer mission members could not cover large areas in the three states of Darfur. In the future, authorities should ensure that international and domestic observer groups can apply and be vetted for accreditation well in advance and be offered equal opportunities to observe the entirety of the electoral process, once approved (Japanese Mission, 2010:13).

3.3.4. Legal and political aspects related to the period leading up to the 2010 elections

This section covers the lead-up to the April 2010 Sudan elections, including production of voter register, Voter education program. Political parties campaigning, nomination, additional staff recruitment, staff training and exhibition of voter register. Sudan's first electoral calendar was announced on April 2, 2009, roughly five months after the NEC's formation. The initial calendar was soon revised and targets shifted, however, resulting in a highly ambitious timetable (Japanese Mission, 2010:13).

3.4. Election administration and management

The administration of Sudan's general elections suffered from a lack of clear procedures, inconsistency in the application of procedures across states, and poor communication. These problems had a negative impact on important stages of the process, including constituency delimitation, voter registration, and candidate

nomination, accreditation of domestic observers, polling day procedures, and tabulation. IDEA by Wall et al (2006) and published by the IDEA is intended to be a reference materials and tool for Election Management Bodies and other elections stakeholders. The contents are based on a survey of Election Management Bodies in 214 countries and 24 detailed case studies. Hence the study refers to the prescribed material to substantiate views and concepts within the research arguments. The electoral cycle model as proposed by the authors' is illustrated as a cyclic model in Figure 1 below.

Figure 2: Electoral cycle map
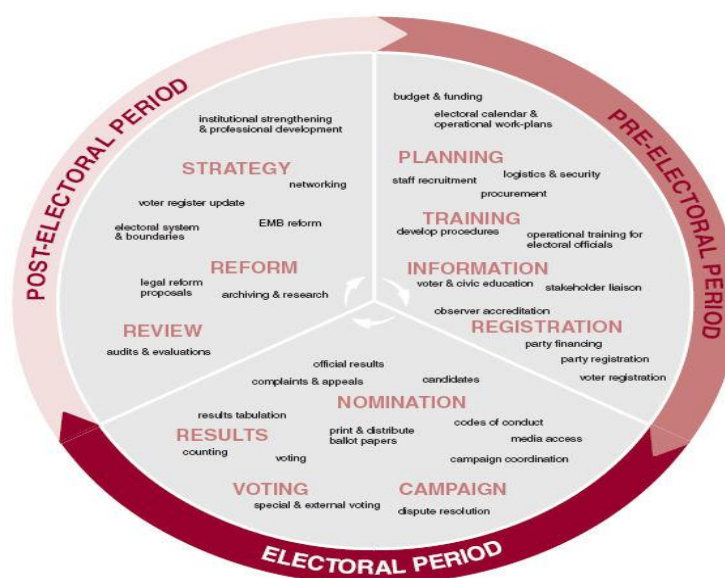
Source: Wall et al (2006:16)

The Sudanese NEC received funds and recruited some staff members to carry out some of the operations, logistics, information technology, and other related activities. Adequate technical support for registration and polling staff should ensure a transfer of skills in key areas, and a certified training program should be considered (SUDEMOP, 2010:6).

3.4.1. Election management staff and voter registration

Millions of Sudanese participated in the 2009 voter registration process, which was mostly peaceful. According to the (Sudan National Elections Commission, 2010:135) approximately 79 per cent of eligible Sudanese were registered inside the country, or 16.4 million people of the estimated electorate of 20.7 million. Enormous efforts were exerted by officials throughout the exercise to conduct an inclusive process, though citizen participation remained uneven across Sudan's regions. Voter registration began in most states on November 2009, despite delays in Western Equatorial and Jonglei, and was slated to last until December2009. An extension of voter registration by one week requested by a number of political parties and agreed to by the NEC helped ensure that a greater number of registrants were able to participate. Several states reported low rates of registration on 30th November 2009, and many citizens would have been disenfranchised if registration had ended on that date. However, the NEC and many state elections committees did not optimally publicize the extended locations and schedules of voter registration centres, thereby missing an opportunity to reach even more eligible voters. Twelve of Sudan's 25 states fell short of the NEC's registration target of 80 per cent of eligible voters. Participation in some states in Southern Sudan exceeded the total eligible voting population as estimated by the 2008 national census, casting serious doubts on the accuracy of the figures (SUDEMOP, 2010:6).

3.4.2. Voter list

Evrensel, (2010:1) stated that the quality of Voter registration process and the product can determine the outcome of an election and consequently the stability of the democratic institutions in a country. Trust in democracy is promoted when the voter registration process is open and transparent and allows for the participation of all electoral stakeholders namely, political parties, civil society organisations (CSOs), the media, security forces, the international community and all potential voters in a country. Importantly, the electoral process should support a culture of dialogue and shared responsibility. Critical problems were identified with the accuracy and inclusiveness of the voter lists, creating serious obstacles for many would-be voters, disenfranchising these registrants, and resulting in some stations abandoning necessary checks on multiple voting, which compromised the integrity of the system. Numerous observers

both at regional, international and domestic level reported that the incomplete, incorrect compilation and the delivery of voter list Commonwealth Secretariat (1999). Although problems with the physical production and delivery of voter lists were not uniform across the states of Sudan, the flaws in the voter registry itself were clearly observed to be a nationwide problem and were likely the single greatest means by which voters were disenfranchised. (SUDEMOP, 2010:6;IOMG, 2010) welcomed the NEC's decision to establish five exhibition centres in each geographic constituency and to extend the viewing period for the hardcopy lists, although noting with concern the limited staff and funding provided to manage the exhibition. After exhibition of voter lists had been completed, it was clear there was a lack of public information and awareness about the process and insufficient training of electoral staff on exhibition procedures. Observers reported that some officials were not aware that every person had the right to inspect and challenge the list. The exhibition period is an important opportunity for citizens to exercise their right to view the voter lists and to seek a remedy to be added to the list or have other corrections made as necessary widespread acceptance that the voter list is comprehensive and accurate will help to build confidence in the electoral process. The opposition parties in the North criticized the voter registration process and demanded a series of other reforms, including repeal of restrictive security laws, the end of NCP domination of the state media, review of the boundary decisions of the geographical constituencies, and restructure of the NEC. The refusal of the GNU and the NEC to meet these demands or to seriously engage with the parties led most of the Northern opposition to launch full or partial boycotts of the election (National Records Office, 2010).

3.4.3. Nominations of election candidates

The nominations period began on 12th January 2010, and was set to run for 10 days. On 20th January 2010 the NEC extended the nominations period by five days (to January.27) in the interest of inclusiveness. Nominations proceeded at a slow pace, with political parties expressing difficulty meeting the nomination requirements. Requirements varied for each type of election and included substantial deposit fees as well as garnering a large number of signatures from registered voters in a specified

number of states. Some candidate agents were harassed or detained by security officials in Southern Sudan and Darfur, which impacted the agents' ability to collect the requisite signatures. Several political parties and individual candidates decided to retract or not to submit a pending application due to harassment De Wall (2009:13).

3.4.4. Electoral campaign

The campaign period began on 13 February 2010, and ran for two months until April 2010, when a campaign blackout commenced. The campaign period was largely peaceful in the North, but there was an upsurge in fighting in the Jebel Marra and Jebel Moon areas of Darfur. Large-scale intimidation was observed in Kassala state, particularly in Hamishkoreb, where opposition Democratic Unionist Party officials were obstructed. Interference in campaign activities by GOSS security agencies, particularly the SPLA, resulted in allegations from opposition parties of partisanship by the army, contributing to distrust across Southern Sudan. Most of the Northern opposition parties devoted their energies throughout the campaign to discrediting the NEC and the NCP and continued to take this approach in the postelection period. As a result, with the possible exception of the Democratic Unionist Party, the parties made it clear that, if asked, they would not consider participating in the national government. Meanwhile, the NCP defended the NEC and maintained that the body was credible. In the South, the opposition parties did not initially challenge the election, but shortly after the election, nine of the opposition parties proclaimed that it was not free and fair and rejected the results. However, unlike the Northern parties and with the exception of the UDF, the parties announced their willingness to participate in the GoSS and some subsequently assumed positions in the government (Radio Omdurman, 2010).

Although relations between the NCP and SPLM during the election were often tense, particularly between the NCP and the Northern sector of the SPLM led by Yasir Arman, the two partners managed to maintain their CPA-prescribed partnership and form an NCP-led government coalition that also included a number of other small parties and allies of the NCP. Neither the election process nor its culmination served to advance the peace process in Darfur (UNMIS-EAD, 2010:45).

3.4.5. Polling

The Sudanese election process was mandated to take place over seven days, with multiple days of polling, and the NEC decreed that stations should be open between 8 a.m. and 6 p.m. for three days 11th -13th April, 2010. The election timetable indicated that all materials necessary for polling would be delivered to polling centres by 09th April 2010. On 12th April 2010 the NEC announced that due to the problems associated with the first day's polling, voting would be extended nationwide to Thursday, April 15, for a total of five days of polling. Inadequate, inconsistent, and late planning by the NEC resulted in the late delivery of electoral materials, which in turn caused many of the problems reported by (IOMG, 2010) that adversely affected polling on the first day (UNMIS-EAD, 2010:78).

Delays and changes to the decision on the number of polling centres and stations negatively impacted the procurement, delivery, and distribution of sensitive materials critical to polling. (IOMG, 2010) reported that a substantial number of polling centres either opened| late or did not open at all due to partial delivery or non-delivery of essential materials, particularly ballot papers. Such problems could have been avoided if the NEC had delayed the elections by a few days on technical grounds. The distribution of polling centres and stations is critical to ensuring the right to vote. After a long debate over the number of centres and stations, the NEC determined that polling would take place in 9,650 polling centres containing 16,502 total polling stations. However; it was not clear how many stations finally opened due to the lack of transparency in the final results and substantial errors observed in the polling center and station lists. Polling centres were marred by a number of problems, including significant issues with the voter lists, identification of voters, intimidation of voters, secrecy of the ballot, and the removal of indelible ink. These issues have had a major impact on the acceptability of the polling process, eroding many of the standard checks and balances that verify the integrity of an election and dampening voter confidence in the electoral process (UNMIS-EAD, 2010:78).

3.5. Post-election development

This section reviews election developments after the polls closed, including counting, tabulation, and dispute resolution.

3.5.1. Counting

Counting began on 16th April, 2010 the day after the polls closed. The two exceptions were Gedaref and Upper Nile states, where counting began on the evening of April 15, suggesting weak communication with the HECs (Jon et al 2010:10-11). An accurate and non-discriminatory vote counting process, including the announcement of results, is an essential means of ensuring that the fundamental right to be elected is fulfilled. In almost half of the states, elections observers noted that the official guidelines on what constitutes a spoiled ballot and how to interpret voter intention were not followed. Individual stations frequently decided on procedures by consensus between staff, party agents, and domestic observers. (IOMG, 2010) reported that votes were often deemed to be invalid when the marks on them were not placed exactly within the cIRECle, even when the intent of the voter seemed clear (Russian Mission, 2010.35).

According to Section 77 of the National Elections Act of 2008, a vote should be considered valid as long as the voter's choice can be reasonably ascertained without any doubt. This is also in line with international best practice. In Abyei, Eastern Equatorial, Jonglei, Lakes, South Kordofan, and Upper Nile, the (IOMG, 2010) witnessed political party agents assisting polling officials in counting ballots, although the elections observers were able to conclude that this practice was conducted with malicious intent. In West Darfur and Eastern Equatorial, security personnel participated in the counting process in contravention of electoral procedures. (IOMG, 2010) noted the failure of officials to follow proper administrative procedures and to reconcile the number of ballots received with the number of ballots counted i.e., valid, invalid, spoiled, and unused (Russian Mission, 2010.35).

This resulted in a significant number of results forms being inaccurately completed. The failure to correctly reconcile votes cast at the polling station created a significant burden

for the HECs and left the results process more vulnerable to manipulation at subsequent stages. After ballots were counted on site, the results forms were transported to the state HECs for tabulation in the state capitals. Results from each state were then transmitted to the NEC in Khartoum. There were delays in counting in some areas and logistical problems with the retrieval of ballots and results forms. At the start of counting, three state committees in Southern Sudan still did not have adequately equipped results centres with the proper software installed on their computers (Russian Mission, 2010.35).

Moreover, nine state committees had not yet recruited or trained results center staff. The NEC's system for the counting and tabulation phases was implemented inconsistently, a problem compounded by insufficiently trained staff, inadequate resources, a lack of transparency, and logistical problems in many of Sudan's states. While the NEC designed an electronic tabulation system that contained numerous safeguards for data entry, the process was generally not followed as prescribed. This prevented key verification steps from occurring and compromised the accuracy of the results. In some cases, officials resorted to manual tabulation and ignored the NEC's planned data security measures ((Russian Mission, 2010.35).

3.5.2. Tabulation and release of results

The tabulation of results from the polling stations is a task that requires the utmost dedication to accuracy. It is the responsibility of the NEC to ensure that rigid safeguards are in place, including such measures as double-blind entry, quarantine, quality control, and the release of results by polling station. The NEC published a training manual to explain the complicated tabulation system extremely late in the process, on April 12, leaving very little time to conduct training of data staff or HEC members. Some state HECs did not receive the manual until just days before tabulation started. This resulted in delays to the start of tabulation in some centres and a very limited understanding of the process in others areas (Brazilian Mission, 2010:16).

As discussed above, (IOMG, 2010) and NEC noted with concern significant problems in vote processing and a lack of transparencies in the NEC's release of election results (Jon et al 2010:10).Therefore, it is not possible to reliably assess the accuracy of the official results. According to the NEC, the incumbent candidate, President Omar al-Bashir of the NCP, won the presidential election with 6,901,694 votes of a total 10,114,310 votes. This was equal to 68.2 per cent of the valid votes, surpassing the threshold of 50 per cent plus one required for victory (Brazilian Mission, 2010:16). The SPLM candidate, Yasir Arman, who had withdrawn from the presidential race in advance of the polling, won 22 per cent of the vote nationwide. In the South, Arman garnered 76 per cent of votes compared with Bashir's 14 per cent. Among the pool of out-of-country voters, 93 per cent gave their support to Bashir. Incumbent candidate Salva Kiir won the GoSS presidency; he captured 2,616,613 votes of the total 2,813,830 votes cast in the election. This gave him 92.99 per cent of the vote to the 7.01 per cent of his sole rival, SPLM-DC candidate Lam Akol In the gubernatorial elections, which were similarly dominated by the incumbent parties, 10,442,561 valid votes were cast. In Western Equatorial, the only state of 25 where there was a change in party, official SPLM candidate Jemma Nunu Kumba lost to independent candidate Colonel Joseph Bakosoro (Brazilian Mission, 2010:16).

There were many changes in the governorships, with 16 of the 24 seats filled by new candidates, although ruling party candidates won the vast majority of seats. With the conclusion of the April elections, the gubernatorial elections in South Kordofan still had key steps to be carried out, including a new census and voter registration in the state. While the renewed census was carried out in the summer of 2010, the scheduled elections are not expected until early 2011 The emergent winners for the National Assembly, state assemblies, and the Southern Sudan Legislative Assembly strengthened the dominance of the incumbent parties. The NCP and SPLM overwhelmingly swept assembly seats in Northern and Southern Sudan, respectively. This further reduced the participation of opposition political parties in the elected governments at both national and state levels as Sudan prepares for the final phase of CPA implementation (Brazilian Mission, 2010:25).

Conflict between the Sudanese Armed Forces and Justice and Equity Movement (JEM) intensified and the negotiations with JEM in Doha broke down At the end of the election, the national government issued a warrant for the arrest of Dr. Khalil Ibrahim, leader of JEM, and made clear that he would not be invited to join the government, further hurting prospects for success in the Darfur peace process. In the South, there was considerable anger at the outcome of various state elections and individual candidacies In one case, George Athor, a former senior SPLA officer and the defeated candidate for the governorship of Jonglei, launched a rebellion from his base in Khorflus County that led to an undetermined number of deaths in the state and in neighbouring Upper Nile. The last reports of fighting involving Athor's forces were in August 2010, and although militia leader David Yauyau (allied with Athor) has begun negotiations with the GOSS, at the time of writing Athor had not yet given up his rebellion. Other revolts by leaders aggrieved with the elections took place in Pibor and northern Unity state Human Rights Watch (2010).

The SPLM and SPLA claim that these groups, along with the SPLM-DC, are receiving support, including armaments, from the Sudan Armed Forces, though the NCP denies it. On May 16, Popular Congress Party (PCP) leader Hassan al-Turabi and three senior members connected to his party's newspaper were arrested. Juba Alliance parties met to condemn Turabi's arrest and to march to the PCP headquarters to show solidarity. This rare display of unity toward the PCP, which refused to boycott the election but subsequently rejected the election results, makes clear the desire of the Juba Alliance to maintain a united opposition to the government. Turabi was released from imprisonment on June 30; no reason was provided for his arrest (Brazilian Mission, 2010:43).

3.6. Conclusion

The purpose of this chapter was to examine the experimental lesson from Sudanese people of running elections and regional organisations, define elections history, analyse;

the nature, concepts, sources and functions of each stakeholders. The chapter has dealt with the dimensions and practical concepts which took place and strategies of resolution to see how they apply to the research.

The noted that the world congratulated Sudan upon the signing of the Comprehensive Peace Agreement (CPA) in Naivasha, Kenya, in 2005, and the international community committed to helping implement all stages of the Accord. Sudan 2010 elections has been marked as one of the first of its kind in the region and international sight, had attracted an increased percentage of the key international and regional organizations to support and assistant for the April 2010 elections. The CPA envisioned that the elections would strengthen democratic processes and institutions in Sudan. As part of building (electoral partnership- which is developing a team of elections stakeholders to work together on every decision to be implemented) it is important for the future electoral management bodies and the entire elections stakeholders in Sudan to establish a neutrally operated internal committee for political party relations, media house, civil societies and government authorities should be fully resourced so that head offices can be located in state-level committees. Committee members should engage continuously with parties and candidates, documenting and addressing their concerns in a transparent, consistent manner to generate trust within the political community. Political parties should work together to develop a national code of conduct in advance of future voter registration periods and elections to help facilitate an ethical election, and party supporters should be educated about their responsibilities Thomas (2009).

It has been observed through-out the case study how the 2010 elections in Sudan brought the participation of Sudanese citizens as voters, election staff members, observers, members of political parties and civil society building momentum towards country future democratic consolidation. The limited competitiveness of the presidential and assembly elections, coupled with the subsequent arrest of a major party leaders and some journalists, however, indicate that democratic space has not grown so much, however the 2010 elections made a significant impact on the country historic elections. Sudanese political and civil society leaders from across the political spectrum had

showed to be reaffirming their commitment to core democratic values (United Nations, 2005:10-78).

Sudan's government and the rest of elections stakeholders played an important role by ensuring that the partial democratic values which were denied in 1986 and 2000 elections were made possible through the evident which was seen during the campaign period, today ranked bit more expanded and getting closer to be deeper. There was a good signal of respect for the human rights, democratic principles, and transparency was brought to proof Sudanese elections stakeholders to adhere to the principles of elections standards and the principle of democratic elections. The regional and international elections based commend the Sudanese people for the generally peaceful polling process. This elections displayed a tremendous opportunities to grow multi-party elections in Sudan future coming elections. The study further discovered that some of interesting areas such as active and working constitutional human rights, fundamental freedoms, will allow stakeholders and political party leaders to engage on a genuine dialogue to address elections issues. While of some of the international teams pronounced that 2010 elections in Sudan were did not meet the international standards and but Sudanese stakeholders from the data gathered from the case study reflected a serious commitment made by local authorities and members of international community to work jointly in bringing a genuine elections in many respects. These elections were declared as an important benchmark in the accomplishment of the CPA and because of the increased political and civic participation that has occurred during pre-elections phase, the actual elections days and post elections, this further additional evidence to proof how committed the elections stakeholders were to bring free and fair elections for 2010 elections in Sudan. Final the study consider the success of the elections being also echoed by the Sudanese leaders who stood up and took a bold actions to promote democratic transformation for the country (Sudan People's Liberation Movement, 1983).

