

THE POLISH FORUM OF YOUNG DIPLOMATS



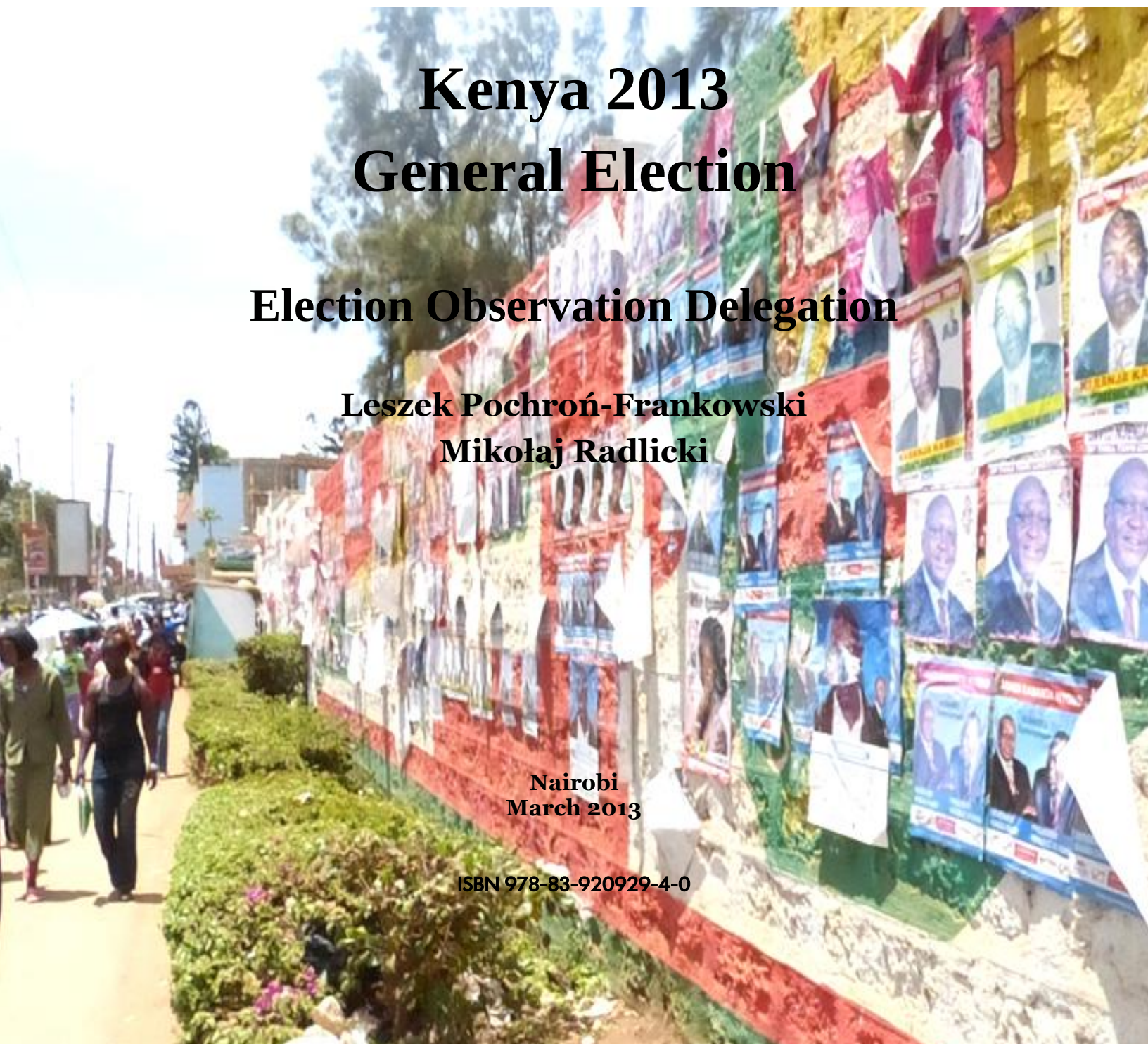
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Kenya 2013 General Election Election Observation Delegation

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Mikołaj Radlicki**

**Nairobi
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I INTRODUCTION AND ACKNOWLEDGMENTS

This report presents results of observations of the Kenyan Election Day on the 4th of March 2013 in the city of Nairobi and its suburbs. The observation was conducted by Election Observation Delegation of the Polish Forum of Young Diplomats as part of its 'Young Election Observers' Program. The Delegation was composed of a team of observers - Leszek Pochroń-Frankowski and Mikołaj Radlicki who were officially accredited by the Independent Electoral and Boundaries Commission (IEBC).

