

Date: 20th March 2012

**PRESS STATEMENT BY THE ELECTIONS OBSERVATION GROUP (ELOG) ON THE IEBC'S
ANNOUNCEMENT OF THE MARCH 4TH 2013 ELECTIONS DATE**

The Elections Observation Group has in the recent past raised concerns on the lack of a definite election date which continued to create uncertainty in the legislative and administrative framework of the next general elections. Indeed, the need for a pre-set election date taking into account all the required timelines for efficient conduct of elections, was one of the key recommendations by the Independent Review Commission on the Conduct of the 2007 Elections.

In our last press statement dated 5th March 2012, we called upon the IEBC, in the absence of leadership on the part of the two Principals, to guide the country by providing a suitable election date which will provide certainty for compliance with the statutory and constitutional timelines.

Indeed the high court ruling of 13th January 2012, on the election date, identified the IEBC as the body with the constitutional responsibility to fix the date of the next elections. We wish to draw the attention of the public that the 4th March 2013 date is not cast in stone. It is our view that this date may be altered by three other factors namely:

- a) A reversal of the high court ruling on the election date by the Court of Appeal;
- b) A Constitutional Amendment by Parliament; and/or
- c) An agreement by the two Principals in writing to dissolve the coalition.

In view of the raging political statements and nuances on the 4th March date which may have an effect of polarizing the country, we are of the strong view that, in the interests of the nation's well-being, it is important for the President and Prime Minister to reach a political consensus on an election date.

We take cognizance of the realities of a March 2013 date which include that Kenyans will lack representation in the National Assembly for a period of almost two months. Worryingly, also, is that the term of the current President will be extended without any check by the legislature, a key arm of government, for at least two months, that is, from 15th January to 8th March and at worst even longer should there be a presidential runoff.

Given these concerns, we appeal to the two Principals, in the spirit of nationhood, to act like true statesmen and place the interests of Kenyans first by agreeing on a most suitable date for

the first elections, which will guarantee the rule of law and respect for the Constitution. It is our view that by doing so, the Principals will be saving the country from a possible constitutional crisis in the future with regard to the dates of subsequent elections. This positive action on their part will shield the IEBC from accusations of political bias and thus promote the credibility of the electoral process which is crucial at this moment given the history of elections in Kenya.

We call upon Parliament to also place the interests of Kenyans at the fore and deliberate on this matter. We also urge the Court of Appeal to judiciously dispense with the appeal on the high court ruling on the election date.

Moving forward, we encourage the IEBC to be as robust and inclusive as possible in their consultations and decision making processes.

We urge all Kenyans to reject any polarizing statements around the election date and continue to soldier on vigilantly to ensure that the next elections are conducted in a credible, peaceful, free and fair environment.

Conclusion:

ELOG will continue to comprehensively monitor and observe the electoral processes and provide impartial and objective reports and recommendations.

May God bless Kenya.

Thank You.

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