The next chapter will deal with Kenya's electoral management events for its 2007 elections.

CHAPTER 4

KENYA

4.1. Introduction

This chapter will discuss the recent historical background for Kenya 2007 elections, the imperative of free and fair elections and finally the interventions made by the international agencies to bring peace and stability for elections. It will review some of the recommendations made by Independent Review Commission (IREC) for the 2007 election results and discuss the post-election period which has led into the political impasse apropos to introduction of new constitution, the interim electoral commission and new electoral bill and associated amendments to improve justice system in order to conduct free and fair elections.

4.2. Brief historical background of Kenya's 2007 elections

On 27 December 2007 some ten million Kenyans went to the polls in what was generally anticipated to be the most hotly contested and close-run presidential, parliamentary and civic elections in the country's 45 years since emerging from British colonial rule. The register of voters had been swelled since the previous elections by several million new registrations, many of them young first-time voters, and the Electoral Commission of Kenya (ECK) had doubled the number of voting stations to 27 555, arranged in some 20 000 polling centres. Campaigning at all three levels of the contest had been vigorous, characterised by robust language occasionally lapsing into ethnic hate-speech and deteriorating into violence. Since the constitutional referendum in 2005, political discourse in Kenya had been sustained at a high pitch and tended to focus on the presidential contest. The two main presidential candidates, incumbent President Mwai Kibaki and former ally Mr Raila Odinga, had led opposing sides in the referendum, which was won handsomely by the Odinga side.

It was therefore hardly surprising that a prominent feature of the Orange Democratic Movement (ODM) parliamentary and presidential campaigns was the claim that only rigging could prevent their taking power at the elections. This was particularly serious as public comment on the manner and timing of the appointment of the majority of electoral commissioners during 2007 had already cast a shadow of suspicion over the ECK's impartiality (IREC, 2008:1).

State power in Kenya, harking back to the country's colonial past and decades of one-party rule, remained vested in a centralised executive exercising control through a network of provincial administrators/district commissioners, a vocal but relatively powerless legislature and a compliant judiciary exercising few checks and balances. The presidency was, rightly, seen as the ultimate political prize. Elections in Kenya have been characterised by intensified awareness of ethnic divides and deep-seated historical land grievances, especially among rural communities. President Kibaki, heading the Party of National Unity (PNU) ticket and drawing his support mainly from the Kikuyu, Embu and Meru communities of Central and central Eastern provinces, campaigned principally on his socio-economic record. Mr Odinga at the head of the Orange Democratic Movement (ODM), with the support of largely the Luo, Luhya, Kalenjin and some smaller ethnic communities, vocalised the need for fundamental political and socio-economic reform and devolution of state power. Although the emphasis was more pronounced at the civic and parliamentary levels, and in the rural areas, the ethnic configuration of the PNU and the ODM, and the origins of the two main contenders in the presidential contest remained a factor. Opinion polls predicted a close contest, Odinga leading but Kibaki later narrowing the gap. The PNU, though registered as a political party under Kenyan law as it then was, was in reality an electoral alliance (IREC, 2008:2).

The ODM, though also recently assembled, was a fully-fledged political party, more cohesively organised and hence generally posting a single candidate in each of the provincial and civic contests. The PNU, though uniting behind their single presidential candidate, in other two elections allowed the party's various components to field

candidates under their individual banners, often in competition with one another. Having regard to the scope and complexity of the undertaking, polling, counting and announcement of results seemed satisfactory wholly unjustifiably, as would become only too apparent in due course. All also seemed well (once again deceptively so) with the transmission of the requisite documents to returning officers at constituency level and the onward transmission by them of data to the Kenyatta International Convention Centre (KICC) in downtown Nairobi where the ECK had established its national data tally and media centre (Commonwealth Observer Group, 2007:10).

There, however, there were ominous portents from the outset. Commissioners and staff of the ECK proved ill-prepared for the relatively straightforward but highly sensitive exercise of receiving, verifying, tallying, tabulating and announcing the presidential results. The ensuing spectacle left an indelible impression on visitors to the media centre and on millions of television viewers. Six months later, informant after informant around the country could vividly recall their astonishment and anger at the fiasco and could mimic and quote the ECK chairman verbatim. In the event the PNU and its scattered array of allies were defeated in the parliamentary and civic elections. Also, as results trickled in, first from ODM strongholds and only later from the PNU heartland, President Kibaki trailed most of the time and only started catching up well into the tallying exercise. He was ultimately announced the winner (by 231 728 votes) in the late afternoon of 30 December 2007, and then hurriedly sworn in, notwithstanding vociferous protests that the result had been rigged by the ECK. These protests and an ODM press conference were abruptly silenced by a news blackout and summary security clampdown as armed soldiers bustled candidates, party agents, diplomats and domestic as well as international observers out of the KICC. Some observers were aghast, others who had been allowed into the tally centre were volubly incensed by what they regarded as evidence of malfeasance on the part of the ECK committed in their very presence (Commonwealth Observer Group, 2007:12).

Upward adjustment of already announced results from some populous pro-Kibaki constituencies, seemingly favouring the President, fanned the flames of suspicion. Televised utterances by Chairman Kivuitu only served to make matters worse, as did a hurriedly composed media statement released by four out of twenty-two commissioners, commenting on the turn of events and calling for calm. Widespread and often ethnically motivated violence erupted and rapidly spread. Over the ensuing six or seven weeks approximately 1,150 people were killed, property damage ran to billions of Shillings and some 300 000 Kenyans were forced to flee their homes and livelihoods (Commonwealth Observer Group, 2007:15).

4.2.1. The legal and political context of the December 2007 elections in Kenya

The Constitution entrenches the protection of a number of fundamental rights and freedoms in chapter V of Kenya constitution. A number of these rights were associated with elections and they include the right to liberty (section 72), right to secure protection of the law (section 77), the freedoms of conscience (section 78), expression (section 79), assembly and association (section 80) and movement (section 81). Of great importance for special groups is the protection from discrimination on the basis of race, tribe, and place of origin or residence or other local connection, political opinion, colour, creed or sex section 82.

Interestingly the Constitution does not entrench the right to vote and to stand for elections. Article 32(2), which is sometimes erroneously thought to describe the right to vote, provides only for the entitlement to vote for those who are registered as voters in a particular constituency. The 2007 general elections in Kenya brought changes to existing and new electoral law governing the running of elections. IREC was established and mandated to analyse the constitutional and legal framework to establish the basis for the conduct of the 2007 elections and to identify any weaknesses or inconsistencies in the electoral legislation. The auditing of a legal and constitutional framework guiding the electoral system in Kenya sought to measure how adequately this framework meets the standards of the key electoral and democratic principles of universal suffrage, equal suffrage, free and fair elections, secret vote and direct suffrage. More importantly, it

sought to measure how adequate, and was for purposes of conducting a free and fair election in Kenya in 2007. (Matlosa, Khadiagala and Shale, 2010:133) state that Kenya's Constitution had been debated for a number of years because it reflected a serious flawed political system. One element that took on some symbolic meaning was the silence of section 33 on the way the 12 nominated seats were to be filled. The ECK was not able to explain why seats were differently allocated after the 2007 parliamentary elections from the way they were allocated in 1997, apparently using a formula that had been used before in Kenya's electoral history. The Constitution limits the number of ordinary constituencies to 210.This fixed number did not made it easier to develop a constituency's structure that reflected the current residential pattern in the country.(Matlosa et al, 2010: 133) point out that "[t]he electoral law itself is not in good shape". Only one full copy exits in the parliament library and it is therefore difficult to provide those who are interested with a complete and comprehensive legal text. The manual allocated to various levels of elections administrators were also lacking in various respects in particular because the law changes after they had been printed, a last minute change that permitted voters who had registered more than once to vote, evening though the prior provisions had made doing so a serious offences punishable by heavy fine and/ or imprisonment (Gibson and Long, 2009:18).This changes was extremely ill timed and because of communication difficulties, probably poor implemented. The party system is also relevant to the understanding of any elections. This is particularly so in the case of Kenya, where the fragility of political parties contributed to the problems. The weak support base of political parties, with no formal party membership only a very narrow membership bases, meant that it was easy for those interested to contest for elections convince those present at nomination gathering to nominate them (Elischer, 2008:1).

4.3. Election stakeholders in Kenya's 2007 elections

Ballington et al, (2004) put forward that the accomplishment of elections management depends on two parts of the players. Firstly, is the competence of the electoral management body. Secondly is the ability of elections stakeholders in articulating rules

and regulations that govern elections and realizing the fact that one among the political parties must emerge a winner of the entire election. The study anticipated to discuss the mandate of elections stakeholders in order to assess the clarity and relevance of each stakeholder's role, also to investigate whether the elections stakeholders has inherent weaknesses in its structures, such as lack of institutional capacity, lack of political will or lack of operational autonomy in the context of Kenya, in general, but the main discussion will remain only for the 2007 elections in Kenya and post elections. It is against the background of discussed elections standards and anticipated participation by member state that the study will review the Kenya elections stakeholders in the study to provide an impartial assessment of the overall quality of the electoral standards, to determine whether they indeed meet any elections standards, measure whether an inclusive electoral process for all Kenya were moderately involved and demonstrate whether the participation was full accepted by both domestic, regional and international electoral stakeholders.

4.3.1.   The national election commission

It is imperative for this study to note that the Interim Independent Electoral Commission of Kenya (IIEC) was established under section 41 and 41A of the immediate former Constitution as part of the wider reforms to be undertaken under agenda 4 of the Kenya National Accord and Reconciliation Act. IIEC was set up following the disbandment of the Electoral Commission of Kenya (ECK) due to the post-election crisis that resulted from the disputed presidential elections results in 2007. IIEC was set up with 8 Commissioners and a Chairman with the aim of reforming the electoral process and to restore people's confidence in the country's electoral system. IIEC was gazetted on May 8th 2009. IIEC is interim and its tenure, under the new Constitution, comes to an end three (3) months after the promulgation of the new Constitution or upon the establishment of the Independent Electoral and Boundaries Commission (IEBC), whichever is later. *The study will refer to the Elections Commission of Kenya which led the 2007 general elections.* IIEC was created by the Constitution of Kenya (Amendment) Act 2008 with a mandate just to mention few; Reform the electoral process and the management of elections in order to institutionalize free and fair

elections, establish an efficient and effective secretariat, promote free and fair elections and conduct fresh registration of voters and the creation of a new voters' register International Crisis Group (2008).

4.3.2. The parliament of Kenya

The parliament of Kenya took an imperative step to provoke and introduce news Act within the parliament to revise and consolidate election laws in Kenya, to provide for the conduct and procedure of elections to the office of the President, the National Assembly, the Senate, Governor and county assemblies; to provide for the conduct of referenda, to prevent election malpractices and for connected purposes. This Act was cited as the Elections Act, 2011. Under the legislative framework, the IREC advise Kenya parliament and makes some recommendations that affect the legislative framework. These will include amendment of existing law, creation of new statute, and subject to a new constitutional order, consolidation of the legal framework that deals with elections Prunier (2008).

4.3.3. The Political parties

The Constitution under section 123 recognises political parties which register as provided by law and comply with requirements of the law as to their constitutions or rules for nominating candidates for the National Assembly. Section 17 of the National Assembly and Presidential Elections Act (Cap.7 of the Laws of Kenya) governs the nomination of candidates for the National Assembly and presidential elections. The Local Government Act (Cap. 265) makes a similar demand of political parties with regard to nomination of candidates for local authorities. Until 30 June 2008 political parties were registered under the Societies Act (Cap 108). Political parties are an essential component of Kenya's electoral system. The Constitution provides that party sponsorship is a prerequisite in presidential, parliamentary and civic elections: independent candidates are not recognised. Political parties represented in parliament nominate candidates to the National Assembly in proportion to the seats won at elections. Political parties, therefore, are the only vehicles for political representation.

Indeed, under section 40 of the Constitution, members who resign from their parties lose their parliamentary seats (IREC, 2008:33). Election observer groups and citizens closely monitored political parties in the 2007 general elections and their assessment of the conduct of political parties is largely damning. (Commonwealth observer report, 2007:22) states that many party leaders (particularly among the opposition) began their campaigns in an unofficial sense after the 2005 Referendum. Campaigns were generally largely personally driven, with little interest in the party manifestos. Ethnic violence was one of the negative aspects. At certain times there were clashes between party supporters and also even intraparty clashes. The report also cites abuse of state resources for party political purposes, such as use of official vehicles during campaigns. The observers noted reports of vote-buying and exceptionally high campaign expenditure. They also reported overcrowding in polling stations by dominant parties' agents, many of these without visible identification. Both PNU and ODM were castigated for holding press conferences and announcing their own final results for the presidential race, each claiming victory. While all parties generally called for calm, these actions appear to have led to significant unrest on the streets (Scorecard Partnership, Community Aid International, 2008).

The European Union Election Observer Mission (EU EOM, 2007:15) reports that primaries for parliamentary and civic elections were seriously marred by irregularities, chaotic administration and interference from party headquarters in individual constituencies. Unsuccessful aspirants and their supporters protested against both the process and the outcome, in some cases violently. Many MPs from the previous parliament who failed to gain nomination defected so as to accept nomination by smaller parties. The lack of permanent party structure and membership was seen as the cause of the incapacity of political parties to conduct primaries (Congressional Research Service, 2008:7).

The confusion of the primaries led to a number of complaints being lodged with the ECK which, however, ruled that many of the complaints were misdirected in terms of the respective parties' rules. With regard to campaigns, the (EU EOM,20007:25) reports a

generally free environment, but strong ethno-political polarisation particularly between supporters of the two main contenders created a hostile atmosphere towards the other side in their respective strongholds. Candidates distributed money and goods widely, an activity that appears to be entrenched in the political culture of the country. Parties played in a populist way with the fears and aspirations of the voters where issues such as devolution were concerned (IREC, 2008:45).The United Nations Office High Commissioner for Human Rights (2008:4-22) in its monitoring reported that names numerous ministers of government and other public officers who misused and misappropriated public resources in furtherance of partisan politics for the incumbent administration. Over thirty incidents are cited. It also gives examples of hate speech on the campaign trail. With regard to nominations, the report cites four constituencies where party leaders imposed on the electorate candidates who had failed in the primaries. (East African Community Observer Mission, 2008:10) reported that political parties exhibited varying states of unpreparedness and that there was re-alignment of political parties and party affiliations during primaries. It also reported instances of political intimidation at various polling stations throughout the country.(Pan-African Parliament Election Observer Mission, 2007:18) reported agitated political party agents engaging ECK officials at the national tallying centre in heated confrontation, in some instances becoming physical among political players (Congressional Research Service, 2008:17).

4.3.4. The media

There cannot be free and fair elections unless freedom of information is secured and the media allowed to operate without undue hindrance. The 2007 elections were held amid unprecedented media attention. The print and electronic media sought to outdo each other in election coverage from the campaign stage right through to the transmission of election results. The elections came at a time when the media arena had been fully liberalised. The consequence was the entry of exciting new players, mainly in the form of frequency modulated (FM) radio stations. Many of these went straight into interactive vernacular radio broadcasting complete with call-in facilities. Millions of anxious and excited Kenyans who for years had been only passive listeners

to one state-owned radio station could now access a wide choice of radio stations including those that broadcast in their respective home languages. ECK accredited 2,964 local and international journalists to cover the 2007 elections. Accredited journalists were given ECK election kits, including Media Guidelines, and were briefed by the ECK. Training and orientation was carried out by the Media Council of Kenya (MCK), the consultant for the Media and Elections Project managed by UNDP. Kenyans are undoubtedly good consumers of media materials. Media houses utilise momentous occasions to generate more money and gain more readers, listeners or viewers. Kenya is hailed as having the most dynamic advertising markets in East Africa and a population that consumes news and information voraciously. In 2007, call-in FM radio stations and live television interviews and talk shows attracted an enormous amount of interest from listeners and politicians in their droves during the campaign period. Politicians used the occasions to lure their voters and attack opponents. The challenge facing the ECK was the difficulty of controlling the materials aired by both the print and electronic media. They admitted before the elections that some of the materials aired by some media houses were highly unacceptable. But the ECK never censured any media house. (Congressional Research Service, 2008:14).

As pointed out by the (British Broadcasting Trust World Service Trust, 2008:1-2) that KBC, a State corporation established during one party rule, existed as a broadcasting monopoly and was widely viewed as a propaganda arm of the government. It was therefore hardly surprising that KBC came under serious criticism over the way it covered the 2007 general elections Branch and Cheeseman (2008). The station was specifically accused of favouring PNU. Aggrieved political parties raised their concerns with ECK but it had neither the power nor the resolve to force KBC to change and merely issued statements agreeing with the complaint of the opposition parties. Equally controversial was the official announcement of the presidential results via KBC. (Congressional Research Service, 2008:5) The swearing-in of the president, also carried live by KBC, was unacceptable to some Kenyans. Much of the criticism of KBC has arisen not just from its former monopoly status but also because of its strategic position as the only broadcaster covering virtually the entire country and its failure to

make a clean break with the past. The station has been reluctant to act independently and, since it is a creature of the political establishment, its management, operations and funding have been at the mercy of the government. Its board of directors is chaired by a presidential appointee, board members are appointed by the minister in charge of information and its managing director by the minister in consultation with the board (Congressional Research Service, 2008:18).

In the run-up to the 2007 elections and in their aftermath, political leaders and Kenyans at large were guilty of a truly alarming level of hate speech. Manifestly degrading, intimidating and inciting language targeted Kenyans on the basis of their gender, age, ethnicity, religion, socio-economic class and political views, and was aired by the media uncurbed. Several FM stations are allegedly owned by politicians. Responsibility for these unacceptable broadcasts could be enhanced by lifting the veil on ownership of such media. It suffices to state here that this all- important right should be explored substantively in the constitutional review debate and a full discussion of hate speech legislation by all stakeholders should be encouraged (British Broadcasting Trust World Service Trust, 2008:1-3).

4.3.5. Civil societies
A vibrant civil society is a vital player in checking the excesses of the state through advocacy and lobbying. Kenya has enjoyed an energised civil society particularly from the early 1990s, when this segment of society contributed immensely to the interventions that led to the restoration of multi-party democracy. Civil society organisations (CSOs) have since continued to play an invaluable role in sustaining a growing democratic culture. CSOs, including faith- based organisations (FBOs), contributed immensely in the promotion of voter registration. They also participated in the election observation process. The visibility of civil society in an electoral observation process is critical in ensuring compliance and respect for the rule of law and deterring irregularities. A consistent and effective domestic observation programme is one of the key components in measuring electoral performance and enhancement of frameworks, monitoring use of public resources for private benefit, assessing media coverage;

checking electoral violence and observing party behaviour and voter attitudes (Scorecard Partnership/Community Aid International, 2008).

4.4. Issues relating to the elections

United Nations records in 1992 indicated that a wide range of organizations are presently engaged in the business of election operations and management in Africa. This demonstrates how frequently election issues are reported, it further exhibit how fragile the process can be, and this section will discuss how election related issues were approach in Kenya.