In line with the commonly recognized rules and due to limited scope and time of the Delegation, we restricted ourselves in any qualitative assessments during and immediately after the Election Day. Instead, we concentrated on the processes that we had a possibility to observe directly, providing in our opinion valuable overview of the general atmosphere and look inside of the Election Day proceedings.

As a result of this direct observation, we would like to present this report along with an overview of opening procedures in one polling station, voting procedures in six subsequent stations and finally the evaluation of closing and counting procedures in one station. Moreover, the report includes relations from visits in the main parties' headquarters in Nairobi during the elections silence period and a short summary of incidents and developments reported by Kenyan press after the elections.

We would like to use this occasion to express our gratitude to the IEBC officials for accreditation and to the all polling stations commissioners, politicians and activist for excellent cooperation and for willingness to provide us with all the requested information. Only thanks to them were we able to acquire close overview of these elections and in general better understand the political processes in Kenya. In particular, this was for us a great privilege to observe the elections because most of all Kenyans confirmed they social and political maturity.

II VOTING AND COUNTING

A. Opening

Westlands - Primary School Polling Station

[Time of arrival: 5.40 am]

At the arrival to the polling station the queue was already street long. We walked along the queue and interacted with the people waiting. Anxiety among the crowd was apparent, however, rather positive, non-aggressive one.

Inside the polling station commissioners were preparing for opening. All the rules were read aloud to the observers present and then followed thoroughly. Ballot boxes were empty prior the opening of the station and sealed with IEBC logos. The official responsible for opening was exceptionally meticulous and careful, checking each ballot box and voting booth before he allowed for voters to start coming in. The polling station was opened on time, at 6.00 am.



The people rushed inside very quickly, they were almost running. There was minor pushing due to the disorganization of the crowd and because it was difficult from outside of the polling station to see the lists determining the names of people registered here due to the lack of light. Some voters had difficulties in finding the queue assigned to their name because the system of displaying the names has been changed – this time the letters outside polling streams indicated the voters name instead of surname.

The layout of the polling station was generally good. Many international observers were present in each polling stream. Painting of fingers after voting was an extra measure preventing from multiple voting.

B. Voting

Kibera - Old Primary School

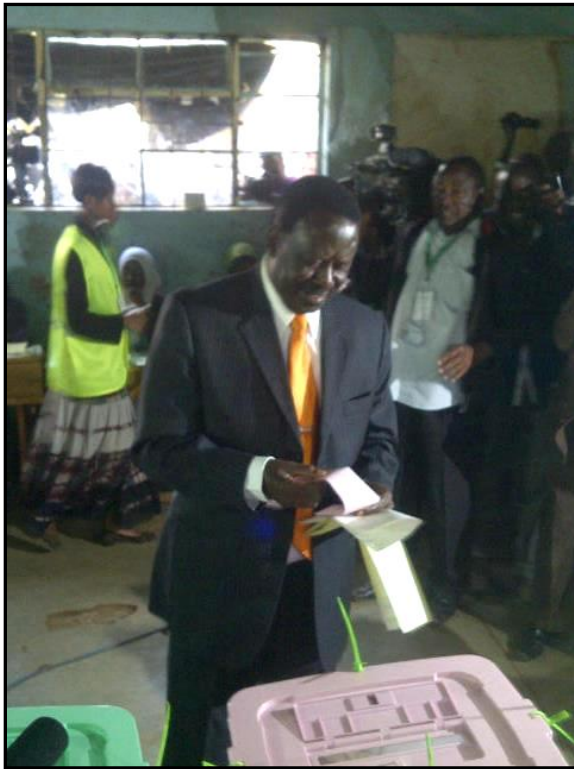
[Time of arrival: 7.30 am]

The queue outside this polling station was impressive, stretching into two streets. Current Prime Minister and one of the two main presidential candidates, Raila Odinga from the CORD Alliance, were expected to cast their votes here. Understandably, the attention of the media was immense – reporters, journalist and observers were all present in a large numbers.



