

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

**AFRICAN UNION ELECTION OBSERVER MISSION
TO THE 2017 GENERAL ELECTIONS IN KENYA**

PRELIMINARY STATEMENT

I. INTRODUCTION

1. At the invitation of the Government of the Republic of Kenya and the Independent Electoral and Boundaries Commission (IEBC), the Chairperson of the African Union Commission, His Excellency Moussa Faki Mahamat, approved the deployment of an AU Election Observation Mission (AUEOM) to observe the 8 August 2017 General Election in the Republic of Kenya.
2. The mission is led by His Excellency, Thabo Mbeki, former President of the Republic of South Africa. The mission is comprised of 90 short term observers (STOs) and 14 long term observers (LTOs) drawn from 31 African countries, and representing the African Union Permanent Representatives Committee (PRC), the Pan-African Parliament (PAP), Election Management Bodies, Civil Society Organisations (CSOs), Think Tanks and Academia.
3. The AUEOM's assessment of the 2017 general elections in Kenya is based on the principles and standards for the conduct of democratic elections as enshrined in relevant African Union instruments, namely, the African Charter on Democracy, Elections and Governance; the OAU/AU Declaration on Principles Governing Democratic Elections in Africa; the Guidelines for AU Electoral Observation and Monitoring Missions; the Declaration of Principles on International Election Observation; and the legal framework for the conduct of elections in Kenya.
4. Mindful that the electoral process is still ongoing with the results tallying process yet to be finalised, this statement presents the AUEOM's preliminary findings up until 08 August 2017. The AUEOM will continue to observe the post electoral developments

and will release a final report within two months of the end of the AUEOM.

5. On Election Day, 43 AU observer teams visited 464 polling stations across the country where they observed all Election Day procedures. The observers were equipped with smart tablets to capture and transmit their observations and findings in real-time to the Mission headquarters.

II. ELECTION DAY FINDINGS

The AUEOM notes that Election Day was largely peaceful except for an incident reported in Mombasa where the people fired shots to disperse a crowd at the Frere Town Primary School polling station in Nyali constituency, Mombasa.

a) Opening the poll

AU observer teams observed the opening at 41 stations. Opening procedures stipulated by the law were followed. Some stations opened slightly late mainly due to slow preparations by polling officials, especially the failure of the password on some of the BVI devices (KIEMS). The AUEOM notes with satisfaction the flexibility granted by the IEBC to extend voting period for the polling stations that opened late to make up for lost time at the opening.

b) Polling stations and Election Day materials

The AUEOM notes that 98% of polling stations visited had the requisite essential materials throughout the day. The observers however noted the limited supply of polling booths that slowed down the process. The AUEOM notes that the colours of the ballot box lids were not obviously distinguishable, some voters therefore required guidance on placing their ballot in the appropriate boxes to avoid invalidation of their ballot as 'stray ballot'.

The mission notes that 88% of the polling stations visited were accessible to all voters including PWD. However, some of the polling stations were inaccessible as they were located upstairs and unlevelled.

c) Polling staff, independent observers and party agents

The AUEOM observers reported that all stations visited had the full complement of staff who performed their duties in accordance with the laws and electoral regulations of Kenya.

Citizen observer groups were present, with a maximum of 2 citizen observer groups at the polling stations observed mainly from ELOG.

The AUEOM noted the presence of party or candidates agents in most polling stations visited, predominantly those representing the incumbent candidate from the Jubilee party, the main opposition candidate from the Orange Democratic Movement and Independent candidates representatives respectively.

d) Voting procedures

The Mission noted that voting proceeded in a generally peaceful manner.

Assistance was provided to PWDs, aged voters and others requiring assistance in line with stipulated Election Regulations. Observers however noted that the requirements for party agents to witness the assistance provided to voters may have compromised the secrecy of their vote. The mission also noted the absence of tactile ballots for visually impaired voters.

Voting process only stalled at 3% of the polling stations visited due to technical challenges with the BVI machine, mix-up with lids of ballot boxes and dried out indelible markers.

The AUEOM appreciates the efforts by the IEBC and the government of Kenya to make voting arrangements for prisoners to vote in the presidential election as a milestone towards inclusive elections.

e) Closing the poll

Closing and counting procedures were observed in 37 polling stations visited by AUEOM observers. The observers noted that 30% of the stations observed closed later to make up for lost time at the opening. By the stipulated time of closing, 78% of the polling station observed had no queues, and voters in the queues in 22% of the stations were able to cast their vote.

Observers noted that the ballot reconciliation and other closing procedures were conducted in line with the regulations. The counting proceeded in an orderly manner in the presence of observers and party agents in stations visited. In Mombasa, shots were fired at an unruly crowd outside, but counting proceeded in the end. Observers noted that all party agents who were present at the count consented and signed the results before it was transmitted electronically and a copy posted outside the station by the Presiding officer.

III. CONCLUSION

The AUEOM notes that the IEBC is still involved in a process of tallying the votes. It has therefore not announced any results as at the time of the preparation of this Report. This means that as the electoral process is continuing, it may be premature to make a final statement.

However, the AUEOM is very pleased to say that the Elections were peaceful. On Election Day, August 8, the population went to the polling stations in large numbers. The people were permitted to vote in a manner which met the standards set in Kenya law, which was also consistent with the policies of the African Union.

Similarly the process of counting the votes at the polling stations was done in a transparent manner with the participation of the agents of the political parties. The forms reflecting this information were then signed by both the IEBC Presiding Officers and the party agents.

With the party agents observing, this information was then entered into the devices and the forms were scanned using the same equipment,

with all this material then being electronically transmitted to the IEBC Tallying Centre and the Constituency Tallying Centres.

Accordingly, we can say that the processes we were able to observe, up to and including the counting of the votes at the polling stations and their transmission to the IEBC, met the standards set by Kenya and the AU for the conduct of democratic elections.

The AUEOM has taken note of concerns that have been expressed by some stakeholders relating to the tallying of the votes and therefore the ultimate outcome of the Elections.

In this regard, the AUEOM calls upon all stakeholders to work together to address these concerns, relying especially on the institutions legally established to organise the Elections, especially the IEBC.

The AUEOM will continue with its work as the electoral process has not yet been completed.

It therefore reserves its right to make such other additional comments as might be necessary.

Nairobi, 10 August 2017