4.4.1. Voter education

Elections are said to be free if the voters clearly understand the election process and are able to exercise their political rights free of threat from intimidation and in secrecy. Therefore voter education and information are necessary to ensure that all voters understand their rights, their political system, the contests they are being asked to decide, and how and where to vote. Promotion of voter education as a function of the ECK is mandated by section 42A of the Constitution and section 15 of the National Assembly and Presidential Elections Act. The ECK undertakes this responsibility with government funding and in strategic partnership with the international donor community and civil society. Civic education is also implemented by civil society, political parties and candidates, media and religious institutions. The ECK is required by law to co-ordinate those organisations or persons offering voter education. In the run-up to the 2007 elections the ECK conducted an extensive voter education programme. The ECK received KSh 54 million allocated from public funds and UNDP allocated US$ 4,424,367 to civic education from the donor basket fund it managed. The voter education programme was aimed at achieving increased participation in the electoral process, particularly in the case of women and other marginalised groups. The programme also aimed to inform voters' choices, reduce electoral violence and increase voters' knowledge as to when, where and how to vote (UNDP, 2008:18). When examining some of the events happen during Kenya 2007 elections, one may contend that, it is

Voter education while remains opens for challenges that it might be part of, but not voter education. Voter education should help the voter to, as Ramadhani (1995) points out:) **A,** Awareness of the right to vote and **B** ,what is to be done in order to exercise that right) **C**, Awareness of the polling day well in advance and of course it should be suitable and convenient to the majority of the voters.) **D,** Awareness of the voting procedures and should also be simple and well explained to the voter. In order that such right is exercised, it is imperative that there should be no intimidation or enticement, and that polling stations should be conspicuously located and within easy reach of the voter Ramadhani (1995).

4.4.2. Domestic and international election observers

Electoral observation is defined as the purposeful gathering of information regarding an electoral process and the making of informed judgments about the process on the basis of the information collected. Observation organisations may also mediate or provide assistance if requested by the observed target. In sum, electoral observation ought to be the impartial barometer that evaluates whether elections have been credible, free and fair. It must, however, be noted that the impact on legitimation is not always achieved by carefully thought-out reports, based on the information collected by observers and carefully analysed and chronicled by the media. The ECK accredited 24,063 election observers. These included 15,000 local observers under the Kenya Elections Domestic Observation Forum (KEDOF) (which, however, itself cites a figure of 16,595). The international and regional observer groups accredited included the European Union, the Commonwealth International Conference of the Great Lakes Region, the East African Community and the Independent Republican Institute (IRI). The ECK gave all observers accreditation badges and bags containing election materials which included the guidelines on observation. The observers were expected to be impartial. They were also expected to have the financial and logistical capacity to carry out the observation process. IREC has found these observer reports very helpful (Constitution and Reform Education Consortium, 2008:4).

In consultation with stakeholders, the United Nations Development Programme Elections Assistance program (UNDP-EAD) identified a technical planning group representative of professional, religious, youth, women's, disabled and marginalised groups and organisations working in the area of governance, elections and domestic observation. The partnership operated under the name Kenya Elections Domestic Observation Forum (KEDOF). Its mission was to observe and determine the credibility, peacefulness, freeness and fairness of the 2007 general elections. KEDOF intended to deploy over 35,000 trained observers/ poll watchers but only some 16,000 were in fact deployed, of which 3,000 failed to submit their observation checklists after the exercise. KEDOF faced serious challenges. (Constitution and Reform Education Consortium 2008:3).

4.4.3. International technical assistance

External assistance for the 2007 electoral process had several components. First, several donors United States of America Aid Development (SAID), the British Department for International Development [DfID], the European Commission, Canada, Denmark, Sweden and the Netherlands) set up the 2007 Kenya Election Assistance programme, which was implemented by UNDP. The programme aimed to strengthen the overall capacity of the ECK, civil society, media and other agencies critical to the achievement of free and fair elections, and to enhance citizens' participation in the electoral process and understanding of their rights and duties. The International Foundation for Electoral Systems (IFES) had been providing support to the ECK since 2002, particularly in relation to the communication network and its organisational structure (European Union Election Observation Mission 2008: 12).

IFES also submitted proposals on the use of information communication technology, particularly to facilitate and control the nomination and counting/tallying processes. The National Democratic Institute (NDI) conducted training for the political parties, and the IRI was responsible for several opinion polls and an exit poll. The UNDP-managed program had several components, with a total budget of US$ 10.5 million. One of the largest components was the support provided to the Domestic Observation Process,

through a grant of US$ 2.1 million to a group of organisations coalescing under a common umbrella: the (KEDOF), (IREC, 2008:55).

4.5. Election administration and management

By July 1998, the efforts had borne fruit and by the end of that year the ECK had 112 permanent staff following an increase number in the districts. By 2002, the ranks had swelled to 448. In terms of structure, the ECK began with an Administrative Secretary as head of the Secretariat. There were also a Deputy Administrative Secretary and heads of departments, each with a basic staff. The first departments were Accounts, Supplies, Personnel, Public Relations, Computer and Legal office. Later on, the Administrative Secretary became the Commission Secretary, with accounting officer status once the ECK had its own independent vote. The Deputy Administrative Secretary became the Deputy Commission Secretary, and a second deputy was appointed, while some of the departments were renamed or split to form new departments.

Figure 3: Electoral life cycle map
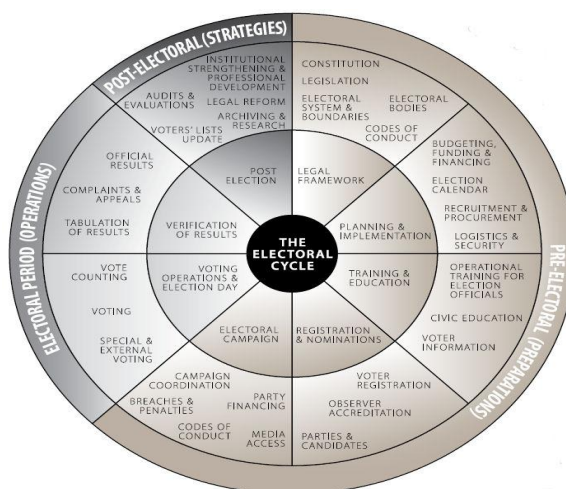
Source: (UNDP Governance Group, 2007, 3).

The current departments are Finance, Procurement and Supplies, Human Resources, Public Relations, Elections, Cartography, Elections Training, Information Technology,

Legal and Registration of Political Parties. Each department is headed by a professional recruited according to the ECK's hiring procedures. More recently, each District Elections Co-ordinators (DEC) has had an Assistant Registration Officer and an Election Officer II added to the original basic structure of a DEC, a secretary and a driver/messenger. The ECK currently has a permanent staff of over 500. They have the commissioners, the Secretariat staffs have their own management standing committees that meet regularly to deliberate on various issues and implement decisions in consultation with commissioners. These are the appointments and selection committee, the tender committee, the disciplinary committee, the training committee and the budget committee. As the secretariat has evolved, so too have roles, although some roles still overlap, resulting in commission-management tension within the organisation. This tension was admitted by the Chairman of the Commission in his evidence to IREC and though it has been downplayed by senior members of staff such as the Commission Secretary (in his evidence to IREC), it is real. (Institute for Education in Democracy 2008:23).

4.5.1. Election management staff and voter registration

The most serious deficiency in the electoral preparations related to the recruitment and training of temporary electoral officers. The ECK, like other election management bodies (EMBs), follows a pattern of seasonal surge and contraction of its staff, in accordance with the needs of the electoral calendar. At key periods in the electoral process, i.e. during voter registration, polling and counting, it recruits several categories of temporary personnel in addition to its headquarters secretariat staff and the permanent field staff. In preparation for the registration of voters, the ECK engages registration officers and assistant registration officers, registration clerks, trainers and support staff. To meet the demands of polling, it engages returning officers, deputy returning officers and assistant returning officers at the constituency level; presiding officers, deputy presiding officers and polling/counting clerks for each polling station, nomination clerks and trainers, among others. In addition to these essentially field-based personnel, its headquarters staff is also reinforced as needed (for example, logistics and warehouse personnel, data entry staff and other tallying centre staff). The

ECK also recruits "code of conduct enforcement officials" who serves on the peace committees (UNDP Governance Group, 2007, 3).

4.5.2. The voter list

According to section 32 of the Constitution, a person is entitled to vote in a constituency if s/he is registered in such constituency as a voter (with a few standard disqualifications). The qualifications established involve residence (at least five months in the twelve preceding months), conducting business or being employed in the constituency for similar periods, or possessing land or residential buildings there. The qualifications for voting in the civic elections are quite complex, but in practice they are not applied by the ECK. For the first multiparty elections in 1992 the ECK conducted a national registration drive. The data of registrants was entered in the so-called "black books" from which mimeographed lists for use at the polling stations were derived. In 1997 the ECK computerised the registers using optical mark recognition (OMR) forms, although the black books were kept as a back-up. The 2002 elections were based on the 1997 register, updated in registration drives in 2000, 2001 and 2002. The use of black books was forbidden in those elections. (The same approach was to apply in the 2007 elections but shortly before the elections it was decided that black books could be used as back-up).

4.5.3. Nominations of election candidates

As Kenya did not have participation of independent candidates, only candidates nominated by political parties are eligible to contest presidential, parliamentary and civic elections. Nomination is an important stage in the electoral process not only because of eligibility to participate in the contest but also because, in certain party strongholds, it may very well be a straight ticket to winning the seat. Be that as it may, the election that ensues from the nominations is as good as the nomination process itself. If the nominations are marred by violence, this feature often continues into the election campaign, especially if the loser defects to another party (as is usually the case) and obtains a ticket to remain in the race. The legal standard for a valid nomination is

established in the Constitution (sections 5 and 34) and the Local Government Act (section 53), as read together with section 17 of the National Assembly and Presidential Elections Act. In 2007 the nomination of presidential candidates went without much incident, save for the fall-out in the Orange Democratic Movement-Kenya (ODM-K) over the party flag bearer, and the eventual departure of Mr Raila Odinga and his supporters to the Orange Democratic Movement Party of Kenya (ODM). The Party of National Unity (PNU) had a short while before settled on Mr Mwai Kibaki as its flag bearer. The presentation of nomination papers by the respective presidential candidates took place on 14 and 15 November 2007. There were no major problems and, of the sixteen aspirants who presented their nomination papers, the ECK accepted those of nine United Nations Office High Commissioner for Human Rights (2008:4-22).

4.5.4. Ballot papers

Ballot papers were printed in England and arrived in time despite a minor hitch caused by the belated withdrawal of an identified ballot supplier. It is noteworthy, however, that the ECK saw fit to send some nine commissioners, two senior ECK officers and a Government Printer representative on a mission to the UK – lasting several weeks and during the crucial run-up to the elections – on the strange basis that they were needed to supervise the chosen expert printers in the printing and packing of the ballots. Save for the printer, none of the delegation appears to have had any appropriate training or experience that could have equipped them for this task, which could and should in any event have been done perfectly simply an quickly and at a fraction of the cost via the internet. Indeed, external consultants had suggested the development of a database from which master ballots could have been printed (Ecumenical Centre for Justice & Peace , 2008:15).

4.6. Polling day

Voters' perceptions are largely shaped by their experience at the polling station. A positive experience – and voters will tend to believe the elections were fair. A negative experience will translate into complaints and voters may extrapolate their own

97

experience to the entire election. It is therefore important to provide a positive experience by conducting the voting process in a professional way. Election Day, 27 December 2007, proceeded without much of a problem in most of the country. However, there were some persistent issues that must be dealt with here. Bribery: Testimonies collected during the country visits suggest that bribery was rampant throughout the country. But perhaps the best testimony comes from the autobiography of a participant in one of the parliamentary races, "We … appointed 2 or 3 location coordinators and 4 'pillars' (key supporters) per polling station – a total of 450 people. We gave each of these people 72 packets of ugali flour and Ksh 50 for mboga (vegetables).theoretically; we were guaranteed 23,760 voters from all 99 polling stations. The exercise generally went well, although there were a few shortcomings from the dishonesty of some of the pillars. … My major rivals spent a lot more than I did on their campaigns. I was disadvantaged in my source of money." (The Consortium for the Empowerment and Development of Marginalised Communities, 2008:4).

4.7. Post-election developments

This section reviews election developments after the polls closed, including counting, tabulation, and dispute resolution. The acceptability of an election depends very considerably on the extent to which the public feel the officially announced election results accurately reflect the votes cast for candidates and parties. It depends, too, on factors such as the character of the electoral campaign and the quality of the voter register, but reliable counting and tallying is a sine qua non if an election is to be considered legitimate by its key assessors – the voters. Counting and tallying during the period 27-30 December 2007 (and even thereafter) and the announcement of individual results were so confused – and so confusing – that many Kenyans lost whatever confidence they might have had in the results as announced. Rumours of rigging and fraud during the counting and tallying process spread like wildfire, and the consequences were tragic (Kenya Episcopal Conference, 2008:8).

4.7.1. Tabulation and release of results

Integrity in systems or processes such as electoral management refers to systemic safeguards, which aim at reducing the need for personal integrity. It might even be argued that systemic integrity is what separates acceptable management, and therefore safety, from disaster. While integrity is necessary at all stages of the electoral process, nowhere is it more important than in counting and tallying. To maintain integrity, vote counting must produce results that are and are seen to be valid and accurate, and therefore acceptable to all stakeholders.

In most cases, the number of names crossed out on the voter register is compared with the number of ballots in the ballot box. If party agents have copies of the voter register, they can verify the correspondence between these numbers independently (Kenya Episcopal Conference, 2008:8).After the count, sensitive material is usually placed in tamper-proof bags for secure safe-keeping. Tallying is frequently conducted in duplicate to avoid arithmetical errors. For instance, the results at a polling station may be entered twice. If the computer identifies differences between the two entries, it rejects the results, which will then be scrutinised and re-entered. While it is always necessary and unproblematic for the EMB to announce preliminary (or provisional) results (that is, results which have not yet been formally approved as final by the relevant authority), adequate time must be allowed for the processing of complaints and appeals before the final results can be announced (Education Centre for Women in Democracy, 2008:5). After the close of voting, party agents at the polling station may check that the ballot-box serial numbers are identical to those registered at the opening of the poll. Once the physical space has been cleared, counting starts in the presence of party agents. Ballots are unfolded by the counting clerks (assistants) and sorted according to candidates' names, the counting clerk/presiding officer showing each ballot to the party agents before placing it in the correct pile for the candidate in question. Valid votes are bundles in fifties and counted. Rejected and disputed ballots are kept separate and stamped, but disputed ballots are treated as valid until the returning officer (RO) has decided what they are: disputed ballots are bundled separately according to candidate (Education Centre for Women in Democracy, 2008:6).

The counting clerks count the valid votes for each candidate, and the presiding officer announces the result for each presidential candidate in relation to the presidential election, each parliamentary candidate in relation to the parliamentary election, and each civic election candidate in relation to the civic election. The counting clerks then complete two forms 16A, one for the presidential and one for the parliamentary election, and one form 8 for the civic election, and invite party agents to check the correctness of the figures and confirm that by signing the forms (Jamal Abdi and Deane 2007). The Presiding Officer is also required to sign the forms. Copies of the forms are then provided to the party agents. If agents decline to sign these forms which they may, the presiding officer must try to establish a reason for their refusal; and if they decline to sign, he must state accurately what occurred. Agents should then in any case be given a copy of the relevant form. Copies of the forms are to be affixed where they are easily accessible to the public. All sensitive material is then packed, sealed and transported to the constituency tallying centre, accompanied by party agents who so wish and can find transport Jamal Abdi and Deane (2007).

In Kenya, neither the electoral regulations nor the various checklists and training materials are as clear and unambiguous as one would have hoped. The regulations are not precise about the order in which the three counts (presidential, parliamentary and civic) should be carried out, and they do not indicate how to deal with situations where 100% or more of the registered voters have voted (in itself a rather fluid concept, given the acceptance late in the day by the ECK of voting by double-registered voters and the use of the black book). However, in some – but far from all – constituencies, presiding officers were instructed to indicate on form 16A how many voters came from these categories; this information is helpful for the assessment of actual turnout. To what degree party agents were present or were turned away is difficult to document, since relevant material for such documentation has not been available to everyone. Information gathered during the meetings and hearings held by stakeholders indicate that there were problems at a number of polling stations in 2007, counting and tallying was a straightforward process, at least in principle. At the constituency tallying centre, the returning officer received the material from the polling stations, checked that all the

material was there, and then assumed control – almost took ownership – of it. The returning officer then announced the results from each of the polling stations, as the presiding officers submitted them, and these results were then entered in the relevant cells in the huge form 17A. Once this was done for all polling stations in the constituency (typically between 100 and 200), the results were added up (column-wise), and the resulting figures for presidential candidates entered on form 16, for parliamentary candidates on the last page of form 17A and for civic candidates on the last page of form 9. When this had been done, the results were announced orally, and Certificates of Results were issued for parliamentary winners (form 17) and civic election winners (form 18C) Kuenzi and Lambright (2007:665).

The returning officer was then required to telephone or fax the information in form 16 (that is, the votes obtained by each of the candidates and the number of rejected votes) to the national tallying centre at the Kenyatta International Conference Centre (KICC) in Nairobi, to a specifically assigned "verification" table. The information was captured on a special, pre-printed constituency specific form and subsequently checked by calling back and verifying the returning officer's identity and by rechecking the information. The hand-written form was then handed over to the IT department, where the key data were entered into the computer, and a printed version of the form was brought back to the table in question. The returning officer was then to make his way to KICC immediately, even though some of the training material used the phrase, "within two days". He had to bring with him all results and relevant allying forms from the constituency, and in particular the original, statutory form 16.Upon arrival, he was to certify that the content of the printed form produced by the IT department was identical to what he had on the original, statutory form 16 for the constituency Wondwosen Teshome (2008:119).

In the meantime, an ECK commissioner would normally have announced the results from the constituency once the fax/telephone message had been received and been data-captured. If there were no differences when these were checked against the original form 16, the results changed from "provisional" to "final" (that is, the official, ECK-approved presidential results from that particular constituency) because the

original form 16 was now with the ECK. What was not foreseen was that the returning officer might have realised that there were inaccuracies – or even more serious mistakes in his form 16. As the content of form 16 would already have been communicated to KICC (and also been announced), there was a serious problem and the announced result ought to be changed. The ECK had not prepared clear procedures or rules for this eventuality. IREC has learnt that commissioners disagree on whether or not changes to announced results were possible. The same is and was the case even for senior staff, including the Deputy Secretary, the IT manager and table team leaders Chirambo and McCullum (2000).This was extremely unfortunate, as it meant that such necessary – probably unavoidable changes were not dealt with identically. Some were accepted and changed in the database more or less immediately, others were not, and others again were changed or changed back between the announcement of the presidential winner and 8 or 9 January 2008. This means that some of the results announced on 30 December 2007 or published on 9 January 2008 do not correspond with those on the original forms 16 (National Council of Churches of Kenya, 2008).