While we waited for Mr. Odinga, we interviewed (together with a reporter from France24) Mr. Jassin Ibrahim from the Unity Party Kenya (UPK) – a candidate to parliament. Promoting his party and discouraging from supporting CORD Alliance, Mr. Ibrahim evidently broke the rule of silence during the Election Day. Moreover, he was expressing disappointment with Orange Democratic Movement (ODM) and Mr. Odinga because, as he believed, ODM neglected indigenous tribes, was supportive of tribalism and disregarded the Muslim community, of which Mr. Ibrahim is a member.

However, this visible public display of disapproval towards Mr. Odinga, who is by and large appreciated among Kibera's community, meant that the level of tolerance to opposing ideas was substantial. Mr. Ibrahim was free to speak negatively about the Kibera's favorite presidential candidate - where 5 years ago such behavior could cause antagonizing violence.



Upon arrival of Raila Odinga the room in which he was registered to vote was completely packed. Mr. Odinga voted only to the sound of cameras and flashes. As soon as the first question broke the silence, everyone rushed outside to ask the presidential candidate more questions.

We have asked as well *'In case of not being elected are you planning to take another position in the government?'* His answer was *'No!'*.

Highridge - Primary School in Parklands District

[Time of arrival: 11.40 am]

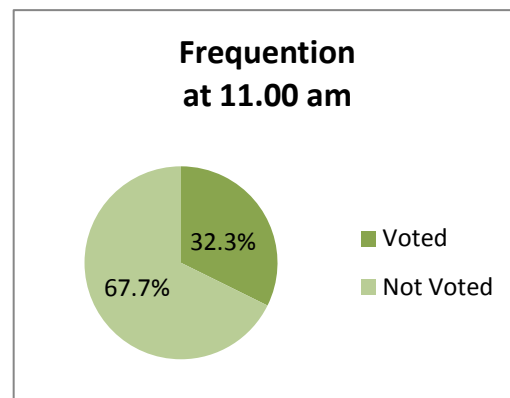
9 streams

10 IEBC officials per stream

Total of 90 staff in this polling station

Officials trained & responsive to questioning

In this area of town were registered mainly Kenyans of Indian origin. Layout of the polling station was clear, but the immense queues outside seemed quite disorganized and confusing.



Soon it became apparent that the queues were the result of delays. Having asked about this, we were told that the new biometric system, which Kenyan government had bought for several million dollars, posed some problems and was slow, causing, in consequence, large queues. Thus, some voters complained about the slow process. Moreover, the electoral commissioners informed us of some cases where people were turned away when coming to the polling station as they were not registered there.

Nevertheless, the atmosphere was peaceful and there were no signs of intimidation, violence or aggression. Finally, it is worth noting that the facilities were accessible for the disabled – it was the only visited polling station with sufficient wheelchair access.



Moi Avenue - Central Business District in City Centre

[Time of arrival: 13.00 am]

12 streams

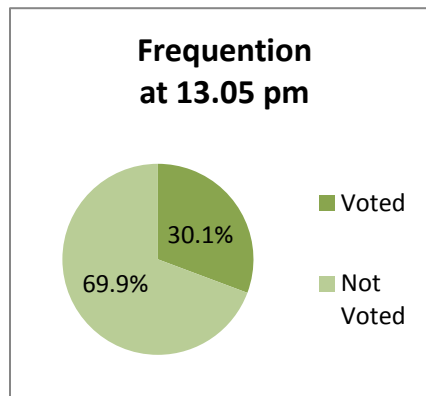
10 IEBC officials per stream

Total of 120 staff in this polling station

5-7 cases of voters needing assistance

Officials trained & responsive to questioning

The monstrous queue at this polling station was among the longest in Nairobi. Thus, we found the queue a day later posted on the front page of the Daily Nation Newspaper. Above and below are photos which were taken by our observers.



