

**DIPLOMACY OF INTERNATIONAL ELECTION OBSERVER MISSIONS IN
CONSOLIDATING DEMOCRACY IN KENYA SINCE 1992**

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**A Thesis Submitted in Partial Fulfillment for the Conferment of the Degree of
Doctor of Philosophy in Diplomacy and International Relations of Masinde Muliro
University of Science and Technology**

October, 2024

DECLARATION

This research proposal is my original work prepared with no other than the indicated sources and has not been presented elsewhere.

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DEDICATION

I dedicate this Thesis to my mentor Ambassador Simon Nabukwesi, my entire family and friends for all the love and support they have given me during the entire period of my doctoral journey.

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ABSTRACT

Since the end of the Cold War, western countries pioneered the global diffusion of liberal democratic norms and principles on the strength of democratic peace theorists in pursuit for global economic prosperity, peace and security. Elections, therefore, were at the center of liberal democracy and flawed elections corroded political legitimacy of state actors. Similarly, the practice of election observation also gained widespread significance and engulfed many parts of the world. It thus became part of the new agenda of globalization of western forms of democratic electoral practice. Globally one can say that diffusion of liberal democratic norms has been somewhat successful, and the ideology widely accepted. Election observation was a phenomenon African states did not welcome but the “perks” that came with it were worth Western states monitoring elections in Continent. One such African country that seemingly has embraced election observation is the state of Kenya. International and citizen observers have monitored Kenya’s elections since the first multi-party election as an independent state in 1992. Despite Kenya’s openness to the democratic norm of election observation, elections in Kenya have been marred with violence, widespread irregularities and state intimidation among other vices pointing to deficiencies in International Election Observation Missions as a pathway to democratic consolidation- an area that this study sought to interrogate. The general objective of this study was to investigate the diplomacy of international observer missions in consolidating democracy in Kenya Since 1992. The specific objectives of the study were to: Examine the nature and extent of the diplomacy of international election observer missions and democratization process in Kenya; Assess the efficacy of diplomacy of international election observer missions in democratization process in Kenya; Explore the democratization process in Kenya in the context of international election observer missions and to evaluate the challenges and opportunities arising from diplomacy of international observer missions in the democratization process in Kenya. The study triangulated power, functionalism, neofunctionalism and democratic peace theories. The study adopted descriptive survey, historical longitudinal and exploratory research designs. The sample size of the study was 128 respondents comprising election observers- both domestic and international, political parties, media, electoral commissioners, IEBC officials among others. Quantitative data was analyzed descriptively by computing measures of central tendency, frequency counts and percentages. Qualitative data was analyzed thematically and presented through narratives and verbatim quotations. Study findings on specific objective one established that strengthening host country diplomatic relations was strongly supported (76%); promotion of peace and stability (74%); Presidential elections received the highest support (46%) as being of interest to observers; Election phase had the highest observer attention (45%); Study findings on specific objective two revealed that observer missions were effective (64%) in democratic consolidation; Cooperation with host government (78%) was ranked highest as factor influencing effectiveness of IEOMs. Study findings on the third specific objective revealed that only two of eight or 25% of elections were free and fair; a mean majority (83%) respondents supporting IEOM reports had positive impact on democratic consolidation with secondary data showing very low uptake and implementation of IEOM recommendations. Study findings on the fourth specific objective revealed a number of challenges facing IEOMs: Accusation of bias (72%); Inability to deploy long term observers (67%); Interest bias (47%); Limited collaboration with domestic observer groups (41%). Opportunities included: Extension of mission stays (73%); Early deployment of IEOMs (64%); Collaboration with domestic observers (54%). Overall, arising from the findings, the study concludes that the diplomacy of IEOMs has had limited success ($\leq 20\%$ of IEOM recommendations implemented) in consolidating democracy in Kenya since 1992 majorly because of the “observer-observed” dilemma on balance of strategic interests-*realpolitik* and the resort to peaceocracy, therefore accounting for cyclic cases of violence, electoral irregularities and state intimidation in Kenya’s elections since 1992. The fluid nature that this dilemma presents and will continue to inform diplomacy of IEOMs in democratic consolidation in future elections in Kenya. Policy recommendations include: establishment of a formalized framework that allows both domestic and IEOMs to operate within similar guidelines; Increased multisectoral engagement; Government of Kenya through independent bodies to review and implement outstanding IEOM recommendations and establishment of a structured framework that allows for stronger participation of domestic observers and civil society in implementation IEOMs outstanding recommendations in the post-election phase. A study on strategic manipulation in the context of IEOMs, an examination of the impact of reports on state legitimacy, an assessment impact of lack of implementation of outstanding IEOM recommendations are recommended.

TABLE OF CONTENT

DECLARATION.....	ii
CERTIFICATION BY SUPERVISORS	ii
PLAGIARISM STATEMENT	iii
STUDENT DECLARATION.....	iii
COPYRIGHT.....	iv
DEDICATION.....	v
ACKNOWLEDGEMENTS	vi
ABSTRACT.....	vii
TABLE OF CONTENT.....	viii
LIST OF FIGURES.....	xiv
LIST OF TABLES	xvi
LIST OF PLATES	xvii
LIST OF APPENDICES	xviii
LIST OF ABBREVIATIONS AND ACRONYMS	xix
OPERATIONALIZATION OF KEY CONCEPTS	xxiii
CHAPTER ONE	1
INTRODUCTION.....	1
1.1 Background to the Study.....	1
1.2 Statement of the Problem.....	7
1.3 Research Objectives.....	8
1.4 Research Questions.....	9
1.5 Justification of the Study.....	9
1.5.1 Academic Justification.....	9
1.5.2 Policy Justification	10
1.5.3 Philosophical Justification.....	11

1.6 Scope of the Study	15
1.7 Chapter Summary	15
CHAPTER TWO	17
LITERATURE REVIEW	17
2.1 Nature and Extent of Diplomacy of International Election Observer Missions in Consolidating Democracy	17
2.1.1 Conceptual Issues.....	17
2.1.2 The Scope of International Observation Missions.....	19
2.1.3 History of International Observer Missions.....	21
2.1.3.1 Early Invites to Election Observation Missions	25
2.1.4 The Set-up of Election Observation Missions	28
2.1.4.1 International Legal Frameworks for Election Observation	28
2.1.4.2 Institutional Mandates of the Sending International Organization..	30
2.1.4.3 The Legal Relationship between the EOM and the Host Country....	31
2.1.4.4 Agreements with Host Countries.....	31
2.1.4.5 National Legal Framework for Observers	33
2.1.5 Typologies of International Election Observer Missions	34
2.1.5.1 The Role of Observers	35
2.1.5.2 Representative Democracy and Importance of Elections	39
2.1.5.3 Stages of Democratization	41
2.2 Efficacy of Diplomacy of International Election Observer Missions in Consolidating Democracy	42
2.2.1 Deter and Prevent Fraudulent Electoral Processes	42
2.2.2 Improving Quality of Electoral Practices	48
2.2.3 Deterrence of Electoral Fraud	49
2.2.4 Reducing the Likelihood of Violent Incidences.....	50
2.3 Democratization Process in the Context of International Election Observer Missions.....	50
2.3.1 Democratization in Ghana in the Context of IEOMs	50
2.3.2 Democratization in Nigeria in the Context of IEOMs	53
2.3.3 Democratization in Uganda in the Context of IEOMs	57
2.3.4 Democratization in Kenya in the Context of IEOMs	62
2.3.5 General Elections in Kenya in the Age of Multiparty Democracy	63

2.3.5.1 General Elections of 1992	63
2.3.5.2 General Elections of 1997	65
2.3.5.3 General Elections of 2002	67
2.3.5.4 General Elections of 2007	70
2.3.5.5 General Elections of 2013	74
2.3.5.6 General Elections of 2017	75
2.3.5.7 General Elections of 2022	77
2.4 Challenges and Opportunities of Diplomacy of International Election Observer Missions in Consolidating Democracy	78
2.4.1 Challenges Facing Diplomacy of IEOMs in Democratic Consolidation ..	79
2.4.1.1 Accusations of Partisanship	79
2.4.1.2 Inaccuracy & Inconsistent Assessments	83
2.4.1.3 Inability to Deter Electoral Fraud	84
2.4.1.4 Financial Constraints by IEOMs.....	86
2.4.1.5 Observer Intimidation	87
2.4.1.6 Lack of Collaboration with Domestic Observers	87
2.4.1.7 Contradiction of IEOM Reports Verdicts by Courts	90
2.4.1.8 Accusations of Bias	93
2.4.1.9 Accusations of Political Tourism	98
2.4.1.10 The Dilemma of Exposing Fraud	100
2.4.1.11 Accusations of Applying Low Standards Observation in African Elections	103
2.4.1.12 Disinformation by Social and Digital Media Platforms	107
2.4.1.13 Lack of interest in the Post-Election Phase	109
2.4.1.14 The Dilemma of Dealing with Incumbency	110
2.4.2 Opportunities for Diplomacy of IEOMs in Democratic Consolidation .	111
2.4.2.1 Extension and Expansion of Missions	111
2.4.2.2 Introduction of New Methodologies	113
2.4.2.3 Invest in Domestic Election Observation	115
2.4.2.4 Harness the Potential of Modern Technology	116
2.4.2.5 Mobilize the Power of Perceptions	118
2.4.2.6 Opportunities for Peer Learning.....	119
2.4.2.7 Collaborating with Domestic Observer Groups.....	119
2.5 Knowledge and Research Gaps in the Literature	122
2.6 Conceptual Framework.....	123

2.6.1 Power Theory by Hans Morgenthau.....	123
2.6.2 Theory of Functionalism by David Mitrany <i>et al.</i>	124
2.6.3 Democratic Peace Theory.....	125
2.3.4 Neo Functionalism by Ernst B. Haas	130
2.7 Conceptual Framework Model.....	133
CHAPTER THREE.....	134
RESEARCH METHODOLOGY	134
3.1 Research Design	134
3.2 Study Area	136
3.3 Target Population	137
3.4 Sample Size and Sampling Technique	138
3.4.1 Sampling Frame.....	139
3.5 Data Collection Methods	139
3.5.1 Data Collection Procedure	141
3.6 Validity of Research Instruments.....	141
3.7 Reliability of the Research Instruments	142
3.8 Data Analysis and Presentation	142
3.9 Limitations of the Study	143
3.10 Ethical Considerations.....	143
3.11 Chapter Summary	144
CHAPTER FOUR.....	145
NATURE AND EXTENT OF DIPLOMACY OF INTERNATIONAL ELECTION OBSERVER MISSIONS IN CONSOLIDATING DEMOCRACY IN KENYA SINCE 1992.....	145
4.1 Questionnaire Survey Response Rate	145
4.2 Socio-Demographic Characteristics of Respondents.....	146
4.2.1 Gender of Respondents.....	146
4.2.1 Education Level of Respondents.....	153
4.2.3 Years of Experience in Internationally Observed Elections	154
4.2.4 Category of Election Observation Mission	156

4.2.5 Type of Election Observer Mission	161
4.3 Nature & Extent of Diplomacy of International Election Observer Missions in Consolidating Democracy in Kenya Since 1992	166
4.3.1 Number of Elections Observed in Kenya Since 1992	166
4.3.1.1 Specific Elections Respondents Had Observed in Kenya.....	167
4.3.2 Whether Respondents Had Observed Elections Outside Kenya.....	170
4.3.3 Primary Role of International Election Observer Missions in Kenya ...	171
4.3.4 Motivations for Deployment of International Election Observer Missions in Kenya	187
4.3.5 Scope of Election Observation	201
4.3.6 Phases and Activities Observed by IEOMs During Elections in Kenya	203
4.3.6.1 Pre-Election Activities Observed by IEOMs	206
4.3.6.2 Election Activities Observed by IEOMs	209
4.3.6.3 Post-Election Activities Observed by IEOMs.....	211
4.4 Chapter Summary	214
CHAPTER FIVE	216
EFFICACY OF DIPLOMACY OF INTERNATIONAL ELECTION OBSERVER MISSIONS IN CONSOLIDATING DEMOCRACY IN KENYA SINCE 1992	216
5.1 Diplomatic Tools Used by IEOMs for Democratic Consolidation in Kenya	216
5.2 IEOMs Engagement with Key Stakeholders During Elections in Kenya.....	231
5.3 Respondents Assessment of IEOMs Effectiveness in Consolidating Democracy in Kenya since 1992.....	237
5.4 Extent IEOMs Influence the Behavior Electoral Stakeholders.....	245
5.5 Level of Cooperation between IEOMs and Key Stakeholders in The Democratic Consolidation in Kenya since 1992	249
5.6 Respondents Level of Agreement on Key Factors Influencing Effectiveness of IEOMs in Consolidating Democracy Since 1992	252
5.7 Whether IEOMs had led to Electoral Reforms in Kenya since 1992.....	257
5.8 Chapter Summary	261
CHAPTER SIX	263

DEMOCRATIZATION PROCESS IN THE CONTEXT OF INTERNATIONAL ELECTION OBSERVER MISSIONS IN KENYA SINCE 1992.....	263
6.1 Respondents Classification of Elections Observed by IEOMS in Kenya since 1992.....	263
6.1.1 Election Observation in 1992 Elections.....	267
6.1.2 Election Observation in 1997 elections	271
6.1.3 Election Observation in 2002 Elections.....	274
6.1.4 Election Observation in 2007 Elections.....	275
6.1.5 Election Observation in 2013 Elections.....	277
6.1.6 Election Observation in 2017 Elections.....	287
6.1.7 Election Observation in 2022 Elections.....	290
6.2 Whether Recommendations by IEOMs informed Democratic Consolidation in Subsequent Elections Since 1992	292
6.2.1 Factors that Affect Implementation of IEOMs Recommendations	298
6.2.1 Implementation of IEOM Reports Since 1992	302
6.3 Contribution of IEOMs in Strengthening Democratic Institutions in Kenya Since 1992	317
6.4 Level of Agreement on the Contribution of IEOMs in Facets of Democratic Consolidation since 1992	319
6.5 Respondents Views on IEOMs with the Greatest Impact on Democratic Consolidation in Kenya since 1992.....	326
6.6 Chapter Summary	329
CHAPTER SEVEN.....	332
CHALLENGES AND OPPORTUNITIES OF DIPLOMACY OF INTERNATIONAL ELECTION OBSERVER MISSIONS IN CONSOLIDATING DEMOCRACY IN KENYA SINCE 1992	332
7.1 Challenges of Diplomacy of IEOMs in Consolidating Democracy since 1992	332
7.1.1 Accusations of Bias	334
7.1.2 Financial Challenges to Train & Deploy	341
7.1.3 Limited Geographical Scope of Coverage by International Election Observers	343

7.1.4 Inability to Deploy Long Term Observers.....	345
7.1.5 Dilemma of Exposing Fraud	347
7.1.6 Contradiction of Verdicts of IEOMs by Courts.....	350
7.1.7 Perception of Lowering Standards for African Elections	354
7.1.8 Accusations of Interest Bias	358
7.1.9 Accusations of Dominance of Domestic Observer Groups	362
7.1.10 Low Interest in the Post-Election Phase	365
7.1.12 Competing Interests Between IEOMs.....	367
7.1.13 Accusations of Political Tourism	369
7.2 Opportunities for Diplomacy of IEOMs in Consolidating Democracy in Kenya	372
7.2.1 Professionalizing IEOMs.....	374
7.2.2 Expansion of Capacity of IEOMs	376
7.2.3 Uptake of Technology	378
7.2.4 Long-term Engagement and Extension of Mission Stays.....	384
7.2.5 Collaboration with Domestic Observers	388
7.3 Chapter Summary	392
CHAPTER EIGHT	394
SUMMARY, CONCLUSIONS AND RECOMMENDATIONS	394
8.1 Introduction.....	394
8.2 Summary of Findings	394
8.2.1 Nature and Extent of Diplomacy of International Election Observer Missions in Consolidating Democracy in Kenya Since 1992.....	394
8.2.2 Efficacy of Diplomacy of International Election Observer Missions in Consolidating Democracy in Kenya Since 1992	396
8.2.3 Democratization Process in The Context of International Election Observer Missions in Kenya Since 1992	397
8.2.4 Challenges and Opportunities of Diplomacy of International Election Observer Missions in Consolidating Democracy in Kenya Since 1992.....	399
8.3 Conclusions.....	399
8.4 Recommendations	401
8.5 Suggestions for Further Research	403
References.....	405

LIST OF FIGURES

Figure 2.1: Conceptual Framework Model Showing Interaction of Variables..	130
Figure 3.1: Map of the Study Area.....	133
Figure 4.1: Gender of Respondents.....	144
Figure 4.2: Education Level of Respondents.....	150
Figure 4.3: Years of Experience Working in Internationally Observed Elections	152
Figure 4.4: Category of Observer Mission Respondents Belonged to.....	153
Figure 4.5: Type of Election Observation Mission Respondents Belonged to....	159
Figure 4.6: Number of Elections Respondents Had Observed in Kenya.....	164
Figure 4.7: General Elections Respondents Had Observed by Year	165
Figure 4.8: Trend of International Election Observation in Kenya Since 1992.	166
Figure 4.9: Whether Respondents Had Participated in Elections Outside Kenya	167
Figure 4.10: Scope of Election Observation	199
Figure 4.11: Election Phases Observed by IEOMs during Elections Since 1992	201
Figure 5.1: Respondents Assessment of IEOMs Effectiveness in Consolidating Democracy in Kenya since 1992	235
Figure 5.2: Whether IEOMs had led to Electoral Reforms in Kenya since 1992	255
Figure 6.1: Trend of Respondents Perception of Elections as Free and Fair since 1992.....	262
Figure 6.2: Trend of Respondents Perception of Elections as Not Free and Fair since 1992	262
Figure 6.3: Secondary Data Showing the Rates of Implementation of Election Observation Recommendations by Country	297
Figure 6.4: Secondary Data Showing the Rates of Implementation of Election Observation Recommendations in three Consecutive Elections in Kenya.....	298
Figure 6.5: Respondents Views on IEOMs with the Greatest Impact on Democratic Consolidation in Kenya since 1992	324
Figure 7.1: Challenges of Diplomacy of IEOMs in Consolidating Democracy since 1992.....	330
Figure 7.2: Opportunities for Diplomacy of IEOMs in Consolidating Democracy in Kenya	365

LIST OF TABLES

Table 2.1: Table Showing Classification of IEOMs.....	33
Table 3.1 Table Showing Research Design, Specific Objective and the Measurable Variables	132
Table 3.1 Target Population, Sample Frame, Sampling technique and Sample Size	135
Table 4.1: Table Showing Primary Role of Respondents in Election Observation Missions.....	169
Table 4.2: Table Showing Motivations for Deployment of IEOMs in Kenya since 1992.....	185
Table 4.3: Table Showing Pre-Election Activities Observed by IEOMs	203
Table 4.4: Table Showing Election Activities Observed by IEOMs.....	206
Table 4.5: Table Showing Post-Election Activities Observed by IEOMs.....	208
Table 5.1: Table Showing Respondents views on Diplomatic Tools used by IEOMs for Democratic Consolidation in Kenya	214
Table 5.2: Table Showing Respondents views on IEOMs Engagement with Key Stakeholders During Elections in Kenya	229
Table 5.3: Table Showing Respondents Views on Extent IEOMs Influence the Behavior Electoral Stakeholders	243
Table 5.4: Table Showing Respondents Views on Level of Cooperation between IEOMs and Key Stakeholders in The Democratic Consolidation in Kenya since 1992.....	247
Table 5.5: Table Showing Respondents Level of Agreement on Key Factors Influencing Effectiveness of IEOMs in Consolidating Democracy Since 1992 ..	249
Table 6.1: Table Showing Respondents Classification of Elections Observed by IEOMs since 1992	261
Table 6.2: Table Showing Respondents Views on Whether Recommendations by IEOMs informed Democratic Consolidation in Subsequent Elections Since 1992	289
Table 6.3: Table Tracking Implementation of IEOMs Report in 1992 Elections	300
Table 6.4: Table Tracking Implementation of IEOMs Report in 1997 Elections	302
Table 6.5: Table Tracking Implementation of IEOMs Report in 2002 Elections	304
Table 6.6: Table Tracking Implementation of IEOMs Report in 2007 Elections	305
Table 6.7: Table Tracking Implementation of IEOMs Report in 2013 Elections	308
Table 6.8: Table Tracking Implementation of IEOMs Report in 2017 Elections	310
Table 6.9: Table Tracking Implementation of IEOMs Report in 2022 Elections	312
Table 6.10: Table Showing Respondents Views on the Contribution of IEOMs in Strengthening Democratic Institutions in Kenya Since 1992	315

Table 6.11: Table Showing Respondents Level of Agreement on the Contribution of IEOMs in Facets of Democratic Consolidation since 1992	317
Table 6.12: Ranking of IEOMs with the Greatest Impact on Democratic Consolidation in Kenya since 1992.....	324
Table 7.1: Ranking of Challenges of Diplomacy of IEOMs since 1992.....	331

LIST OF PLATES

Plate 4.1: Plate showing researcher with a key informant during the primary data collection process.....	173
Plate 5.1: Plate showing the researcher during a key informant interview	232
Plate 7.1: Plate showing the researcher during a key informant interview	332

LIST OF APPENDICES

Appendix I: Introductory Letter	408
Appendix II: Questionnaire for IEOMs Secretariat.....	409
Appendix III: Interview schedule for (IOM, IEBC and election experts).....	417
Appendix IV: Extracts from IRI 1992 IEOM Report	419
Appendix V: Extracts from NDI 1997 IEOM Report	427
Appendix VI: Extracts from The Carter Center Report of 2002	434
Appendix VII: Extracts from the 2007 Commonwealth Group Observer Report	442
Appendix VIII: Extracts from the 2013 Commonwealth Observer Group Report	447
Appendix IX: Extracts from the 2017 EU EOM Report.....	448
Appendix X: Extracts from the 2022 EU EOM Report	455
Appendix XI: Request for Data Collection via Email to Election Observer Group	456
Appendix XII: Request for Data Collection via Email to KNHRC.....	457
Appendix XIII: Research Permit from NACOSTI.....	458