4.8. Conclusion

This chapter had discussed the events that has happen during the 2007 Kenya elections, the political atmosphere at the time, the elections results, and dealt with the role of the Electoral management bodies and other elections. Kenya 2007 elections brings audit process to be more relevant exercises to the study in order to compare and analysed whether the standards and procedures discussed in chapter two were full implemented for this elections. The audit report provides election management bodies (EMBs) with the opportunity to improve on their performance and voters with a justified sense of confidence in election results. The process helps the EMB to run transparent elections. It identifies the shortcomings in the process and verifying the accuracy of vote counting. Audits are an effective tool for building public confidence in election outcomes because they can detect human errors and help correct them. Election Commission of Kenya has not conducted professional post-election audits for 2007 elections because it has never been instituted within the legal framework. It has for some time only after riots

and elections chaos which occurred after 2007 elections results were declared. It wouldn't have been very useful should the policy of auditing the elections processes was in prescribed in legal framework, if the process is maintained a practice of holding an evaluation meeting after every election to assess how the elections were conducted and provide some lessons learned so that they can be apply in the future (European Union Election Observer Mission, 2008:2)

Good organisational practice generally, and for EMBs in particular, but does raise certain issues. They may even provide reasons for recounts. In Kenya, it would be important to have post-election audit mechanisms that enable the detection of anomalies at polling station level. The study has already mentioned in chapter 4 that voter turnout in the 2007 general elections was suspiciously high in a number of constituencies and it would have been necessary to use methods that allow audits at that level. This means that the electoral process should take into account security features and strategies designed to assist in detecting anomalies. For instance, it has been suggested that one possible stratagem would be to supply voter lists to polling stations without including the voters' national ID numbers. When a voter presents his/her document, a clerk would enter the ID number both in a space left for such purpose in the voter list and on the ballot counterfoil. If a polling station is audited, the ID numbers on the list/counterfoil will be checked against those in the ECK's possession, and irregularly added voters could thus be detected. (National Council of Churches of Kenya, 2008)

An examination of political parties in Kenya (as at 30 June 2008) reveals that they are, as currently constituted, incapable of providing democratic space to their membership. By and large, they are characterised by lack of transparency in choosing leaders. Elections for office- bearers are rarely held or when held are cosmetic and therefore undemocratic. As a result, leadership is often arbitrary, autocratic and unaccountable. Parties are also dogged by flawed and poor party nomination rules and processes. The leadership interferes with party electoral processes, especially in nominating candidates for elective positions. After an analysis of the 2007 parliamentary and civic nominations

by political parties, the Centre for Law and Research International (CLARION), a Kenya-based NGO, observed that numerous direct nominations were given to candidates mainly in PNU and ODM the KANU was founded in 1960 and formed the first government at independence in 1963. In the years following, apart from some brief periods in the 1960s, other political parties were excluded from competitive politics. It was the great weakness where single party was dominating the elections and rule of country. The next chapter will deal with Somaliland electoral management proceedings for its 2010 elections (European Union Election Observer Mission, 2008:3).

CHAPTER 5
SOMALILAND

5.1. Introduction

This chapter will discuss Somaliland 2010 elections including electoral legal framework, elections management, and stakeholder participation. The electoral process is an essential tool for decision making in a democracy and for institutionalization. Once clear elections are held, they gain respectability and credibility. Therefore, an election is a foundation of a true democracy. It is from such perspective; Byakagaba indicated that elections are a very important aspect of the democratic process, which requires careful planning and handling (Byakagaba, 1998).

5.2. Brief historical background of Somaliland's 2010 elections

A former British protectorate in the Horn of Africa, Somaliland declared its independence from the rest of the Somali Republic in May 1991, after the Somali National Movement (SNM) contributed to the armed struggle that led to the collapse of the military regime of Siad Barre. Although toward the to be recognised by the international community, the people of Somaliland have cultivated a unique and relatively successful breed of home grown political and social development, which has created generally better social and economic conditions than those prevailing in other parts of Somalia (Progressio, 2010:1-25)

The population of Somaliland is broadly estimated at between 1.7 million and 3.5 million people, the majority of whom still practice traditional nomadic pastoralism. The inhabitants belong to four principal clans: the Isaaq, Gadbuuris, Ciise and Harti. Despite its relatively steady development, Somaliland continues to suffer from poor social services, limited health coverage, and dilapidated or non-existent economic infrastructure. From the beginning, Somaliland has been managed through an essentially traditional, clan-based (beel) political system, characterised by inclusive quasi-proportional representation and consensus-based decision-making. In contrast to

the more inclusive system of clan representation, a multiparty electoral system inevitably introduced the concepts of winners and losers – which, with the enduring weakness of the judiciary and law enforcement authorities, raised a very real risk of post-election disputes escalating into violence. (Progressio, 2010:1-25).

The first stage of Somaliland's democratic development began on May 31st 2001, when a national constitution was overwhelmingly approved by public referendum. The constitution declared Somaliland an independent republic, with a president who appoints a cabinet of ministers, a National Assembly, and local governments. The Somaliland parliament comprises of two houses: the House of Representatives (Golaha Wakiillada) and the House of Elders (Golaha Guurtida), each with a total of 82 members. The House of Representatives were elected by popular vote, whereas the mechanism for selecting the members of the House of Elders used to be undecided. On September 29th 2005, the people of Somaliland went to the polls to choose a new parliament for the first time since 1969. The elections for the 82-seat House of Representatives symbolised not only the final stage in Somaliland's laborious transition from clan-based power-sharing to multiparty politics, but in a very real sense the arrival of a competitive, democratic electoral culture in the country. As well as the hopes and aspirations of up to 3.5 million Somalilanders, the elections clearly held major implications for the long term prospects for democratisation across the Horn of Africa (Jhazbhay, 2010:7)

Since its local council and presidential elections, held in December 2002 and April 2003 respectively, Somaliland's transition to multiparty democracy had been widely regarded as two-thirds complete. However, the final phase of this democratic transition was in many ways the most critical and the most vulnerable. The fact that the presidential election had been decided by the extremely narrow margin of 80% votes less than 0.01% of the total and that the losing parties had received 58% of the vote, had continued to threaten political turmoil in the country (International Republican Institute Somaliland, 2005:5).

Until the opposition political parties, which were absent from the parliament, were able to actively contest parliamentary seats, it was clear that Somaliland would continue to function as de facto single-party state. It was also clear that the postponement of parliamentary elections beyond 2005 would have raised the spectre of civil unrest in a territory widely regarded as an island of peace in this war-weary region. Some opposition leaders had already threatened a people's revolution in the event that the elections did not materialise. Holding the poll was clearly vital for the stability of the state of (International Republican Institute Somaliland, 2005:3) However, while the elections represented a foundation for future political stability, they also posed serious threats to prospects for democracy and stability if they failed. And the chances of failure of flawed or irregular elections, which would betray the trust of the voting public, were much greater than during the presidential elections. So it was not only important to hold the elections, but to be seen to have a peaceful, fair and transparent electoral. On 27 July 2010, Dahir Riyale Kahin, President since 2003 of the internationally-unrecognised Republic of Somaliland, handed power peacefully to his successor Ahmed Mohamed Mohamoud Silanyo. The new President had been the victor in a presidential election held one month earlier. This event marked both change and continuity a change of government from the Urrurka Dimoqraadiyadda Ummadaha Bahoobay (UDUB) party to Kulmiye as well as president, but continuity in taking further steps in Somaliland's democratic transition (Abokor et al 2006:36).

5.3. The legal and political context of the June 2010 elections in Somaliland

The internationally mediated Six-Point Agreement among the Somaliland political parties signed on 30th of September, 2009, opened up the space for the reconstitution of the National electoral Commission. Subsequently seven new commissioners were appointed and sworn into office. Hashi (2000:75). . The newly appointed commission immediately started the process of revitalizing the dormant presidential election process. The commission invited a team of an independent expert assessment and met with the donors. This was followed by democratic elections, very peaceful, free, fair and

successful elections. Somaliland's 2010 elections mark another historic step after the presidential elections held in June 2010, in the process of democratisation in a country was now fulfilled to achieve a national goal of being international recognised. The National Electoral Commission of Somaliland is commended for its role in the conduct of the elections despite the challenging socio-economic conditions under which they took place. From the outset, the main obstacle to Somaliland's parliamentary elections has been the absence of a formal electoral law. In 2001, lawmakers had been unable to reach a compromise on the controversial and potentially divisive aspect of the law pertaining to the allocation of parliamentary seats to Somaliland's six regions. The primary concern in the run up to the parliamentary elections was whether parliament would be able to resolve this key aspect of the law in time Hashi (2000:78).

Upon the president's return from South Africa, the Academic Peace Development (ADP) team met with him in Djibouti, where they updated him on progress at home. The president expressed disappointment at the decision of the Guurti, which had given him an undertaking before he left to amend the law, he reassured the ADP of his personal commitment to moving the electoral process forward on the ground. Meanwhile, the opposition parties had stepped up their pressure on the government. The leadership of both Kulmiye and Ururka Cadaaladda iyo Dimoqraadiga (UCID) laid the blame squarely on the shoulders of the president, who they said should personally bear the responsibility for any consequences arising from the lack of an election. The chairman of UCID pointed out that, if parliamentary elections were delayed, there would be no legal government or parliament, while the chairman of Kulmiye called for a nationwide demonstration if there were no elections on March 29th 2009. Although the public had mixed feelings towards the opposition parties, all agreed on one thing: the fate of the country now hinged on the president Hashi (2000:52). Somaliland's electoral authorities were advised to establish a comprehensive legal framework and a network of autonomous institutions to support the electoral process, including an establishment of an independent or a National Elections Commission and an Election Monitoring Board. Both the legal procedures and institutions had worked extremely well for the past 2010 elections. The country's dynamic social culture and previous unpredictable political

environment has been improved in short period. Making compromising concessions to prevailing social and political realities was the order of the day to ensure that the country's first legislative elections passed off fairly and peacefully elections Hashi (2000:78).

Somaliland's National Constitution is the product of protracted and complex negotiations between the executive and legislative branches of the government. However, many issues between the two parties have remained unresolved for a period of years, and the constitution itself used to contain numerous omissions and contradictions. Certain key elements of the constitution have never been subjected to open public debate, such as the choice of a presidential executive, limitations on the number of political parties, or the extraordinary powers granted to the president under Articles 83, 90 and 92. One of the proposed activities of APD objective was to strengthen Somaliland's constitutional democracy to work with the parliament and concerned groups to review key elements of the constitution, in order to identify contradictions and omissions and to propose suitable amendments. It has been proposed that the review process should be subject to open public scrutiny, through forums to provide inclusive debates on each of the proposed changes Dr. Steve (2010). The consolidation of Somaliland's democracy has been a lengthy process with numerous obstacles defined earlier in the study. The country has been assisted through the use of various international support agencies where most to problems and challenges have been conquered. The international donor community had played a very vital role in several key strategic areas of the country to keep it developing and continuing with democratisation. The consolidation of the recent election successes and the establishment of the democratic structures and institutions were very necessary to shape better and future electoral processes in the country. It is important to note from the study that the results of amending, the electoral law, and the constitution of Somaliland, establishment of electoral management body and adjustment of voter registration produced fruitful results for the country. On June 26th, 2010, the Somaliland NEC delivered a successful Presidential election, which international observers declared generally met international standards (Dr. Steve, 2010).

5.4. Election stakeholders in Somaliland's 2010 elections

Finally the study is to identify the resources, strengths, and election opportunity to bring peace and development through active participation of elections stakeholders of Somaliland. While the rest of study objectives have been mentioned in chapter 3 and 4, chapter 5 will explore more using Somaliland 2010 elections as the sample to classify elections resources and opportunities which can be deployed to improve quality of elections delivery in the Eastern African community.

5.4.1. The national election commission

(National Elections Commission, 2010) point put forward that the holding of the latest presidential elections on the scheduled date 26th June 2010 marked a major turnaround from September 2009. By that stage, political party infighting had caused repeated delays from the original 2008 date and the prospects for successful elections looked bleak. The deadlock was finally broken when a SPA was signed on 30th September 2009. This was the basis for the appointment of a new National Electoral Commission (NEC) and the establishment of a viable electoral timetable. Many commentators now see the fact that the elections took place peacefully, fairly and in accordance with a predetermined timetable as a strong indication of the effectiveness of the new NEC. In stark contrast to their predecessors, the new NEC members remained united, speaking with a single voice, acting with notable competence and avoiding politicisation of their role (National Elections Commission, 2010:5).

The elections went ahead on schedule despite some concerns over security. An incident involving alleged political Islamists in Burco in early June 2010 gave cause for concern, and subsequent bombings in Kampala, Uganda, on 11 July 2010, in which 76 people were killed and for which Somali Islamists claimed responsibility, showed caution on security was warranted. Just before Election Day there was a warning from the Mogadishu-based Islamist group Al-Shabaab1 that Somalilanders should not vote or they would face the consequences. However, Somalilanders in effect ignored this threat, turning out to vote in large numbers in most areas, and in the event the elections

preceded relatively peacefully (National Elections Commission, 2010:3). One of the main objectives of Somaliland NEC was to guarantee a peaceful and fair election. Carson (1992).Two local initiatives co-organised by the NEC in partnership with national and international civil society organisations the electoral mediation and local (or domestic) observation projects, made a notable contribution to both the success of the elections and the empowerment of Somaliland citizens more generally. Prior to the elections, NEC was able to follow the training and preparation of more than 600 mediators and 700 local observers who were to be deployed throughout Somaliland. On Election Day itself, the observer teams were able to interact with the mediators and domestic observers directly (National Elections Commission, 2010:12).

One of the most significant features of the two initiatives was their success in mobilising hundreds of mainly young people. Each project identified and trained a large number of Somalilanders who committed themselves to supporting their fellow citizens on voting day through a diverse range of activities: informing the public on voting procedure; observing the voting process itself as well as the count; mediating in disputes inside or outside polling stations; and registering and notifying authorities about irregularities in an effort to avoid further complications. With this view, the initiatives contributed greatly to the smooth running of the election and in terms of civic education and local empowerment (National Elections Commission, 2010:16).

5.4.2. Political parties and party agents

(Butler at al 1991) argue that a political party is defined as an organized group of people with at least roughly similar political aims and opinions, that seeks to influence public policy by getting its candidates elected to public office. The International Republican Institute (IRI) was engaged by the NEC in 2010 to provide a training programme aimed at training 5,346 party agents (one for each party for each polling station). Only UCID was able to provide a full list of agents in time for the training, although in the end just over 5,000 agents were in place, with the majority having received at least some training. The party agent shortfall was, for some time, a significant concern to the IEO team. While the law was amended to allow polling station results to be signed off by

NEC officials should some party agents be absent, past elections particularly 2005 when a similar system was adopted showed the value of having agents from each party present during both polling and vote counting. In a number of past instances, disputed results had been accepted on the basis that party agents had signed them off, and a significant shortfall in this election could have seriously complicated the process of declaring agreed results. The eventual deployment of the great majority of the necessary personnel alleviated these concerns, although the limited training permitted by the lateness of their identification remained a cause for some concern (Somaliland Space Channel, 2010).

5.4.3. The media

"Every citizen has the right to be kept informed at all times of various events in the country, and in the world at large which are of importance to the lives and activities of the people and also of issues of importance to society" (Kilimwiko, 2002). Information is therefore basic utility recognized by the law". The joint coordinators of the IEO team commissioned a respected local journalist to monitor the print and broadcast media and much of this section is based on various local and international reports (Somaliland Space Channel, 2010).In general terms, while the issue of bias did surface, it appears that the local media made a positive contribution to the successful conduct of the June 2010 presidential elections, with the media as a whole displaying more maturity than during the 2005 elections. Representatives from most local media signed a code of conduct brokered by the NEC. Adherence to the code of conduct was monitored by the Electoral Monitoring Committee (EMC) which was also charged with dealing with complaints. In the pre-campaigning period, the local media were instrumental in raising awareness among the general public about the distribution of ballot cards in order to correct irregularities of the 2005 elections. The media sector as a whole also shared common ground on the need for peace, stability and increased vigilance among the public against threats from Al-Shabaab group. In general it appears that the media reported fairly on parties and issues, although there were exceptions (Radio Hargesia, 2010).

The most egregious was that of the Somaliland National State Television (SLNTV) which showed significant bias towards the candidates from the ruling party. In early June 2010 the station was chastised by the EMC for failing to adhere to the campaigning day's rule the condition that limited parties to campaigning only on designated days was also extended to media coverage. There were also complaints that images broadcast on SLNTV of government rallies were altered to make them appear better-attended than they actually were (Radio Hargesia, 2010).

5.4.4. Civil societies

There has been a much improved relationship with civil society. A new Non-Governmental Organization (NGO) Act defining roles and responsibilities for NGOs as well as giving them legal protection was signed into being, while a number of new ministers have civil society backgrounds. These include one of the female cabinet members, Zamzam Abdi, who also worked as the Minister of Higher Education and formerly Executive Director of the Committee of Concerned Somalis and ex-Chair of the Somaliland human rights network, SHURONET. The new Minister of Planning was himself a founding member of the NGO the Somali Relief Association (SOMRA) in the UK in the early 1990s, and has spent the past few years working with the private sector hawala (money transfer company), Dahabshiil. Early in his new ministerial role, he held his first coordination meeting with the UN and international NGOs and presented new guidelines for aid coordination. In addition, there is the promise of forums for domestic civil society to engage with government and to monitor performance, including input into the budgetary process (Radio Haryaal, 2010).

5.4.5. Participation of women, minorities and other marginalized groups

The position of women has been another key element in the fight to further and deepen representative democratisation and Kulmiye has, as well as its clan base, majority support among women, youth, civil society and the Diaspora UN (1998). Activists cautiously welcomed the increase in female cabinet ministers from 5% to 20% but pointed out this, but still means two ministers and an assistant minister although the

cabinet as a whole has shrunk in size. There was also a woman commissioner on the Human Rights Commission. The new (female) Minister for Labour and Social Affairs was, unlike her predecessor, open to dialogue with civil society. Women's groups welcomed these developments, with the umbrella Network of women's organisations in Somaliland (NAGAAD) promptly submitting an advisory paper on gender issues to the government. However, women's groups were looking for much more tangible progress and this still appears largely distant. There is, for example, little movement on key issues such as proposed 30% quotas for women in (Radio Haryaal 2010).

5.5. Issues relating to the elections

Elklit and Reynolds, (2005:148) claim that because elections in established democracies tend to be routine events, usually producing results within a narrow, but fully acceptable margin of error, systematic analysis of electoral governance has not attracted much scholarly interest. This section will present how issues related to Somaliland June 2010 elections were managed.

5.5.1. Electoral arbitration

According to (National Elections Commission, 2010; EISA 2002) there was good initiatives co-organised by the NEC for June 2010 elections, the Centre for Humanitarian Dialogue (CHD) which is an independent mediation organisation based in Geneva, Switzerland), the Electoral Institute of Sustainability of Democracy in Africa (EISA) and independent Somaliland civil society organisations. It was set up within the framework of a broader strategy on electoral dispute resolution, the objective of which was to guarantee the impartial and peaceful running of the presidential elections. The specific aim of the electoral mediation project was to deploy 600 respected community leaders to be available across the country on Election Day to intervene in any conflicts that occurred outside or inside polling stations. The Somaliland Research and Development Institute (SORADI) was sub-contracted to provide training to the mediators. IEO teams were able to confirm that in most stations visited, mediators were indeed present, clearly distinguished with a t-shirt, and involved in dialogue with voters

and electoral authorities in a range of interactions falling within their prescribed responsibilities (EISA, 2008:11).