Voters were standing in a line going twice around the whole area of the polling station, and crossing four long streets. Judging by its length, the wait must have been equivalent to around 4-6 hours. This queue was a clear example of poor management – too many



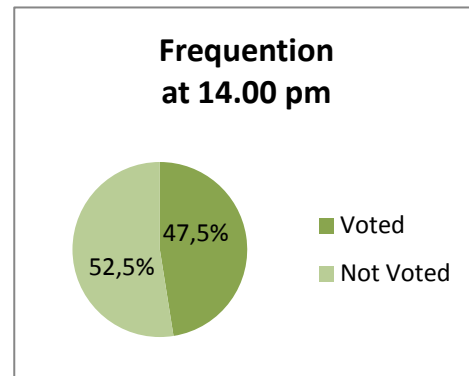
voters were registered at one polling station, which had not been prepared for such a great number of people. Standing for several hours in a queue this long, in full sun, causes tiredness, anger and may trigger violence due to frustration. A case of an elderly women fainting and later dying due to overheating and tiredness was reported by the Kenyan newspapers.

The layout of this polling station was clear, however, there was limited access for the disabled. Moreover there were noticed complaints from the voters regarding unclear labeling of polling streams. Importantly, neither we nor the commission members noticed any group or open voting – the voting booths were placed in order to provide adequate privacy, while the ballot boxes were in clear view of the officers and observers.

Mathare - Polytechnic /Slum/

[Time of arrival: 14.20 pm]

10 streams
10 IEBC officials per stream
Total of 100 staff in this polling station
20-30 voters needing assistance
At least 10 voters having problems with the voting procedures
Officials trained & responsive to questioning



Layout of the polling station was clear and ballot boxes visible and supervised. The voting booths' position maximized privacy as instead of being placed next to each other, they were either one behind the next or back-to-back.

According to commissioners, there were no complaints from voters, but there were some signs of pushing and mild aggression, mostly due to prolonged waiting and delays.

The UN informed that there were two registered deaths in the Mathare Slum although we did not record any violent behavior at the polling station. Nevertheless, one of the officials explained us that since the voters started queuing at midnight, six hours before the opening of polling stations, they were very irritated if someone pushed in or cut the queue, which normally triggers fights, sometimes ending lethally.



Nyayo Stadium - Mombasa Road

[Time of arrival: 15.25 pm]

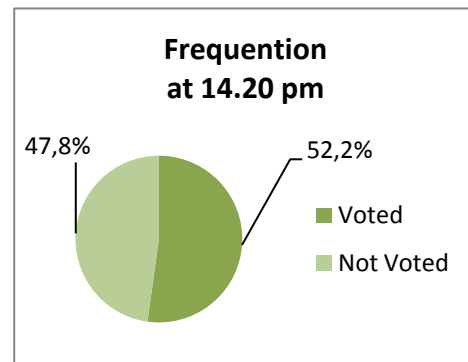
6 Streams

10 IEBC officials per stream

Total of 60 staff in this polling station

4-5 cases of voters needing assistance

Officials trained & responsive to questioning



Layout of the polling station was clear and ballot boxes in full sight of officials. However, it became clear that the boxes would not fit all the votes as they were already jam-packed. Upon questioning the electoral officials acknowledged this problem but did not provide solution.

Moreover, voting booths did seem somewhat less private than in other polling stations, because they were positioned very close to each other. Thus, voters practically touched each other's shoulders when filling up ballot papers.

Interestingly, we saw here five people voting together – upon questioning we have obtained an answer that it was a voter needing assistance. It remains for us not clear why four extra people were needed to assist one voter.

We also noticed some ballot papers being cast in wrong ballot boxes. Seemingly, some voters had trouble in linking colours of ballots and boxes. Indeed, even the commissioners complained that the colours were not strong enough to make them effectively distinguishable. This fact had an influence on later delays in counting.