LIST OF ABBREVIATIONS AND ACRONYMS

4Cs	Citizens Coalition for Constitutional Change
ACP	Caribbean and Pacific states
AfriCOG	Africa Centre for Open Governance
AGLI	African great Lakes Initiative
AMISOM	African Union Mission in Somalia
ANDE	Arab Network for Democratic Elections
ANFREL	Asian Network for Free Elections
ASEAN	Association of Southeast Asian Nations
AU	African Union
AUEOM	African Union Election Observation
BBI	Building Bridges Initiative
CJPC	Catholic Justice and Peace Commission
CNN	Cable News Network
CODEO	Coalition of Domestic Election Observers
COG	Commonwealth Observer Group
COMESA	Common Market for Eastern and Southern Africa
CORD	Coalition for Reforms and Democracy
CPI	Corruption Perceptions Index
CS	Commonwealth Secretariat
CSCE	Conference for Security and Cooperation in Europe
CSOs	Civil Society Organizations
DDDG	Donors' Democratic Development Group
DPP	Democratic Progressive Party
EAC	East African Community
EC	Electoral Commission
ECK	Electoral Commission of Kenya
ECOWAS	Economic Community of West African States
EISA	Electoral Institute for Sustainable Democracy in Africa
ELOG	Election Observation Group
EMBs	Election Management Bodies
EOC	Election Observation Centre
EOM	Election Observation Missions
EU	European Union

EUEOM	European Union Elections Observation Mission
FBOs	Faith Based Organizations
GCC	Gulf Cooperation Council
GNI	Gross National Income
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICT	Information Communication Technology
IDEA	Institute for Democracy and Electoral Assistance
IEBC	Independent Electoral and Boundaries Commission
IED	Institute for Education in Democracy
IEO	International election observation
IEOMs	International election observation missions
IGAD	Intergovernmental Authority on Development
IGOs	Intergovernmental organizations
IMF	International Monetary Fund.
INEC	Independent National Election Commission
INGOs	International non-governmental organizations
IPPG	Inter-Parties Parliamentary Group
IRI	International Republican Institute
IT	Information Technology
KANU	Kenya African National Union
KBC	Kenya Broadcasting Corporation
K-DOP	Kenya Domestic Observation Program
KEDOF	Kenya Domestic Observation Forum
KHRC	Kenya Human Rights Commission
KIEMS	Kenya Integrated Election Management System
KII	Key Informant Interview
KPMG	Klynveld Peat Marwick Goerdeler
KYPA	Kenya Young Parliamentarians Association
LTOs	Long Term Observers
MCP	Malawi Congress Party
MEC	Malawi Electoral Commission
MoU	Memorandum of Understanding
MP	Member of Parliament

NACOSTI	National Commission for Science, Technology and Innovation
NARC	National Rainbow Coalition
NASA	National Super Alliance
NCKK	National Council of Churches of Kenya
NCEC	National Convention Executive Council
NCIC	National Cohesion and Integration Commission
NDC	National Democratic Congress
NDI	National Democratic Institute
NDP	National Development Party
NELDA	National Elections Across Democracy and Autocracy
NEMU	National Election Monitoring Unit
NGOs	Non-governmental Organizations
NPP	New Patriotic Party
NRM	National Resistance Movement
OAS	Organization of American States
OAU	Organization of African Union
ODIHR	Office for Democratic Institutions and Human Rights
ODM	Orange Democratic Movement
OIC	Organization of Islamic Cooperation
OSCE	Organization for Security and Cooperation in Europe
PNU	Party of National Unity
PVT	Parallel Vote Tabulation
PWD	Person with Disability
RECs	Regional Economic Communities
SADC	Southern African Development Community
SDP	Social Democratic Party
STOs	Short Term Observers
TA	Technical Assistance
TCC	The Carter Center
TNA	The National Alliance
U.S	United States
UCSPAK	University Chapter for Society Peace and Alliance of Kenya
UK	United Kingdom
UN	United Nations

UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNHRC	United Nations Human Rights Committee
USA	United States of America
USAID	United States Agency for International Development
USSR	Union of Soviet Socialist Republics
UTM	United Transformation Movement

OPERATIONALIZATION OF KEY CONCEPTS

Democratization: In this study, it implies to the process through which Kenya transforms from a non-democratic political system or practices to a democratic one. It entails the formation, strengthening, and consolidation of democratic institutions, practices, and norms that enables citizens to have a meaningful say in governance system of Kenya.

Democracy: In this study it refers to a form of government in which power is placed in the people, who exercise it directly or through elected representatives. It is distinguished by the concepts of political equality, participation, accountability, and the protection of individual rights and liberties. Kenyans can have a say in how their country is governed and influence decision-making processes.

International Observer Missions: In this study it implies to institutions with organized operations in which individuals or organizations from various countries are sent to another country to assess and monitor specific events, often elections and political processes. The fundamental purpose of these missions is to guarantee that these events are transparent, fair, and adhere to democratic norms. Observer missions provide objective assessments and help to establish trust in the process on global level.

Diplomacy: The established method of influencing the decisions and behavior of foreign governments and peoples through dialogue, negotiations and other measures short of war.

Consolidating: The process of strengthening and solidifying the foundations, institutions, and practices of democratic governance in the country. It involves the continuous efforts to enhance and safeguard democratic principles, promote political stability, and ensure that democratic institutions effectively serve the interests of the people.

Citizenry: This refers refer to the entire population of Kenyan citizens—people who hold citizenship in Kenya and are entitled to the rights and privileges afforded by the Kenyan government.

Elections: Refers to the formal process through which eligible Kenyan citizens choose their representatives and leaders at various levels of government. These elections are a fundamental component of the democratic system in Kenya,

providing a mechanism for the peaceful and orderly transfer of power and the expression of the people's will. Key features of Kenya's elections include Multi level elections, regular schedule, they are conducted by IEBC, universal suffrage, the involvement of political parties and coalitions and they are intended to enable peaceful transfer of power.

Political system: The structure, organization, and functioning of the Kenyan institutions, processes, and actors that collectively make and implement decisions related to governance and public policy. The political system of Kenya is characterized by features such as the three arms of government the executive, the legislature the judiciary. The existence of 47 devolved units. All these are underpinned by the fact that Kenya is Kenya is a democratic republic with a multi-party political system. The Constitution of Kenya 2010 establishes the framework for democratic governance with the existence of political parties.

CHAPTER ONE

INTRODUCTION

This chapter covers the background to the study, statement of the problem, objectives both general and specific objectives, research questions, scope of the study and the justification of the study and chapter summary.

1.1 Background to the Study

Observer missions, as noted by United Nations Women Watch (2020), serve as an effective method for improving the integrity of elections and the democratic process. Observers play a crucial role in enhancing public confidence in the integrity of electoral administration and the overall outcomes. The civil and political rights of election participants can be advanced and safeguarded through the implementation of observation (Gilley, 2017). Even amidst the unfolding of an election, there exists the potential for rectifying errors or inadequate processes. On a global scale, the United Nations assumes a pivotal role in providing electoral assistance, orchestrating efforts through its Electoral Assistance Division and drawing upon the specialized knowledge of multiple UN entities, such as the Department of Political Affairs, the Department of Peacekeeping Operations, the Office of the High Commissioner for Human Rights, the United Nations Development Programme, UN Volunteers, and the UN Office for Project Services. The United Nations has played a pivotal role in orchestrating significant electoral processes in Cambodia, East Timor, El Salvador, Mozambique, and South Africa throughout the 1990s, and has subsequently extended its support to elections in Afghanistan, the Democratic Republic of the Congo, Iraq, and Nepal. Although extensive operations garner significant attention, the majority of UN electoral assistance is concentrated on short- to medium-term technical initiatives designed to enhance the capabilities of national election

authorities. The United Nations offers assistance in various domains, including the administration of elections, legal assessments, the registration of voters, and the security of electoral processes. At times, the United Nations assumes complete responsibility for the orchestration of elections, exemplified by its involvement in Cambodia and Timor-Leste, or engages in national electoral administration, as observed in Afghanistan and Iraq. Typically, the United Nations provides support for electoral processes rather than taking a leading role. Its assistance may be authorized by the Security Council or the General Assembly, yet it invariably necessitates the consent of the Member State involved. Since 1991, the United Nations has provided support to over 100 nations through the implementation of more than 300 electoral initiatives. (ACE 2024).

The Commonwealth possesses a rich heritage of endorsing democratic practices via election observation missions. This initiative commenced in the early 1980s, marked by the deployment of the inaugural Commonwealth Observer Group (COG) to Zimbabwe in 1980, tasked with overseeing its transition to independence and the establishment of democratic governance. (Sives, 2001) Since that time, the Commonwealth has meticulously observed in excess of 160 elections across more than 40 member nations. The objective of these missions is to enhance transparency, guarantee free and equitable elections, and fortify democratic institutions throughout its varied member states. The European Union plays a significant role in the realm of election observation, having conducted 147 Election Observation Missions (EOM) globally since the year 2000 (EEAS, 2018). The objective is to enhance confidence in the electoral system, encourage civic engagement, and prevent potential violence that may arise. It aspires

to enhance the process of competitive elections, foster democratization, and establish a basis for long-term international development initiatives. The European Union evaluates elections based on a defined set of criteria, subsequently formulating recommendations that suggest modifications and offer insights for the host governments, all with the objective of addressing prevailing issues (EEAS, 2016). Highlighting the importance of elections in the promotion and consolidation of democracy in Africa, the African Union, the continent's governing body, established the Charter on Democracy, Elections and Governance in 2007. Similarly, sub-regional organizations like the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS) have embraced frameworks such as the SADC Principles and Guidelines Governing Democratic Elections (Revised, 2015) and ECOWAS's Protocol on Democracy and Governance (2001), underscoring the significance of high-quality electoral processes. The continental and sub-regional instruments emphasize a shared dedication to conducting elections that are free, fair, and transparent, thereby institutionalizing the legitimate authority of representative governance and facilitating the democratic transition of political power among member states. The implementation of international election observers is thus a fundamental component of these mechanisms, aimed explicitly at maintaining electoral integrity within member states (Kaaba et al., 2022). Beigbeder (1994) asserts that non-governmental organizations (NGOs) have historically contributed, and continue to contribute, significantly to aiding nations in their democratic transitions, as well as in fostering democratic principles in communist and other authoritarian regimes. Experts from NGOs may be engaged to assess electoral systems and oversee the electoral process. They might assess electoral codes and propose modifications. They offer specialized support to political entities and impartial

organizations in executing voter and civic education initiatives, as well as in structuring election oversight activities, including poll observation and autonomous vote tallying systems.

Since its inception in 1983, the U.S.-based National Democratic Institute for International Affairs (NDI) has conducted more than 35 international observer missions, significantly contributing to the prevention of electoral misconduct and the revelation of fraudulent activities. Among the notable non-governmental organizations committed to upholding electoral integrity are The Carter Center, the International Foundation for Electoral Systems (IFES), the Institute for Sustainable Democracy in Africa (EISA), and Transparency International. These organizations play a pivotal role in fostering transparency and credibility in elections globally through the deployment of observer teams, provision of technical assistance, and advocacy for democratic reforms in nations grappling with electoral challenges and governance dilemmas.

Notable figures in the realm of election observation encompass Judith Kelly, Eric Bjornlund, Thomas Carothers, Pippa Norris, and Susan Hyde, all of whom have conducted thorough research and produced significant publications regarding the influence and efficacy of election monitoring in promoting democratic governance. Renowned scholars and experts including Prof. Kwadwo Afari-Gyan, Dr. Salim Ahmed Salim, Prof. Adebayo Olukoshi, Dr. Brigalia Bam, Prof. Attahiru Jega, and Dr. Nic Cheeseman have made substantial contributions to the enhancement of best practices in electoral processes across various contexts. Furthermore, distinguished international personalities including Jimmy Carter, Madeleine Albright, Kofi Annan, Mary Robinson, and Maina Kiai have ardently supported and championed the significance of election observation in safeguarding

electoral integrity and advancing democratic principles. In his 2013 report, titled *Civil Society and Political Transitions in Africa*, Bratton endeavors to provide evidence for the emergence of a nascent civil society in certain African nations. In his view, a significant legacy of civil society in Africa is the organization of national conferences across nearly all francophone nations during and following the democratization era of the 1990s (AU, 2014). There exist four distinct categories of regime change: pre-transition, liberalization, transition, and consolidation. During the transitional phase, it is expected that civil society organizations will engage in a neutral capacity by establishing domestic observation groups. This aims to guarantee that the mechanisms of transition, typically through elections, are conducted in a manner that is both free and fair, while also fostering public education, facilitating communication, and mitigating the risk of electoral fraud (Gilley, 2017). In Africa, for example, the African Union has established a well-defined and efficient framework for the observation of elections. The observations conducted during these elections have facilitated the establishment of its mandate, leading to a heightened level of professionalization and standardization in its procedures and methodologies regarding electoral observation. Since the 1990s, the OAU and subsequently the AU have meticulously observed nearly 250 elections across the majority of the 54 member states of the AU. Expanding upon the comprehensive examination of the legal and institutional framework governing the electoral observation and assistance mechanisms of the African Union (AU, 2014). The process of democratization in Africa has exhibited various patterns and trajectories, as nations have pursued distinct paths influenced by the role of observer missions. Consequently, the degree of democratic governance present among these nations exhibits significant variation. This illustrates the diverse experiences of their transition

and the challenges associated with consolidating democracy (Mozaffar, 1997). A number of nations have made significant progress in establishing robust democratic governments and institutions. Namibia and South Africa have consistently maintained their democratic constitutions and adhered to the rule of law since their transitions in 1990 and 1994, respectively. Botswana distinguishes itself in the region by successfully maintaining an uninterrupted democracy since gaining independence from British colonial rule in 1966 (Bauer & Taylor, 2005). Zambia, Malawi, and Mozambique have experienced transitions that can be characterized as partially successful; however, international organizations like Freedom House continue to classify them as only partially free (Freedom House, 2019). Nevertheless, certain nations have remained impervious to the democratization movement that unfolded in this area; for instance, Eswatini (formerly Swaziland), which has been under the absolute rule of King Mswati III since 1986. The nation continues to exhibit autocratic tendencies, with political opposition parties having been prohibited since 1973 (Human Rights Watch Report, 2019). In 2019, Angola, despite its considerable oil wealth and significant influence within Africa, was still classified as not free by Freedom House. The nation persists in grappling with significant governance challenges and ongoing violations of human rights, as highlighted in the Freedom House Report of 2019. In contrast, certain nations have demonstrated a less pronounced transition, choosing instead to pursue an entirely divergent path of development that has led them toward autocratic governance (Cheeseman, 2015). This perspective is relevant to Zimbabwe, which, despite being classified as partly free by Freedom House, is notable for having undergone one of the most extended democratic transitions in Africa (Sachikonye, 2017).

The process of democratization in numerous African nations has encountered significant challenges. For example, the fundamental principles of democracy have faced scrutiny and are often perceived as conflicting and disrespectful to African values and cultural traditions. The process of democratization appears to be a strategic endeavor by African leaders to enhance their image and gain favor with Western benefactors. For many years, this has led to the rise of protests against liberal democracy, prompting numerous scholars to scrutinize the essential role of liberal democracy in fostering stable states that can effectively promote development in African nations. Numerous instances exist where the absence of democracy has not hindered a nation's development. In the most recent four presidential elections in Kenya, Sanmac et al. (2021) argued that both the electorate and the global community have placed significant trust in election observers. The expectation was that these observers would provide alternative and credible insights regarding the behavior and results of presidential elections in Kenya, aimed at enhancing the legitimacy of the outcomes. Kenya's presidential elections have faced considerable examination, with the results of the 2007, 2013, and 2017 elections being disputed by the opposing factions and their adherents, who claimed instances of fraud. It is essential to recognize that these elections were observed by a variety of multi-track diplomacy participants, many of whom provided positive affirmations regarding the outcomes. This study contends that, notwithstanding the establishment of International Election Observation Missions (IEOMs) in 1992, the advancement of democratic consolidation in Kenya has exhibited considerable variability. As a result, the research suggests a thorough analysis of the diplomatic strategies utilized by international election observer missions and their influence on the process of democratic consolidation since 1992.

Since the inception of International Election Observation Missions (IEOMs) in Kenya in 1992, the nation has conducted eight elections, each grappling with challenges including violence, electoral irregularities, and state interference. From 2006 to 2023, Kenya has persistently been classified as a "Hybrid Regime" according to the Economic Intelligence Unit (EIU) Democracy Index. (EIU, 2023). This classification embodies a synthesis of democratic and authoritarian characteristics, encompassing electoral irregularities, a fragile political culture, limitations on civil liberties, and a state of political instability. In 1997, Kenya achieved its highest ranking at 60 out of 167, whereas in 2007, it experienced its lowest position at 142 out of 167. As a result, Kenya may be described as a pseudo-democratic entity, distinguished by orchestrated electoral mechanisms, curtailed liberties, and a consolidation of political authority. This classification corresponds with the notion of an anocracy, which signifies a system marked by instability and constrained accountability. Within this framework, the ostensible commitment to democratic principles is compromised by pervasive irregularities and excessive governmental intervention, leading to a political landscape that does not afford authentic representation and accountability to its populace.

In spite of the significant involvement of International Election Observation Missions in Kenya, the democratic processes surrounding internationally monitored elections reveal a concerning narrative of a democracy in distress, ensnared in what a political scientist has characterized as the ‘political grey zone’ (Carothers, 2002, p. 9), owing to the contentious dynamics of the nation's presidential elections. As a result, the characterization of Kenyan democracy in scholarly discourse has ranged from the

notion of a "dawn of a new era" (Anderson, 2003) to being positioned "between hope and despair" (Branch, 2011); described as "back from the brink" (Chege, 2008); labeled as "competitive authoritarianism" (Levitsky & Way, 2010); referred to as a "democracy in retreat" (Kagwanja & Southhall, 2011), and ultimately termed "Democracy on trial" (Savoca, 2017).

Notwithstanding Kenya's dedication to the democratic principle of election observation, its electoral processes have been marred by violence, pervasive irregularities, and state coercion. The ongoing challenges underscore notable shortcomings in International Election Observation Missions (IEOMs) as viable instruments for the consolidation of democracy. This analysis aims to rigorously explore the constraints of IEOMs in promoting authentic democratic practices and guaranteeing accountability within the political framework of Kenya.

1.3 Research Objectives

The general objective of the study was to investigate the Diplomacy of International Election Observer Missions in consolidating democracy in Kenya since 1992. The specific objectives of the study were to:

- i. Examine the nature and extent of diplomacy of International Election Observer Missions in consolidating democracy in Kenya since 1992
- ii. Assess the efficacy of diplomacy of International Election Observer Missions in consolidating democracy in Kenya since 1992
- iii. Explore the democratization process in the context of International Election Observer Missions in Kenya since 1992

- iv. Evaluate the challenges and opportunities of diplomacy of International Election Observer Missions in consolidating democracy in Kenya since 1992

1.4 Research Questions

- i. What is the nature and extent of diplomacy of international observer missions in consolidating democracy in Kenya since?
- ii. What is the efficacy of diplomacy of international observer missions in consolidating democracy in Kenya since 1992?
- iii. How has the democratization process in Kenya been in the context of International Election Observer Missions since 1992?
- iv. What are the challenges and opportunities of diplomacy of international observer missions in consolidating democracy in Kenya since 1992?

1.5 Justification of the Study

This study was underpinned by three justifications; academic, policy and philosophical justifications.

1.5.1 Academic Justification

A variety of research endeavors have been undertaken with the objective of advancing democratic principles via electoral processes. Nevertheless, scant attention has been directed towards the role of international observer missions in the consolidation of democracy in Kenya since 1992. For example, Amegnaran (2017), in examining the challenges of the electoral process through the performance of poll workers in Sub-Saharan Africa, specifically Togo, largely avoids addressing the issue of the international observer mission. Sanmac et al. (2021) examine the influence of public sentiment on the evaluations conducted by multi-track diplomacy participants overseeing Kenya's presidential

elections from 2007 to 2017. The research indicates that a considerable proportion of participants perceive these individuals as being swayed by societal opinions, which in turn impacted their assessments of electoral results. This scenario prompts a critical examination of the reliability of their assertions and documentation, especially concerning their efficacy in fostering trustworthy elections through the prevention, detection, and deterrence of electoral fraud. Consequently, the study serves as a cornerstone for future researchers, enabling them to derive both theoretical and practical insights from the findings regarding the conduct of sound democratic activities as informed by the study variables. This foundation is essential for developing a comprehensive framework for an effective democratization process, thereby directing researchers in their pursuit of further inquiries and in reassessing existing democratic practices in Kenya.

1.5.2 Policy Justification

The rationale behind the policy of this study lies in the research's contribution to the broader public (Kothari, 2014). This study holds significant relevance for all observers and monitors engaged in the democratization process in Kenya. This encompasses the Government, which may uncover insights regarding information pertinent to the enhancement of regulatory frameworks designed to advance the democratization process via elections, given that the endeavor is significantly financed by taxpayer contributions (Nowacki et al., 2020). This research holds significant importance for policymakers, international organizations, and governments committed to the advancement of democratic principles. This study seeks to analyze the effectiveness of International Election Observation

Missions (IEOMs) in Kenya over time, aiming to clarify the influence of international diplomacy in strengthening democratic institutions and practices. The findings offer valuable insights that can assist policymakers, electoral bodies, and international organizations in discerning best practices for the improvement of democratic governance, applicable not only in Kenya but also in analogous situations. This research aspires to enhance the current dialogue surrounding the fortification of democracy via informed and strategic international involvement.

1.5.3 Philosophical Justification

This study aims to address, in part, the inquiry into Kenya's classification as a hybrid democracy, often described as a pseudo democracy or an anocracy, despite the consistent presence of international election observer missions in the country's general elections since 1992.

This concept is most effectively elucidated through the lens of Realpolitik, a pragmatic approach to political philosophy. Realpolitik represents a philosophical approach to foreign policy wherein the preservation of the state and the advancement of national interests are paramount objectives, with power serving as the principal instrument for attaining these aims. Historically linked to figures like Richelieu, Bismarck, Stresemann, and Kissinger, it can be perceived as the pragmatic complement to the realist paradigm within International Relations theory. The concept of Realpolitik originated in Germany during the mid-nineteenth century (Haslam 2002: 183-4) and was brought into the realm of academic political science by Friedrich Meinecke. Nevertheless, it draws upon a more extensive tradition of contemplation regarding the principles of governance that is primarily linked to Niccolò Machiavelli. His work, *The*

Prince (Machiavelli 1995), in which he counsels the Medic on the restoration of Florence's fortunes, is frequently considered the definitive guide to Realpolitik. Advocates of Realpolitik view the sovereign state as a singular entity, with interests that can be discerned with relative clarity. The interests in question are articulated through the lens of power and are centered on the preservation and augmentation of the state's standing on the global stage. The concept of "realpolitik" is frequently employed in contemporary discourse as an equivalent to "power politics," embodying a pragmatic approach to foreign policy. This enduring tradition can be traced back to figures such as Machiavelli and Bismarck, extending through to the scholar-diplomats of the postwar period, including George Kennan and Henry Kissinger. In this intriguing biography of the concept, Bew uncovers its unexpectedly rich origins and elucidates its evolving significance in major discussions surrounding statecraft. Bew traces the concept to the mid-nineteenth-century writings of the relatively obscure German thinker, August Ludwig von Rochau. Rochau viewed "realpolitik" not merely as a philosophical stance but rather as a pragmatic approach to navigating the contradictions that arose in Europe, shaped by the clashing forces of liberalism and nationalism in the formation of modern states. Several decades later, the term made its way into the Anglo-American sphere, where it became intertwined with notions such as machtpolitik (the politics of force) and weltpolitik (global power politics). During the early twentieth century, the liberal internationalist movement, inspired by U.S. President Woodrow Wilson, distinctly framed its ideas in opposition to those concepts. By tracing the origins of "realpolitik," Bew posits that its initial significance could be advantageous for contemporary internationalists, who, akin to Rochau in the past, are endeavoring to harmonize liberal principles with an increasing wave of nationalism (Driggers, 2001).