There was clear impression was that the mediators made a positive contribution on Election Day (Radio Haryaal, 2010). It should be noted, though, their contribution was largely confined within polling stations; they were able to advise and assist voters and authorities, contributing to a decrease in the level of misunderstandings. However, from the observation, the presence was far less effective outside polling stations, where conflicts were addressed either by members of the community itself or by the army or police. The latter on occasion used long sticks rather than mediation to control crowds. Equally, though, it was often the voters themselves who, following Somaliland custom reacted to maintain order. Mediation is entrenched in customary Somaliland culture, and the initiatives designed to train and mobilise community members as formal Election Day mediators did seem to build on those customs. It seems possible that there might be value in retaining such initiatives for future elections (Radio Haryaal, 2010).

5.5.2. Security

Progressio (2010:6) argues that Somaliland 2005 elections were experienced with security incidents prior to the election. The most serious was in Burco involving a police raid on alleged political Islamists. There was disagreement between the United Nations Department of Safety and Security (UN DSS) and the Somalia NGO Safety Programme (NSP) 15 as to the seriousness and risk to NGO workers of the Burco incident. The UN DSS gave greater credibility to reports that the Burco group were an Al-Shabaab cell, while the NSP was more sceptical and discounted suggestions that humanitarian workers were at risk as a result of this group's activities. The outcome of an assessment was that, whichever of these views were the more accurate, the fact of the matter was that the operation had resulted in the dismantling of a possible terrorist operation represented a positive step in security terms. The team felt that the lack of evidence that other cells might be active warranted due care, but did not amount to a sufficiently credible threat for us to alter the plans at that stage (Progressio, 2010:18).

5.5.3. Domestic and international election observer

In mid-2008, the European Union initiated funding for training of local observers through a new community-based umbrella organisation, the Somaliland Non-State Actors Forum (SONSAF) (Horn Cable Television, 2010). In order to distance the EU from a perception that they were providing support for national elections in an unrecognised state, SONSAF funds were to be channelled through the UK-based international NGO Safer world. The NEC subsequently signed a Memorandum of Understanding with SONSAF, committing local observers to review any following actions on Election Day: (Horn Cable Television, 2010). The adequacy of preparation of each polling station for voting the degree of freedom, order and security inside and in the surrounding area of the polling stations .The degree of professionalism and impartiality shown by polling officers in implementing polling procedures the universality of freedom allowed to voters in the exercise of voting the degree of access permitted to political party agents, the media and observers to review the conduct of officials and voters on polling day the level of transparency applied during the polling and vote-counting processes (Progressio, 2010:22).

With Election Day looming, it was clear that SONSAF would be unable to provide the necessary complement of observers in time, so the training programme was augmented by three major NGO umbrella organisations, NAGAAD (the network of women's organisations), the Somaliland National Youth Organisation (SONYO) and the Forum for Peace and Governance (FOPAG).

5.5.4. Electoral monitoring committee

The Electoral Monitoring Committee (EMC) originally the Electoral Monitoring Board is an independent body of locally-respected people tasked with monitoring breaches of electoral codes and laws and making known their complaints, publicly where necessary (EU, 2010; EISA, 2004). Their remit gives them no statutory powers beyond making their findings public, and they are required to refer un-rectified concerns to the NEC who have the power to discipline those in breach of the regulations. As detailed elsewhere in some of reports, there were numerous complaints from all parties, though with the

greatest volume coming from the opposition. They took action over the perceived pro-government bias of state-controlled TV, and also expressed concern over bias in favour of the opposition by Haryaal radio. However, their censure of Horyaal reflected an assessment that the bias was not as strong as was the case with Somaliland National Television (SLNTV), for whom they reserved their strongest criticism (Progressio, 2010:30).

5.6. Election administration and management

As pointed by (Mathieson and Wager, 2010) that members of new Commissioners who made up the National Election Commission had no previous experience in running elections, they had been gaining in confidence and authority in the formative stages of the electoral process. However, they had faced strong criticism from some quarters, particularly during the period following the presidential elections, when allegations surfaced of fraud, vote-rigging and external pressure in the run up to the parliamentary elections, questions continued to be raised by the opposition a party concerning the competence and impartiality of the NEC commissioners. Concern was also voiced about the lack of resources and administrative capacity for managing the elections and how these might affect a transparent outcome. Securing sufficient funding was to prove one of the NEC's greatest challenges, with the government committing only 30% of the projected election costs and no immediate commitment from the donors. The other persistent problem was the alleged use by the ruling United Democratic People's Party UDUB party of public resources for its election campaign. Despite vehement denials, there was plenty of anecdotal evidence to suggest that UDUB was using public funds and the media for its own electoral ends. Without the establishment of an enforceable code of conduct to level the playing field, it was feared that a closely tied election result would prove hard to swallow. As in previous elections, the question of voter registration remained a major point of contention, with repeated calls for the NEC to initiate a registration process to prevent vote-rigging or multiple voting (Mathieson and Wager, 2010).

5.6.1. Election management staff and voter registration

Elections stakeholder (2010:1) illustrated that there was an agreement between all the elections stakeholders which were due to participate before June 2010 elections. The agreement was initiated by the election stakeholders specified that voter registration would be revised, amend and correct as necessary. It was a matter of urgency to complete the process as many electoral activities were already in place but with poor organisation. Registration duly commenced in mid-October 2008, but then had to be suspended for several weeks in late October after a series of coordinated suicide bombings in Hargesia and in Bossasso in neighbouring Puntland (Elections stakeholder 2010:2) In Hargesia, the attacks targeted the presidential compound, the offices of the United Nations Development Programme (UNDP), and the compound of the Ethiopian representative to Somaliland, killing at least 25 people. A further five people were killed in the bombing of the Puntland intelligence offices in the port town of Bossasso. Even aside from the delays, the registration process was plagued with problems. The most severe of these was multiple registrations by large numbers of intending voters. There was ample evidence at the time that both government and opposition groups were complicit in these fraudulent registrations and the extent of the problem led to a protracted stand-off between the government, opposition parties, the NEC, and donors (Elections stakeholder, 2010:1).

5.6.2. Political party campaign

Party leaders agreed on a number of points in a code of conduct signed prior to the election. Primary amongst these was a commitment to abide by the results a promise that was reiterated in the media and to election observers on several occasions, albeit accompanied by occasional implied or explicit threats to the contrary. The code of conduct also held parties to campaign in good spirit and only on designated campaign days. Campaigning started on 04th June 2010 and there were no reports of serious disruption to party rallies or of campaign-related violence. Parties were notably impressive in their adherence to the agreement that rallies be held on separate, designated days. There is also anecdotal evidence that voters were turned off by aggressive 'anti-other' party rhetoric with reports that audiences deserted rallies in

which this kind of invective was felt to have gone too far. Not all rallies were well-attended. Given that most students completed their exams during the campaign, the run-up to the election provided an opportunity for youth, and particularly young women who are otherwise more socially constrained, to enjoy the occasion, contributing to something of a carnival atmosphere (Radio Hargesia, 2010).

5.6.3. Polling

The new NEC and their advisers had inherited a corrupted system which required a great deal of cleaning up. They quickly won plaudits for their commitment to that task and for their competence and avoidance of partisan politicking. By the time of the election, they believed they had largely succeeded in removing multiple, underage and other invalid voter registrants through a combination of software filters along with public display of voter lists and the issuance of new voter ID cards (incorporating a photo of the cardholder). Their estimate was that, using these methods, they had succeeded in reducing the error rate to 10%. In addition to weeding out ineligible voters, they also aimed to ensure as far as possible that those who were eligible to vote were able to do so. The main measure on the day intended to ensure this happened was to provide a Help Officer outside each polling station (Johnstone et al, 2006:5-73).

5.7. Post-election developments

This section reviews election developments after the polls closed, including counting, tabulation, and dispute resolution. The process of counting took five days, with the provisional result being announced formally by the NEC on the evening of 1st July, 2010 July. During the intervening period, parties largely displayed a commendable patience, refraining from comment. Observer mission was deployed to ensure that an observer was in attendance for much of the critical Hargesia count. This, as with other counts observed, was conducted in a thorough and orderly fashion. Initially the capital city count proceeded very slowly, but the introduction of several more counting tables and a

shift system for the count saw a welcome increase in the speed (International Republican Institute Somaliland, 2005:42).

The early restraint of political parties was compromised on 30th June, 2010 when Osman Hindi, an influential government figure, dominated a press conference in which the ruling party called on the NEC to delay release of the results. The rationale they offered was spurious: they claimed massive irregularities in all the areas won by Kulmiye, but offered neither detail nor evidence. At any rate, the call amounted to an extra-judicial attempt to buy time at a point when it was becoming apparent that the opposition was on track to secure a large majority. Before this UDUB press conference, police had seized and impounded ballot boxes from Gabiley, and subsequently they did the same with ballot boxes being transported from the Sanaag areas of Garadag and Ceel Afweyn and from Borama. (International Republican Institute Somaliland, 2005:45). The rationale for this action was not clear. The ballot boxes themselves contained undisputed ballots, all of which had already been counted. Some claim was made that the boxes were meant to have been sent to the regional offices of the NEC rather than the Hargesia headquarters. Again, the understanding was that this was incorrect as the only disputed ballots were required to be sent to regional offices for resolution. The NEC showed considerable resolve in the face of these apparent challenges, making it clear that neither the seizure of ballot boxes nor the UDUB press conference would result in a delay in announcing a result (Johnstone et al, 2006:5-73).

5.7.1. Tabulation and release of results

The President's statement helped to defuse the situation, and allowed the NEC to go ahead with an announcement in a much less tense atmosphere than might otherwise have been possible. An announcement of results took place at the Hotel Mansoor on the evening of 1 July. The atmosphere at the announcement meeting was generally festive and took place in a packed hall. Kulmiye figures were prominent, with senior members of UCID also present. UDUB was barely represented. A number of respected elders, officials and political figures aligned with different parties or with non-affiliated groups expressed their support for the electoral process. The result itself was greeted

enthusiastically by those in the hall, with Kulmiye supporters unsurprisingly providing the most vocal input (Aljazeera, 2010).

On the first day of the new regime, the government delivered on a pledge to abolish the unpopular security committees. Originally established to address urgent issues of security in the wake of the civil war, these committees had been permitted to imprison without trial and they lay outside any due judicial process. (Aljazeera, 2010). A new National Security Board was established, to provide security, defend borders and fight against terrorism. There has at the time of writing been no impact on other parts of the judicial system. The judiciary remains ineffective and subject to executive pressure arising from its lack of independence. It is also alleged to be corrupt and non-professional with untrained clerks acting as judges. A seasoned observer described the system as "a hell of a mess which will take a lot of cleaning up. It's still based largely on judicial practice under Siyaad Barre i.e., who has the most money wins." (International Republican Institute Somaliland, 2005:47).

5.8. Conclusion

According to Cossilor (in Goodwin-Gill 1994) states: that elections must be, "Free and fair in view of International law and practice General." The purpose of this chapter was to examine the investigational lesson learned from Somaliland 2010 elections regarding elections resources, opportunities and gaps to consider for future elections. The chapter has dealt with the dimensions and practical concepts which took place and strategies of resolution to see how they apply to the research. Despite its obvious achievements on the road to an open and functioning democratic society, major challenges remain for Somaliland in the near and medium-term future. For one thing, the country's democratic transition has thus far largely been confined to the holding of elections. A transition to a stable and functional democracy entails many other critical developments, including the reform of state institutions, the devolution of power, and major societal initiatives to lay the foundations for a long-term democratic culture .The major challenges now involve the need to set up democratic institutions and to undertake key constitutional, legal and

administrative reforms to build upon the democratic advances of the recent elections (Johnstone et al, 2006:49).

These challenges are explored below according their urgency; o further consolidate Somaliland's democratisation, there is a need for a sound political, constitutional and legal dispensation that supports free, fair, credible and legitimate elections. This can only be achieved through comprehensive reforms, designed in accordance with the chronology of electoral management, which reflect the key lessons learned during the country's recent election experiences Another critical aspect of the transition to a functional democracy is the reformation of government and the state, and the development of other bodies and activities that foster a democratic culture (Carothers, 2003). Somaliland had an experienced to produce democratic developments required, which must include: Strengthening the rule of law, especially through judicial reforms; Strengthening the effectiveness of parliament, through measures to build better internal capacity and bolster constituency; Reducing state corruption, through anti-corruption commissions, legislative rationalisation, and advocacy campaigns; Promoting decentralisation, through training for local government officials and legislative actions to increase the authority of local governments(Johnstone et al, 2006:49-53).

Chapter 6 will focus on the findings of the study and discuss the responses given by the stakeholders involved in the process. The data collected from the semi-structured interviews will be analysed and interpreted through the themes and patterns which emerged.

CHAPTER 6

AN ANALYSIS OF THE ROLE OF ELECTORAL STAKEHOLDERS IN EASTERN AFRICAN COMMUNITIES

6.1. Introduction

This chapter presents and analyse data generated from the three countries being studied. The presentation of data is made in diverse ways but targeted more on the qualitative data presentation. While data references are made to relevant literature, responses from personal interviews, as well as participant observations go a long way in generating data, it is important to mention that for the purpose reduce the size of data analyse elections norms, practises, elections standards, stakeholder's roles, and some electoral issues which are related have been integrated with similarities, dissimilarities, and unique were grouped together. The findings of this study are based on the data that was collected as it was described in the methodology of this study in line with elections standards, stakeholders and elections management system outlined in Chapter 2 which followed a case study approach with more focal point on the historic review of what has transpired for the three selected states of the study. "Simply observing and interviewing do not ensure that the research is qualitative; the qualitative researcher must also interpret the beliefs and behaviour of participants" (Janesick, 2000: 387). The chapter aimed to offer a comparative Analysis with a comprehensive activities from the different electoral cycle phases (pre-elections phase, during- elections and post-elections phase) which some of them are complex processes indeed. It critically analyses the efficacy, sustainability and management of different electoral systems in the African continent but with a particular attention to Sudan 2010 elections, Kenya 2007 elections and Somaliland 2010 elections.

An overview of different stakeholders being involved in electoral process, including combined efforts from the international community assistance in ensuring elections concepts to be free and fair elections, whether were adhered to. It scrutinizes primary

electoral principles which were used by Sudan stakeholders, Kenya and Somaliland. The findings were finally brought together and interpreted. The challenges facing the future Sudanese elections, Kenya elections and Somaliland elections towards free and fair elections are also discussed. The responsibilities of national election management bodies, international donors and other decision makers in this million dollar business are critically observed. A detailed descriptions of frequencies elections held within each state, magnitude of successful elections, structures and systems used within each country, processes adopted, causes, and consequences for each country selected for the study. Some of countries in Africa have established sustainable and effective systems that provide numerous best practice recommendations, while the lessons learned from those countries with less successful enrolment of elections stakeholder's exercises are invaluable. The final investigation is broken down in the following order, pre-elections, during elections and post elections. The nuts and bolts of similarities, dissimilarities and unique cases were examined to develop the basis of recommendation for future elections.

6.2.   Presentation of research findings

Through the use of telephonic interviews, group discussions, observations and document analysis stakeholders participations was identified to assess their influence in the process of conducting free and fair elections, adhering of elections standards and being seen as active role players. The findings are discussed; focusing on the aims of the study which is the role of Electoral Stakeholders in Eastern African communities, by reviewing the historical electoral participation in the context of Sudan 2010 elections, Kenya 2007 elections and Somaliland 2010. The bolts and nuts of going through the international elections standards, norms and practises were also analysed in themes and patterns that emerged from the data through open coding as discussed below. The responses are summarised in the tables as follows:

Table 2: Pre –Election Phase- Similarities (Sudan, Kenya and Somaliland)

Area to cross check	Sudan		Kenya		Somaliland	
	Period	Output	Period	Output	Period	Output
Stakeholders Participation	2010	Full	2007	Few	2010	Full
Inception of elections standards	2010	Acceptable	2007	Nil	2010	Acceptable
Governance framework	2010	Fair	2007	Nil	2010	Fair
Legislative framework	2010	sufficient	2007	Partial	2010	satisfactory
Electoral systems	2010	sufficient	2007	Biased	2010	satisfactory

Source: (Sudan Nation Election Commission, 2010:3; IREC, 2008:119; & Mathieson and Wager, 2010:6,)

The table 2 above seems to suggest that 95% of domestic participation of the elections for Sudan 2010 elections, Kenya 2007 and Somaliland 2010 elections were competitive under full participation of international observations and technical guidance. It further reflect that 85% of interviews conducted demonstrated that elections were expected to gain some degree of regional, international standards and accepted code of good practise defined under the AU free and fair elections charter. The study also brings 80% of similar approach being adopted by the three countries under studied, in terms of conducting the elections within international framework which is confined by rule of law and state chosen electoral systems. As express by (Geisler 1993: 613) that the observation and monitoring of elections and referenda has become a 'growth business' in Africa since external and internal pressures have forced the leaders of one-party states to test their political legitimacy. It is pertinent therefore to present a result that confirms majority of electoral stakeholders do participate in the elections and on rear occasions that from the selected countries few have not participated in the electoral process (Geisler, 1993: 613).It is on the bases of the above argument within the study

to conclude that there are very close similarities of elections events which occurred at pre –elections phases within the three countries selected for the study.

Table 3: Dissimilarities - duration elections (Sudan, Kenya and Somaliland)

Area to cross check	Sudan		Kenya		Somaliland	
	Period	Output	Period	Output	Period	Output
Governance framework	2010	Full	2007	inadequate	2010	adequate
Legislative framework	2010	satisfactory	2007	Partial	2010	acceptable
Electoral systems	2010	Sufficient	2007	one-sided	2010	satisfactory

Source: (Sudan Nation Election Commission, 2010:3; IREC, 2008:119; & Mathieson and Wager, 2010:6,).

The table 3 seems to suggest that there is huge gap of difference between Kenya the two countries (Sudan 2010 and Somaliland 2010) where 95% of domestic participation for Kenya 2007 elections were not confine within the concepts of good governance, free and fair democratic elections, but rather 35% of legislative frame work for the elections was seen on the ground. Whereas for Sudan 2010 elections and Somaliland 2010 elections 85 of both domestic participation and international deletion were happy with the out of elections conduct which was used under the same criteria applied for Kenya 2007 elections as the study continue to share its output. As pronounced by (Hayashi, Suzuki and Sasaki, 1992:131) that there are various methods for analysing data in comparative studies. In so doing it is essential to dig out information which may be concealed within the data. For instance it is important from the Table 3 to delineate those elements of data which are the same and which are different, as well as those

126

similar but do differ and those that look different but are actually similar. There were some historic predictions and hopes that Kenya would set a standard for Eastern Africa community and offer encouragement to promising democratic movements on the continent but that remained elusive. More recent elections have been replete with controversy, intimidations, and violence (Geisler, 1993: 613). Somaliland elections being certified to varying degrees as free and fair by observers, the losers in Some African countries have contested the results, namely Angola with arms, in Zimbabwe and Lesotho with threatened and actual boycotts doubts about the commitment of African leaders to democratic standards, and the real possibility that they use the state machinery in their own favour, are perceived as major threats to free and fair elections Recently, however, the commitment of the international observers themselves has come under fire from among the pro-democracy forces, and questions have been raised about their variable standards and procedures, and - more seriously - their allegiance (Geisler, 1993: 613). Therefore it is worth for study to note dissimilarities within the three countries being studied and the entire African continent.

Table 4: Post elections- both similarities and dissimilarities (Sudan, Kenya and Somaliland)

Area to cross check	Sudan		Kenya		Somaliland	
	Period	*Output*	*Period*	*Output*	*Period*	*Output*
Stakeholders Participation	2010	Full	2007	Nil	2010	Acceptable
Inception of elections standards	2010	Acceptable	2007	Nil	2010	Acceptable
Governance framework	2010	Fair	2007	Nil	2010	Fair

Legislative framework	2010	Sufficient	2007	Nil	2010	Weak
Electoral systems	2010	Sufficient	2007	Biased	2010	Weak

Source: (Arab League Mission, 2010; UNDP, 2008; & Pregressio, 2010,).