Among other issues was the fact that the Nyayo Statium polling station was set up outdoors which could bring serious problems for subsequent vote counting. Firstly, the wind easily blows away ballot papers and. Secondly there was very limited light, because it was only provided only by oil lamps. According to the commissioner, power cuts already caused delays throughout the day. Bearing in mind that we observed polling stations in Nairobi, we can only imagine that the problem of power cuts must have been significantly more severe in remote areas of countryside.

Mandaraka School - Langata Road

[Time of arrival: 16.40]

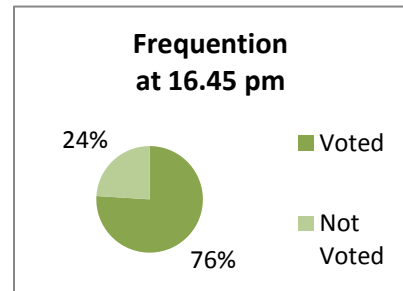
7 Streams

10 IEBC officials per stream

Total of 70 staff in this polling station

10-15 cases of voters needing assistance

Officials trained & responsive to questioning



Layout clear and supervision maintained. Strong emphasis put on silence in the voting streams. In the stream number 5 ballot boxes only had 2 seals instead of original 4 because the polling station had run short of them. However, witnesses were present to testify this change. The officials were clear when explaining to us the procedures.



C. Counting

Mandaraka School - Langata Road

The polling station voting procedures were completed at 6.16pm. All the voters that were in the queue at 5pm were allowed to vote. Although a few cases of people showing up late and getting in the queue were noticed.

Upon closure staff had problems even with filling out polling station's name, address and number in counting protocol. Strong sense of disorganization prevailed and questions of how to go about the procedure were raised. No clear orders and no clear leader. Despite a lot of goodwill and care given to the task of counting, there was no pre-determined technique for this undertaking, which caused disorder, confusion and notable delays. All this together suggests that the commissioners were not adequately trained.

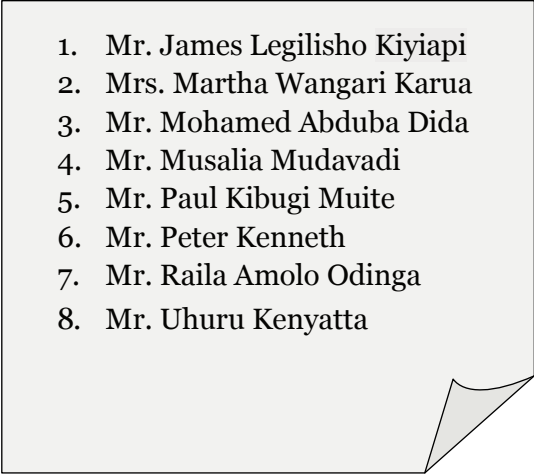
The proper and detailed training was exceptionally important this time because Kenyans had a chance to vote in six different elections during this one day. Every voter received six (!) different ballots to vote for:

1. Member of County Assembly
2. Member of National Assembly
3. Female Member of National Assembly
4. Senator
5. Governor
6. President

The ballot papers indicated candidate's name together with his or her picture and party name with logo to make voting easier for illiterate voters.

Voters were obliged to cross, tick, put a finger print or leave any mark at the space next to the selected candidate. As a rule even if the mark was put in the wrong space, but nevertheless next to the candidate, it was counted as valid because the intention of the voter was clear. The only rejected votes were those where the tick or mark was placed away from any candidate or if there was more than one mark.

The presidential ballot paper had the candidate's names in the following order¹:

- 
1. Mr. James Legilisho Kiyapi
 2. Mrs. Martha Wangari Karua
 3. Mr. Mohamed Abduba Dida
 4. Mr. Musalia Mudavadi
 5. Mr. Paul Kibugi Muite
 6. Mr. Peter Kenneth
 7. Mr. Raila Amolo Odinga
 8. Mr. Uhuru Kenyatta

A large number of people were involved in the vote counting, so there was virtually no possibility of cheating or rigging during the process. One person lifted the paper from the total pile of the '*presidential*' ballots and read aloud the candidate's name that was ticked. He showed it to everyone present in the room and passed to the person assigned to collect votes of this particular candidate. Spoiled votes were placed on a separate file.

