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Postelection Statement on Kenya Elections, Dec. 29, 2002

29 Dec 2002

The Carter Center is pleased to have observed Kenya's presidential, parliamentary, and civic elections on Dec. 27. The Center commends the people of Kenya for their conduct on election day and the generally calm atmosphere in which polling took place. Overall, the 2002 elections were conducted in a peaceful and tolerant manner. Thousands of Kenyans responded enthusiastically, often forming long lines at the opening of polls.

Kenya's 2002 elections mark the historic succession to President Daniel Arap Moi and stand as an example to the region and Africa as a whole. The Electoral Commission of Kenya is commended for its role in the conduct of the elections and The Carter Center welcomes the degree of professionalism and impartiality displayed by the Commission and its staff.

Former Zambia President Kenneth Kaunda and former U.S. Ambassador Gordon Streeb, associate executive director of the Center's peace programs, led the Center's delegation of 25 observers. Several days before the elections, Center observers were deployed to the Nairobi area and six provinces, visiting more than 200 polling stations on election day.

The people of Kenya have voted for change, and though the voting is now over, the processes of tabulation and verification of final results are ongoing. The Center will continue to observe these processes in the days ahead. It is too early to evaluate the election as a whole, but after the process has concluded the Center will issue a more comprehensive report.

Peaceful Voting

The Carter Center commends Kenyans for the peaceful conduct of the elections and the determination shown by election staff and voters alike on what was a very long election day. While the 2002 election campaigns were marked by several incidents of violence and political intimidation, they were very much improved from those of previous elections in 1992 and 1997.

The fact that the polling process transpired peacefully is a testament to the Kenyan people.

Prior to the elections, the Center received reports of inequitable media access for Kenya's opposition parties and also noted with concern the highly unequal distribution of voting population among Kenya's 210 parliamentary constituencies. These and other factors contribute to an unequal playing field and should be reviewed.

The Center is pleased that the Electoral Commission of Kenya enforced the Electoral Code of Conduct and handed down judgements in several cases involving bribery, attempted rigging, and political intimidation. This approach to conflict resolution as well as the introduction of community-based peace committees designed to facilitate tolerance and political dialogue should be retained and intensified for future elections.

On election day, the Center observed many dedicated polling officials who executed their responsibilities in a professional and impartial manner. We also note the strong presence of many party agents and observers. For the most part, party agents and observers performed their tasks with careful attention to all aspects of the polling process. The Center is impressed particularly by the long-term and intensive efforts of domestic election observers. At most polling stations, there was good communication between electoral officials and party agents and observers.

Despite the fears of election day violence, security officials maintained a low profile, and, in some cases, appeared to be too few in number to deal with the large crowds that gathered in the vicinity of some polling stations. In the end there were few reported security problems on election day.

Finally, we applaud the transparent counting of ballots in the polling station and the tabulation

process at constituency tally centers, which reduced opportunities for manipulation of the count.

The Voting Process

While many polling stations opened on time, it is important to note that about one-third of the stations visited opened late, even though their full staff complement and necessary election materials were generally present.

In addition, although polling officials were generally competent, they had difficulty processing voters quickly. Consequently, many voters were forced to endure long lines and extremely long waits in order to cast their ballots. Once inside the polling station, voters faced a cumbersome voting process, further slowed by the tripartite elections.

Some of these election day problems could have been avoided with better planning. Polling stations at each polling center had to process up to 1,000 voters, and officials had to page through the voters register for the entire center. In places where there were up to 21 polling stations (or streams), the result was a very slow process of checking for voters' names. The Electoral Commission of Kenya might consider reducing the number of voters per polling station and dividing the voters register into appropriate and manageable segments to enhance the efficiency of the polling process.

In the days leading up to the elections the Electoral Commission of Kenya announced several last minute changes concerning the voters register. In the end, only voters with the appropriate identification whose names appeared on the 2002 voters register were to be allowed to vote. Without adequate communication of this decision by the Electoral Commission of Kenya to the local electoral officers, few presiding officers could say with certainty how to deal with voters whose name did not appear on the voter register. This led to different responses by presiding officers (and hence unequal treatment across different polling stations). Although it is difficult to quantify how many voters were affected by this decision, it appears that a considerable number of Kenyans were unable to cast their ballots. These last minute changes were confusing and threatened to undermine the confidence of the electorate in the Electoral Commission of Kenya. Clearer and more consistent communication from the Electoral Commission of Kenya on this matter might have avoided these problems.

Carter Center observers reported that many presiding officers sought to resolve problems as impartially and efficiently as possible.

Voter secrecy was not always assured, particularly in the case of disabled or illiterate voters who required assistance. In several cases, assisted voting was conducted in full view of party agents, observers, and other voters in the polling station. In other cases, it appears that the provision of assisted voting for illiterate voters may have been abused with an unusually high number of voters demanding such assistance in some stations with few or none in others. It is not immediately clear if these instances of high numbers of assisted voters reflected an attempt to commit voter fraud. The Electoral Commission of Kenya should review the operation of this aspect of the electoral law. In addition, more civic education on all aspects of the voting process, enhanced ballot paper design, as well as more intensive training for polling officials could minimize the instances of assisted voters.

Counting and Tabulation

Despite the late opening of many polling stations, the counting process was generally efficient. The decision to amend the electoral law to enable counting at polling stations has greatly enhanced the transparency of this aspect of the process. Although Carter Center delegates observed some irregularities during the counting process, they were typically of a minor nature and do not appear to have affected the overall results. The difficulties could be avoided with more hands-on training for polling officials and party agents.

In general, the tabulation process was well-managed and conducted in the presence of enthusiastic, but disciplined candidates, party agents, and observers. Thus far, results announced at the constituency tally centers have been received without acrimony or violence. However, the transparency of the process could be improved with more visible posting of results in the tally centers and the use of public address systems to ensure that all participants may follow the process accordingly.

Conclusion

The Center will continue to monitor the tabulation process, as well as any forthcoming deliberations concerning complaints or protests. Now that Kenyans have voted for change, they must remain as vigilant and demanding of accountability from their new leaders as they were in exercising their right to choose them. The constitutional reform process must be renewed, with special attention directed to electoral reform and the establishment of a level playing field for all political actors. Kenya's important role as a leading African nation has been enhanced by these elections, and the country's newly elected leaders should take immediate steps in the fight against corruption, the consolidation of democracy, and the respect for the rule of law to lay the groundwork for Kenya's economic and political development.