As the study continue, it is further reflected on table 4 under Post election review that the participation of stakeholders in electoral process under their organisations where the results of personal interviews and elections observations reports were administered. This was done because the study was looking for media house, government agents, public institutes, International election base institutes, donor fund agencies, Elections management bodies and individuals that have gathered relevant experience as to be able to share from their experiences. In line with the responses of regional and international organisations and individuals 85% of them responded positively by confirming that there were multi-party elections in Sudan and Somaliland that have been arranged in the context of an authoritarian political system for the past decades but 2010 elections, it was a turn-off point for the two countries.

(Laakso, 2002:437) affirm and demonstrates that the role of international election observation is an ambiguous one. The example of Zimbabwe in 2000 elections shows that in a context of violent election campaigning, unlike earlier elections organised by the Zimbabwean government, international donors wanted to observe its 2000 parliamentary election amidst a deepening crisis. They noted that the elections would not be free and fair in their view. Neighbouring countries with a more positive view joined the observation exercise. The government's discriminatory invitation and accreditation policy, the observers' emphasis on the peacefulness of the polling rather than free and fair elections, and the selective publication of their reports in various media, were affected both by the political agendas of the domestic players and by the governments which sent the observers. The difference between the Western view of the government, which had changed drastically since the l980s and early 1990s, and the view of neighbouring governments, was crucial and may become significant elsewhere in Africa (Laakso, 2002:437).

Table 5: Unique election cases for Sudan, Kenya and Somaliland

Area to cross check	Sudan		Kenya		Somaliland	
	Period	Output	Period	Output	Period	Output
Some constituency postpone	2010	Few	2007	Nil	2010	No
Chaos after elections	2010	Nil	2007	Full	2010	No
Bye elections	2010	Some	2007	Nil	2010	Nil
Party coalition	2010	Nil	2007	Nil	2010	Nil
Elections results rejected	2010	Nil	2007	Full	2010	Nil

Source: (Arab League Mission, 2010; UNDP, 2008; & Pregressio, 2010,).

The table 5 illustrates that democracy in Africa, as elsewhere, is something of a crisis. It is interesting to note that 65-85% different election stakeholders who provided the feedback from the study interviews and document analysis were producing very unique elections cases which had occurred during the post elections phases from the three countries being studied (Sudan 2010, Kenya 2007 and Somaliland 2010). Sudan had some constituency postponing the elections, Kenya had serious problems and national chaos which end up killing innocent people, Somaliland had very good harmonised elections acceptance which were led by the former president handing over the government to opposition before the elections administrator and legal entities of country declare the elections to be free and fair democratic elections. Moreover the events of individuals and some members of international and domestic media being kidnapped in Sudan are examples of uniqueness of the three countries.

This has prompted an agonizing reappraisal of the elections role players in the consolidation of democracy and, in particular, of the contribution of independent election

observers to that process. The extravagant expectations of the early Kenya 2007 elections have been partially realized. Every country is unique with its special legal framework, elections governance under National election Commission, stakeholders participating and the commitment of each stakeholder to align with the set international and regional elections standards. Even in Sudan and Somaliland and the signal of successes recorded earlier elections have not been sustained due its unique features of running elections. (Anglin 1998:471) This has prompted an agonizing re-appraisal of elections role players in the consolidation of democracy and, related to this, the contribution to that process of independent election observers from elsewhere in Africa and overseas. Yet, despite mounting criticism, the demand for international election monitoring remains strong. What, then, can be done to improve its performance, and perhaps restore its prestige? (Anglin 1998:471).

Elklit and Reynolds, (2005:148) proclaim that, it seems self-apparent that good electoral governance contributes to the democratic legitimacy of competitive elections, but it is not an easy task to determine exactly how electoral governance in itself affects political democratization and the development of democratic legitimacy. The claim that electoral quality has a bearing on political legitimacy matters is intuitive, but it is more difficult to offer convincing theoretical arguments and empirical evidence. Indeed, previous attempts at conceptualizing electoral manipulation have aimed at measuring violations of democratic norms during the electoral process and thus have focused on electoral manipulation as an indicator of illegitimacy, not a cause (Elklit and Reynolds, 2005 :148).Therefore it is of the opinion of the study final findings that Somaliland being very close of Somalia where there chaos every day, but being able to liberate its people and receive 90 % of international accreditation make the study to believe that its uniqueness being small and new to democracy, good governance and political transformation must be a lessons and challenges of huge African populated density to behave the way Somaliland nationals did during the 2010 elections.

Table 6: Democratic elections/ does not comply with democratic principles

Area to cross check	Sudan		Kenya		Somaliland	
	Period	Output	Period	Output	Period	Output
Stakeholders Participation	2010	Yes	2007	Limited	2010	Yes
Inception of elections standards	2010	Yes	2007	No	2010	Yes
Governance framework	2010	Yes	2007	Limited	2010	Limited
Legislative framework	2010	Yes	2007	Limited	2010	Limited
Electoral systems	2010	Yes	Yes	2007	2010	Yes

Source: (Russian Mission, 2010; National Council of Churches of Kenya, 2010; & Pregressio, 2010).

Table 7: Successful elections / not successful elections (Sudan, Kenya and Somaliland)

Area to cross check	Sudan		Kenya		Somaliland	
	Period	Output	Period	Output	Period	Output
Stakeholders Participation	2010	Yes	2007	Few	2010	Yes
Inception of elections standards	2010	Yes	2007	Nil	2010	Yes
Governance framework	2010	Yes	2007	Partial	2010	Acceptable
Legislative framework	2010	Yes	2007	Nil	2010	Acceptable
Electoral systems	2010	Yes	2007	Weak	2010	Acceptable

Source: (Japanese Mission, 2010; Institute for Education in Democracy, 2008; & Dr. Steve, 2010).

Table 6 and 7 above presents data on elections criteria to what is acceptable elections, principles of good elections , democratic elections, not democratic elections, successful elections, not successful elections and non-compliant conduct and free and fair. 82% of the participants believe opposition parties, media participation, practise of code conduct, political campaign, voter education, inclusive voter registration, transparent results counting, elections domestic observers, international observers, joint collaboration, compliance with electoral law and participation of civil societies are important for democracy and 70% believes that the above characterises bring an inclusive elections for voters to receive the services of good governance and economic development of the country. 70% of elections stakeholders in Sudan and Somaliland respected the concepts of political participation, transparent elections and democratic values while 45% in Kenya mentioned that at times they agree with views held by the opposition and members of international community.

Findings from the questionnaire administered on the elections monitoring institutes revealed that the political parties experiences problems in the performance of its role as the main players in conducting of successful elections. For instance the political party has concerns with transparency of elections results, nomination of candidates, fair media access to campaign freely before the elections and practising of the game within the electoral law. Elections administrators (NEC) must act neutrally at all times in the eyes of elections stakeholders .A restricted flow of information exchange for preparations of elections makes it easy for the political parties and entire stakeholders to help on promotion of good governance. The international elections monitor has grown active worldwide, their announcements have gained influence. Sometimes, however, they endorse highly flawed elections. Because their leverage rests large on creditability. This remains puzzling. International elections monitoring is interesting because of the core mandate to police norms. (Kelley, 2008: 1) The argument further states that the elections monitors sometimes endorse the elections to protect the potential business

and economic interest for their member state. Table 5 and 4 summarised the concepts for free and fair elections, whether the elections in the context of three states being studied were transparent, creditable, accessible, inclusive, and successful and met the standards and principles of democratic elections United Nations (2005:20-95).

The declaration signed by the monitoring elections agencies (United Nations 2005) suggested that they large agree on the characteristic of acceptable elections and they are aware of menu of manipulation (Schedler, 2002).On the bases of historic events which took place in the Republic of Sudan, Somaliland and Kenya, majority of local stakeholders, regional and international were approached shared the outcome of elections in the three countries. The feedback indicates that Kenya 2007 elections were not successful at all, while Sudan 2010 and Somaliland 2010 were seen as creditable, transparent and acceptable elections (Kelley, 2008: 5)

As discussed above several factors may have influenced the outcome of the elections. This includes high contested elections with full force of all the stakeholders, including Registered political parties, Media, active voters, government agency facilitating free and fair environment, the functioning, autonomous of NEC, operating of active voter education programmes, Civil rights education, elections observers, elections based legal systems, peace and stability environment, good governance and good practise of fair deal of business trading. The study relies on the published data of International monitoring elections groups which codes elections monitoring reports and legal documents ranging from 500-1500 from 2004-2010 (Kelley, 2008:9).

6.3.   Summary for research findings

Cowen and Laakso, (2002:1-27) highlighted that the political systems in Africa after the first World II were subject to a form of enquiry which differed markedly from earlier analyses which had relied heavily upon anthropological methods and presuppositions. The study had used concepts which were understood to be universally applicable, and from a perspective which attempted to understand Eastern Africa as part of the modern

world. The study further demonstrate that the democratic politics are characterised by inherent uncertainties, the function of elections in legitimating state depends, at least to some extent, on expectations that their outcome should be predictable. This means that the theoretical framework for their analysis has to be extended beyond the electoral process itself, historic as well as a political economy approach can be usefully employed in almost any study of elections, not least by helping to counter prevailing impressions that there is something about the African experience which makes it essentially different from the rest of the world (Cowen and Laakso, 2002: 22).

6.4. Conclusion

The study reflects that there is a progressive movement towards the improvement of democracy in Sudan and Somaliland. There are challenges facing the next elections for the three countries and stakeholder appreciation towards one another by working collaborative is the key to deliver quality elections which will accommodates every citizens voice, Kenya 2007 elections has also shown that there is a room to grow more matured in conducting the future democratic elections. In the study the findings discover that the election stakeholders being referred to, as the institutions, individuals, groups, and elections based organisations which are the actual the determinant of elections results and stand to be the bases of democratic elections. The aforesaid institutions or individuals plays a pivotal role on ensuring that elections are conducted in a manner that appeals for what is commonly known as free and fair democratic elections. The stakeholders list primary consists of political parties, the elections management body, Media, Security agents, international and regional observers, the civil society, domestic elections observers as drawn from various institutions, active voters, and the government institutes.

Qualitative research tools and resources materials used for the study include elections stakeholders, elections standards and contribution towards free and fair elections. This report reflects the opinions and findings of different stakeholders who participated in Sudan 2010 elections, Kenya 2007 elections and Somaliland 2010. For the purposes of

the keeping, the notes for the lesson learned from the study and also to guide the research questions in order to validate primary objective of this study the following were observed as the outcome of the study. The three selected countries for the study are very significant because they highlighted outcome of the two research paradigms (Elections Stakeholders and elections standards) the sparse and diverging transitional trends in contemporary world and African politics.

The next chapter 7 will wrap up the study in a summarised report by winding up and providing a way forward for the future elections Sudan, Kenya and Somaliland.

CHAPTER 7
CONCLUSIONS AND RECOMMENDATIONS

7.1. Conclusion

This is a very challenging and wider topic in elections, with enormous opportunities to investigate unattempted themes. There are areas which can be very interesting from an individual interest which can be researched more and be dig more deeper in electoral community societies. The study looked only for the role of stakeholder participation in conjunction with use of elections standards and management implementation by National elections commission. This section will put forward a final long-drawn-out assessment of the election stakeholders and in context of Sudan, Kenya and Somaliland respectively.

7.1.1. Sudan

Sudan 2010 general elections must be recognized as part of a larger democratic process developing in the region. The Comprehensive Peace Agreement (CPA) envisioned that the elections would strengthen democratic processes and institutions in Sudan. The participation of Sudanese citizens as voters, election workers, observers, and members of political parties and civil society has built impetus toward further democratic consolidation. There were some challenges where competitiveness of the presidential and assembly elections, coupled with the subsequent arrest of a major party leader and a number of journalists, which indicate that democratic space still needs to be strengthens for future elections. Sudanese political and civil society leaders from across the political spectrum have showed their commitment to core democratic values. Sudan's government also at large by democratic opening which were limited during 1986 and 2000 elections, that was evident during the campaign period is not yet very wide open but rather expanded and needs to be more deepened. Full respect for human rights, democratic principles, and transparency is required to build confidence in democratic governance in Sudan Motumise (1997).

The National Elections Commission in Sudan for 2010 elections undertook the management of the electoral process while facing many challenges and difficulties during all the stages, starting from the establishment of the Commission until the announcement of the elections results. The study present the following which were identified as major issues which were identified by NEC, international Observer and elections scholars. The delay in the issuance of the Elections Act led in its turn to the delay in the establishment of the Commission whose mission was to run timely elections in accordance with the Comprehensive Peace Agreement and the Interim Constitution Online Penniman et al (1985).

The Elections Act stipulates that the Chairman and Deputy Chairman of the Commission shall serve fulltime, while the other members of Commission are part-timers. This deprives the Commissioners of their utmost time and effort. Yet, owing to the unforeseen workload and the expansion of the electoral process, all Commissioners worked full time to carry out the Commissions' functions. The Elections Act abounds with procedural articles and details that weakened the Commission's ability to run a smooth and flexible electoral process. In spite of the numerous details, the Act omits the criterion to determine a limit for expenditure for parties' and candidates' electoral campaigns. The Commission encountered a problem in the selections of suitable persons to take part in the State's Higher Committees in South Sudan. This was due to the lack of sufficient number of trained and retired people from the public service. Consequently, the Commission sought the help of some employees in the Government of South Sudan, despite the risk of political affiliation and outside pressures Penniman et al (1985).

The research reports archived about the Sudanese elections urges that all Sudanese to work toward broad-based national reconciliation as called for in the CPA. In the waken of the 2010 general elections and the political polarization that has occurred across Sudan, as the country has now being official separated the Northern and the Southern Sudan and Abyei referenda, there is need for an urgent need for national reconciliation,

Peace building programs, economic development programs to close the gaps and a fuller incorporation of Sudan's peripheries in the country's political and economic spheres. The report will conclude by suggesting specific recommendations based on research findings and analysis Dieter, et al (1986).

7.1.2. Kenya

The 2007 elections, Kenya was thrust into extraordinary violence resulting from the perceptions of rigged election. The violence was spontaneous though after a couple of days it assumed other dimensions such as planned and banditry. The following statements are put forward to fulfil the study purpose. The voter register, has been updated from time to time since 1997, is materially defective in three respects that in themselves already impair the integrity of the election results: (i) Registered voters represent only 71% of .the voting age population of Kenya. (ii) The register probably includes the names of some 1.2 million deceased persons. (iii) Women and voters between 18 and 30 years of age are significantly under-registered. Furthermore, members of certain marginalised communities encounter difficulties in obtaining their national identity cards, a prerequisite for registration as a voter (DICED, 2008).

Numerous implausibly high turnout figures reported in the strongholds of both main political parties evidence extensive perversion of polling, probably ballot-stuffing, organised impersonation of absent voters, vote buying and/or bribery. This inference is supported by numerous eyewitness accounts given to Independent Review Commission (IREC) of various forms of manipulation as well as election observers' observation reports and ECK submissions. A likely facilitator and catalyst for ballot-stuffing of which effect the political parties and the ECK could hardly have been unaware was the indulgence granted by the Electoral Commission Kenya (ECK) shortly before the elections for black book in which the names of voters had been entered at the time of registration to be used in certain circumstances and for double registrants to be allowed to vote, contrary to previous regulation (CRECO, 2008).

The system of tallying, recording, transcribing, transmitting and announcing results was conceptually defective and poorly executed. The ECK had long since been aware of the need to revise the system fundamentally by introducing readily available information and communications technology. Its failure to do so was grossly remiss and contributed to the climate of tension, suspicion and rumour in which the violence erupted. The first-past-the-post electoral system carried over from colonial days, with its potential for distortion, real or perceived, compounded the problems caused by the originally gerrymandered, outdated and grossly skewed constituency delimitation pattern. In particular the circumstance that the ODM, which did not scatter its support in the parliamentary contests, beat the PNU and its motley array of allies constituted proof positive of rigging for many observers unfamiliar with the vagaries of the first-past-the-post system, the more so where constituency sizes differ materially. Therefore, although there is room for honest disagreement as to whether there was rigging of the presidential results announced by the ECK, the answer is irrelevant, as (i) the process was undetectably perverted at the polling stage, and (ii) the recorded and reported results are so inaccurate as to render any reasonably accurate, reliable and convincing conclusion impossible. The culture of electoral lawlessness has developed over many years and cannot be reversed without a concerted, non-partisan commitment to electoral integrity on the part of political leaders, which commitment will need to be sustained and monitored over time for the next upcoming Kenya elections (Congressional Research Service, 2008).

7.1.3. Somaliland

The holding of the latest presidential elections on the scheduled date 26th June 2010 marked a major turnaround from before September 2009. By that stage, political party infighting had caused repeated delays from the original 2008 date and the prospects for successful elections looked bleak. The deadlock was finally broken when a six-point agreement was signed on 30 September 2009. This was the basis for the appointment of a new National Electoral Commission (NEC) and the establishment of a viable electoral timetable. Many commentators now see the fact that the elections took place peacefully, fairly and in accordance with a predetermined timetable as a strong

indication of the effectiveness of the new NEC. In stark contrast to their predecessors, the new NEC members remained united, speaking with a single voice, acting with notable competence and avoiding politicisation of their role Anees and Hameed (1994:1-10). The local stakeholders took initiatives which organised by the NEC in partnership with national and international civil society organisations the electoral mediation and domestic observation projects made a notable contribution to both the success of the elections and the empowerment of Somaliland citizens more generally. Prior to the elections, there were able to follow the training and preparation of more than 600 mediators and 700 local observers who were to be deployed throughout Somaliland 2020 elections. On Election Day itself, the observer teams were able to interact with those mediators and domestic observers directly Anees and Hameed (1994:5-14).

One of the most significant features of the initiatives was their success in mobilising hundreds of mainly young people. Each project identified and trained a large number of Somalilanders who committed themselves to supporting their fellow citizens on voting day through a diverse range of activities: informing the public on voting procedure; observing the voting process itself as well as the count; mediating in disputes inside or outside polling stations; and registering and notifying authorities about irregularities in an effort to avoid further complications. Indeed this view and initiatives contributed greatly to the smooth running of the election and in terms of civic education and local empowerment Reynolds et al (1997).

Somalilanders were seen united in their determination to maintain peace and stability. The media has contributed by taking seriously their responsibility to raise awareness about the need for increased vigilance. Joint coordinator of the international election observer mission as pointed out by Dr Steve Kibble, who said that "We are encouraged by the overwhelming desire of the people of Somaliland to see a peaceful election", recognised as such both nationally and internationally. At this stage, we expect that such an outcome can be achieved. Reynolds et al (1997). This proofs how grateful the elections stakeholders we working together to bring the elections to be free and fair. Therefore the study findings can conclude Somaliland on the following brief notes,

- Somaliland met the set international standards which were safe guide the study to argue about the correctness of elections, valid, democratic, free and fair, acceptable, accessible and transparent elections.

- It takes times to understand and appreciates each other culture, legal systems, governance framework and electoral model to fit in each country requirements.

- It is also costly to bring all the stakeholders and at same time align the electoral practise and norms to be endorse as elections which featured with international and regional standards.

- Members of international community will not bring the prototype to African countries to conduct the elections, but rather allow each state to chose and decide on the best electoral model which will suit their economic policy, total population density and national goals.