Subsequently, when all ballot papers were read out and compiled into files according to the selected candidate's name, the commissioners counted each pile separately. Numbers were recorded accurately on an official IEBC paper in lumps of 25 votes at once to prevent counting confusion.

Counting one ballot box of '*presidential*' votes took over one and half hour. It was therefore clear that all the six boxes (for six different elections) were not a feasible amount of votes to be counted by a team of ten people over one night. It would mean at least 9 hours of on-going counting.

The commissioners were already visibly tired due the long day of work at the polling station and thus very prone to making mistakes. Other than presidential ballots had a bigger number of candidates and for sure were more demanding and time consuming during counting.

¹ Interestingly the two main presidential contestants are listed at the bottom of the ballot paper.

RESULT OF THE PRESIDENTIAL ELECTION MANDARAKA POLLING STATION

Candidate Name	Party	Number of votes	Percentage
Kiyiapi	RBK	3	0.47%
Karua	NARC-K	5	0.78%
Dida	ARK	0	0.00%
Mudavadi	UDF	7	1.09%
Muite	SAFINA	0	0.00%
Kenneth	KNC	32	5.00%
Odinga	ODM	371	57.97%
Kenyatta	TNA	222	34.69%
TOTAL (valid votes)	-----	640	100.00%

III SUMMARY AND EVALUATION

Our general feeling from observing the Election Day was positive. We noticed a high degree of dedication on the side of electoral commissions and a strong willingness to provide us with adequate information. The polling station rules seemed to have been followed in all places of our visits. We were always greeted warmly and allowed to see everything which posed an interest to us.

The closing of the observed polling station (in Mandaraka School) and, subsequently, the counting of the votes posed some difficulties for the commission members who did not seem to be sufficiently organized and prepared for this undertaking. There was no clear organizational structure and top-down management. However, both the commissioners and local observers were very careful about the procedures and the way of vote counting, which made us feel that the intention to provide a fair count was very strong.

On the organizational level, it was insufficient to have 10 staff assigned to count the votes in all 6 ballot boxes throughout one night. One ballot box of '*presidential*' votes took over 1.5 hour of work. It was therefore almost physically impossible to work consistently to count 6 ballot boxes at one run. Such strain would most probably be a cause of many human errors stemming from tiredness.

APPENDIX 1

Post Election Day reports and developments

In the overall positive comments media has reported several incidences

5th March

- The delays at polling stations around the country were blamed on power shortages, inability of polling clerks to remember passwords, in-built security systems which were not decoded on time and training of clerks using different machines. [*Daily Nation, Tuesday 5th March 2013*]
- In a number of cases the biometric system machines failed to recognize the finger prints of voters and therefore could not display their data [*Daily Nation, Tuesday 5th March 2013*]
- Three people were arrested in connection with an attack at Nyali constituency tallying centre on Sunday night. [*The Standard, Tuesday 5th March 2013*]
- Voters broke down a gate at Ndururua Primary School in Dagoretti South constituency after a delay in opening the polling station. The queue formed by 5 am but by 8 am voting did not start. There was a lot of pushing and shoving at most polling stations when they failed to open at the stipulated 6 am. [*The Standard, Tuesday 5th March 2013*]
- The IEBC ordered repeat polls in five wards across the country due to errors on the ballot papers. The commission called off County Assembly elections in Nyabasi West and Goke Haraka wards of Kuria East district and Bunyala South, Gwasi North and Samburu North wards. There were mix-ups in the ballot papers – in some cases names of candidates missed while in other cases names were inter-changed. [*The Star, Tuesday 5th March 2013*]

6th March

- A temporary collapse of the results transmission system at the Bomas of Kenya caused yesterday anxiety after the electoral commission stopped relaying the presidential results for hours. Party officials protested about the delay in relaying of results and accused the IEBC of negligence after all electoral top officials left the tallying centre. [*Daily Nation, Wednesday 6th March 2013*]