Advocates of Realpolitik view the sovereign state as a singular entity, with interests that can be discerned with relative clarity. The interests in question are articulated through the lens of power and center on the preservation and augmentation of the state's standing on the global stage. For instance, Bismarck established a network of interconnected alliances aimed at isolating France, thereby preventing the formation of a Franco-Russian alliance that could compel the nascent German Empire to engage in conflict on two fronts. A hundred years later, Kissinger's triangular diplomacy entailed seeking a rapprochement with China to encourage the Soviet Union to align with his détente policy, thus alleviating the strain on a United States beleaguered by its involvement in Indochina. These instances illustrate a fundamental characteristic of a foreign policy grounded in Realpolitik: the readiness to adapt one's selection of alliance partners, prioritizing pragmatic considerations over ideological ones to effectively navigate the balance of power for national benefit. Realpolitik, akin to realist theory, delineates a clear distinction between the realms of international and domestic politics. Machiavelli, nonetheless, acknowledged that the cultivation of domestic goodwill is essential for achieving success in foreign policy. Leaders like Bismarck and Stresemann recognized the intrinsic connection between foreign policy success and domestic stability, particularly within the contexts of Imperial Germany and the Weimar Republic. Conversely, the disregard for domestic politics was a defining characteristic of Kissinger's approach to Realpolitik. Although he seemed to hold the view that a sagacious statesman ought to be permitted to execute foreign policy autonomously and with discernment, the disintegration of détente between the United States and the Soviet Union in the late 1970s can be attributed significantly to the vigorous opposition from Kissinger's domestic critics, particularly

in their attempts to enforce stricter conditions on US trade relations with the USSR than Kissinger considered appropriate.

Realpolitik necessitates the prioritization of national interest above all other objectives and principles. This is occasionally regarded as lacking moral principles, or perhaps even as unethical. However, Realpolitik is not entirely disconnected from ethical considerations. Machiavelli asserts that the moral constraints governing interactions among individuals within properly established states are not applicable to the relations between those states themselves. Foreign policy is, however, invariably executed within the framework established by the prevailing conventions of the era. The established rules and frameworks influence the responses of others, thereby determining the most effective avenues for advancing the national interest. Certainly, the formulation of such conventions serves as a significant mechanism through which those in positions of power may endeavor to promote their own interests. Proponents of Realpolitik dismiss the notion of universal rules that transcend temporal and spatial boundaries; they assert that leaders must adapt to their specific circumstances.

While proponents of Realpolitik consider themselves to be realists, embracing a pragmatic approach free from emotional bias, they may be perceived by others as cunning and potentially unreliable. The dual aspects of Realpolitik can be traced to Machiavelli (1995: 48), who counsels leaders to 'never take things easy in times of peace, but rather utilize the latter diligently, to ensure the ability to reap benefits during times of adversity'. It is widely accepted that individuals tasked with national defense must maintain vigilance regarding potential threats and be prepared to make challenging decisions. The idea that one should invariably seize opportunities for national gain and that the outcomes invariably validate the methods employed is,

nonetheless, a subject of considerable debate. The negative implications frequently associated with Realpolitik arise from the challenge of distinguishing between the necessities of national defense and the ambitions of unscrupulous leaders, particularly given the clandestine nature of the foreign policies executed by figures like Bismarck and Kissinger.

In modern international relations, the negative implications of Realpolitik have gained greater visibility, leading to its frequent use as a means to criticize a foreign policy perceived as cynically self-serving. The concept of power politics remains a pivotal element within the realist and neorealist frameworks of International Relations theory. Thinkers like Kenneth Waltz and John Mearsheimer regard power politics as a fundamental trait of an anarchic international system, while notably steering clear of the term Realpolitik.

One of the most notable critiques of Realpolitik is its tendency to blur the lines between descriptive analysis and prescriptive recommendations. Machiavelli's examination of the obstacles confronting Florentine leaders was intricately tied to specific historical contexts, while simultaneously aiming to foster a desired result: the preservation of Renaissance Italy from fragmentation and external control. It is thus essential to delineate the boundary between the conclusion of analysis and the commencement of advisory input. Similar to their realist counterparts in International Relations, advocates of Realpolitik contend that their methodology embodies the imperatives of rivalry among sovereign states within an anarchic environment. However, if the dynamics of international politics are influenced by the cognitive and behavioral patterns of leaders, then the language we use is of paramount importance: to the degree that thinkers like Machiavelli counsel leaders to engage in power-oriented strategies, they may

inadvertently contribute to the actualization of the very world they depict as a reality of international relations.

1.6 Scope of the Study

The contextual scope of this study focuses on the role of International Election Observer Missions (IEOMs) in consolidating electoral democracy in Kenya since 1992. It examines the nature and extent of diplomatic engagement by these missions within the democratization process, assessing their efficacy in promoting fair electoral practices. Furthermore, the study explores the broader democratization context in Kenya, highlighting both the challenges and opportunities faced by IEOMs. By analyzing these dimensions, the research aims to provide insights into the influence of international diplomacy on Kenya's electoral landscape and democratic development.

Geographically, the focus is on Kenya, with a specific emphasis on Nairobi County, which serves as the hub for major IEOMs operating in the country. Nairobi is chosen due to its significance as the central location for these missions. On Periodization the study covered the time since 1992, marking the beginning of IEOMs' involvement in Kenya, and continues through subsequent elections, establishing a historical context for their role and impact over the years. Actual Data Collection took place from October 2023 to March 2024, covering a span of at least six months. This timeframe allows for comprehensive data gathering and analysis of IEOMs' activities and their effects on democratic processes in Kenya.

1.7 Chapter Summary

This chapter has provided the background of the study, statement of the problem, research objectives and corresponding research questions, justification of the study as

well as the scope of the study in terms of research, geography and time. The next chapter presents an empirical review of literature on diplomacy of international observer missions in the democratization process.

CHAPTER TWO

LITERATURE REVIEW

This chapter presents thematic review of various literatures as per the specific objectives of the study. It delves into the role of Diplomacy of International observer missions in the democratization process. It ends with a chapter summary.

2.1 Nature and Extent of Diplomacy of International Election Observer Missions in Consolidating Democracy

2.1.1 Conceptual Issues

This discourse hinges on four distinct yet interconnected concepts. The components include (a) electoral integrity, (b) election observation, (c) election monitoring, and (d) electoral assistance. Electoral integrity denotes an election grounded in the democratic ideals of universal suffrage and political equality, as articulated in international standards and agreements. It encompasses a process that is conducted with professionalism, impartiality, and transparency throughout all phases of the electoral cycle (Kofi Annan Foundation, 2012: 6). The ACE Encyclopedia of electoral knowledge outlines essential principles that support electoral integrity, which encompass: (a) ethical behaviour, (b) fairness and impartiality, and (c) transparency and accountability. At their core, election observation and monitoring are intended to ensure the integrity of the electoral process. Election observation refers to a methodical, thorough, and precise collection of information (Dundas, 2011: 21). The endeavor involves a methodical collection of substantiated information regarding the electoral process, serving as the foundation for arriving at a well-informed, autonomous, and impartial judgment concerning the integrity, transparency, inclusiveness, and credibility of the process, as well as the

legitimacy of the election results. This involves an on-site investigation into the legal frameworks, procedural mechanisms, and institutional arrangements governing the electoral process. This represents an objective and scholarly examination of the information at hand. The process also entails arriving at a well-reasoned conclusion regarding the credibility, legitimacy, and acceptability of the election outcome (Dundas, 2011: 21). In sum, it entails four steps: (a) watching, (b) seeing, (c) noting and (d) reporting.

The observation of elections fulfills eight primary roles: Ensuring the integrity of the electoral process; fostering openness and transparency within the system; bolstering public confidence in the proceedings; alleviating potential tensions; discouraging improper practices and fraudulent attempts; enhancing political credibility; facilitating the acceptance of election outcomes; and promoting and reinforcing international standards and best practices in electoral conduct (African Union, 2013). Although the literature often employs the terms election observation and election monitoring interchangeably (Anglin, 1998; Hyde, 2011; Kelly, 2009, 2010), it is important to recognize that they are, in fact, quite distinct, even as they mutually reinforce one another. Election monitoring refers to the methodical collection and assessment of information regarding the electoral process. In contrast to mere observation, monitoring encompasses the capacity to both directly and indirectly engage in the electoral process, aiming to rectify identified shortcomings in election management and address any legal violations by the involved electoral stakeholders (Dundas, 2011: 21). In sum, it presupposes six steps: (a) watching, (b) seeing, (c) noting, (d) reporting, (e) supervising and (f) intervening.

Electoral assistance is fundamentally different from observation and monitoring. This pertains to the provision of legal, technical, financial, technological, and logistical assistance to election management bodies (EMBs), civil society organizations (CSOs), and/or political parties, with the objective of safeguarding the credibility and integrity of elections, as well as the legitimacy of their outcomes. It signifies the enhancement of institutional frameworks and the development of competencies among electoral participants.

The theoretical underpinnings of international election observation are rooted in the framework of advancing democratic principles. The promotion of democracy on a global scale commenced during the Cold War period and gained momentum following the fall of the Berlin Wall, an event that catalyzed a sense of Western superiority over the Soviet governance paradigm. The West regarded its global endeavor as the dissemination of liberal democracy universally, reminiscent of Fukuyama's vision. Fukuyama articulated his 'end of history' thesis with striking clarity: 'as mankind approaches the end of the millennium, the twin crises of authoritarianism and socialist central planning have left only one competitor standing in the ring as an ideology of potentially universal validity: liberal democracy' (Fukuyama, 1992: 42). Fukuyama's concept of a post-Cold War global liberal revolution finds support in Thomas Carothers, who contends that the promotion of democracy has consistently been integral to the foreign policies of Western nations, especially that of the United States. This emphasis on democracy promotion was intensified in the post-Cold War period, even though there were occasional inconsistencies. Carothers recognizes international election observation as an essential element in the endeavor of promoting democracy in foreign contexts. In his own words, 'if there is one domain of democratic support that has garnered significant attention, it is the facilitation of elections.' The

presence of international observers at numerous high-profile, inaugural elections in nations embarking on democratic transitions over the last twenty years has ingrained the concept of electoral assistance in the global consciousness. (Carothers, 1999: 126).

2.1.2 The Scope of International Observation Missions

Typically conducted beyond the confines of governmental authority, yet with its approval, election observation has emerged as an essential component of the global democratization process. This approach has gained widespread recognition as a means to uphold the integrity of elections in nations experiencing democratic transitions and in post-conflict environments. The modalities may differ, yet the objectives remain largely consistent. In emerging democracies, the observation of elections serves as a vital measure to build confidence, deter electoral violence and malpractices, and function as a mechanism for conflict resolution in post-conflict contexts. The role of observers is confined to the act of observation and reporting; they possess no power to direct, aid, or intervene in the voting, counting, tabulation, or any other facets of the electoral process. They possess the authority solely to gather information, conduct investigations, and validate complaints, employing universally accepted standards of free and fair elections to inform their conclusions (Abbink & Hesselting, 2000; Kadima, 2000). The purpose of election observation is to identify violations within the electoral process, prevent electoral violence, inform election management bodies and stakeholders about the status of the process, and ensure the integrity and legitimacy of the election results (Carothers, 1997; Bjornlund, 2004). The electoral process serves as a profound affirmation of essential human rights, particularly civil and political liberties, while the practice of election observation plays a significant role in fostering and safeguarding these rights.

Observation is generally conducted over either a brief period or an extended duration. Short-term observation encompasses the voting, counting, and declaration of results, whereas long-term observation provides a comprehensive assessment of the events that characterize the electoral process. Consequently, it encompasses a wide array of topics such as the management and operation of the electoral process, the legal and institutional structures, voter registration, voter education, political campaigning, media considerations, voting, counting, and the announcement of results. The selection between these two methodologies is often influenced by significant structural factors. The objectives and capabilities of the observer organization regarding finances, logistics, and human resources represent a significant consideration. Another equally important aspect to consider is the political landscape of the nation in question. Nonetheless, the long-term strategy has proven to be the most effective method for observing elections, as it enables observers to gain sufficient knowledge and to become more familiar with the context in which the elections occur (International IDEA, 1999).

In order to maintain the efficacy and credibility of their endeavors, it is imperative for observers to comply with specific ethical and professional standards (Carothers, 1997; Bjornlund, 2004). Regional and sub-regional entities like the AU and ECOWAS have, for example, established codes of conduct, operational guidelines, and reporting standards that direct the conduct of their observers during deployments to host nations (ECOWAS, 2001; AU, 2002). ECOWAS observation teams are urged to carry out their activities in alignment with the 2001 ECOWAS Supplementary Protocol on Democracy and Good Governance, as well as the ECOWAS Handbook on Election Observation. The behavioral standards outlined in these documents encompass: honoring the sovereignty of the host nation; maintaining objectivity by avoiding partisanship and

bias; refraining from interference in the electoral process; and ensuring the accuracy of their reporting.

2.1.3 History of International Observer Missions

The inaugural internationally recognized election in a sovereign nation occurred in 1962; however, the practice proliferated swiftly from the late 1980s onward, serving as a mechanism for incumbent leaders to convey their democratizing aspirations to global observers. By the conclusion of the 1990s, the presence of international election observers had become almost universal at elections beyond the confines of established Western democracies, with the invitation of such observers emerging as an essential criterion for an election to be deemed internationally legitimate. Rich (2001) articulates, “.....The rejection of foreign electoral observers has come to be interpreted as an indication that the nation in question is unwilling to subject itself to international examination and is disinterested in the international legitimacy that a favorable report would confer.....” (p. 26).

The initial developments in election observation reveal a predominance of instances where leaders sought to project an image of authentic democratic transitions. However, there are notable exceptions, such as the situations in the Dominican Republic in 1966, Bolivia in 1978, and Nicaragua in 1963, where electoral autocrats endeavored to confer a semblance of democratic legitimacy upon their sustained governance by orchestrating elections and facilitating a controlled transition to a nominal president. Historically, international election monitoring has been confined to non-sovereign or trust territories, primarily in the context of plebiscites concerning territorial matters. While these initial instances are significant for establishing the practice of international election monitoring in sovereign nations, including Costa Rica and the Dominican

Republic during the 1960s, they possess unique characteristics. The frequency of documented elections remained below five annually until the early 1970s. With a few notable exceptions, these initial missions dispatched merely one or two observers to the capital city on election day and seldom offered critiques of the electoral process. There were no elections observed from 1973 to 1976, with the practice resuming in the late 1970s.

The fundamental responsibility of observers is to provide an impartial evaluation of the electoral process as part of a comprehensive initiative aimed at enhancing democratic practices. Observer groups that operate with a high degree of professionalism are inherently motivated to deliver precise election reports, as their standing influences future opportunities to participate in elections and bolsters their own credibility. Nonetheless, a multitude of challenges exists in delivering precise evaluations of elections, among which are the efforts by incumbents to distort electoral processes and restrict observers' access to information regarding the integrity of the election.

International election observers engage in monitoring electoral processes solely upon the invitation of the incumbent government. Before the mid-1980s, observers were predominantly invited to elections that were anticipated to be fair, and observer organizations had limited experience in identifying and highlighting instances of electoral fraud (Hyde, 2006). With the rise of international advantages associated with certified elections following the conclusion of the Cold War, authoritarian leaders found themselves with heightened motivation to conduct elections and welcome observers, despite their ongoing manipulation of the electoral process. Certain electoral autocrats exhibited minimal effort to conceal their manipulation of elections and faced criticism from international observers. Observers at the 1986 Philippine election noted

with astonishment that Ferdinand Marcos exhibited minimal effort to obscure the election rigging from international observers and the foreign media (National Democratic Institute, 1991). In a parallel instance, during the 1989 Panamanian elections, the failure of Manuel Noriega's selected successor to secure victory led the incumbent regime to "lose" the tabulation sheets, a decisive action that drew unequivocal international condemnation of the electoral process. Nonetheless, numerous electoral autocrats have sought to validate their governance through internationally monitored elections, such as Alberto Fujimori in Peru in 1995, Charles Taylor in Liberia in 1997, and Daniel arap Moi in Kenya in 1992. In the late 1980s and early 1990s, as an increasing number of governments extended invitations to observers for elections of differing standards, these observers faced criticism for their tendency to concentrate solely on the formal procedures of election day, neglecting to assess the broader electoral process (Abbink & Hesseling, 2000; Carothers, 1997; Geisler, 1993). This critique prompted observer organizations to refine their methodologies, enhance their observation of the electoral process, and ultimately become better prepared to document and reveal instances of election manipulation.

As the 1990s drew to a close, a plethora of widely embraced advancements in observation methodologies emerged, complicating the ability of incumbent leaders to engage in electoral malfeasance. These included parallel vote tabulations, substantial contingents of both long-term and short-term observers, enhanced training and professionalization of observers, the establishment of formalized standards across various missions, and the orchestration of extensive networks of domestic election monitors (Bjornlund, 2004; Carothers, 1997). Nevertheless, various forms of electoral manipulation persist that observers may find challenging to detect or may be less

inclined to categorize as fraudulent activities. For instance, certain international observer organizations exhibit reluctance to critique the electoral system, even in instances where it sustains a profoundly skewed playing field. It is probable that individuals will focus their criticisms solely on electoral irregularities they perceive as having the potential to sway the outcome, despite the inherent challenges in making such determinations. Overall, reputable international observer organizations experienced significant enhancements in quality throughout the 1990s; however, they continue to encounter various challenges in assessing the quality of elections.

The Costa Rican elections of February 1962 are often regarded as the inaugural instance of an internationally observed election in a sovereign state; however, they were not the initial elections for which a government had pursued the presence of international observers. Four years prior, the democratizing administration of Costa Rica and the beleaguered Cuban regime each sought to engage international observers, hinting at the future dynamics of international observation where both genuine and superficial democracies extend invitations to foreign election monitors. The issuance of these invitations occurred during fervent discussions across the Americas regarding the intricate dynamics of democracy, anti-communism, and the United States' backing of authoritarian regimes within the Western Hemisphere. Costa Rica extended an invitation to observers from the United Nations and the Organization of American States (OAS) for the 1958 elections, aiming to establish, as articulated by President José Figueres, “an example to the Americas.” The New York Times coverage elucidates the comprehensive endeavors initiated by the Costa Rican government to ascertain a reliable indicator of the integrity of their democratic institutions. President Figueres is renowned as the nation's "father of democracy," and his strong stance against various

dictatorships in the region positioned him as a prominent figure in advocating for the U.S. and other governments to embrace more clearly pro-democracy foreign policies. In spite of his attempts to engage foreign observers, the UN and the OAS rebuffed the government's appeal for official observers during the 1958 Costa Rican elections, and no documentation of a formal observation mission has been found. Several months later, the Cuban government made an effort to extend invitations to international election observers. In light of the challenges posed by Fidel Castro, an arms embargo, and the insistence from the United States to limit repression and conduct genuine elections in the absence of his involvement, Batista organized multiparty elections, permitted opposition candidates to participate, and liberated several political prisoners. In November 1958, in response to the requests from opposition parties, Batista extended an invitation to international observers from the OAS and the UN to oversee the electoral process. Both organizations declined to dispatch observers; however, the invitation serves as a notable instance of a government, lacking substantial democratic credentials, striving to project a newfound, albeit probably insincere, dedication to democratic elections in the wake of significant international and domestic pressure for political liberalization.

2.1.3.1 Early Invites to Election Observation Missions

The initial developments in election observation reveal that most instances involved leaders striving to showcase their commitment to authentic democratic transitions. However, there are notable exceptions, such as in the Dominican Republic in 1966, Bolivia in 1978, and Nicaragua in 1963, where electoral autocrats sought to bestow a semblance of democratic legitimacy upon their ongoing governance by orchestrating

elections and facilitating a controlled transition to a figurehead president. Historically, international election monitoring has been confined to non-sovereign or trust territories, primarily in the context of plebiscites concerning territorial matters. While these initial instances are significant for establishing the practice of international election monitoring in sovereign nations, including Costa Rica and the Dominican Republic during the 1960s, they possess unique characteristics. The frequency of recorded elections remained below five annually until the early 1970s. With a few notable exceptions, these initial missions dispatched merely one or two observers to the capital on election day and seldom offered critiques of the electoral process. No elections were conducted between 1973 and 1976, with the practice resuming in the late 1970s.

While these initial instances are significant for establishing the practice of international election monitoring in sovereign nations, including Costa Rica and the Dominican Republic during the 1960s, they are nonetheless unique. The frequency of recorded elections remained below five annually until the early 1970s. With a few notable exceptions, these initial missions dispatched merely one or two observers to the capital on election day and seldom offered critiques of the electoral process. Between 1973 and 1976, there was a notable absence of observed elections, a trend that resumed in the late 1970s (Legler et al., 2007).

With the proliferation of election observation, it became increasingly common for observers to be summoned to prominent elections that occurred in the wake of transitions from authoritarian governance, particularly when the government's dedication to democratic principles remained ambiguous. The 1984 elections in Guatemala were subject to observation by the OAS in the aftermath of a coup that occurred in 1983. The regime of Efraín Ríos Montt, notorious for its egregious

violations of human rights in the annals of Guatemala's history, was overthrown in a coup orchestrated by Oscar Mejías. Despite ascending to power through overtly undemocratic methods, Mejías endeavored to orchestrate a transition back to democracy in Guatemala. He abolished the state of siege, introduced electoral legislation, permitted political activities that had previously been prohibited under Ríos Montt, and refrained from allowing his government to endorse any parties or candidates. In concluding his role during the transition, he refrained from seeking office and permitted another individual to ascend to the presidency.