7.2.   Recommendations

The recommendation will be presented in the following order, a summarised view which includes the best practised approach for three countries. The report will narrate each way forward based on each the results for the study diagnosed. (Hayashi Suzuki and Sasaki, 1992: 465) Avow with the respect to the latter type of comparative research, the greater the accumulation of the research the results in each country, the better the environment becomes for conducting cross –societal collaborative research.

7.2.1. Sudan's future election

(ElSA,2005; Carter centre, 2010) point out that a sound legal framework based on the principles of inclusiveness and transparency is a necessary precondition for democratic elections, enhancing citizen confidence in elections and their outcomes. Sudan's overarching legal and electoral framework contains restrictive provisions counter to fundamental political and civic rights. The legal frame used of April 2010 elections does not ensure adequate respect for the essential political rights and freedoms prescribed in Sudan's constitution, including freedoms of expression, assembly, and association as well as the right to an effective remedy for violations. This should include examination

of some of restrictive laws that do not comply with Sudan's stated commitments, including the Criminal Procedure Act (1991), the elections act and Voluntary Work Act (2006), the National Security Forces Act (2009), the Press and Publications Act (2009), and regulations derived from these laws because they are related to running of elections (Mozzafar and Schedler, 2002:103-122).

(Elklit and Reynolds, 2005:147) articulate that, it is imperative that a human rights commission be established and empowered to monitor and investigate election-related complaints in a timely manner. It should have broad powers to impose binding sanctions for violations. Particular attention should be paid to the actions of the security services, and the oversight committee should be given full access to relevant internal security documents Harbeson (1998).

The body also should be visible and communicate stark warnings against interference with the work of political parties, civil society, and the media. In future elections, the Ministry of Interior and Internal Affairs, working with electoral authorities, should clarify procedures for the holding of political rallies and ensure that they are in line with Sudan's national, regional, and international commitments and applied consistently across the states. It is crucial for state and electoral officials to finalize a security plan to safeguard voter registration and polling centres well in advance of electoral events, especially given the logistical challenges related to holding national elections in Sudan. Plans should take into consideration the importance of a broad and even distribution of polling stations, so as not to disenfranchise voters. Should the Sudan Armed Forces and the Sudan People's Liberation Army (SPLA) be called upon to assist the police or other authorities in providing security, it is important that their respective roles be clear and all relevant information be well communicated to the security forces, the public and political parties. In future elections, the armed forces should be required to play a role only in exceptional circumstances. The National Intelligence and Security Services (NISS) should be removed from the electoral process. The continuing state of emergency, repression of civil liberties, and on-going conflict in Darfur did not permit an environment conducive to acceptable elections in April 2010. Given the limited

participation of internally displaced persons (IDPs) in Darfur in the census and voter registration, much of the population was excluded from the process Reynolds et al (1997; Holm et al 1989).

In future elections, special attention should be given to IDP communities to ensure their inclusion in the electoral process, including constituency delineation and voter registration. Election officials should do their utmost to ensure that IDPs are not made to believe that they must choose between their democratic rights and their right to return to their place of origin. Particular attention should be directed toward educating illiterate voters and political parties on the use of political party symbols. Future electoral timetables should be developed with sufficient time to allow for appropriate technical preparations, taking into account the logistical complexities and capacity within Sudan Lyons (1997:67-70).

7.2.2. Kenya's future elections

Dundas (1993) the management of electoral processes usually involves the interplay of diverse institutional responsibilities. Major efforts to be initiated by stakeholders were not converge towards the common purpose of delivering free and fair elections. However it is believed that 2007 general elections for Kenya stakeholders was an experience which proofed to the research that the need to conduct this kind of study, the role of electoral stakeholders in eastern African communities: a comparative analysis of selected states has discovered how contribution from each stakeholder can make in the running of general elections, it cannot not be justified enough how important it is Lyons (1997:65).

DICED (2008) there were so many allegations and proofed scenarios for Kenya 2007 elections that articulated how badly the stakeholders were poorly engaged to be part of entire electoral process. The study had decided to select only few of them which were found to be more sensible from the research point of view; therefore not all the areas were covered here. Each recommendation will be made against the reviewed problem from the study. Concerning the constitutional and legal framework, the right to

citizenship, to vote and to be elected at genuine periodic elections should be included in the Constitution. Voting by universal and equal suffrage and by secret ballot should be guaranteed for all without discrimination. All laws relating to the operational management of elections should be consolidated under one statute (IREC, 2008).

The Electoral Commission of Kenya legal framework, there should be enacted a dedicated law with more detailed provisions on the ECK's institutional aspects which takes into account the relative complexity of the organisation and its responsibilities. Legislate a broad consultative process prior to the appointment of ordinary members and the chairman of the ECK. Reorganise the expiry of the terms of office of ECK members to ensure that their retirement does not coincide with election years and that all commissioners have at least two years' experience before every election. Make the ECK accountable to Parliament, without prejudice to its status as an independent body, by reviewing the channels by which it establishes and seeks approval for its budgetary requests Joel (1993:85).

The Media, The Media Council of Kenya should oversee the conduct of media and properly enforce its Code of Conduct. Develop a media and elections policy to encourage accurate and responsible reporting on electoral matters. There should be full disclosure on a regular basis of the actual owners of media. The KBC Act should be amended to give the ECK the power to compel KBC to act in accordance with the law. Mechanisms should be set up to ensure the independence and public accountability of KBC. The access to KBC by the Presidential Press Service, particularly in an election year, should be reviewed. Key provisions in the KBC Act pertaining to free access slots for party political broadcasts should be clarified and precisely defined as to the rights of the parties and candidates. A substantive Act prohibiting hate speech should be considered. Finally technical assistance received by the ECK, Thoroughly evaluate the assistance provided by the international community to the electoral process and apply the lessons learned. The assistance to be provided by the international community should be carefully co-ordinated and defined well in advance of the electoral process (Stremlau and Price, 2009:5).

7.2.3. Somaliland's future elections

Stremlau and Price, (2009:10) claim that Somaliland was anticipated to hold crucial elections in 2010 which were speculated to be highly contentious by many elections analyst experts. The study put forward that there is a need to improve the registration and polling procedures to be finalized earlier in the process and communicated clearly during each stage of training Holm et al (1989).

In particular, training should be strengthened in areas of procedures related to identification of voters, secrecy of the ballot, identification of invalid votes, completion of necessary forms, and counting and tabulation procedures.

Particular attention should be directed toward educating illiterate voters and political parties on the use of political party symbols. In addition, consideration should be given to the development of additional voter education materials to be provided at polling stations on election days, including posters with information on the polling process and "know your candidate" posters listing all candidates and symbols on a sample ballot image. Improved coordination among the NEC, civil society organizations, and the media should seek to clarify roles and responsibilities for implementing civic and voter education programs. Future electoral management bodies (EMBs) should be sufficiently funded and staffed to carry out operations, logistics, information technology, and other related activities. Adequate technical support for registration and polling staff should ensure a transfer of skills in key areas, and a certified training program should be considered Holm et al (1989).

It is essential that electoral management bodies disburse adequate funds to districts and regional committees in a timely manner and that registration and polling staff be paid on time. In conclusion, (Silima, 2007:1) declares that a multi-stakeholders approach enables stakeholders to share roles and responsibilities and the participation process offers an opportunity for local stakeholders to participate democratically in the Project. Power relations affect stakeholder participation, capital dependant participatory

initiatives are likely to be at risk, participatory processes are likely to promote the empowerment and knowledge exchange amongst stakeholders, the views of local stakeholders are not always considered by outside support organisation and multi-stakeholder participatory approaches enable the initiative projects to achieve its objectives (Somaliland Independent Scholars Group, 2009).

BIBLIOGRAPHY

Abokor, A., **Barret, G., Bradbury**, M., **Kibble,** S., **Yusuf**, H. 2006. *Further Steps to Democracy the Somaliland Parliamentary Elections*. London: Progressio.

African Union, 1982. *African Banjul Charter on Human and Peoples' Rights*. African Union Conference Center. Ethiopia: Addis Ababa.

African Union, 2010, Preliminary Statement 18 April 2010. (Online) Available from www.au.org Retrieved 27 September 2010.

African Union, 2002. *Declaration on the Principles Governing Democratic Elections in Africa*. New York: UN headquarters.

Afrobarometer Results Survey, 2005. Poor and Democratic Citizenship in Africa. (Online), Available at www.afrobarometer.org Retrieved 18 May 2011.

Aljazeera Television Channel 406, 2010. English News bulletins, Somaliland the 26th June 2010 elections updates 01 July 2010. Doha.

Austin, R. Tjernström, M.2003. *Funding of Parties and Election Campaigns*. Stockholm: International IDEA.

Arab League Mission, 2010. The Election observation mission report for Sudan April 2010 Presidential Elections 18 April 2010 Sudan National Elections Commission Head office Secretary General Office Khartoum.

Anglin, D.G. 1998. International Election Monitoring. *African Affairs* 97(389): 471-495.

Anstee, J. M. 1996. *Orphan of the Cold War: The Inside Story of the Collapse of the Angolan Peace Process*. London: Macmillan.

Babbie, E.(8th Ed.). 1998. *The practise of Social Research.* Belmont, CA: Wadsworth.

Barkan, J. D. 1997. *African Elections in Comparative Perspective. In Elections: Perspectives on Establishing Democratic Practices*. New York: United Nations Department for Development Support and Management Services (UNDDSMS).

Babbie, E. and **Mouton**, J. 2001. *The Practice of Social Research: South African Edition.* Cape Town: Oxford University Press.

Babbie, E. 2001. *The Practice of Social Research 9th Edition*. Belmont, CA: Wadsworth.

Bam, B. 2009. Elections 2009*, To the Future*. Pretoria: South African Independent Electoral Commission.

Ballington, J. **Norman,** S and **Bird,** K. 2004. Strengthening Internal Party Democracy: Candidate Recruitment from a Gender Perspective, Paper presented at EISA/NIMD workshop on 'How to Strengthen Internal Party Democracy?' at the World Meeting for Democracy: Third Assembly, 02 February 2004 Durban, South Africa.

Bird, K. 2004. The Political Representation of Women and Ethnic Minorities in Established Democracies: A Framework for Comparative Research, AMIP Working paper   series,(Online)   Available   download   at   (http://ipsa-rc19.anu.edu.au/papers/bird.htm#_ftn5   Retrieve 06 December, 2005.

Boikhutso, R. 2005. *Qualitative Analysis of the Perceptions of AA beneficiaries in South African Parastatals.* A dissertation submitted in partial fulfilment of Master's Degree. Pretoria: University of Pretoria.

Butler, D. and **Leonard,** D. 1991. *Elections in Britain today*: A guide for Voters and Students, Lomeni Macmillan, Denhardt, Robert, Public Administration, Pacific Grove, Califonia: Brooks Cole.

Butler, D.E. and **King,** A. 1966. The *British General elections of 1966.* London: Macmillan.

Byakagaba, P.J.K. (Eds.). 1998. The role of opinion poll surveys in the Electoral process, in Dundas, C.W. 1993. Discussion of Elections Issues in Commonwealth Africa, London: Commonwealth Secretariat.

Bratton, M. and **Van de Walle,** N. 1997. *Democratic Experiments in Africa*. New York: Cambridge University Press.

British Broadcasting Trust World Service Trust, 2008. Policy Briefing, The Kenyan 2007 elections and their aftermath, the role of media and communication. London. (Online), Available at www.bbcworldservicetrust.org retrieved 18 June 2011.

Brazilian Mission, 2010. The Election observation mission report for Sudan April 2010 Presidential Elections 18 April 2010 Sudan National Elections Commission Head office Secretary General Office Khartoum.

Branch, D. and **Cheeseman,** N. 2008 Election Fever: Kenya's Crisis. *Journal of Eastern African Studies* 2(2):10-18

Carl, W. D. 1998. *Dimensions of Free and Fair Elections*: Frameworks, Integrity, Transparency Attributes, Monitoring. London: Commonwealth Secretariat.

Center of Foreign Policy Analysis Mission, 2010. Centre to observe 2010 Sudan April elections. (Online) Available at www.cffpa.com/news.html Retrieved 31 March 2010.

Carter Centre Sudan, 2010. Observing Sudan's 2010 National Elections, Final Report April 11–18, 2010 (Online), Available at www.cartercenter.org Retrieved 26 April 2011.

Carson, B.1992. Think Big: Unleashing Your Potential for Excellence, Michigan: Zondervan Handcover, Printing Commonwealth 1997. Elections management: challenges and realities. London: Commonwealth Secretariat.

Comprehensive Peace Agreement, 2005. Government of National Unity, Naivasha.(Online), Available at www.unmis.org Retrieved 17 July 2010.

Congressional Research Service, 2008. Kenya: The December 2007 Elections and the Challenges Ahead. USAID's Strategy in Kenya. (Online), Available at www.usaid.gov Retrieved 10 August, 2011.

Commonwealth Secretariat, 1999. The National and Provincial Elections in South Africa, 2 June, 1999 Report of the Commonwealth Observer Group. London: Commonwealth Secretariat.

Commonwealth Observer Group, 2007. Kenya General Election report 27 December 2007, Nairobi: Canadian International Development Agency.

Constitution and Reform Education Consortium, 2008. Final report on the General elections as of the 27 December 2007 submitted on the 3rd April 2008.Nairobi:CRECO (Muungano wa Elimu ya Katiba).

Cowen, M. and **Laakso,** L. 1997. An Overview of Election Studies in Africa. *The Journal of Modern African Studies* 35 (4): 717-744.

Cowen, M. and **Laakso,** L. 2002. *Elections and Election Studies, an Introduction*. *Multiparty Elections in Africa.* Oxford: James Currey.

Chirambo, K. and **McCullum,** H. 2000 *Reporting Elections in Southern Africa: A Media Handbook.* Harare: Southern Africa Research and Documentation Centre.

Creswell, J.W. 1994. *Research design*: *Qualitative and quantitative approaches*. London: Sage.

Consortium for the Empowerment and Development of Marginalised Communities, 2008. Domestics election observer report for Kenya 2007 General (unpublished report).

Dundas, C. W. 1993. *Organising Free and Fair Elections at Cost-Effective Level*. London: Commonwealth Secretariat.

Dundas, C. 1996. *Compendium of Election Laws, Practices and Cases of Selected Commonwealth Countries*. London: Commonwealth Secretariat.

Duverger, M. 1954. *Political parties, their organization and activity in the modern state.* New York: Wiley.

Du Toit, C. W. 2010. Fair elections and an ethics of power sharing in Africa. *Journal of African Elections* 29 (1): 78-100.

Dr.Steve, K. 2010. Talking Notes: Closing Press Conference for Somaliland Coordinators of international election observers gives cautiously a good positive assessment for the holding of election 26 June 2010 Hargesia.

Dr. Peen, A. **Curless,** G. and **Flesken**, A. 2010. *Ethnopolitics Papers,* Sudan's 2010 National Elections. London: Exeter Centre for Ethno-Political Studies.

De Waal, A. 2009. Sudan's choices: Scenarios beyond the CPA, in K. Maas-Albert and T. Weis (eds) *Sudan – No Easy Ways Ahead*, Berlin: Heinrich Böll Foundation, (Online), Available at http://www.boell.org/web/136-531.htm Retrieved 10 May 2011.

Davids, Y.D., **Kivilu,** J.M, **Ndletyana**, M., **Sedumedi**, S., **Diko**, M.D., **Sehume**, T., **Mmotlane,** R., & **Winnaar,** L*.,* IEC Voter Participation Survey Report,(Ed.). 2008. Commissioned by the Independent Electoral Commission. Pretoria: HSRC, March 2009, slide 51.

European Union Election Observation Mission, 2007. Kenya Final Report General Elections 27 December 2007 3 April 2008 (Online), Available at www.eueomkenya.org Retrieved 04 May 2011.

Elklit, J. and **Reynolds,** A. 2005. Framework for the Systematic Study of Election Quality. *Democratization* 12 (2): 147–162.

Evrensel, A. 2010. *Voter Registration in Africa, A Comparative Analysis*. Johannesburg: Electoral Institute for the Sustainability of Democracy in Africa.

Elections Stakeholder, 2010. Memorandum of the understanding on the upcoming Presidential Election of Somaliland on the 30 September 2009 Hargesia (Online), Available at www.electionsobservations.com Retrieved 10 August 2011.

Education Centre for Women in Democracy, 2007. Briefing report about Kenya 2007 Presidential elections 14th December 2007. Safari Park Hotel in Nairobi.

Electoral Institute of Sustainability of Democracy in Africa, 2008. Training Manual, Managing Intra- Party and Inter-Party Conflict in Lesotho. Electoral Handbook Number 19, October 2008. Johannesburg: EISA office.

Electoral Institute of Sustainability of Democracy in Africa, 2002. *Conflict Management Bulletin as Developed by EISA*, Dares- salaam: National Elections Commission.

Electoral Institute of Sustainability of Democracy in Africa, 2004. *Pre-election Day and Exit Poll Survey*, Johannesburg: Electoral Institute of Southern Africa.

Electoral Institute of Sustainability of Democracy in Africa, 2005. *Declaration on the Principles Governing Democratic Elections in Africa*. New York: UN headquarters.

Electoral Commission of South Africa, 2009. National and Provincial elections report 22nd April 2009 Pretoria Sunnyside: Elections House.

Elischer, S. 2008 Ethnic Coalitions of Convenience and Commitment: Political Parties and Party System in Kenya.(Online), Available at www.giga-hamburg.de working papers. Retrieved 22 September 2010.

East African Community Observer Mission, 2010. The Election observation mission report for Sudan April 2010 Presidential Elections 18 April 2010 Khartoum: Sudan National Elections Commission Head office Secretary General Office.

El-Battahani, A. 2009. Sudan votes: The 2010 elections and prospects for democratic transformation', **Maas-Albert**, K. and **Weis,** T. (Eds.) *Sudan – No Easy Ways Ahead*, Berlin: Heinrich Böll Foundation, (Online), available at: http://www.boell.org/web/136-531.html Retrieved 10 May 2010.

East African Community Observer Mission, 2008:10 Kenya General elections, December 2007, Independent Dialogue commission Nairobi.

European Parliament Mission, 2010. The Presidential Election observation mission 18th April 2010 Khartoum: National Elections Commission office.

Geisler, G. 1993. Fair? What Has Fairness Got to Do with It? Vagaries of Election Observations and Democratic Standards. *The Journal of Modern African Studies* 31(4): 613-637.

Gibson, C.C. and Long, J.D. 2009. The presidential and parliament elections in Kenya electoral studies 3(28):1-25

Gastil, R. D. 1980. *Freedom in the world.* New York: Freedom House.

Goodwin-Gill, G.S. 1994. *Free and Fair Elections*, International law and practice General: Inter-parliamentary Union. (Online) Available at www.ipu.org/free&fair/06/ Retrieved 23 September 2011.

Guy, S. G, 1994. *Free and Fair Elections*: International Law and Practice, Geneva: Inter-Parliamentary Union.

Gaffney, J. 2004. *The French Presidential and Legislative elections of 2002*. London: Ashgate Publishing Limited.

Habermas, J. 1994. *The Past as future.* Cambridge: Polity.

Hayashi, C. **Suzuki,** T. and **Sasaki,** M. 1992. *Data Analysis for comparative social research*, International Perspectives. North-Holland: Elsevier Science Publishers B.V.

Heywood, A. 2002. *Politics.* Basingstoke: Macmillan.

Horn Cable Television, 2010. News Bulletin about Somaliland elections updates, the upcoming 26 June 2010 Elections on the 05 June 2010.Hargeisa.