- Vote tallying in Othaya was disrupted for more than an hour after supporters of one candidate alleged rigging attempts. Representatives of the candidate claimed that they had spotted a man from a rival camp trying to force an envelope onto electoral officials. They also claimed that some suspicious boxes stuffed with ballots had been brought to the polling station. [*Daily Nation, 6th March 2013*]
- An Administration Police officer died at Moi Gesusu tallying centre in unclear circumstances. This 25-year old officer, who was guarding the centre in Nyaribari Chache Constituency, allegedly shot in the air before dashing to the toilets where he is said to have shot himself in the head and died. Local police boss Tom Mutisya said the cause of the officer death was being investigated. [*Daily Nation, 6th March 2013*]
- A coalition of civil society organizations monitoring these elections as Elections Observation Group (ELOG) claims that a number of people were able to vote although their details did not tally with those in the registers. ELOG estimate that this happened at 15 per cent of polling stations across the country. Based on reports from more than 7,000 of its observers deployed across the country, ELOG informed that by 4 pm on Monday 68.5 per cent of registered voters had voted. According to the Group, in 93.1 per cent of polling stations, voting ended by 7.30 pm. [*Daily Nation, 6th March 2013*]

7th March

- An animated debate emerged from the decision of the IEBC to re-count the rejected votes, currently standing at 340,256. William Ruto, the vice-presidential candidate running along Uhuru Kenyatta was quoted saying: *'IEBC all of a sudden has changed the manner in which they are calculating and tabulating the presidential votes. The chairman announced late this evening that they are going to change the way they are calculating the percentages to include invalid or spoilt votes.'*

However, the constitution states that only those votes are rejected which do not bear the mark of the Commission with a corresponding serial number, appear to be marked against the names of more than one candidate and/or are written or marked in such a way that it is impossible to determine for whom the vote was cast. [*The Standard, 7th March 2013*]

- The Law Society of Kenya has condemned violence that killed together 16 people, including police officials, during Monday's General Election. In its preliminary report the Society condemned also the Sunday attack in Miritini Mishomoroni in Mombasa which resulted in 12 deaths - including six police officers. The attack was blamed on the outlawed Mombasa Republican Council. [*Daily Nation, 7th March 2013*]

APPENDIX 2

Visiting parties' headquarters in Nairobi during electoral silence period 3rd March 2013

1. THE NATIONAL ALLIANCE (TNA)

The headquarters of TNA, located in down-market zone of Industrial Area in Nairobi, was closed at the time of our arrival. Upon questioning we obtained information that all the TNA staff was currently in the field undertaking last campaigning. This information indicates potential breach of electoral silence. In any case there was no sign of activity at the party office.

2. ORANGE DEMOCRATIC MOVEMENT (ODM)

The ODM headquarters which is located in Kilimani, a residential area of Nairobi, was also closed at the time of our arrival. The gate to the property was locked and the only person we managed to contact was the security officer who gave us a phone number to the ODM manager in charge. Unfortunately, he did not provide us with any constructive information. Although we were informed that all ODM staff was away, he could not specify where and was not convincing. It was apparent that our call made him uncomfortable.

3. NEW FORUM FOR THE RESTORATION OF DEMOCRACY – KENYA

At the New Ford Kenya headquarter we met with Regina Wandera, a candidate for Women Member of Parliament in the Khadu Constituency. Mrs. Wandera started her career as party affiliate at Ford Kenya in 2006 where she became a National Chair of Women's League before moving to the New Ford Kenya in 2009 for the post of Deputy Secretary General. Her background is rather that of an activist, which was reflected in her campaign focused on door-to-door campaigning.

Mrs. Wandera expressed her confidence in the elections believing that they would be peaceful, but nevertheless spiked with a considerable amount of bribing and political pressure. At New-Ford Kenya she experienced none but one situation of opposing party intimidation when a vehicle of her party was pushed off the road by a vehicle of another party during the intense campaigning period.

We were told that the situation in Kenya had improved in terms of female candidates running for prominent positions. Unlike this year, five years ago there was no female presidential candidate. When we asked about the media, Mrs. Wandera expressed a strong belief that objective coverage of the elections was inadequate in villages and remote areas and in some places even inexistent. However, she also

underlined that this elections had a much cleaner campaigning than five years ago. Nevertheless, according to Mrs. Wandera, there is still too much money dedicated to campaigning which lacks creativity.