During the 1980s, leaders of sovereign states beyond Latin America commenced the practice of inviting observers. Following the observation of independence elections in various non-sovereign territories, including Rhodesia in 1979, the Commonwealth initiated its election observation efforts in newly sovereign African nations, commencing with missions in Zimbabwe and Uganda in 1980. By the mid-1980s, a growing number of overt pseudo-democrats sought the presence of international observers. The increasing significance of the connection between democracy and internationally monitored elections has led pro-democracy proponents—both within nations and across borders—to advocate for the presence of observers. The discourse emanating from the government reveals the hesitance of these so-called democrats to welcome observers, alongside their endeavors to exert influence over them. Prior to the 1986 “snap” elections in the Philippines, the foreign minister articulated that “the Republic of the Philippines is a sovereign and independent state, possessing the ultimate authority to manage its electoral processes as it deems appropriate.” He further asserted that Marcos was under “no obligation” to extend invitations to observers, yet chose to do so as “a gesture of good faith” and to demonstrate that “we are a government of

laws.”

The conclusion of the Cold War ushered in a significant transformation regarding the nations eligible to pursue benefits contingent upon democratic governance. Throughout the Cold War, the inclination of the U.S. and its allies to support anti-communist nations took precedence over any inclination towards promoting democracy in countries that did not align with this anti-communist stance. The reduced significance of anti-communism as a characteristic of state governance was particularly evident in Africa, where numerous governments during the Cold War pursued international advantages by involving the United States or the USSR in a competitive struggle for their loyalty. Following the limited instances of Commonwealth observation in Africa in the early 1980s, there were no elections monitored in independent African nations until the 1991 elections in Zambia.

This body of literature indicates that the initial observation missions were predominantly American and carried out by the Organization of American States, thereby highlighting the protracted democratization processes in significant regions of the Global South. This study contends that such actions persist in reinforcing the North-South divide across various domains, as North America oversees elections in the Southern regions of America, ostensibly under the guise of promoting democratic norms, values, and principles. At that juncture, information regarding Africa was notably limited. This thesis, through an examination of Kenya, aims to address the existing geographical and contextual research gaps.

2.1.4 The Set-up of Election Observation Missions

The configuration of EOMs can be examined from various perspectives; this section emphasizes the legal framework. The legal framework governing EOMs, particularly

in relation to their accountability mechanisms, is primarily characterized by soft law, which refers to non-binding legal instruments. The initial focus is on the international instruments accessible for EOMs, as dictated by the mandates of the respective sending entities. Subsequently, it examines the legal relationship between these entities and the host country, alongside the national laws pertinent to that country.

2.1.4.1 International Legal Frameworks for Election Observation

A multitude of international organizations are dispatching end-of-mission reports, including various regional entities such as the League of Arab States, the African Union, the Parliamentary Assembly of the Council of Europe, the Organization of American States, the OSCE Parliamentary Assembly, the European Parliament, and the Economic Community of West African States, among others. This section serves as a case study on the EU and the OSCE EOMs, given their representativeness and longstanding tradition in the realm of election monitoring. The European Union and the Office for Democratic Institutions and Human Rights have both expressed their support for the Declaration of Principles for International Election Observation, which was formally recognized in 2005 at the United Nations. This instrument is non-binding, meaning that its breach does not result in international legal accountability. Alongside establishing the initial formal definition of international election observation, the Declaration obligates its signatories to adhere to several fundamental principles and methodological standards. These encompass the monitoring framework for missions during the pre-election phase, the election itself, and the post-election phase. It also outlines the necessity for a statement of findings and recommendations, emphasizing the importance of the relationship with the host country. Notably, Election Observation Missions are anticipated to "issue timely,

accurate and impartial statements to the public, including providing copies to electoral authorities and other relevant national entities," thereby presenting their findings, conclusions, and any pertinent recommendations aimed at enhancing election-related processes. Missions ought to publicly declare their presence within a nation. It articulates explicitly the circumstances under which a Mission ought to be dispatched (or refrained from) and delineates the essential assurances that must be provided to the EOM by the host state to facilitate an unbiased evaluation of the elections. The Declaration further encompasses a Code of Conduct for observers. They are required to maintain a rigorous standard of political neutrality and to avoid any conflicts of interest; their assessments must be grounded in precise, factual, and verifiable evidence, while also safeguarding the confidentiality of sources when necessary; they must ensure that there is no interference or obstruction in the electoral process; they are obligated to uphold transparency through public reporting and to disclose information regarding mission structures and funding sources; and they must adhere to the laws of the nation and the authority of electoral bodies. It is imperative for observers to adhere to appropriate personal conduct and to exhibit cultural sensitivity towards the nation under observation. Moreover, the observers are expected to withhold any remarks to the public or the media until the Mission has addressed the matter.

The Declaration obligates signatory organizations "to exert every effort to adhere to its provisions." All individuals involved in EOM are required to thoroughly read and comprehend the Code of Conduct, and they must formally endorse a commitment to adhere to its principles. Nonetheless, the Mission, or the entity that dispatched it, bears no legal obligation if the stipulated terms are not adhered to. The Declaration articulates that, in instances where there are apprehensions regarding the infringement of its Code

of Conduct, the EOM is obligated to undertake an inquiry into the issue at hand. Should a significant breach be identified, the observer in question may face the revocation of their accreditation or dismissal from the EOM. The responsibility for such determinations resides exclusively with the leadership of the EOM. The guidelines and Codes of Conduct are acknowledged by the International Organizations we will engage with, specifically the European Union and the Organization for Security and Co-operation in Europe.

2.1.4.2 Institutional Mandates of the Sending International Organization

The engagement of the EU in electoral processes within partner nations arises from its dedication to fostering and strengthening democratic principles, the rule of law, and the safeguarding of human rights and fundamental freedoms, all integral components of its Common Foreign and Security Policy. The Cotonou Agreement between the EU and its partner countries in Africa, the Caribbean, and Pacific regions acknowledges that the rule of law, along with transparent and accountable governance, is essential to sustainable development. In the year 2000, the European Commission released a Communication regarding EU Election Assistance and Observation, aiming to create a cohesive policy framework for the EU's electoral interventions, which align with its overarching commitments to human rights, the rule of law, and democratic principles. Endorsed by the European Parliament and the EU Council of Ministers, the Communication establishes the framework for the EU to systematically engage in election observation. The Communication specifically asserts that "the criteria for the validation of observed elections" are derived from international human rights treaties. While the directive for dispatching EOMs is integrated within the framework of the Common Foreign and Security Policy and is therefore intergovernmental, the

phenomenon of "mission creep," observable in other organizations that expand their authority beyond their foundational mandates via implied competencies, does not appear to apply in this instance. This is due to the clear mandate provided by both the Council and the European Parliament. It is important to recognize that within this domain, the Commission assumes a pivotal role, while the Member States are largely not directly engaged in the EOMs, despite the intergovernmental nature of the Common Policy.

During the 1990 Copenhagen Meeting on the Human Dimension, the participating States of the Conference for Security and Cooperation in Europe (CSCE) established a set of commitments concerning elections, aimed at ensuring that the authority of government is grounded in the will of the people. It is explicitly noted that "the presence of observers, both foreign and domestic, can enhance the electoral process," and a continuous invitation is extended to "observers from any other participating State ... to observe the course of their national election proceedings." Subsequent agreements led to the establishment of the Office for Free Elections, which evolved into the ODIHR in 1992. This organization was tasked with the responsibility of conducting thorough election monitoring and assumed an expanded role in overseeing the electoral process before, during, and after elections. The OSCE conducts evaluations of national election laws at the behest of interested states, particularly those that are new democracies or undergoing transitions. This process involves providing guidance on matters such as the delineation of electoral boundaries and the establishment of national election commissions, along with offering recommendations and direct technical or financial support.

2.1.4.3 The Legal Relationship between the EOM and the Host Country

Although both entities employ analogous methodologies, a significant difference lies in the specific countries to which they assign Election Observation Missions. The European Union monitors electoral processes in its partner nations, with which it maintains bilateral development agreements. The ODIHR is set to conduct observations within the OSCE participating States, encompassing all EU Member States as well as EU candidate and potential candidate nations.

2.1.4.4 Agreements with Host Countries

The procedural framework established by the EU for election observation stipulates that a formal invitation from the government or election authorities of the host nation must be obtained prior to the deployment of an Election Observation Mission (EOM). It is a prevalent procedure for the EU to establish a Memorandum of Understanding (MoU) with the host nation, delineating the rights and responsibilities of the Election Observation Mission (EOM) alongside the obligations of the host country concerning the issuance of accreditation, access to information and geographical regions, and, where applicable, assurances of security protection. Their purpose is to facilitate sufficient collaboration and enable host governments to gain a comprehensive understanding of the functions an EOM will perform within a country. With limited exceptions, EU Election Observation Missions have operated under the framework of a Memorandum of Understanding. It is important to acknowledge that the MoU is, in fact, non-binding.

The Memoranda of Understanding closely adhere to the Declaration, which delineates comprehensive assurances. The Declaration delineates the fundamental prerequisites that a host nation must satisfy to enable a signatory organization to implement an

Election Observation Mission capable of executing its functions with efficacy and credibility. The established minimum standards encompass assurances for: unobstructed access to every phase of the electoral process and all participants involved; unrestricted movement throughout the nation; the liberty to express statements; protection from interference by State authorities; and pledges against reprisals directed at EOM interlocutors. Typically, the establishment of these fundamental conditions will be assessed by a preliminary delegation of electoral specialists. The EU and OSCE may opt against deploying an EOM if the requisite conditions are not fulfilled. Nonetheless, in spite of numerous instances characterized by challenging security environments or the imposition of limitations on observers, there has yet to be a situation in which an Election Observation Mission has retracted its deployment due to a lack of fundamental conditions, even though security-related restrictions have been enacted. Typically, the EU EOM does not possess special diplomatic status; however, the Memorandum of Understanding may stipulate associated privileges, including exemptions from visa requirements or tax obligations. This further suggests that the members of the EOM are not afforded diplomatic immunity. The function of the EU EOM is separate from the existence of any EU diplomatic entities within the host nation, including a European Commission Delegation or the embassies of EU Member States. However, as previously noted, there is engagement with the diplomatic missions of EU Member States.

Consistent with the Copenhagen Commitments, the ODIHR EOMs maintain a perpetual invitation to observe in OSCE-region countries; however, it is customary for State authorities to issue a formal letter of invitation for the deployment of an EOM. Due to the inherent characteristics of the OSCE as a collective of participating States,

a formal Memorandum of Understanding is infrequently established between the ODIHR and the host nation unless particular technical necessities arise (such as the acquisition of equipment); nonetheless, diplomatic notes verbales may serve to create a framework for visa issuance, among other matters. The ODIHR EOM will be formally set apart from any diplomatic mission of the OSCE within the country or the embassies of the participating States of the OSCE. The EOMs typically do not possess the traditional privileges and immunities afforded to IOs, yet the issue of their accountability persists. While the MoUs provide certain safeguards for the effective execution of their responsibilities, they do not explicitly confer any immunity related to the performance of the EOMs' functions; therefore, functional immunity, or immunity *ratione materiae*, is not afforded. Consequently, it remains ambiguous what the implications would be if, for instance, a CO or DCO were to face criminal liability for a declaration alleging governmental electoral fraud, assuming there exists a pertinent clause within the nation's criminal code. The same holds true for the observers themselves: there exists no personal immunity or immunity *ratione personae*.

2.1.4.5 National Legal Framework for Observers

Typically, a host nation possesses a legal structure governing the observation of elections, which delineates the rights and responsibilities of observers applicable to both domestic observers and international electoral observation missions. The legal framework frequently safeguards the rights of observers, further enhanced by administrative regulations promulgated by the pertinent election management authority. These regulations frequently delineate accreditation processes, specify the degree of access to electoral entities, and establish a formalized Code of Conduct for

observers, which may also include provisions for sanctions in the event of violations. Nearly every nation, for instance, permits the presence of representatives from candidates or parties to oversee polling and counting on election day, thereby granting observers the right to access for monitoring purposes. The United Nations Human Rights Committee has articulated that State signatories to the ICCPR ought to facilitate "independent scrutiny of the voting and counting process ...to ensure that electors possess confidence in the integrity of the ballot and the accuracy of the vote tally." The EU has nonetheless noted instances in certain countries where legal provisions for election observers to oversee the electoral process were absent. Countries frequently depend on their own legal frameworks for the EOMs; however, the MoUs provide an additional assurance against any undue interference in the operations of an EOM. Given that EOMs and their members lack personal immunities, national courts possess the authority to scrutinize the conduct of observers in accordance with national law, particularly when such conduct falls outside the scope of their official mandate, namely actions taken in a personal capacity.

2.1.5 Typologies of International Election Observer Missions

Table 2.1. presents a summary of IEOMs.

Table 2.1: Table Showing Classification of IEOMs

Nongovernmental Organizations	Intergovernmental Organizations
Carter Center	United Nations
National Democratic Institute	Organization for Security and
International Republican Institute	Cooperation in Europe
	Council of Europe

International Foundation for Electoral Systems	Commission of the European Union European Parliament
Norwegian Helsinki Committee	Organization of American States
International Human Rights Law Group	Commonwealth Secretariat
Asian Network for Free Elections	Southern African Development Community (SADC)
Elections Institute of South Africa	Commonwealth Independent States
Electoral Commissions Forum of the SADC Countries	La Francophonie

Source: Author (2022)

International observation in Africa is conducted by a multitude of organizations. The entities in question encompass the Regional Economic Communities (RECs) alongside various regional non-state actors; continental intergovernmental organizations, notably the African Union (AU), and additional continental non-state actors like the Electoral Institute for Sustainable Democracy in Africa (EISA); as well as international intergovernmental bodies such as the European Union and the Commonwealth, complemented by international non-state actors including the National Democratic Institute (NDI) and the Carter Center. All parties involved have endorsed the 2005 Declaration of Principles for International Election Observation and the accompanying Code of Conduct for International Election Observers (UN, 2005). These organizations possess distinct norms, values, and standards, in addition to established codes of conduct for the observation of elections.

2.1.5.1 The Role of Observers

Generally, the practice of election observation is guided by two distinct yet interrelated primary objectives. Initially, the significance of foreign policy lies in its capacity to support good governance in developing nations through the acknowledgment of legitimate elections and governments. In the subsequent discourse, this will be referred to (for the purpose of discussion) as the 'diplomatic objective'. Secondly, the purpose of election observation is to facilitate the process of democratization and foster the evolution of a culture centered on human rights; this will be referred to as the 'aid objective'. Both components possess the overarching objective inherent in any development cooperation, which is to render themselves unnecessary by embedding innovations (such as democracy) profoundly within each nation through the process of capacity-building (EU, 2002:5-6).

The conventional function of international election observers is firmly entrenched. They meticulously and thoroughly collect data regarding the electoral process and essential institutions, scrutinize the information, formulate conclusions regarding the integrity of the results, and propose recommendations for future considerations. Following the conclusion of the Cold War and the resurgence of interest in the promotion of democracy on a global scale, the utilization of international election observers has emerged as a standard practice within the realm of international politics. The consistent occurrence of multiparty elections in the wake of numerous post-Cold War democratic transitions worldwide, particularly in Africa, has led to a notable rise in the prominence of international election observation. This practice has garnered widespread endorsement as a vital tool for bolstering electoral integrity, revealing irregularities and fraud, and aiding in the prevention of electoral conflict, especially in contexts marked by significant polarization and delicate democratic transitions (Kelley,

2008).

Highlighting the importance of elections in the promotion and consolidation of democracy in Africa, the African Union, the continent's governing body, enacted the Charter on Democracy, Elections and Governance in 2007. Similarly, sub-regional organizations like the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS) have embraced instruments such as the SADC Principles and Guidelines Governing Democratic Elections (Revised, 2015) and ECOWAS's Protocol on Democracy and Governance (2001), which underscore the significance of high-quality elections. The various continental and sub-regional instruments highlight a shared dedication to ensuring elections that are free, fair, and transparent. This commitment aims to establish the legitimate authority of representative governance and facilitate the democratic transition of political power within member states. The engagement of international election observers is thus a fundamental aspect of these mechanisms, aimed explicitly at preserving electoral integrity within member states.

The 2005 Declaration of Principles for International Election Observation articulates that observers possess the capacity to bolster the integrity of electoral processes by deterring and revealing irregularities and fraud, as well as by offering recommendations for the enhancement of these processes. It has the capacity to enhance public trust, as appropriate, encourage voter engagement, and reduce the likelihood of conflicts associated with elections. International observers contribute to the advancement of global comprehension by disseminating experiences and insights related to the evolution of democratic practices. It is essential to recognize that, despite its prevalence in contentious electoral scenarios, mediation falls outside the purview of international

observation. The capacity for conflict mitigation by international observers is thought to stem from their mere presence and the deterrent effect it produces, rather than from direct involvement in mediation or conflict prevention during an electoral process. Election observation constitutes a singular facet within the expansive architecture of international efforts aimed at fostering democracy and providing electoral assistance. In a general sense, one can identify three primary tiers of international involvement in electoral processes across Africa. The initial layer involves the provision of technical assistance, typically facilitated through a fund managed by UNDP. The primary justification for the basket fund, a collective financing mechanism, lies in its potential to enhance coordination and project execution, particularly in delicate political environments. Assistance from international stakeholders, facilitated through this coordinated mechanism, typically manifests as projects aimed at enhancing the capabilities of the election-management body. This includes initiatives for the professional development of electoral officials, logistical support for elections, procurement of technical equipment, arrangements for electoral security, backing for citizen observer groups, establishment of early warning systems, voter education initiatives, media capacity-building, reinforcement of grassroots conflict resolution strategies, and various other endeavors designed to foster transparency. The intricacies of engagement are often contingent upon various factors, including the developmental status of the nation, the current political landscape, the dedication to democratic principles, and the interests of international stakeholders. International stakeholders also offer assistance bilaterally or directly to national institutions and stakeholders, bypassing the basket fund. A crucial element of this support involves the provision of funding for citizen or domestic election observers and monitors.

This study primarily concentrates on the second aspect of international electoral engagement, which involves the practice of election observation. The observation of elections has emerged as a fundamental component of the electoral and democratic frameworks within Africa. Since the conclusion of the Cold War, observation has emerged as a significant aspect of European foreign policy, regarded as a crucial tool for the promotion and fortification of democracy on a global scale, albeit frequently yielding varied outcomes. In the aftermath of a pre-election evaluation, intergovernmental organizations and international NGOs typically assign both “long-term” and “short-term” international observers to the nation conducting elections. This deployment occurs days, weeks, or even months prior to the election, contingent upon the observer type. These observers, whose numbers can vary significantly—from a handful to several hundred—are strategically positioned in the capital and regional cities, with particular attention given to “hot spots” in the lead-up to election day. The observers interact with local and international stakeholders prior to, during, and shortly after Election Day, typically compiling both preliminary and final reports on their observations. The conclusive reports, encompassing recommendations, are typically disseminated to the public several weeks or months subsequent to the elections. The tertiary layer of international stakeholder engagement manifests through diplomatic and political interactions, often referred to as “good offices” demarches, which are designed to foster peace in the critical periods surrounding elections—be it prior to, during, or following the electoral process. This represents the most unstructured, uncoordinated, and inarticulate mode of international involvement, yet it constitutes a significant element of electoral backing, particularly in unstable and politically charged electoral environments. This typically involves the appointment of an envoy, whether a former or current Head of State, elder statesman, or leader of an

international organization, to a nation experiencing escalating political tensions. The envoy's role is to engage with political leaders, particularly the principal candidates, to alleviate tensions through messages of peace and to obtain commitments for conducting elections in a peaceful manner. Typically, these initiatives are led by intergovernmental organizations including the African Union, ECOWAS, SADC, the Commonwealth, and the United Nations. The mediation function is typically undertaken by the Chairpersons or leaders of international election observation groups as needed during post-election crises, although this responsibility extends beyond their official mandate (Hinfelaar & Sawyer, 2022).

Since 1989, numerous observer groups have concentrated on assessing the quality of the electoral process well in advance of election day, deploying long-term observers who formulate evaluations regarding the integrity of the pre-election period. The evaluations are further enhanced by accounts from short-term observers who gather information from various polling stations on the day of the election. Throughout the process of result tabulation, international observers meticulously oversee the vote counting procedure and engage in parallel-vote tabulation (PVT). It is customary for observers to remain within the country until the official results are declared and duly certified (Hyde, 2008).

2.1.5.2 Representative Democracy and Importance of Elections

Democracy presents a paradoxical notion, shaped by the diverse perspectives of various scholarly authors. Lincoln (1863) perceives democracy as a system characterized by governance that originates from the populace, is executed by the populace, and ultimately serves the interests of the populace. Conversely, democracy fundamentally relies on the principles of “popular sovereignty, the alignment between those who

govern and those who are governed, and equality” (Mouffe, 2000, 21). Mainwaring (1993; 201) posits that democracy must adhere to a triadic set of criteria. These encompass open competitive elections that ascertain governance, followed by the necessity of universal suffrage, and ultimately, the assurance of fundamental civil liberties, including the freedom of organization and the due process of law. Linz, J (1996; 139) posits that “Democracy is a government pro tempore, a regime which the electorate at regular intervals can hold its governors accountable and impose change.” The aforementioned definitions hold significant value as they enhance our comprehension of the characteristics that delineate a strengthening or weakening democracy.

Democracy is often understood as a concept synonymous with the conduct of elections within a nation. A considerable number of academics contend that an increase in the frequency of elections within a state correlates with its advancement towards a more robust democratic framework. One notable scholar, Lindberg (2004), articulates that at the onset of the “third” wave of democratization in the mid-1970s, many have celebrated elections as the hallmark of democracy. One may observe that democracy is experiencing a global fortification. This is demonstrated through statistical analysis, wherein at least two sets of elections have occurred in Africa, totaling 184 elections across 33 countries as of 2003 (Lindberg, 2004). This, in itself, illustrates the advancement democracy has achieved since the third wave. Nonetheless, the mere act of conducting elections does not suffice for a true democracy, as authoritarian regimes similarly engage in electoral processes to attain a semblance of legitimacy. Consequently, the process of democratization continues to evolve, and in the 21st century, election observation has emerged as an informal mechanism for ensuring electoral integrity.