Haas, E. B. 1975. *The Obsolescence of Regional Integration Theory*. Berkeley University of California: Institute of International Studies.

Harris, P. 1997. An Electoral Administration: Who, What and Where. Paper Prepared at Institute for Democracy and Electoral Assistance for the South Pacific Electoral Administrators' conference in Fiji**.** 8-10 October 1997.

Hashi, I. 2000. Revised Constitution of the Republic of Somaliland: Unofficial English Translation (Online)Available at. www.somalilandforum.com Retrieved 18 July 2011.

Holmquist, F. and **Ford,** M. 1992. Slouching toward Democracy. *Africa Today* 39(3): 97-111.

Holm, J.**, Molutsi,** P. (Eds.) .1989. *Democracy in Botswana*. Athens : Ohio University.

Hameed , R. A. K., and **Anees,** N. 1994. Process of Democracy in Pakistan. *Journal of Political Science* 17(1): 1-14.

Harbeson, J.W. 1998. *Elections and Democratization in Post- Mengistu Ethiopia*. In Krishna Kumar (ed), *Post conflict Elections, Democratization, and International Assistance*. Boulder, Colorado: Lynne Rienner.

Human Rights Watch, 2010. Sudan: Flawed Elections Underscore Need for Justice, 26 April 2010. (Online) Available at www.hrw.org Retrieved and downloaded 01 May 2010.

International foundation of Elections systems, 2011.Roadmap to better elections multi-year Strategic Plans for Election Management Bodies, Workshop held for the Indonesia Electoral Commission under UNDP support program 19-21February 2011 Bali, Indonesia.(Online) Available at www.ifes.org Retrieved   29 April 2011.

International foundation of Elections systems, 2011. IFES Key challenges for credible and competitive elections, Briefing paper elections authorities and stakeholders, 25th January 2011 Tunisia.(Online) Available at www.ifes.org Retrieved 25 September, 2011.

International foundation of Elections systems, 2010. *Democracy and Elections in Africa:* (Online) Available at www.ifes.org Retrieved 3 March 2011.

International Observer Mission Groups, 2010. Sudan Troika Joint Statement on Sudanese 2010 elections,19 April 2010 (Online) Available at www.sudandecides.com Retrieved 20 June 2010.

International Observer Mission Groups, 2010. Sudan Troika Joint Statement on Sudanese 2010 elections, 19th April 2010 (Online) Available at www.iesa.org.za Retrieved 03 March 2010.

Independent Review Commission, 2008*. The Commissions of Inquiry Act 2008 Cap 162, Laws of Kenya*. Nairobi: Kenya Government Printing.

International Republican Institute Somaliland, 2005. Somaliland September 29, 2005 Parliamentary Election Assessment Report Hargesia.

Institute of Security Studies, 2002. Declaration on Democracy, Political, Economic and Corporate Governance. Durban: African Union.

Institute for Education in Democracy, 2008. The report for Kenya 2007 Presidential elections 14 December Safari Hotel.

International Crisis Group, 2008**.** *Kenya in Crisis.* Nairobi and Brussels: International Crisis Group.

Institute for Democracy and Electoral Assistance, 2006 *Electoral Management Design: The International IDEA Handbook.* Stockholm: Publications Office International IDEA.

Independent Review Commission , 2007 Report and Recommendation based on Kenya 2007 General Elections based on its appointment made on the 13th March 2008 by President Kibaki. The enquiries, findings and recommendation to Electoral Commission of Kenya from the which was made all aspects of the General Election held on 27th December 2007,from 14 March 2008, IREC conducted series of meetings from Nairobi and covering the widest feasible cross-section of Kenyan society, Mandera , Homa Bay, Turkana , Kwale. Final report submitted on the September 9, 2008 at Nairobi.

Jon, L. **Sub-Saharan Africa**, **International Affairs and Defence Section**, 2010 Sudan: Peace or War, Unity or secession, Research Paper presented to the parliament of United Kingdom, London on the 02nd June 2010.House of Common.

Jones, C. 1985. *Patterns of Social Policy*: *an introduction to comparative analysis*. London: Macmillan.

Joel, B. 1993. Kenya: Lessons from a Flawed Elec8on. *Journal of Democracy* 4(3):85-99.

Jamal Abdi, I. and **Deane**, 2008. The 2007 General election in Kenya and its aftermath: the role of local language media. *The International Journal of Press politics* 13(3): 319-327.

Johnson, D. H. 2007. *The Root Causes of Sudan's Civil Wars*, Oxford: James Currey.

Johnstone, R., **the Word Works**, **Interpeace, Anson,** R. 2006 Vote for Peace- How Somaliland Successfully Hosted its First Parliamentary Elections in 35 years. DIALOGUE FOR PEACE Somali Programme September, 2006 APD office Hargeisa, Somaliland.

Janesick, V. (Ed.).2000. *Stretching Exercises for Qualitative Researchers*. University of South Carolina: SAGE Publishers.

Juma, M.K. 2009. African mediation of the Kenya Post-2007 Elections Crisis. *Journal of Contemporary African Studies* 27(3): 407-24.

Japanese Mission, 2010. *The Presidential Election observation mission Sudan*. Khartoum 18 April 2010 Sudan National Election Commission office.

Jhazbhay, C. 2010. Civil Society & their role in Africa's struggle to deepen democracy. Press Statement on Somaliland Presidential elections and Conference for African Participatory Democracy on the 26 June 2010 at Hargeisa.

Key, V. O. and **Munger,** F. 1959. *Social determinism and electoral decisions*: *the case for Indiana,* in **Burdick**, E., and **Brodeck,** A. J. (Eds), *American Voting behaviour*. New York: Cambridge University Press.

Kilimwiko, L . 2002. The Mass Media's Role in the election Management Process, Presented during the National Electoral Commission Reform Workshop, Paradise Hotel, Bagamoyo Dar es Salaam, 21st August, 2002.

Kelley, J. 2008. D-Minus Elections: *The Politics and Norms of International Elections Observation.* Durham-Northern Carolina: Duke University.

Kuenzi, M. and **Lambright,** G. 2007. Voter turnout in Africa's multiparty regimes. *Comparative Political Studies* 40(6): 665-690.

Kenya Government, 2008. National Constitution of Kenya (Amendment) Act 2008. In 2008 Nairobi: Government Printing.

Klein, K. 1995. Approaches to Conducting Elections: Why an Electoral Commission? Paper prepared at International Foundation for Electoral Systems for presentation to the Constitutional Assembly of the Republic of South Africa on the 22 May 1995.Geneva Inter-parliament.

Keen, D. 2008. *The Benefits of Famine: A Political Economy of Famine and Relief in South-western Sudan, 1983-1989*, Oxford: James Currey.

United Nations Office High Commissioner for Human Rights, 2008. Fact-finding Mission to Kenya, 6-28 February 2008. Palais des Nations CH-1211 GENEVE 10.

Kalima, D. and Uteem, C. H. E. 2006. *The politics of Party Coalitions in Africa*. Johannesburg: Electoral Institute for the Sustainability of Democracy in Africa and Konrad-Adenauer-Stiftung.

Lipset, S. **Seong,** K. and **Torres,** J. 1993. A Comparative Analysis of the Social Requisites of Democracy. *International Social Science Journal* 45(2):155-75.

Lle, L. and **Mapuva,** J. 2010. Citizen participation and democracy- safeguarding citizen participation through government of National Unity or democracy violated? *Journal of Public Administration* 45(1):30-42.

Laakso, L. 2002. The Politics of International Election Observation: The Case of Zimbabwe in 2000. The *Journal of Modern African Studies* 40(3): 437-464.

Lyons, T. 1997. Ghana's Encouraging Elections. A Major Step Forward. *Journal of Democracy* 8(2):65-77.

Lekorwe, M. H. 2006. The role and status of Independent Electoral Commission. *Journal of African Elections* 5(2): 63-64.

López-Pintor, R. 2000. Electoral Management Bodies as Institutions of Governance. New York: Bureau for Development Policy United Nations Development Programme.

Lofland, L.H. and **John,** L. 1959. *Analyzing social settings: A guide to qualitative observations and analysis*. London: Wadsworth and Belmont.

Landau, J. **Ozbudun,** E, E. and **Tachau,** F.1980. *Electoral politics in the Middle East,* London: Hoover Press Publications and Leland Stanford Junior University.

Mbugua, K .2006. Resolution and transformation of Election related conflicts in Africa. *Journal of African Election* 5(1): 22-23.

Morling, T. R. 1997. Independent Electoral Administration in Australia. Paper presented at Asian Democracy in Transition: Symposium on Asian Elections in the 21st Century. Manila.

Mauritanian Mission, 2010. The Presidential Election observation mission Sudan. Khartoum: International Election Observer Mission Released on the 18 April 2010 at Sudan National Elections Commission offices.

Mozaffar, S. and **Schedler,** A. 2004. The Comparative study of electoral governance introduction. *International Political Science Review* 23(1): 5–27.

Motumise, O. M. 1997. Assessment of the Electoral Process. In Carl W. Dundas (ed), *Let's Talk about Elections: The Themes.* London: Commonwealth Secretariat.

M**ozzaffar,** S and **Schedler,** A. 2002. The Nested Game of Democratization by Elections. *International Political Science Review* 23(1):103–122.

Malan, J.C. 1994. *Substantially Free and Fair Elections*? ACCORD Special Report Series No. 1. ACCORD. Durban, South Africa.

Mozaffar, S. 2002. Patterns of Electoral Governance in Africa's Emerging Democracies. *International Political Science Review* 23(1): 24-48.

Menang, T. 2006. Elections Management in Cameroon; Progress, problems and prospects. *Journal of African Elections* 5(1): 61-63.

Mfundisi, A. 2010. Civic participation and voting patterns in Botswana. *Journal of African Elections* 5(2): 89-96.

Matlosa, K. **Khadiagala,** G. and **Shale**, V. 2010. *When Elephants Fight,* Preventing and resolving election-related conflicts in Africa, Johannesburg: Electoral Institute for Sustainability of Democracy in Africa.

Mission of the International Institution for Democracy and Peace in Africa, 2010. The Election observation mission report for Sudan April 2010 Presidential Elections 18 April 2010 Khartoum: Sudan National Elections Commission Head office Secretary General office.

 May, T.(Ed.).1997. *Social Research, Issues, Methods and Process*. Philadelphia: Open University Press.

Maru, M. 2011. On unconstitutional changes of government, The case for Libya's National Transition Council. African Conflict Prevention Programme on the 20 September 2011, ISS Addis Abba office.

Mathieson, D and **Wager,** R. 2010. Somaliland National Election Commission: Report on the Preparation of the Voter Register submitted to Somaliland National Elections Commission and Interpeace on the 10th September 2011 London: Electoral Reform International Society.

Norman, A.S. 2010. Assessment of elections stakeholders in elections management *International Research Journals* 1(9):319-326.

Nohlen, Dieter, and **Juán Rial**. (eds) 1986. *Reforma Electoral*. Montevide: Uruguay.

National Council of Churches of Kenya, 2010. Official Press release statement on the 08th December 2007.

National Records Office, 2010. Final Report of the Election Commission. NRO ELECOM (3) 1/3/14 NRO 03rd September 2010 Khartoum.

Osaghae, E. 2004. Making democracy work in Africa from the institutional to the Substantive. *Journal of African Elections* 3(1):1-4.

Office for Democratic Institute and Human Right, 2003. Existing commitments for democratic elections in OSCE participating states October, 2003 Warsaw, OSCE Office for Democratic Institutions and Human Rights (ODIHR).

Otlhogile, B. 1998. Elections offences and Remedies, *Democracy Research Programe*. Gaborone: University of Botswana.

Oyen, E. 1990. Comparative methodology; *Theory and Practise in international social research*, London: SAGE Publications Ltd.

Organization of Humanitarian and Voluntary, 2006. Organization of Humanitarian and Voluntary Work Act of 2006.

Pan-African Parliament Election Observer Mission, 2008. Report on 2007 General elections. The Election observation mission report for Sudan April 2010 Presidential Elections 18 April 2010 Sudan National Elections Commission : Head office Secretary General office Khartoum.

Penniman, Howard, R., and **Mujal-Leon**, E.M. (Eds.).1985. *Spain at the Polls, 1977, 1979 and 1982: A Study of the National Elections*. Durham, North Carolina: Duke University

Przeworski, A. 1991. *Democracy and the Market: Political and Economic Reforms in Eastern Europe and Latin America*. Cambridge: Cambridge University Press.

Progressio, 2010. Somaliland: Change and continuity Report by International Elections Observer on the 26 June Presidential elections in Somaliland May 2011 Progressio: Canonbury Yard.

Prunier, G. 2008. Kenya: roots of crisis, *Open Democracy News Analysis* (Online) Available at: http://www.opendemocracy Retrieved 22 September 2011.

Patterson, T.E. 2003. *The Vanishing Voter*, New York: Vintage Books.

Rattinsi, A. and **Westwood,** S. 1994. *Racism, Modernity and Identity on the Western front.* Cambridge: Polity.

Reynolds, Andrew, and **Reilly,** B. (Eds.). 1997. *The International IDEA Handbook of Electoral System Design.* Stockholm: IDEA.

Ramadhani, A. 1995. The mandate of the electoral commission of Tanzania. Paper presented during the seminar of political parties held at Paradize Plaza Hotel, on 26 April 1995. (Unpublished). Strengthen Internal Party Democracy?' at the World Meeting for Democracy: Third Assembly, Durban, on the 02 February 2004.

Russian Mission, 2010. Presidential elections report for Sudan on the 18 April 2010 Khartoum : Sudan National Elections Commission.

Reynolds, A. B. **Reilly, Kersting,** N. & **Ellis,** A. 2002. *Electoral System Design. Electoral Assistance hand book.* Stockholm: International IDEA.

Radio Hargeisa, 2010. New Bulletins on the 26 June 2010 Upcoming Poll on 13 June 2010 Hargeisa.

Radio Omdurman, 2010. Election talk show about elections security and free political parties campaign for the forthcoming 11 April 2010 Sudan Presidential elections, on the 15th February 2010 Khartoum.

Radio Haryaal, 2010. Election participation talk show on the country readiness to conduct free and fair 26 June 2010 elections 08 June 2010 Hargeisa.

Rae, D. W.(Ed.). 1967. *The political consequences of electoral law.* New Haven: Yale University Press.

Republic of Sudan, 2005. Interim National Constitution of the Republic of the Sudan, 2005. Khartoum: Government of Sudan.

Sheingold, C. 1973. Social Networks and Voting: the resurrection of research agenda. *Sociological Review* 38(1): 712-15.

SADC Parliamentary Forum, 2001. Norms and standards for elections in the SADC region. Adopted by the Plenary Assembly on the 25th March 2001 Windhoek, Namibia.

Somaliland Space Channel, 2010. News Bulletins elections run-time and updates for the 26th June 2010 Somaliland elections 15th June 2010 Hargeisa.

Silima,V. 2007. A review of stakeholder interests and participation in the sustainable use of communal wetlands: The case of the Lake Fundudzi catchment in Limpopo Province, South Africa. A full-thesis submitted in fulfilment of the requirements of the degree of Master of Education (Environmental Education) at RHODES UNIVERSITY.

Sardy, H. and **Grosof**, M.S. 1985. *A research primer for the social and behavioural sciences.* New York: Academic Press.

Sudan Nation Election Commission, 2010. Preliminary report on General Elections 2010, 01 August 2010. Khartoum Head Secretary General office, Sudan National Elections Commission.

Somaliland National Elections Commission, 2010.Official Press statement release for final elections results 02 July 2010 Maan Soor Hotel Hargesia.

Sadie, Y. (3rd Ed.). 2006. *Political parties, interest groups and social movements.* In Venter, A. and Landsberg, C. Government and Politics in the new South Africa. Hatfield: Van Schaik Publishers.

Sudan Domestic Election Monitoring and Observation Programme, 2010. Final report for Sudan presidential 2010 elections on the 01st of July 2010 Khartoum:

Salih, M. & **Hamdok,** A. 2007 A prefaces to an inclusive African electoral system reform agenda. *Journal of African Elections* 6(1): 118-133.

Scorecard Partnership/Community Aid International, 2008.Official Press statement about Kenya 2007 elections 08 October 2007.

Somaliland Independent Scholars Group, 2009. *Implementing the Mediation Committee's Recommendation.* London: Africa Conflict Prevention Pool Fund of the UK Foreign and Commonwealth Office.

Sudan National Elections Act, 2008. New National elections act of 2008. Articles number 65, 66, and 98, 03 March 2010 Sudan National Elections Khartoum: Head office Secretary General Office.

Sudan People's Liberation Movement, 1983. Manifesto, Sudan People's Liberation Movement 31 July 1983 Sudan.

Schedler, A. 2002. The Menu of Manipulation. *Journal of Democracy* 13(2): 36- 50.

Stremlau, N and **Price,** M.E. 2009. An Annenberg-Oxford Occasional Paper in Communication Policy Research, Pennsylvania: Annenberg School, University of Pennsylvania.

Taylor, P.J. and **Johnston,** R.J. 1979. *Geography of election*. New York: Penguin.

Thomas, E. 2009. *Against the Gathering Storm: Securing Sudan's Comprehensive Peace Agreement*, London: Chatham House (Online) Available at www.chathamhouse.org.uk Retrieved 10 May 2010.

Toft, M. D. 2010. *Securing the Peace: The Durable Settlement of Civil Wars*, Princeton: Princeton University Press.

The Constitution of United Republic of Tanzania, 1977. Act N0.1 of 1985.

United Nations, 1998. The quotable Kofi Annan, selections from speeches and statements by the secretary General, New York: United Nations, March to August 1998.

United Nations Mission Elections monitoring 2005. *Vanderbilt Journal of Transnational Law*30(5): 214 -1173.

United Nations records, 1992. The world statistical report on elections frequency. United Nation office Electoral Assistance Division. New York: UN Headquarters.

United Nations, 2005. Declarations of Principles for International Elections Observations and Code of Conduct for International Observers Commemorated October 27, 2005, at the United Nations, New York.

United Nations Development Program, 2007. African Charter on Democracy, Elections and Governance Commemorated in 2007, at the United Nations, New York.

United Nations Development Program, 2004. *Electoral Systems and Processes Practice Note*. Human rights and Elections: A handbook on the Legal, Technical and Human Rights Aspects of Elections, Geneva.

United Nations Development Program, 2008. The Presidential elections report for Kenya 2007 elections 31st December 2007 United Nations Development Program Coherence room.

United Mission in Sudan- Electoral Assistance Division, 2010. Sudan Presidential Elections report for April 2010 elections on the 01st August 2010 Khartoum UNMIS Head office.

United Nations Development Program Electoral Assistants, 2007. Brief report on Kenya 2007 election donor funded project February 2008 United Nations Development Program office in Kenya.

United Nations Cartographic Department, 2007. *Map No. 3707* (online) available at: http://www.un.org/Depts/Cartographic/map/profile/sudan.pdf   Retrieved 18 June 2010.

United Nations Mission in Democratic Republic of Congo (Human Rights Division), 2006 .Crisis Group Africa Report No. 114, 20 July 2006 submitted on the 27 July, 2006 to the Truth and Reconciliation Commission, Independent Electoral Commission, High Authority for the Media, Commission on Ethics and Corruption, The National Assembly, Political Parties and Government administrate structures Kinshasa.

Wondwosen Teshome, B. 2008. International Elections Observers in Africa: The Case of Ethiopia. *Alternatives: Turkish Journal of International Relations* 7(1) :119-137.