4. SAFINA

At the Safina party headquarters in Kilileshwa we interviewed Mrs. Beatris Wamaitha - an Office Assistant. We were provided with brief information about the party. Safina has over 100,000 members throughout Kenya, with over 2,000 members in the majority of counties. All members are from mixed ethnic groups. Safina's strongholds are the western parts of Kenya.

Mrs. Wamaitha was optimistic about the elections both in terms of peace and fairness. She emphasized that the people of Kenya had learnt substantially from the consequences of violence in 2007 and would not pose a threat to peace this year, also due to increased access to information. Mrs. Wamaitha said, on behalf of the party, that Safina would support other candidates for presidency if there was to be a second round without its candidate Paul Muite.

ABOUT THE AUTHORS

Leszek Pochron-Frankowski is an specialist with academic background in international relations, security and international law. He took a part in elections in Gdansk, Poland and was successfully elected to the Central District City Council in Gdansk where he served as a vice-chair of the Council. Leszek also worked at the UN-Habitat Liaison Office in New York, U.S. and later at the Polish Embassy to Kenya in Nairobi. All of that gives him a worldwide perspective that he is using to build upon the Polish Forum of Young Diplomats. (E-mail: lpochron-frankowski@diplomacy.pl)

Mikołaj Radlicki Born in Warsaw in 1987 he grew up in Rome from where, at the age of 18, he moved to London to study political economy of development with a focus on developing countries. Before commencing his professional career in the Embassies of Poland in Algeria and later Kenya, he engaged in a one-year journey around Southeast Asia. In 2012 he began his work in development of Somalia, initially in Food and Agriculture Organization of the UN and currently for an European Union project in Puntland, where he focuses on building capacity among local non-governmental organizations. (E-mail: mradlicki@diplomacy.pl)



Mikołaj Radlicki (left) and Leszek Pochron-Frankowski (right) during Election Day observation are interviewing candidate to parliament and questioning a soldier on a local security situation.

The Election Observation Delegation was coordinated by **Slawomir Szyszka** – The Polish Forum of Young Diplomats member. Slawomir is involved in election observation starting from 2006 and has comprehensive experience in this area. This includes participation in a number of election observation missions including for the OSCE but also in monitoring electoral campaign finances for the Stefan Batory Foundation Program Against Corruption. Moreover he worked as an intern in the European Parliament Election Observation Unit and was involved in all stages of the EP Election Observation Delegations up to the writing final reports. Recently Slawomir analyzed and assessed methodology of election observation used by the Pacific Islands Forum (for the International IDEA). Having in regard elections in Poland he initiated follow-up activities aimed on realization of the OSCE/ODIHR Election Assessment Missions recommendations. (E-mail: sszyszka@diplomacy.pl)

THE POLISH FORUM OF YOUNG DIPLOMATS



The Polish Forum of Young Diplomats (PFYD) is a nationwide non-governmental organization that brings together young people, students and graduates of a number of Polish and foreign universities, who have defined career ambitions of working in an international environment.

The vast majority of nearly 100 members of the PFYD are people with experience in national and international non-governmental organizations as well as, employees of the Polish public administration and the European Union institutions. The PFYD was established in 2002 and since then has been achieving its goals and objectives through Regional Representations based in Cracow, Lublin, Lodz, Poznan, Tricity and Warsaw.

The PFYD's mission is to:

"Create and educate future Leaders who, by their activities, will ensure the strong and stable position of Poland in the arena of international politics".

These aims are achieved by Programs including 'Young Election Observers'. This is the only long-term Program in Poland that is specifically dedicated to election observation. Its main objectives include conducting domestic and international election observations as a tool for education and to increase interest in public life, to follow-up on the OSCE recommendations from monitoring elections in Poland and advocating for changes in Electoral Code to make it more consistent with international commitments. Moreover, it also organizes courses for observers and provides and publishes analyses on elections.

The PFYD is registered as a Public Benefit Organization, and has a partnership status with the Council of Europe. The PFYD is also a member of the Zagranica Group, the European Union - Russia Civil Society Forum and NGO Network (IVF). The PFYD participates in the work of Eastern Partnership Civil Society Forum.

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