Elections hold significant importance as they aim to confer legitimacy upon a political party's governance within a nation. Lindberg (2004) posits that the legitimacy conferred by an election fosters positive relations among states, as they perceive one another as equals, each representing their nation through the collective will of the populace. Furthermore, recognized state leaders are perceived to address conflicts through more diplomatic means and are less inclined to engage in warfare, as their authority is derived from the consent of the populace. The significance of referendums becomes apparent when leaders seek to amend laws within a nation, emphasizing the importance of the populace's voice rather than the unilateral imposition of legislation. An illustration of this is the referendum conducted by the United Kingdom regarding its continued membership in the European Union. Consequently, the populace chose to withdraw from the EU, and their leaders refrained from imposing this decision upon them, while fellow member states acknowledged and respected this choice.

It is essential to recognize that elections do not invariably ensure legitimacy. This is apparent in the increasing trend of national unity governments, wherein the incumbent declines to relinquish power following a fiercely disputed election, thereby incorporating opposition parties into the government to mitigate potential conflicts with the ruling administration. Power-sharing agreements are typically instituted to mitigate discord among competing political factions. The primary objective of power-sharing agreements is to diminish majoritarianism, thereby alleviating the risk that a particular party or ethnic group could pose to the security of a nation's citizens (Miti et al., 2013:1). It is clear to observe that the democratic process is compromised when certain factions can dominate merely by invoking fears regarding the stability of a nation. Croatia (1991), Kenya (2007), Zimbabwe (2008), Greece (2011), Sri Lanka (2015), and

Italy (2013) serve as notable instances of national unity or coalition governments that attained legitimacy without the endorsement of an electoral process. Notwithstanding these instances, elections continue to yield legitimate governments, particularly in the context of a foreseeable absence of conflict or turmoil.

2.1.5.3 Stages of Democratization

The phenomenon of democratization, which began in Portugal and Spain during the 1970s, subsequently permeated the developing world throughout the 1980s and 1990s. The phenomenon referred to as the ‘Third Wave’ (Huntington, 1991) traversed Latin America and Eastern Europe, subsequently extending to Asia and Africa. The evolution of political regimes is noteworthy: in 1974, there were 41 democracies among the 150 states, whereas by 2003, approximately three-fifths of all global states were classified as formal democracies (Diamond, 2006), despite their inherent imperfections. Democratization can be conceptualized as a tripartite process: (i) the liberalization phase, characterized by the opening or disintegration of the preceding authoritarian regime; (ii) a transition phase, frequently culminating in the occurrence of the inaugural competitive elections; and (iii) the consolidation phase, during which democratic practices are anticipated to gain stronger establishment and acceptance among the principal stakeholders (O’Donnell & Schmitter, 1986; Linz & Stepan, 1996). This concluding phase is crucial for the establishment of resilient democratic systems. This section will later elaborate on the significant challenges faced by emerging democracies in the developing world. It is crucial to acknowledge that the processes of democratization are not necessarily linear, and in various instances, democratic openings and transitions have not culminated in the establishment of consolidated

democracies. Instead, numerous regimes often find themselves ensnared in a state of transition, or regressing to varying degrees of authoritarian governance. The phenomena referred to as ‘unconsolidated’ or ‘hybrid’ regimes have garnered significant interest from scholars and policy-makers, and will be examined more thoroughly in the subsequent parts of this section.

2.2 Efficacy of Diplomacy of International Election Observer Missions in Consolidating Democracy

2.2.1 Deter and Prevent Fraudulent Electoral Processes

One of the observable roles of international monitors is to inhibit or avert the intensification of conflicts throughout the electoral process (Anglin, 1998). The December 2007 Kenyan election yielded an unforeseen political upheaval that nearly plunged the nation into civil war (Kelley, 2009). The emergence of this violence serves as compelling evidence to undermine the credibility of international monitors in the context of the elections. Nevertheless, the international monitors adeptly fulfilled certain of their anticipated objectives. They effectively asserted their authority by declining to support the preliminary proclamation of victory for President Kibaki (Harneit-Sievers & Peters, 2008). Their actions were bolstered by the engagement of civil society and the presence of domestic observers. Thus, the rejection of international monitors to authenticate and issue the insurance certificate for the 2007 fraudulent electoral process fortifies their stance in advocating for democratic governance across African nations. Regrettably, the advancements lacked the sustainability necessary for fostering democratic governance over the long term, as the coalition government represented merely a transient solution. In light of the discussions surrounding global impacts on democratization, the data

derived from the electoral events of December 2007 reinforces this notion (Kelley, 2012; World Bank, 1993). The global community came together, contesting the electoral outcomes and urging Kenyan political leaders to resolve the stalemate. The global community utilized various mechanisms to uphold democratic standards in Kenya (Kelley 2012). In February 2008, a coalition government was established between both parties, facilitated by the former UN Secretary General Kofi Annan. The findings from this case study align effectively with the prior research conducted by scholars in the field (Harneit-Sievers & Peters, 2008). Consequently, the international election monitors were able to exert a positive influence on the domestic political landscape of Kenya. This represented a significant advancement in the advocacy of democratic governance.

To address potential electoral disputes in the nation, the Carter Center advocated for the formation of the Judiciary Working Committee aimed at effectively and efficiently managing such disputes (Stremlau, 2013). Furthermore, the government took additional measures to improve the system by providing training for all judges, court registrars, and magistrates. This initiative received commendation from the Carter Center as a significant advancement toward the consolidation of democracy in Kenya. The Supreme Court of Kenya's ruling on the electoral results was respected due to the sanctity and independence of the Judiciary (Schulz-Herzenberg & Gatimu, 2015).

The Institute for Security Studies conducted a survey following the 2013 election to produce data aimed at illuminating the perspectives and opinions of the Kenyan populace regarding their political institutions. Kenyans articulated their endorsement for the involvement of international observers throughout the electoral process. Sixty-two percent of the respondents indicated that the presence of international observers is

essential and broadly recognized, whereas twenty-seven percent offered criticism, and eleven percent were uncertain (Schulz-Herzenberg & Gatimu, 2015). In a retrospective analysis conducted in 2009, a survey of Kenyans revealed that 82% advocated for the consistent invitation of international observers, whereas 17% expressed opposition to such practices. Both pieces of evidence indicate that the involvement of international observers enhances public trust in the electoral process (Schulz-Herzenberg & Gatimu, 2015). Nonetheless, the data indicates a notable decrease in the levels of confidence among election observers from 2009 to 2013. Explanations may be linked to the surface-level nature of the observation process (Geisler, 1993). A significant insight derived from the research is that election monitoring should be considered within a wider framework. Furthermore, democracy encompasses more than merely the act of holding elections, as it comprises various essential components (Anglin, 1998). While they may be characterized as free and fair, the concept of democratic governance extends beyond this framework, serving as a fundamental component of peacebuilding. Evidence derived from a global survey of civil and political rights suggests that democratic institutions have persistently exhibited weaknesses, despite the occurrence of democratic elections (Freedom House, 2007). Several of these elements encompass respect for human rights, media freedom, political liberties, a culture of tolerance, an independent judiciary, an efficient public service, and a robust civil society (Cheema, 2005). While the aforementioned criteria for assessing democratic performance are significant, they do not encompass all the principal measures that could be considered. A political framework in which institutions function in alignment with democratic principles and procedures. An additional significant indicator for evaluating democratic governance, through which the impact of international observers can be measured in

Kenyan domestic politics, is the existence of a governmental system wherein institutions function in accordance with democratic norms and processes. This indicator must be assessed within a specified timeframe, namely from 2007 to 2013. During the elections of 2007 and 2013, the entities tasked with overseeing the electoral process functioned in a way that deviated from established domestic standards and procedures (Freedom House, 2008). The 2013 election exhibited a greater degree of organization compared to the 2007 election, as the voting process was more streamlined. However, the manual delivery of ballots encountered delays and lacked transparency. A sequence of deficiencies in 2007 during which international monitors were denied entry to the tallying areas in the concluding stages, and the government suppressed media coverage until the prompt declaration of Kibaki's victory (IRI, 2007). The international observers were unable to gain access due to their lack of executive authority. Their presence diminished to that of mere tourists, devoid of any impact on the domestic political landscape of Kenya (Glidden, 2001; Geisler, 1993). The findings from the elections align with the existing body of literature.

The unencumbered articulation of the populace's desires serves as the cornerstone for rightful political power. A method to assess democratic governance in Kenya involves examining the unencumbered expression of the populace's will, which serves as the cornerstone for authentic political authority. In contrast, the driving force within the Kenyan political landscape has been the government's reluctance to implement reforms, which has sparked apprehensions regarding the democratic evolution of Kenya (Marshall, 2013). The political rights ratings for Kenya experienced a decline from three to four, as reported by Freedom House in 2008. The primary factor contributing to this significant downturn is the manipulation of the December 2007 votes that

avored the incumbent, Mwai Kibaki. The ensuing violence was indicative of a profound discontent. The December 2007 Presidential polls illustrated a suppression of the people's will, notably influenced by the presence of international election monitors (Freedom House, 2008). In exploring the international influences on democratization related to the 2007 election, it becomes evident that there was a degree of success in altering the domestic political landscape of Kenya through the facilitation of the Peace Accord. However, a critical inquiry arises regarding whether these influences could have averted the initial outbreak of violence altogether. Consequently, the impact of international influences on the democratization process in Kenya proved to be rather limited.

The entitlement to engage in public matters raises important considerations regarding the actual influence of civil society. The case study illustrates that political participation and the function of civil society proved to be quite effective, despite some minor shortcomings. During both elections, over 17,000 observers were dispatched by civil society to the polling stations on Election Day (IEBC, 2016; EU EOM, 2008). While the presence of these observers was crucial for ensuring electoral transparency at the polling station level, their impact on the domestic political landscape of Kenya proved to be ephemeral. Furthermore, the newly established constitution ensures the protection of freedom of speech and the press, alongside the presence of a vibrant and autonomous media landscape in Kenya. Nonetheless, in reality, there exists significant censorship due to numerous laws that impose restrictions on such rights, and at times, government entities intimidate members of the press. Consequently, the media tend to refrain from addressing delicate issues such as government corruption, shortcomings of the IEBC, and ICC proceedings, apprehensive of potential harassment (Freedom House 2008). This serves as a clear indication that the efforts of international observers advocating

for media freedom in Kenya were disregarded, largely due to the government's reluctance to engage in necessary reforms. The involvement of international election monitors during the 2007 and 2013 elections was remarkable, as a significant portion of the general populace conveyed their support for the presence of these organizations (Schulz-Herzenberg & Gatimu, 2015). The substantial voter turnout in the December 2007 election was significantly influenced by the presence of international observers, which instilled a sense of confidence in the electorate to engage in the exercise of their democratic rights. Similarly, during the 2013 election, public confidence reached notable heights, with 62% of voters expressing that the presence of these observers was optimal and widely recognized (Schulz-Herzenberg & Gatimu, 2015). The findings from my research align seamlessly with the established literature, as they corroborate the prior work conducted in the field. The article by Kelly, "International Influences on Elections in New Multiparty States," articulates the notion that international activities significantly shape both the conduct and structure of elections (Kelley, 2012; Judith, 2009). This suggests that the simple existence of international observers influenced the democratic frameworks in Kenya.

Furthermore, several insights from the international election monitor are articulated in the final reports of the observers, presenting themselves as recommendations for forthcoming elections. Anglin (1998) observes that it is regrettable that international monitors lack the executive authority during the observation of elections. Their mandate involves meticulous observation, comprehensive reporting, and the provision of informed recommendations. The government will subsequently retain the authority to either accept or dismiss the recommendations presented. Consequently, academics such as Geisler have deemed election observation to be, at best, an imperfect art

(Geisler, 1993). Nevertheless, detractors such as Kelley might contend that international observers utilize varying mechanisms to uphold their democratic criteria. These mechanisms encompass sanctions, military intervention, and political conditionality (Kelley, 2012). To bolster Geisler's argument, one can reference the mechanisms employed by international observers to compel undemocratic nations to embrace democratization, as evidenced in the fraudulent elections of Zimbabwe in 2002. Since 2002, the government of Zimbabwe has faced sanctions imposed by the United States and the European Union; however, the democratic framework remains precarious.

International observers suggested that the ECK should undertake a thorough review of its operations during the 2007 elections to rebuild trust in its processes. They advocated for a comprehensive reform of the tallying and results announcement procedures to enhance security measures and ensure greater transparency (European Union Election Observer Mission, 2008; Commonwealth Secretariat, 2007; Stremlau, 2013). Both recommendations were duly considered during the 2013 elections, despite the presence of minor challenges in the tallying and announcement of results. The electorate participated in significant numbers during the 2013 election (Stremlau, 2013). Furthermore, the discourse surrounding human rights was also examined, particularly in light of the peaceful nature of the 2013 election. The modifications within the Kenyan domestic framework can be attributed, in part, to the impact of international observers. What, then, is the fundamental objective of international election observation, and to what extent do election observers succeed in fulfilling this objective? An essential role of international election observation is to evaluate the integrity of electoral processes (Carothers, 1997; Bjornlund, 2004; Hyde, 2008, 2011; Kelley, 2008; Hartlyn & McCoy, 2006).

2.2.2 Improving Quality of Electoral Practices

Assessing the quality of elections necessitates the formulation of a framework of criteria for evaluating electoral processes. Although it is commonly assumed that elections can be straightforwardly assessed based on the criteria of being 'free and fair', there exists a multitude of processes that may be examined to reach such determinations (Hartlyn & McCoy, 2006: 44). Electoral manipulation may transpire during the pre-election and campaign phases, on the day of the election, or throughout the processes of tabulation and result announcement. Furthermore, numerous deceptive practices may occur at various stages of the electoral process. Although initial critiques of election observation were valid in highlighting an overemphasis on fraud on election day, numerous international observer organizations have notably refined their methodologies and now oversee the comprehensive electoral process (Carothers, 1997). Since 1989, numerous observer groups have concentrated on assessing the quality of the electoral process well in advance of election day, deploying long-term observers who formulate evaluations regarding the integrity of the pre-election period. The evaluations are further enhanced by accounts from short-term observers who have visited various polling stations on the day of the election. Throughout the process of result tabulation, international observers meticulously oversee the vote counting procedure and engage in parallel-vote tabulation (PVT). It is customary for observers to remain within the country until the official results are declared and duly certified (Hyde, 2008).

2.2.3 Deterrence of Electoral Fraud

What impact do international election organizations have on the quality of elections and the potential for electoral manipulation? Initially, the presence of international oversight can enhance the probability that those who engage in deceitful practices are revealed and that electoral malfeasance is uncovered. The documentation of electoral observation reveals instances of fraud, and publications by monitoring organizations have played a crucial role in highlighting fraudulent elections across numerous nations (Hyde, 2007; Carothers, 1997). An examination of international electoral missions spanning from 1975 to 2004 reveals that Kelley (2009) concludes that international observers tend to endorse elections as free and fair when irregularities are minimal. Beyond the realm of fraud detection, the practice of international election observation serves as a significant deterrent against electoral manipulation. Carothers (1997) posits that the existence of election observers can deter electoral fraud, as political authorities are apprehensive about the possibility of being exposed for dishonest practices. However, as Hyde (2008) notes, establishing such an effect in the aggregate proves challenging, as it remains uncertain whether an election would have exhibited transparency irrespective of the presence of international observers. Hyde (2007) employs an experimental design in the context of the 2003 Armenian elections, wherein international observers were systematically allocated to polling stations through random assignment. She discovers that the presence of observers markedly diminished the vote share of the incumbent. The findings suggest that the incumbent possesses a significant capacity for engaging in election fraud, indicating that observers may play a crucial role in deterring such activities. When considered collectively, both theoretical and empirical studies indicate that the practice of election monitoring has the potential to both deter and identify instances of manipulation.

2.2.4 Reducing the Likelihood of Violent Incidences

The influence of observers on manipulation is pivotal in constructing the theoretical framework that connects international monitoring to the emergence of post-election violence. What potential connections can be identified among international election observation, electoral malfeasance, and subsequent acts of violence following elections? Initially, and arguably most logically, the involvement of election observers may diminish the likelihood of violence by increasing the probability that all parties adhere to the electoral process. Although challenging to assess through empirical means, Hyde's research (2007) indicates that the presence of observers diminishes the occurrence of fraud on election day. While the primary emphasis of McCoy, Garber & Pastor's (1991) work does not center on the capacity of monitors to prevent fraud, it does indicate that international election observers may mitigate the likelihood of violent unrest by serving a crucial mediating function among domestic stakeholders. Secondly, the presence of international election monitoring may not yield a consistent impact on post-election violence, particularly if the influence of observers on electoral manipulation differs from one election to another. International observers can potentially dissuade fraudulent activities in certain instances, uncover manipulative practices in others, or coincidentally witness elections where incumbents are genuinely dedicated to upholding free and fair electoral processes. This leads to a lack of a consistent correlation between monitoring efforts and subsequent electoral turmoil. Furthermore, arguments highlighting strategic manipulation imply that a correlation between the presence of monitors and post-election violence is absent, as fraudulent activities would remain concealed when political actors resort to unverifiable methods of manipulation (Simpser, 2008).

2.3 Democratization Process in the Context of International Election Observer Missions

2.3.1 Democratization in Ghana in the Context of IEOMs

In Ghana, a notable percentage of the recommendations put forth by international election observers have been either fully or partially enacted. Among the recommendations we categorized in Ghana, slightly more than one-third were classified within these specific categories. This 'success rate' positions Ghana in a more favorable light compared to Nigeria and Uganda, yet it lags behind Kenya, a conclusion that is somewhat expected. Ghana has historically been regarded as one of Africa's most stable and competitive democracies, characterized by regular transitions of power between its two principal parties – the National Democratic Congress (NDC) and the New Patriotic Party (NPP) – since the nation's reestablishment of multiparty democracy in 1992. Although instances of electoral violence may arise in Ghana, they are infrequent, indicating that the electoral processes in Ghana are generally more tranquil compared to those in Kenya or Uganda. Fifteen In this political landscape, characterized by reduced violence and a more collaborative approach to governance, where the possibility of opposition parties regaining power diminishes the 'winner-takes-all' mentality of elections, one would anticipate a commendable level of adherence to the recommendations put forth by international observers in their assessments. Nonetheless, a considerable degree of disparity exists regarding the implementation of various recommendations in Ghana. In Ghana, international election observers have allocated approximately 43 percent of their recommendations to the Electoral Commission (EC), which has fully or partially enacted over 53 percent of those suggestions. Consequently, the European Commission represents nearly seventy-five

percent of the fully executed recommendations in Ghana, as well as close to fifty percent of those that have seen partial implementation. This pattern distinctly indicates that the comparatively elevated rate of implementing recommendations in Ghana is significantly influenced by the characteristics of Ghana's Electoral Commission, especially its autonomy. Nonetheless, additional elements have played a role in this development, such as robust and ongoing civil society engagement concerning electoral reform (partially supported by donor funding) and a notable level of local stewardship of the reform initiative. The situation in Ghana, however, is not wholly favorable. In various domains, including political finance and the representation of women, the numerous recommendations put forth by observers have yielded minimal effect. This can be attributed to two factors that will be examined in further detail below. Initially, alterations in these domains would signify a considerably more profound transformation of the existing political landscape. Furthermore, civil society has demonstrated a notable lack of engagement in these two domains, and the expansive coalitions necessary to propel more ambitious reforms have largely been missing.

Previous studies have recognized the Electoral Commission as a significant factor in the process of democratization in Ghana. The observed pattern of implementation indicates that a significant portion of its reputation is indeed justified: The Electoral Commission of Ghana has acted upon more than fifty percent of the recommendations addressed to it, albeit to varying degrees. This raises an intriguing inquiry: what factors contribute to the relative success of Ghana's Electoral Commission in executing the recommendations provided by international observers compared to election management bodies in other nations? An essential element seems to be the significant

level of autonomy exhibited by the EC (Debrah, 2011). Scholars examining Ghana's electoral processes highlight the significant and ongoing engagement of civil society in advocating for electoral reform, which has played a crucial role in the adoption of specific recommendations. A significant portion of this mobilization has been facilitated by international donors, who, as noted by prominent experts, 'have almost exclusively financed the various initiatives that Ghana's domestic civil society and media have undertaken to enhance election transparency and credibility since the mid-1990s'. The establishment of a productive working relationship between civil society and the EC is of considerable importance. The interplay of these elements, along with the comparative autonomy of the EC, has contributed to a notable level of local stewardship regarding the execution of electoral reforms, particularly those that correspond with the suggestions put forth by international observers. Consequently, the suggestions put forth by international observers have faced fewer critiques regarding their potential to be perceived as unwarranted Western meddling, a concern that has occasionally arisen in nations like Uganda (Gyimah-Boadi & Yakah, 2012). Typically, the recommendations enacted by the EC have aligned closely with the priorities established by domestic actors, including civil society and the EC itself. In instances where the inclinations of global observers and local participants have diverged, the resulting recommendations have frequently gone unheeded. For instance, although certain international observers have expressed apprehension regarding the severe sanctions (potentially extending to two years' imprisonment) applicable to various electoral offences, Ghanaian observers have generally underscored the necessity of holding individuals accountable for electoral misconduct. Consequently, there has been minimal domestic impetus to amend the maximum penalties associated

with electoral offences, resulting in their continued constancy. In summary, Ghana demonstrates a commendable history of adhering to the suggestions put forth by international election observers. However, there has been considerably less achievement regarding recommendations that necessitate considerable legal reform or would instigate significant alterations to the existing political landscape. The two domains where this is most apparent pertain to the governance of political financing and initiatives aimed at enhancing the representation of women within the political sphere. This pattern is observable not only in Ghana but also across the five countries encompassed in our dataset more broadly. In Ghana, the matters of political finance and the representation of women have consistently attracted the scrutiny and recommendations of international election observers. Nonetheless, a significant proportion of these initiatives remain unexecuted or have been executed in rather superficial manners.

2.3.2 Democratization in Nigeria in the Context of IEOMs

Nigeria, with a population nearing 200 million, stands as the most populous nation on the African continent. This, along with the reality that Nigeria's democracy is not as firmly established as one might wish, renders it a significant concern for numerous international election observers. Since the reestablishment of multipartyism in 1999, Nigeria's democratic path has exhibited a notable lack of certainty, and the integrity of its electoral processes has proven to be significantly more disputed compared to that of Ghana. Notwithstanding this, the unexpected triumph of the opposition in 2015, coupled with a seamless transition of authority, underscores the reality that Nigeria's elections are authentically competitive and significant. Throughout the timeframe encompassed by our dataset, prominent international

observers issued 425 recommendations aimed at enhancing the electoral process in Nigeria – a figure surpassing that of any other nation within our dataset. Nevertheless, the enduring influence of international observers on the caliber of Nigeria’s elections appears to have fallen short of their expectations: the adoption of their recommendations has occurred at a rate marginally below the mean (within our sample), with merely 13 percent being fully enacted, and an additional 16 percent partially enacted. One reason for this, as we elaborate further below, is that Nigeria’s electoral management body, the Independent National Election Commission (INEC), has faced challenges in enhancing its capacity and establishing autonomy comparable to that of Ghana’s Electoral Commission. While INEC’s capabilities and independence have undoubtedly advanced over the years, it has encountered significant challenges in implementing transformative reforms to the electoral process, largely due to opposition from political elites intent on preserving the existing order. Conversely, it has achieved a degree of success in promoting more modest technical and procedural reforms that pose less of a challenge to the existing order. The achievements of INEC elucidate the competitive and significant nature of Nigeria’s elections; however, its limitations shed light on why Nigeria lags behind Ghana in overall implementation rates. Nevertheless, our qualitative analysis reveals significant parallels between these two cases regarding the types of recommendations that are successfully implemented and those that are not. Similar to the situation in Ghana, proposals concerning the reform of campaign finance and the political inclusion of women and minorities have been infrequently enacted in Nigeria. In instances of implementation, it is often the result of a deliberate effort spearheaded by local civil society organizations. Another domain in which suggestions seem to have garnered some momentum pertains to the function of citizen monitors. Nevertheless, the advancement observed can be attributed primarily

to the benefits derived from domestic observation for a diverse array of stakeholders, rather than being a direct result of the suggestions put forth by international observers. Notwithstanding this, the enhanced operational environment for domestic observation groups in Nigeria represents a commendable advancement, one that holds the potential to yield substantial benefits in the long run. In instances where reforms have been relatively modest and did not necessitate formal legal alterations, INEC has typically been in a more favorable position to execute the recommendations put forth by election observers. This, however, has not consistently ensured the execution of such recommendations. A recurring suggestion found in observers' reports is for INEC to provide a detailed breakdown of election results by polling unit in an online repository. There exist various perspectives regarding the reasons for the lack of action on this matter. One possibility is that INEC may not possess the requisite technical expertise to effectively analyze and securely manage the data in an online environment. Another point is that while INEC possesses the technical capability to manage and present the data it utilizes for electoral decisions, including in a disaggregated manner, it lacks the necessary political independence to publish such data without the Executive's approval. Although INEC maintains a formal stance of non-partisanship, it is noteworthy that both its Chair and National Commissioners are appointed by the President, a practice that extends to the appointment of state-level election commissioners as well. This engenders conjecture among our interviewees that numerous senior election officials, especially those operating at the state level, primarily owe their allegiance to the individual who appoints them – the President.

In certain instances, the capacity of INEC to execute the recommendations put forth by observers has been constrained by the operational environment in which it operates.

The vastness of its population, coupled with inadequate infrastructure and notable insecurity in certain regions, indicates that elections in Nigeria represent not only a political endeavor but also a considerable logistical challenge. The complexities of these challenges are exacerbated by the reality that INEC lacks direct oversight over crucial logistical components of the electoral process. Consequently, it must depend on various agencies to facilitate the transportation of materials to polling units, thereby rendering this process susceptible to potential exploitation. Recommendations that might seem relatively simple, such as permitting poll workers and security personnel to cast their votes prior to election day, have not been executed, in part due to these logistical challenges. The aforementioned recommendation necessitates that INEC facilitate advance voting for over one million individuals while ensuring the security of their ballots until the day of the election.

In Nigeria, similar to the situation in Ghana, two domains have demonstrated a notable resistance to transformation, despite numerous calls for intervention: political finance and the integration of women. The necessity for enhanced regulation of political finance, along with more rigorous enforcement of current rules, has been a focal point of recommendations put forth by successive observation missions. In 2011, the Commonwealth observation mission, for instance, advised that the capacity of INEC to oversee and enforce the legal stipulations regarding campaign financing and political party expenditures ought to be improved, to guarantee complete adherence to the regulations. In 2015, its counterpart reaffirmed this perspective, urging INEC ‘to uphold its regulations regarding campaign financing’ in order to ‘establish a more equitable playing field’.

Nigeria has performed even more poorly than Ghana regarding the enhancement of women's political inclusion, with women remaining significantly underrepresented in

Nigeria's political arena. Nigeria exhibits one of the lowest levels of female representation globally. Between 2005 and 2015, women occupied an average of merely 6.6 percent of the positions in Nigeria's House of Representatives. It is not unexpected that this has garnered considerable interest from international election observers, who have consistently advocated for tangible measures to enhance the involvement and representation of women within political parties, the legislature, and electoral administration, specifically within INEC itself. A considerable number of these suggestions have alluded to Nigeria's National Gender Policy, which stipulates that women should constitute a minimum of 35 percent of roles across all tiers of political engagement. Regrettably, there appears to be a scarcity of indicators suggesting advancement. Indeed, the representation of female legislators diminished from 2015 to 2019, currently standing at a mere 3.4 percent. Another domain in which reforms have been instituted in Nigeria is in fostering an environment for, and facilitating the functioning of, domestic observer groups. This is a subject that numerous international observers have remarked upon throughout the years. In 2007, the NDI mission put forth a recommendation stating that the ambiguous mentions of election observers in the Electoral Act 2006 ought to be elucidated and strengthened, ensuring that the election observation conducted by domestic monitoring groups is acknowledged as a legal entitlement. It further issued a recommendation to domestic monitors, encouraging them to broaden their scope of activities to encompass the observation of the adjudication of election-related disputes. In 2011, the European Union urged INEC to guarantee that its consultations with stakeholders consistently involved both domestic and international observers, while also enhancing the promptness and transparency of the procedures for accrediting domestic observers. Therefore, it seems that by highlighting the efforts of domestic observers, international

observers may have inadvertently fostered a more favorable environment for their activities.

2.3.3 Democratization in Uganda in the Context of IEOMs

Uganda, under the leadership of President Yoweri Museveni and his National Resistance Movement (NRM) since 1986, exhibits the lowest levels of democracy among all the nations included in our dataset. Despite the optimism surrounding Uganda's transition to multi-party democracy in 2005, subsequent years have witnessed a steady decline in political rights and civil liberties. Consequently, the nation is now broadly regarded as an electoral authoritarian regime. The structural elements of democracy are present; however, the likelihood of a genuine transfer of power via electoral means remains exceedingly improbable. In light of this context, it is perhaps not unexpected that the suggestions put forth by international election observers have had minimal impact in Uganda, with merely 5 percent of recommendations being fully enacted and 17 percent receiving partial implementation. Undoubtedly, the political landscape in Uganda, characterized by a 'winner-takes-all' approach and frequently marred by violence, presents significant challenges to the effective implementation of recommendations put forth by observer missions. The insights gathered from our interviews indicate that the personal loyalty of electoral officials to the Executive significantly limits the Electoral Commission's dedication to implementing reforms, as well as advancing initiatives such as voter education, which have frequently been advocated by international electoral observers. Occasionally, it effects minor alterations. For instance, a suggestion put forth by the EU observation mission in 2006 to enhance the clarity and user-friendliness of the results form was thoroughly executed by the EC. The European Commission has implemented additional

technical reforms, which international donors have generally been more inclined to support, as these interventions are less prone to being perceived as political in nature (Fisher, 2013). This is particularly evident in the realm of voter registration, a domain that has been the focus of numerous recommendations from international observation missions. The reforms implemented have significantly enhanced the quality of Uganda's voter register. Following the 2016 election, the EU observation mission remarked that the newly adopted active registration system, utilizing biometric technology, demonstrated greater inclusivity and accuracy. However, it also resulted in the disenfranchisement of a considerable number of young, first-time voters.⁵⁸ Nevertheless, the enhanced register seems to have exerted minimal influence on the competitiveness of its elections (Abrahamsen & Bareebe, 2016). Conversely, the EC has made minimal efforts to tackle recommendations that could significantly enhance the integrity of Uganda's elections, particularly those concerning the transparency and accuracy of the vote count. The limitations resulting from its absence of autonomy are clearly evident here. In the absence of significant reforms to the European Commission, which appear improbable, it is challenging to envision that institution propelling substantial electoral reforms forward.

The challenge for civil society organizations in Uganda has been to generate domestic pressure for change, akin to the efforts observed in Nigeria and Ghana. A contributing factor to this situation is the absence of political allies for civil society within the European Commission, which maintains a close relationship with the Executive, as well as within the Parliament, which is largely influenced by the NRM. Nonetheless, Ugandan legislators, including members of the NRM, possess a notable history of asserting their positions on specific matters and have demonstrated a willingness to

engage in discussions regarding electoral reforms. This situation has enabled civil society organizations to submit proposals for electoral reforms to the legislature; however, the hesitance of legislators to embrace reforms that are explicitly opposed by the Executive has resulted in these proposals seldom gaining momentum (Dodsworth, 2017).

For an extended period, Ugandan civil society has been devoid of judicial allies, or at the very least, has been without judicial allies prepared to advocate for issues that the government opposes. Throughout successive elections, the justices of Uganda's Supreme Court, tasked with adjudicating presidential election petitions, have recognized the existence of electoral irregularities. However, they have consistently refrained from ruling against President Museveni, typically justifying their stance by asserting that the irregularities did not reach a level deemed 'substantial.' The judges of the High Court, responsible for adjudicating parliamentary election petitions, have demonstrated a greater propensity to annul election results—potentially due to the relative lack of threat their decisions pose to the current regime. Nevertheless, certain indicators of advancement have emerged in this domain. Following the 2016 election, the Supreme Court affirmed the presidential outcome while proposing ten recommendations aimed at reforming electoral management. The recommendations encompassed an extension of the timeframe for submitting electoral petitions, alongside an adjustment of the deadline for conducting new elections in the event that a presidential election is deemed invalid. Additionally, it was suggested that all candidates, the President included, be prohibited from making political donations during the electoral campaign. It is important to highlight that before issuing its recommendations, the Court explicitly referenced the findings of both international and domestic observers, emphasizing that 'the main thrust of these Reports must be seen to

be directed at the need for structural and legal reforms that would create a more conducive atmosphere that would produce genuinely free and fair elections’ (Kibirige, 2016).

Similar to the situations in Ghana and Nigeria, the issue of campaign finance has emerged as a recurring theme in the recommendations put forth by international observers in Uganda, accounting for approximately 15 percent of the total recommendations made in the country.⁶⁸ A considerable number of these suggestions advocate for enhancing the European Commission's capacity to oversee campaign expenditures and political party financing, alongside its capability to uphold current regulations. Some have concentrated on limiting the utilization of public resources, which bestows upon the President and NRM a considerable electoral advantage. Within our dataset, there is an absence of any coding indicating that these recommendations have been implemented, whether in full or in part. The sole recommendations that have been enacted in this domain pertain to the allocation of public funding for political parties.

The matter of public funding was brought to attention by the Commonwealth observer mission in 2006, which advised that Parliament ‘amend the law to allow qualifying political parties to obtain State contributions for the election campaign in a fair manner’. In 2010, this proposal was enacted through an amendment to the Political Parties and Organizations Act, which incorporated provisions for the public financing of political parties. Nevertheless, the ramifications of this legislative alteration were somewhat constrained. In reality, the distribution of public funding to political parties has occurred intermittently; for example, during the period of 2018-2019, the European Commission refrained from allocating any funds owing to a budgetary deficit. Furthermore, the

allocation of public funding is determined by the quantity of seats that each political party occupies in Parliament. This situation guarantees that the NRM reaps greater advantages compared to opposition parties, which have frequently been overshadowed by independent MPs. In 2016, of the 10 billion Ugandan shillings (approximately £2.2 million) allocated in public funds, fewer than 2 billion Ugandan shillings (£440,000) were distributed among the five opposition parties. The magnitude of public funding provided is significantly overshadowed by the overall expenditures incurred throughout the campaigns. The Alliance for Campaign Finance Monitoring estimated that Museveni expended a minimum of 773 billion Ugandan shillings (approximately £170 million) throughout his victorious 2016 presidential campaign. It can be contended that the limited progress of reforms in this domain is fundamentally linked to the core mechanisms by which President Museveni and the NRM sustain their authority. The government's capacity to surpass the opposition in expenditure, largely attributable to its access to state resources, confers upon it a considerable electoral advantage. Furthermore, the President's individual capacity to allocate resources to NRM parliamentary candidates serves as a significant instrument of influence, reinforcing allegiance to the party. Following the 2016 election, he bestowed 5 million Ugandan shillings upon each of the NRM's elected MPs, articulating, 'I am aware of the pressures they are experiencing.' That does not constitute corruption. This assists them in navigating the challenges presented by society. Within this framework, suggestions aimed at enhancing the transparency of political financing and imposing restrictions on campaign expenditures represent a significant challenge to the mechanisms through which political authority is wielded and sustained. Although campaign finance presents a delicate matter, it is also a domain in which Members of Parliament possess a legitimate self-interest in advocating for reforms.

Attaining the position of an MP in Uganda generally entails considerable financial peril and a significant degree of indebtedness, predominantly incurred by the candidates themselves. In recent years, numerous Ugandan Members of Parliament, unable to meet their financial obligations, have encountered the looming threats of incarceration or the foreclosure of their assets. This indicates that, notwithstanding the delicate nature of campaign finance, lawmakers might be open to reforms in this domain. The task at hand, for both international observers and local reform advocates, is to persuade Ugandan MPs that the advantages of reform surpass the potential consequences of displeasing the President.

2.3.4 Democratization in Kenya in the Context of IEOMs

Observation of the electoral process in 1992 In 1992, Kenya conducted its inaugural multi-party elections following the de facto single-party elections that had been in place since 1969. In the early months of 1990, ecclesiastical authorities commenced their advocacy for the reinstatement of the multi-party system. Politicians, NGOs, and the broader Kenyan populace observed and emulated their precedent. Moreover, by November 1991, the international donor community explicitly advocated for both political and economic reforms, indicating a willingness to withhold aid if these demands were not met. In the subsequent month, President Daniel Arap Moi proclaimed the abrogation of section 2(A) of the Constitution, thereby reinstating Kenya as a de jure multi-party state. New political parties have been established. On 29 December 1992, Kenya embarked on a significant political transformation, mirroring the earlier shift initiated by Zambia, which had, among the English-speaking African nations, pioneered the transition from single-party to multi-party politics in October 1991 (Andreassen et al., 1992).

The 1992 elections in Kenya were marked by numerous claims of irregularities, including ballot box stuffing, the destruction of opposition votes, and manipulation of the counting process (Barkan, 1993; Mulei, 1996; NEMU, 1993; Africa Confidential, 1993). Local observer groups have come together to form the National Electoral Monitoring Unit (NEMU). A total of approximately 8,000 domestic observers were meticulously trained and subsequently deployed across the nation. The global community monitored the elections in the customary manner: election observers from various nations arrived several days prior to the election day (29 December) and departed shortly thereafter. The two most significant external organizations were the International Republican Institute based in Washington and the Commonwealth team. Furthermore, national delegations representing Denmark, Egypt, Germany, Japan, and Switzerland were dispatched. Nevertheless, the number of international observers was limited to fewer than 200 for a total of 7,000 polling stations. The collaboration among the foreign missions was notably limited (Africa Confidential, 1992). Furthermore, both the foreign and local observer groups lacked the necessary capacity and resources to thoroughly investigate the allegations of rigging. As a result, they documented solely the most conspicuous and readily confirmable irregularities' (Africa Confidential, 1993). Allegations of 'election tourism' were similarly posited (Geisler, 1993: 615). In anticipation of the observation of the 1997 elections, the donor community ultimately determined that a more systematic and comprehensive strategy was essential to achieve an impartial overall assessment of the electoral process.

2.3.5 General Elections in Kenya in the Age of Multiparty Democracy

2.3.5.1 General Elections of 1992

The general elections conducted in December 1992 and December 1997 were marked by a notable prevalence of violent incidents both prior to and following the events. The political violence in Kenya following its independence commenced in October 1991 within the Rift Valley Province, during a period when the nation was still governed as a one-party state under the Kenya African National Union (KANU), which had been in power since independence. The phenomenon originated in Nandi District and subsequently disseminated to various regions throughout the Southern Rift Valley, as well as adjacent districts in the Western and Nyanza provinces. Individuals belonging to the Kalenjin ethnic group, along with certain Maasai and others regarded as “indigenous” to the region, who typically aligned with KANU, perpetrated acts of violence against members of “non-indigenous” ethnic groups, particularly the Kikuyu. This often involved the destruction of their homes, livestock, and other belongings, as they were forcibly removed from their residences and land. By early 1993, the violence had resulted in the deaths of more than 1,500 individuals and the displacement of no fewer than 300,000 people (Human Rights Watch, 1993). At first glance, one might interpret this as mere “ethnic clashes” or “land clashes,” terms that have often been employed in such contexts. Nevertheless, the timing and methods of the assaults indicate that they were instances of organized state-sponsored violence aimed at thwarting democratization and maintaining the dominance of KANU. High-ranking officials from KANU and the government orchestrated, funded, and strategized the assaults, which included offering training, logistical assistance, and financial rewards. Meanwhile, state security personnel exhibited a conspicuous lack of initiative to prevent these attacks or apprehend those responsible; indeed, certain police officers

were complicit in the actions (NCCK, 1992; Kiliku Commission, 1993; Human Rights Watch, 1993: 28-30). While the assaults revealed a measure of deep-seated ethnic animosity stemming from historical disparities, Kenya had never witnessed a conflict of such magnitude prior to this. The intersection of ethnic loyalties with the dynamics of support or opposition to the enduring rule of KANU resulted in violence that effectively purged KANU-dominated areas of perceived political adversaries, leading to their disenfranchisement. This atmosphere of intimidation served to discipline those who persisted, while simultaneously liberating resources, particularly in the form of abandoned land, to be allocated as rewards to loyal supporters. The global response to the atrocities was one of profound dismay, yet it was analyzed primarily through an ethnic rather than a political framework. Officials from donor nations, both in their respective countries and in Kenya, expressed their disapproval of the atrocities and urged all parties to halt their actions. They overlooked the reality that the violence was predominantly one-sided, with only a few minor retaliatory incidents, and that the state and ruling party officials were complicit in these acts. In private discourse, a considerable number recognized its inherently political character. Indeed, certain public documents they produced demonstrated this understanding. For example, the report from the U.S. Department of State regarding Kenya's human rights practices in 1993 notes "credible allegations of the involvement of government officials in instigating the clashes" and acknowledges that "substantial evidence exists of the complicity of high-ranking government officials in financing, arming, and subsequently shielding the attackers from prosecution." Furthermore, independent reports strongly indicate that "the Government bears primary responsibility for the destruction and loss of lives" (United States, 1994: 1-35).

2.3.5.2 General Elections of 1997

The degree of violence associated with the 1997 elections did not attain the intensity observed five years prior, yet it remained considerable. The suppression of non-violent pre-election protests by state security forces during July and August of 1997 resulted in the tragic loss of approximately 60 civilian lives or more. Additional instances of pre-election violence transpired predominantly in Coast Province, particularly within the Likoni-Kwale region, an area characterized by KANU's strong influence. Similar to the events in the Rift Valley five years prior, groups of armed individuals launched assaults on "nonindigenous" ethnic groups, specifically those from "upcountry". Approximately 70 to 100 individuals lost their lives, while an additional 100,000 to 200,000 were forced to flee their homes (Grignon & Maupeu, 1998:15; Tostensen et al., 1998:43-44). Following the elections, individuals from ethnic groups that supported the opposition were once more subjected to targeting in the Rift Valley as retribution for their allegiance to the "incorrect" faction. Having presumably gleaned insights from the deficiencies of the 1992 elections and now anticipating the potential for widespread violence to resurface, donors exhibited a significantly enhanced level of organization and coordination in 1997 compared to their efforts in 1992. Over a year prior to the December 1997 elections, they broadened their Democratic Development Group, initially comprising a mere half-dozen members, to encompass 26 foreign missions, incorporating non-donors like Brazil, the Czech Republic, and Hungary. In the lead-up to the elections, the group released collaborative statements.

While certain private communications to the government exhibited a more forceful tone, the publicly disseminated versions were diluted to reflect the members' most basic consensus, thereby failing to distinctly pinpoint the government as the principal

instigator of political violence. In December 1997, President Moi was re-elected amidst a distinctly uneven political landscape and a poll characterized by numerous irregularities. Donors reiterated their apprehensions regarding certain electoral practices; however, in light of the enhanced coordination among donor observation missions, they ultimately accepted the overall outcome. The evidence put forth by their own joint Election Observation Centre, indicating that KANU had not legitimately secured a parliamentary majority, was intentionally suppressed (Brown, 2001: 734). In a matter of weeks, donors restructured \$560 million in loans to Kenya (Ajulu, 1998: 285), indicating a return to the established dynamics between the Moi administration and the donor nations. Reports from domestic observers were more critical; however, they were published a few weeks later and largely overlooked (Institute for Education in Democracy, 1997: 186).

The report from the joint Election Observation Centre notably omitted any reference to the election violence occurring on the Coast, as well as the likely disenfranchisement of more than 100,000 individuals presumed to be opposition supporters (Election Observation Centre, 1998). The election observation report, financed by the United States Agency for International Development (USAID), performed marginally better: The report highlighted the violence directed towards “immigrant communities” that could have influenced the electoral results in the Likoni constituency, attributing responsibility for the violence to both KANU and the opposition (Geist, 1998). The ensuing report from the State Department to Congress exhibited a greater readiness to pinpoint those responsible, asserting that there were “indications that the violence had political roots, with local KANU political leaders reportedly involved in the planning” (United States, 1998:5).

In conclusion, the reactions of donors to electoral misconduct in 1992 and 1997 were notably feeble. Despite the acknowledgment in their internal reports regarding the significant lack of freedom and fairness in the elections, they were ultimately considered satisfactory. In 1997, the enhanced coordination efforts of the donor observer missions indicate a recognition of the significance of collaboration and the production of unified reports. Nevertheless, the "diplomatic massaging" of the publicly released reports referenced earlier indicates that donors exhibited a reluctance to disclose the full magnitude of the abuses they had recognized. Consequently, they conferred additional legitimacy upon an authoritarian regime that had not succeeded in conducting free and fair democratic elections. Equally, if not more troubling, was the donors' unwillingness to confront, much less publicly recognize, the involvement of high-ranking government and KANU officials in orchestrating and funding the extensive political violence that tainted both elections. Despite the widespread recognition of the officials' identities, both the officials and the regime operated with total impunity regarding the atrocities they perpetrated. Donors indicated their vigilant observation, with many anticipating that the heightened scrutiny would deter any potential misconduct in the future. Regrettably, they gravely miscalculated the impact of global scrutiny. The absence of accountability for the high-ranking offenders in the early 1990s provided no deterrent, enabling them to employ analogous strategies in 1997-98 and, more strikingly, in 2007-08. The learning process occurred among the perpetrators: Their belief that they would face no repercussions was validated. Donors, however, implemented several supplementary measures to be considered for the upcoming election in order to mitigate the likelihood of mass violence reemerging, particularly in light of the 2002 elections, a situation that merits thorough analysis.

2.3.5.3 General Elections of 2002

The December 2002 elections in Kenya were significant for numerous reasons, most notably as they marked the first occasion in the nation's history that KANU was ousted from power. Moi faced constitutional restrictions that prevented him from seeking re-election and subsequently selected Uhuru Kenyatta, the son of Kenya's inaugural post-independence leader, as his party's candidate, despite Kenyatta's lack of political experience. A considerable number of prominent figures within KANU, who anticipated ascending to leadership following Moi's tenure, expressed their discontent by defecting to the opposition alliance, the National Rainbow Coalition (NARC), subsequently endorsing Mwai Kibaki as their presidential candidate. While the elections did not fully meet the standards of being free and fair, the lead held by NARC was substantial enough to withstand significant alteration, particularly due to the robust presence of a united electoral observation team from donors. The opposition leader, Kibaki, secured his election with a commanding 62% of the popular vote, while Uhuru Kenyatta garnered merely 31% (Electoral Commission of Kenya, 2003). Upon Kibaki's assumption of office, Kenya achieved a significant transition to democracy, aligning with formal definitions, marking a monumental milestone. The 2002 elections were marked by a notable absence of significant political violence, much to the relief of both Kenyans and international observers. The donor community expressed satisfaction in acknowledging its role, not only for the deterrent impact of its conflict monitoring network but also for the assistance it had extended towards civic education throughout the preceding decade. Kenyan NGOs and church groups, having conducted extensive civic education campaigns across the nation, were prompt to attribute their initiatives as the primary influence in the prevention of conflict.

Such interpretations, however, were simplistic, self-serving, or a blend of both. If Kenyans refrained from attacking one another this time due to an awareness of the wrongness of such violence, it suggests that they were previously unaware of the egregious nature of the mass atrocities committed in the 1990s. This line of reasoning overlooks the reality that political leaders established militias and gangs in the 1990s specifically to execute the attacks, and that financial motivations, rather than voter naivety or ethnic hostility, served as a compelling explanatory factor. The absence of widespread violence in 2002 can be elucidated through a confluence of various factors. Initially, the recent high-profile departures from KANU to NARC resulted in a significant transfer of the mechanisms associated with previous violence to the opposition. Secondly, the political landscape did not adhere to distinct ethnic demarcations, particularly as both primary presidential candidates belonged to the Kikuyu community. In contrast to the two preceding elections, the political dynamics governing the attacks were not readily apparent: ethno-regional factions that had typically opposed one another in 1997 formed alliances in 2002. Third, NARC's commanding two-to-one advantage in the polls rendered organized violence ineffective (Brown, 2004: 332-33). Upon this realization, and with the understanding that a Kibaki presidency posed minimal risk to the interests of KANU politicians, the attempts by KANU officials to manipulate the election and coerce voters were characterized as merely "spasmodic and halfhearted" (Throup 2003: 1). Fourth, political leaders representing diverse ethno-regional groups pledged to engage in power-sharing within a NARC government, thus abolishing the winner-takes-all dynamic that fosters an unrestrained struggle for power (Kamungi, 2009: 353).

The elections of 2002 and 2005 were unexpectedly tranquil, leading both Kenyans and donor representatives to develop an unwarranted sense of assurance. Instead of discerning the underlying factors that had contributed to the absence of significant attacks akin to those of the 1990s, which hinted at the potential for future re-escalation, as noted by Brown (2003:92; 2004:337), they hastily reached the conclusion that political violence was no longer an issue in Kenya. This perspective overlooked the fact that those accountable for previous acts of violence continued to hold positions of power and had evaded accountability, while the dynamics of electoral violence could readily resurface under a different ethno-political arrangement. In addition to arriving at erroneous conclusions, they overlooked critical lessons from 1992 and 1997, which emphasized the necessity of close donor coordination and vigilance as a somewhat flawed approach to mitigating the resurgence of violent conflict in relation to forthcoming elections. Consequently, they not only neglected to implement strategies that could have prevented or at least alleviated the violence that erupted immediately following the December 2007 elections, but they also found themselves entirely unprepared to address the situation.

2.3.5.4 General Elections of 2007

The factors, both immediate and fundamental, contributing to the recent episode of electoral violence, along with the manifestations it assumed, have been thoroughly analyzed in other discussions. This section aims to examine the shortcomings of the international community in foreseeing the situation and its subsequent reaction. As previously noted, there were compelling reasons to anticipate the potential recurrence of electoral violence in Kenya. The structural elements that supported inter-ethnic animosity have, in no manner, diminished since the 1990s. The fundamental structure of the authoritarian state apparatus and its governance methods persisted largely

unaltered, even in the face of democratization, while the enduring impact of Moi's administration exacerbated the underlying factors contributing to conflict (Branch & Cheeseman, 2009). A multitude of individuals who had previously incited violence remained politically engaged. The militias organized along ethnic lines that had been utilized in the 1990s remained available to them. The competitive dynamics inherent in the deeply neopatrimonial system fostered significant rivalry over exceptionally high stakes.

The rotation of Western diplomatic and aid personnel resulted in donor officials stationed in Nairobi in 2007 lacking firsthand awareness of the violence that occurred during the 1990s. Very few individuals, if any, had the opportunity to observe the elections of 2002. The international staff members, therefore, lacked any personal recollection of the teachings derived from previous conflicts. Even individuals with the most extensive tenure would have encountered only the comparatively tranquil elections of 2002 and the referendum of 2005. Given the emphasis on current responsibilities, there were limited professional motivations to examine the occurrences of the preceding decade. Nevertheless, there existed indicators throughout the 2007 campaign suggesting that significant violence might arise. Donors overlooked the approximately 600 fatalities that transpired in the concluding months preceding the vote, the majority of which stemmed from the police's extrajudicial executions of alleged members of Mungiki, a Kikuyu religious group that also functions as a protection racket and political militia (Cheeseman, 2008:170). The emergence of hate speech on Kikuyu- and Kalenjin-language radio stations went unnoticed, despite these platforms drawing listeners predominantly from their respective linguistic and ethnic communities (KNCHR, 2008). The campaign environment was notably charged, with polls indicating a tightly contested presidential race between Raila Odinga of the

Orange Democratic Movement (ODM) and the incumbent Mwai Kibaki of the Party of National Unity (PNU), both of whom primarily appealed to distinct ethnoregional constituencies. Regardless of the outcome, there would inevitably be significant dissatisfaction and a considerable potential for both spontaneous and orchestrated violence.

A critical indication of electoral misconduct emerged several months prior to the election, as Kibaki replaced 19 of the 22 members of the ostensibly independent Electoral Commission of Kenya without engaging in dialogue with the opposition. This action contravened a 1997 agreement, which, although not codified in law, stipulated that he should permit the opposition to appoint a proportional number of commissioners. Donors exhibited a notable lack of significant dissent regarding the politicization of the electoral commission to benefit the incumbent. Rather, they persisted in financing the commission and reiterated that it would serve as the ultimate authority on the outcomes, which, if deemed credible, would serve to dissuade and undermine the legitimacy of violence, even if it could not entirely avert it. This situation complicated the ability of donors to dismiss the results proclaimed under pressure by the chair of the electoral commission, particularly given that their observers were barred from witnessing the final count, and donor officials endeavored, albeit without success, to persuade him to delay the announcement of the results until verification could occur. The majority of international observer teams, such as those from the European Union, the East African Community, and the International Republican Institute (a body financed by the U.S. Congress), refrained from endorsing Kibaki's re-election (International Crisis Group, 1998:6). The U.S. State Department extended its congratulations to Kibaki during a press conference in Washington, DC, marking it as

the sole Western nation to acknowledge his victory, a stance it would later retract. The collective consensus among donors indicated a pressing necessity for immediate actions to halt the violence, which intensified following the announcement of Kibaki's victory. Amidst the escalating violence, Western officials urged all parties to exercise restraint and encouraged political leaders to reach a compromise that would entail some degree of power sharing. Donors consequently dismissed any possibility of a recount, a forensic examination of the results, or any alternative measures that might assist in identifying the rightful victor in accordance with the established democratic principles. No Western government urged Kibaki to resign from the presidency, nor to temporarily relinquish his position until the results were verified, thereby affirming his legitimacy. Rather, benefactors forsook the foundational tenets of popular will and justice, opting instead for a politically convenient, improvised resolution that ultimately resolved the political turmoil and violent strife. A number of Western ambassadors and officials representing both African and Western nations sought to facilitate dialogue between the two parties. However, Kibaki and Odinga each maintained their belief in their own legitimacy as the rightful victor, leading to an initial reluctance to entertain the notion of ceding their claims to the presidency. The African Union designated a Panel of Distinguished African Figures, led by former UN Secretary General Kofi Annan, to spearhead mediation efforts, a decision that received robust backing from Western nations. The negotiations proved to be arduous and extended, necessitating numerous interventions from donors to advance the process, including the potential imposition of diminished foreign aid, visa restrictions on senior officials, and specific sanctions. In late February 2008, following two months of contentious electoral disputes, Annan successfully facilitated an

agreement between Kibaki and Odinga. This National Accord was grounded in principles of power-sharing and led to the establishment of a Government of National Unity, which included the introduction of a Prime Minister position for Odinga. The violence abated with remarkable swiftness, although it required an additional six weeks and considerable persuasion from donors for the politicians to reach a consensus on the cabinet's composition.

There are many things that can be learned from the events that occurred in 2007 and 2008. Initially, it is imperative that donors use extreme caution in order to avoid prematurely dismissing the prospect of election violence. It is imperative that donor officials are not only focused on the immediate, but also have a deeper understanding of the recent political history of the nations in which they are assigned. This will allow them to avoid falling into this trap. They should be allowed to remain in their current position for a longer period of time so that they can make the most of the knowledge they have gained. Second, although the provision of institutional assistance and capacity building is of the utmost importance, it cannot be carried out just through the use of technocratic methods. The continual uncritical support that donors provided to an electoral commission that was becoming increasingly biased turned out to be one of the most serious errors that occurred during the election. The failure of the electoral commission was a crucial event that led to the political crisis. In the third place, in the event that a conflict does arise, it is vital for donors and other organizations concerned to work closely together in order to facilitate mediation and conflict resolution. In the event that the various foreign actors had been working toward opposing goals, the Kenyan National Accord would not have been attainable. The fourth point is that their ongoing participation may be essential. In Kenya, the fact that both parties, particularly

the incumbent, were subjected to persistent pressure, which included the use of threats, was essential in order to not only reach an agreement but also to put it into effect. Conflict prevention is more effective than conflict resolution in terms of effectiveness. There are no certainties that international actors could have influenced or can affect the behavior and attitudes of domestic political actors in order to prevent election violence, as Susanne Mueller argues. Their efforts might not be enough, yet they might be required even if they are not sufficient. To a certain extent, they are able to contribute in a beneficial way. During Kibaki's first term, donors did not lay a significant amount of focus on addressing the fundamental underpinnings of ethnic conflicts or fostering real institutional reform. As a result, the government's motivation to take action was diminished. The Kenyan executive branch is extraordinarily powerful in comparison to other parts of government and civil society. As a result, aid donors are an important source of checks and balances, and they have a crucial role to play in holding the government responsible for its actions. Although it is challenging for the international community to take action on its own and compel the government to take steps that it does not like to do, it is possible for the international community to exert a significant amount of influence when it collaborates with domestic political players in order to achieve a common objective. Brown's 2006 work

2.3.5.5 General Elections of 2013

Ferree et al. (2014) observe that approximately 12.3 million voters in Kenya participated in the electoral process on March 4, 2013, marking the fifth occasion of presidential elections since the revival of multi-party systems in 1992. Raila Odinga, the current prime minister and head of the Orange Democratic Movement (ODM) within the Coalition for Reforms and Democracy (CORD) Alliance, contested against

Uhuru Kenyatta, the incumbent deputy prime minister and progeny of Kenya's inaugural President Jomo Kenyatta, who leads The National Alliance (TNA) in the Jubilee Alliance. Following the certification of Kenyatta as the victor of the election with 50.07% of the vote, a marginally sufficient amount above the requisite 50% + 1 votes to preclude a runoff, Odinga declined to concede, alleging irregularities in the electoral process and potential vote manipulation. CORD sought recourse from the Supreme Court; however, after a brief hearing and deliberation, the court affirmed the outcome, leading to Kenyatta's inauguration as Kenya's president on April 9. Cheeseman and colleagues, (2013). In the months preceding Kenya's general election in March 2013, there was considerable apprehension – both domestically and globally – that political rivalry would incite a new surge of ethnic violence. The month leading up to the Kenyan elections of March 2013 elicited considerable apprehension among both the international community and the Kenyan populace. The impending evaluation of democratization loomed, accompanied by escalating concerns regarding potential electoral violence, reminiscent of the tumultuous events surrounding the 2007/08 election. The events of ethnic cleansing during the 2007/08 elections garnered significant international attention. Regrettably, Kenya had experienced only a single peaceful election since 1992, specifically the election of 2002. It is observed that international observers tend to arrive in significant numbers when there are expectations of electoral violence and misconduct during an election. The prevailing agreement regarding the 2013 election in Kenya stemmed from the violent events that marred the preceding election in 2007. Throughout the electoral cycle of the 2013 Kenyan election, various organizations engaged in observation of this significant event. The organizations involved encompassed the African Union, the East African Community, the Intergovernmental Authority on Development, and the Common

Market for Eastern and Southern Africa at a regional level. Additionally, representatives from the international community, including the European Union Election Observation Mission, the Carter Center, and the DDDG, along with diplomats from various nations, were present during the 2013 election. Regional observers classified as intentional observers, specifically the EAC, IGAD, and COMESA, dispatched twenty-one teams to monitor the election across 40 of the 47 counties. The AU election observation group deployed a total of 74 observers across 26 of the 47 counties (AU EOM 2013:5). The European Union Election Observation Mission deployed a total of 65 observers, while the Carter Centre dispatched 52 election observers.

2.3.5.6 General Elections of 2017

The study conducted by Molony & Macdonold (2019) elucidates that on 8 August 2017, Kenya conducted its sixth general election following the nation's re-establishment of multi-party politics in 1991. Electors submitted six distinct ballots: for the presidency, the senate, the parliament, the women's representative in parliament, the governorship, and the county legislator. At the presidential level, the principal candidates were the incumbent Uhuru Kenyatta representing the Jubilee Party, and Raila Odinga, affiliated with the opposition National Super Alliance (NASA). On 11 August, the newly-appointed Independent Electoral and Boundaries Commission (IEBC) announced Kenyatta as the victor, having secured over 54 percent of the votes cast. Odinga, in a stance of defiance against the results, asserted that they had been compromised by hackers who had breached the IEBC's servers, masquerading as the ICT manager Chris Msando. This individual was found tortured and murdered on the periphery of Nairobi merely ten days prior to the elections. Odinga subsequently submitted a petition to

challenge the presidential results. The legal representatives contended that, among other points, the actions surrounding the 2017 presidential election contravened the tenets of a free and fair electoral process, as delineated in the Constitution, electoral statutes, and regulations, asserting that the respondents made significant errors in the voting, counting, and tabulation of results. The unexpected turn of events occurred on 1 September when the Supreme Court invalidated the presidential election, a result that few had foreseen. Chief Justice David Maraga asserted, ‘the irregularities and illegalities ... were so substantial and significant that they compromised the integrity of the election’. The comprehensive judgment, which assigned no blame to Kenyatta's administration, elucidated that a significant portion of this was attributable to deficiencies in the communication and transmission of results. The Court mandated new presidential elections to be held within a 60-day timeframe, a period marked by heightened tensions stemming from ongoing brinkmanship between Jubilee and NASA, alongside disclosures revealing significant rifts within the electoral commission. Odinga has opted out of the upcoming poll scheduled for 26 October, asserting that a legitimate re-run would be unattainable due to the IEBC's inability to address the concerns raised by NASA. On 30 October, in the absence of substantial opposition, Kenyatta was proclaimed president for a second term. In the aftermath of the events on 1 September, there arose a proliferation of sharply critical narratives concerning election observation missions. These accounts indicate that the missions conveyed to both Kenyans and the broader international community that the elections in August were characterized as 'free and fair.' The ruling of the Supreme Court subsequently demonstrated that this assertion was erroneous, thereby casting doubt on the fundamental credibility of observation missions. This narrative

similarly cast uncertainty on the appropriateness of granting accreditation to international missions for the observation of the newly announced elections in October.

2.3.5.7 General Elections of 2022

The 2022 general elections in Kenya marked the third instance of electoral proceedings under the new constitution established in 2010, and the seventh occurrence since the nation re-embraced multi-party elections. The President had fulfilled his term limit and would not appear on the ballot. The political landscape in Kenya underwent significant transformation after the widely recognized ‘political handshake’ between Kenyatta and Odinga in 2018, resulting in the formation of the Building Bridges Initiative (BBI). The handshake in question signified the commencement of a dynastic alliance between two prominent families in Kenyan politics – the Kenyatta and Odinga families – historically known for their rivalry. The objective of BBI was to establish a governance framework that promotes inclusivity and broadens the opportunities for political leadership roles, aiming to mitigate the adverse consequences of the winner-takes-all electoral system (European Union Election Observer Mission, 2022). Despite the initiative being abandoned following the court's ruling of its unconstitutionality, it fostered a rift between Kenyatta and Ruto, foreshadowing the political alliance that would emerge between Kenyatta and Odinga in opposition to the Ruto faction. The declining rapport between the President and his Deputy has crystallized the reconfiguration of alliances between Kenyatta and Odinga.

The presidential election in Kenya predominantly satisfied the criteria for being a free, fair, and credible electoral process. The clarity of the process received widespread acclaim, and the constitutional stipulations regarding timelines and related activities enhanced the predictability of events, thereby helping to alleviate tensions and prevent

the post-election violence experienced in 2007/8. The election faced scrutiny in the Supreme Court, where the proceedings remained accessible to the public until a resolution was reached, ultimately affirming the outcome. The significance of the media and law enforcement was underscored. Nonetheless, a number of concerns were identified that require attention to enhance participation, increase voter turnout, improve voter education, address budgetary constraints, optimize resource allocation, and ensure effective communication of results and clarification of issues. In spite of the technical difficulties encountered, the electoral experience in Kenya substantiates the notion that the recurrence of elections fosters democratic principles, thereby providing valuable insights for other African nations.

2.4 Challenges and Opportunities of Diplomacy of International Election Observer Missions in Consolidating Democracy

International election observation (IEO) faces growing scrutiny regarding its contribution to the credibility of elections. The critique has centered on three primary aspects: the partisan nature of IEO missions; the inaccuracies or inconsistencies in the information accessible to these missions; and the inability of IEO missions to identify and prevent electoral irregularities. IEO organizations have demonstrated a commendable openness to criticism, responding by progressively refining and professionalizing their missions. The IEO organizations merit acknowledgment for their contributions. Nonetheless, it is debatable whether the professionalization of IEO is sufficient to guarantee effective election observation. Initially, although training may instruct election observers on the principles of impartial conduct, it cannot guarantee that they will adhere to such principles in practice when they are in the field.

Furthermore, any plausible extension or expansion of IEO missions will fail to facilitate the collection of precise information. Thirdly, similarly, any plausible extension or expansion of IEO missions will not equip them to identify and prevent electoral irregularities. This paper presents three avenues that IEO organizations might contemplate: to further invest in domestic election observation; to leverage the capabilities of contemporary technology; and to activate the influence of perceptions. The three options ought to be regarded not as alternatives but rather as potential low-cost complements to IEO missions. This document serves as a discussion paper rather than an academic treatise, with the primary objective of fostering dialogue rather than presenting scholarly conclusions.

Eric Bjornlund, in the inaugural comparative study of IEO, posited that ‘election monitoring programs can be perilously superficial, which at times results in the international community endorsing the legitimacy of profoundly flawed processes and obstructs the pursuit of enforceable, universal standards’ (Bjornlund, 2004: 305). Susan D. Hyde, through two significant natural experiments, arrives at the conclusion that ‘even for the most well-meaning observers, assessing the quality of elections poses a considerable challenge, especially when pseudo-democrats engage in subtle manipulations that evade scrutiny from observers (Hyde, 2011: 162). In her recent study of IEO, the most thorough to date, Judith Kelley concludes that international monitors can enhance elections only under specific conditions, and in numerous instances, even repeated attempts in a country prove to be ineffective. ‘Moreover’, she elaborates, ‘and this represents the most significant issue: international organizations, be they intergovernmental or nongovernmental, are ensnared in political complexities, face practical limitations, and grapple with normative dilemmas that undermine not only their efficacy but, more crucially, their long-held presumption of neutrality’ (Kelley,

2012:178). The critique has centered on three primary aspects: the perception that IEO missions exhibit partisanship; the assertion that the data accessible to IEO missions is either flawed or analyzed inconsistently; and the claim that IEO missions lack the capacity to identify and prevent electoral irregularities.

2.4.1 Challenges Facing Diplomacy of IEOMs in Democratic Consolidation

2.4.1.1 Accusations of Partisanship

The initial critique directed at IEO pertains to the perception that its missions exhibit partisanship. This notion is not novel. In 1991, in one of the initial articles addressing IEO, Jason posited that ‘neither the objectivity nor the independence of organizations ought to be assumed; they, too, have an agenda’ (Jason, 1991: 1796). Jason expressed a notable skepticism towards intergovernmental organizations engaged in IEO. Due to their reliance on host governments and commitments to member states, she contended that intergovernmental organizations lack the capacity to evaluate elections in a critical and objective manner.

A number of country case studies regarding IEO have subsequently validated Jason's assertion. Darren Kew, in his examination of the 1999 elections in Nigeria, posits that the majority of IEO missions had largely predetermined their stance, expressing a clear inclination towards an Obasanjo outcome rather than the Abubakar transition (Kew, 1999:33). In a separate examination of Nigeria, Obi (2008) asserts that while the majority of election observer missions are motivated by the aspiration to foster free and fair elections as a cornerstone of democracy in Africa, they are, in practice, faced with formidable national, political, and diplomatic vested interests. Consequently, he contends that their evaluations ‘are subordinated to the hegemonic, strategic and

economic calculations of the dominant political elites and post-Cold War powers rather expediently’ (Obi, 2008:82).

In her examination of the 2000 elections in Zimbabwe, Lisa Laakso posits that ‘international election observers are profoundly involved in a political endeavor despite their guidelines, which depict election observation as a neutral and technical activity’ (Laakso, 2002: 459). Beyond the confines of Africa, Rick Fawn, through a series of analyses concerning elections in post-Soviet nations, posits that certain IEO missions may have exhibited impartiality, while others were unequivocally biased. He contends that unbiased and analytical evaluations were obscured ‘behind those of less experienced, even dubious, observer missions, ones affiliated with regimes exhibiting comparable undemocratic practices’ (Fawn, 2006:1152). In a comparable manner, Bjornlund, in his examination of the 1998 elections in Cambodia, contends that the IEO missions were ‘divided in their evaluations of the elections, partly due to their differing perceptions of their roles and their varied interests and motivations’ (Bjornlund, 2004:306).

Kelley, in a previously cited study, illustrates a consistent bias in IEO missions. She observes that IEO missions tend to endorse elections in nations receiving development aid when there is evidence of improvement from prior elections or when pre-election violence has been noted; that intergovernmental IEO organizations are more inclined to endorse elections compared to international nongovernmental IEO organizations; and that intergovernmental IEO organizations comprised of less democratic member states are more prone to endorse elections than those with more democratic member states (Kelley, 2009:783).

The activities of the IEOs in Nigeria, alongside the evident proliferation of various organizations engaging in competitive roles, indicate that election observation is rapidly evolving into a significant enterprise. Meticulous scrutiny of elections conducted since 1999 indicates that the practice of election observation is evolving into a compelling endeavor for Western nations through electoral assistance. It is particularly concerning that numerous nations that support election observation organizations have also initiated independent observation missions via the direct involvement of their embassies in Nigeria. The lack of a definitive objective, which is typically anticipated from neutral observer groups, has not only complicated election results in Nigeria, as evidenced in 2003, 2007, 2011, and 2015, but has also prompted inquiries regarding the legitimacy and integrity of these entities. Furthermore, the widespread emergence of IEOs renders them susceptible to the influences of political entities that may align themselves with them, or to selectively endorsing the reports of the IEO that they find most advantageous, and conversely. The practice of international election observation increasingly reveals the influence of various interests that extend beyond a purely altruistic commitment to democratization. Such interests invite scrutiny regarding potential double standards, bias, and a lack of integrity in the observation process. Dodsworth ascribes the inclination of certain international election observers to exercise restraint to the intent of Western donors to safeguard development initiatives from potential disturbances. There are accounts of Western aid officials exerting pressure on observers to moderate their reports, fearing that unfiltered accounts might lead to suspensions or reductions in aid. The strategic considerations of Western nations may also be a contributing factor. A motivation to preserve favorable relations with governments that oversee essential natural resources, serve as significant partners in the fight against terrorism, or contribute to peacekeeping

efforts is frequently referenced as a rationale when analysts seem to disregard electoral malfeasance (Dodsworth, 2018a: 385-386). Judith Kelly posits that election monitors occasionally validate elections to safeguard the interests of their member states or benefactors, or to align with other pressing yet peripheral organizational principles. Occasionally, these additional factors converge with the fundamental aims of the observers in evaluating the quality of the election; yet, at other moments, observers encounter a conflict between reconciling these factors and conducting an honest assessment of the election (Kelly, 2009:766-767).

The primary influences on international election observation arise from the member states of the organizations that deploy observers, as well as from donors who have vested interests in the electoral processes of specific countries. This holds particularly true for the observations conducted by intergovernmental organizations (IGOs) in contrast to those by international non-governmental organizations (INGOs). Kelly elucidates this distinction: ‘because INGOs do not represent any government or donors directly, they enjoy greater autonomy; indeed, they are not subjected to formal institutional protocols that permit governments to obstruct the phrasing of election assessments’ (Kelly, 2009:769).

The engagement of member states and donors in international election observation from developed nations is quite understandable. In the aftermath of the Cold War, it is clear that the promotion of democratic ideals has become a fundamental aspect of the foreign policy strategies employed by Western nations. Furthermore, the conduct of elections has become intrinsically linked to the political prerequisites associated with aid, trade, and investment initiatives. The Western nations and international financial entities discreetly manipulate election monitors to further their strategic objectives through a

combination of incentives and coercive measures. Should the assessment of international observers be favorable, that nation will be positioned to secure increased trade, aid, and investment; it will enhance its standing on the global stage; it will draw greater tourism; and it will become a more appealing candidate for loans and grants. On the other hand, should the verdict be unfavorable, that nation is prone to experience diminished trade, investment, and aid inflows; it may encounter sanctions and isolation, consequently relegating it to the status of a pariah state; tourism is expected to wane, and the prospects for loans and grants are minimal (Kelly, 2010). For international election observation to restore its credibility, it is imperative that it prioritizes the interests of the nations conducting elections rather than catering to the agendas of hegemonic powers in our contemporary global landscape.

2.4.1.2 Inaccuracy & Inconsistent Assessments

The second point of critique directed at IEO pertains to the inaccuracy or inconsistent analysis of the information accessible to IEO missions. This notion is not novel. In 1993, Gisela Geisler posited in what may have been the inaugural article on IEO in Africa that ‘international observation exercises remain so superficial that conclusions are either too vague or empirically untenable’ (Geisler, 1993:634). Geisler further posited that not all erroneous evaluations stemmed from trivial deficiencies necessitating slight corrective measures; rather, some represented ‘manifestations of a structural phenomenon’ (Geisler, 1993:634). Several studies have subsequently bolstered Geisler’s argument. Neil Nevitte, in a comparative analysis of IEO and domestic election observation, posits that domestic observers possess a significantly greater number of data points for examination than their international counterparts, who face the difficulty of operating within broader

margins of error (Nevitte, 1997: 60). Kaiser (1999), in an examination of the 1995 elections in Zanzibar, references Africa Confidential and contends that voters in Tanzania found it absurd that certain monitors were evaluating the election without being present at the counting process, where the majority of alleged abuses were purportedly occurring (Kaiser, 1999: 42). Bjornlund, in the previously mentioned study, contends that 'some observers draw conclusions from remarkably superficial fact-finding endeavors, as they provide public evaluations even prior to the counting of ballots, relying on the personal observations of a few outsiders who conduct brief visits to a limited number of polling locations' (Bjornlund, 2004:305). A significant aspect of this critique is that IEO missions place excessive emphasis on the day of the election. Oda van Cranenburgh contends that international observation predominantly emphasizes the procedures on polling day, yet it is during the election preparation phase that numerous opportunities for irregularities and abuses arise (van Cranenburgh, 2000:29). Amanda Sives, in her examination of the Commonwealth's experiences with IEO, posits that a sustained presence is essential to ensure that every facet of the process is thoroughly considered (Sives, 2001:516). She contends that a sustained presence 'enhances the credibility of the findings of an IEO mission' (Sives, 2001:516).

2.4.1.3 Inability to Deter Electoral Fraud

The third and concluding point of critique directed at IEO is that its missions lack the capacity to identify and prevent electoral irregularities. It is likely that Thomas Carothers was among the first to propose this idea. In 1997, at the peak of optimism regarding IEO, he contended that the many teams of inexperienced observers, who remain for only a brief period around election day, are unlikely to perceive anything

beyond the superficial. He also noted that government officials organizing elections in transitional nations frequently overrate the capacity of foreign observers to identify fraudulent activities (Carothers, 1997:19-20). A number of investigations have subsequently delved deeper into Carothers's proposition. Bjornlund contends that regrettably, numerous international observers continue to place excessive focus on the administration of elections on the day itself, thereby enabling autocratic regimes to exploit other facets of the electoral process (Bjornlund, 2004:305-06). In a natural experiment conducted in Indonesia, Hyde posits that 'the presence of observers had a measurable effect on votes cast for the incumbent candidate' (Hyde, 2007b: 511). Nonetheless, in a departure from what one might expect, she discovers that the incumbent candidate garnered a greater number of votes in the polling stations that were monitored by international election observers. Hyde arrives at the conclusion that IEO has the potential to influence elections; however, the relationship between the two is more intricate than commonly believed. A variety of studies have indicated that IEO missions may merely facilitate transitions from observable to non-observable forms of electoral irregularities. Hyde's research in Indonesia indicates that IEO might also motivate electoral autocrats to employ less detectable methods of cheating, such as preemptively manipulating the election prior to election day (Hyde, 2007a:63). In their comparative analysis of elections spanning from 1990 to 2002, Emily Beaulieu and Hyde contend that the introduction of IEO has catalyzed strategic manipulation, thereby incentivizing incumbents to adopt methods of electoral manipulation that are less likely to be detected by observers (Beaulieu, 2009: 410). Furthermore, it is contended that opposition parties are more inclined to abstain from participating in elections when international observers are in attendance. This is attributed to the allure of utilizing their limited resources to unveil strategic

manipulations and undermine the credibility of the government, rather than engaging in the electoral process (Beaulieu, 2009:410). In his examination of the unintended consequences of IEO, Alberto Simpser posits that certain forms of electoral manipulation, which are more resistant to detection and correction through monitoring, can inflict significant harm on political, legal, and governmental institutions, as well as on media independence (Simpser, 2008:216).

2.4.1.4 Financial Constraints by IEOMs

Initially, financial limitations emerge as a significant obstacle impacting both domestic and international observer groups. Domestic observers, in particular, rely significantly or almost entirely on external donor funding and support to execute their activities, including training, voter education, deployment, and remuneration of observers. Their dependence on external funding sources and the delayed provision of these funds significantly constrains their operational capacity, particularly regarding the scale of intended activities and, crucially, the quantity of observers they are able to train and deploy across the nation. The restricted scope and coverage of foreign observer groups has consequently cast shadows on the credibility and accuracy of their reports. The brevity of their presence in the country frequently results in numerous irregularities, acts of fraud, and intimidation that domestic observers may witness and report, remaining largely unnoticed by foreign observers. Furthermore, the limited number of team members assigned hinders their ability to monitor numerous polling stations across the nation. In the 2008 elections, there existed more than 21,700 polling stations distributed across 230 constituencies. ECOWAS assigned 200 observers, the AU dispatched 25 observers, and the EU positioned 75 observers (Zounmenou, 2009). It is evident that this quantity

of observers is insufficient to adequately oversee even a fraction of the polling stations nationwide. Furthermore, the majority of polling stations they frequent are limited to the regional capitals and urban areas, a situation often justified by referencing issues related to security and communication. This constraint impacts the precision of their reports – due to the reporting being conducted with inadequate data, the observers occasionally fail to fully grasp the actual magnitude of electoral irregularities.

2.4.1.5 Observer Intimidation

Recent discourse has raised concerns regarding the credibility, professionalism, and impartiality of observers, primarily attributed to their insufficient training and orientation prior to elections. Moreover, certain individuals tasked with observation have faced intimidation or threats from political party affiliates, primarily due to the perception that these observers represent obstacles to their nefarious objectives. There have been occurrences in which observers faced harassment and were obstructed from gaining access to the polling centers. The circumstances in question impede the observers' capacity to traverse, engage in unencumbered observation, and disseminate the information gathered without the constraints of self-censorship or the apprehension of repercussions.

2.4.1.6 Lack of Collaboration with Domestic Observers

Establishing collaborative relationships among foreign and domestic missions, along with other election stakeholders, has presented significant challenges owing to the autonomous characteristics of observer missions. Nonetheless, as an increasing number of organizations endeavor to engage in election observation, it becomes imperative to

harmonize their efforts to prevent redundancy. There is a notable absence of evidence indicating that the Electoral Commission adequately investigates critical remarks and reports concerning electoral fraud or voter irregularities made by observers prior to the final declaration of official election results. The 2008 elections serve as a pertinent example; notwithstanding the claims of dubious outcomes from the Ashanti and Volta regions put forth by CODEO and various observer missions, the Electoral Commission dismissed these concerns and proceeded to announce the results it possessed without conducting thorough investigations (Jockers et al, 2009: 7-10). The artificial separation between international observers and domestic citizen observer groups represents yet another facet that defines the current crisis in election observation. Nevitte and Canton assert that ‘internationally driven election observations enjoy huge advantages over domestically driven ones in the areas of funding, training, and logistics’ (Nevitte & Canton, 1997: 49). Nevertheless, the importance of domestic observers in the process of democratization across Africa is undeniable. Civil society organizations assume a pivotal function in the realm of election observation. These represent social structures that exist independently of the state within nations that conduct elections. These individuals belong to the respective nations. In contrast to the aforementioned collection of IGOs and INGOs, these civil society organizations maintain a permanent presence within the country. They possess a deeper understanding of the socio-cultural and politico-economic context, as well as the ramifications of elections. They grasp the intricacies of the language, as well as the unspoken gestures and subtleties surrounding the elections. As citizens and voters in these nations, their stakes are considerably higher. This category of election observers holds significant importance as it introduces a novel methodology that prioritizes a grassroots approach, placing citizens at the forefront. This contrasts sharply with the

methodologies employed by intergovernmental organizations and international non-governmental organizations, which often adopt a top-down and elitist perspective in both their structure and content. Their analysis is significantly more comprehensive, as it encompasses the pre-voting, voting, and post-voting phases, avoiding the biases often associated with international observers on Election Day. Carothers aptly concludes that domestic observers, as citizens, embody the essential notion that the society in question must assume primary responsibility for enhancing its own political processes. Domestic monitoring frequently entails the creation and nurturing of significant local organizations that persist beyond the electoral process, applying their newly acquired expertise towards civic education and other pro-democratic initiatives, which stands in stark contrast to the transient presence of foreign observers. Domestic monitors can provide significantly greater value compared to foreign groups, as their expenses related to travel, accommodation, and other logistical considerations are considerably reduced (Carothers, 1997: 23-24).

According to Geisler, citizen observer groups encompass the entirety of the democratic process to which they belong, thus their engagement continues beyond the electoral phase. Their coverage is significantly more extensive: a substantial number of local poll-watchers have managed to oversee a greater number of voting and counting stations through a more sustained effort than international observers are ever likely to accomplish (Geisler, 1993: 634). Through an examination of the Coalition of Domestic Election Observers (CODEO) in Ghana, Sakyi and Oduro contend that domestic election observation presents a significant opportunity for civil society organizations to engage directly in the democratization process, thereby enhancing public ownership and acceptance of the electoral outcomes (Sakyi & Oduro, 2002: 56).

Evidence suggests that the active participation of citizens plays a crucial role in upholding accountability and transparency within electoral processes managed by state institutions and election authorities. A compelling examination of the function of Ushahidi in collaboration with ReclaimNaija during the 2011 general election in Nigeria by Bailard & Livingstone (2014) serves as a notable example. The authors discovered that an effective collective action initiative can be achieved by leveraging crowdsourced election observation, utilizing citizen-generated reports facilitated by contemporary digital technologies. The achievement of such success relies on two critical factors: (a) the mobilization of the community and (b) the presence of responsive state institutions, which encompass the election management bodies (EMBs) (Bailard & Livingstone, 2014). In the future, it is essential that, alongside enhancing the value of parallel vote tabulation, citizen election observation invests significantly in crowdsourcing and crowd mapping to augment traditional election observation methodologies. Consequently, it is imperative that these citizen observer groups receive greater empowerment and formal recognition through legal provisions, not merely as election observers, but as election monitors, thereby granting them the authority to effect meaningful oversight. The proliferation of IEOs, each with divergent objectives, has undeniably complicated the electoral process and diminished the effectiveness of local election observation groups.

2.4.1.7 Contradiction of IEOM Reports Verdicts by Courts

The predicament surrounding international election observation is evident in the discrepancies between their assessments and the judicial decisions regarding electoral controversies. This exemplifies their erroneous emphasis on election-day procedures,

leading to a significant oversight of both the pre-voting context and the subsequent developments post-voting. International observers employ check-lists to execute this task. It is clear that the check-lists for election-day activities are significantly more detailed and thorough compared to those pertaining to pre-voting and post-voting activities. This represents yet another shortcoming of international election observation. This partially elucidates why, in recent years, the judiciary in Africa has rendered decisions on electoral disputes that have diverged from the assessments of international observers. The latest examples to consider in this context are Kenya (2017) and Malawi (2019).

Most discussions surrounding electoral violence frequently reference the 2007 elections in Kenya, during which over 1,000 individuals lost their lives and nearly 700,000 others were forcibly displaced, becoming internally displaced persons or refugees. The specter of this violence has persisted, casting a shadow over the elections that followed in 2013 and 2017. Although international election observers typically deemed both sets of elections to be legitimate, it was the subsequent events following the 2017 election that provoked considerable scrutiny from analysts and observers alike. This incident exemplifies the tendency of international observers to prioritize a superficial semblance of peace over genuine democratic principles, driven by a fear that acknowledging the election's legitimacy could lead Kenya into a perilous state of violent discord. Among the eight presidential candidates, only two held significant importance: the incumbent, President Uhuru Kenyatta of the ruling Jubilee Party, and the opposition leader, Raila Odinga of the National Super Alliance. The Independent Electoral and Boundaries Commission announced Kenyatta as the victor, securing 54.2% of the total votes cast. Odinga and NASA contested the results of this election through legal channels (Kanyinga & Odote, 2019). The Supreme Court of Kenya decisively declared

the presidential poll invalid, citing a lack of sufficient transparency and verifiability (Dodsworth, 2018b: 2). On 1 September 2019, a majority of four out of six Supreme Court judges determined that the presidential election was invalid and mandated a new election to be conducted within 60 days. The repeat poll took place on 26 October 2017; however, it was boycotted by Odinga and NASA due to the persistent inequities in the electoral landscape that favored the incumbent. Kenyatta, competing alone, emerged victorious in the recent election, securing 98.3% of the votes, albeit with a modest voter turnout of 39%, a significant decline from nearly 80% in August (Kanyinga & Odote, 2019). Cheeseman et al. (2019) assert that 'the Supreme Court demonstrated its capacity to act as an independent institution to defend the quality of democracy, when it became only the third court ever to annul the election of a sitting president' (Cheeseman et al., 2019: 217).

Kanyinga and Odote express concern over the incident, viewing it as a reflection of the intertwining of politics and the judiciary (Kanyinga & Odote, 2019). In contrast, Chege (2018) suggests that 'Kenyans should do themselves a great favor by abandoning presidentialism and returning to the parliamentary and cabinet government that brought them to independence in 1963' (Chege, 2018: 170). Our primary focus in the Kenya case study lies in the significant implication that the judiciary's contradiction of the verdict rendered by international observers undermined the integrity and credibility of international election observation. The declarations made by the Commonwealth and the African Union, significantly shaped by the concept of 'peaceocracy,' reveal the incongruity between the results of the election observation and the subsequent court ruling in Kenya. The Commonwealth Observer mission praised Kenyans for the serene and organized manner in which they exercised their voting rights, observing that voters

were able to cast their ballots without hindrance. (Commonwealth, 2017: 1). The African Union Election Observer Mission expressed satisfaction in stating that the elections were conducted in a peaceful manner. The populace was granted the opportunity to cast their votes in accordance with the criteria established by Kenyan legislation, which also aligned with the directives of the African Union. (AU, 2017: 4). In May 2019, Malawi conducted its tripartite election, integrating presidential, parliamentary, and local government polls, which were observed by a multitude of international election monitors. The fragmented party system in Malawi has introduced significant political tension surrounding the election, exacerbated by the pervasive poverty that renders citizens particularly vulnerable to the influence of vote buying. In such contexts, the struggle for state power transforms into a matter of utmost urgency, as wielding the mechanisms of governance equates to unearthing a treasure of unparalleled value. The competition was intense. The result was exceedingly ambiguous. Ultimately, the outcome of the presidential election revealed a remarkably narrow victory for the incumbent, Peter Mutharika, leader of the Democratic Progressive Party (DPP), who secured 38.6% of the total valid votes. He was closely trailed by Lazarus Chakwera of the Malawi Congress Party (MCP), who garnered 35.4%, while Saulos Chilima of the United Transformation Movement (UTM) occupied the third position. While the international election observers rendered predominantly favorable assessments of the election, it was only upon the arrival of the election dispute petitions at the Constitutional Court that the judiciary reversed these assessments.

The declarations made by the European Union and the Southern African Development Community (SADC) emphasized the tranquility of the proceedings, yet they appeared to be misaligned with the judicial ruling in Malawi. The European Union determined

that the campaign exhibited a robust level of competitiveness, characterized by significant public involvement at rallies and civic education initiatives. Nonetheless, in spite of the prevailing tranquility, there were occurrences and an escalation of tension. (European Union, 2019). The SADC Electoral Observation Mission asserted that ‘the pre-election and voting phases of the 2019 Tripartite Elections were carried out in a predominantly peaceful environment’ (SADC, 2019: 10). A panel of three judges from the Constitutional Court of Malawi reached a unanimous decision, stating that: (a) the incumbent was not duly elected, rendering the election results null; (b) the Malawi Electoral Commission (MEC) demonstrated incompetence in managing the polls; (c) a fresh presidential election should occur within 150 days; (d) parliament is to enact legislation ensuring the application of the 50% plus 1 rule for presidential elections; and (e) parliament should investigate the capacity and competency of the MEC. The courts annulled the presidential election, leading to a new poll in June 2020. This election was won by a coalition that included the MCP and UTM, culminating in Chakwera's ascension as the new President of Malawi.

2.4.1.8 Accusations of Bias

The dynamics have, in numerous respects, shifted significantly. Initially, autocratic leaders in Africa dismissed foreign observers as intruders in their internal matters. However, they have come to recognize that the presence of these observers is now essential for elections to be deemed internationally acceptable, and it serves as the sole pathway to accessing the financial support of donors and creditors. Political conditionality encompasses not only the organization of multi-party elections but also their adherence to rigorous examination. As uncertainties proliferate within opposing factions, existing administrations have adopted a more audacious stance. In Kenya,

President Daniel arap Moi dismissed the National Democratic Institute, based in Washington, on the grounds of perceived bias towards the opposition. This rejection may have stemmed from the organization's former president, Brian Atwood, who had suggested that 'unless the situation changes dramatically, credible elections will not be possible in Kenya.' The Government similarly declined to permit resident diplomats and other disfavored observers to engage, effectively dismissing the concerns raised by opposition parties regarding certain groups selected for invitation by Moi (Geisler, 1993).

In the context of the 1992 presidential elections in Ghana, a journalist remarked that when international observers become aware of elections occurring 'anywhere', they tend to 'pack bag and baggage... merely to indulge in dining and wining, visit polling stations on the day of voting, and subsequently compose a report, believing they are contributing to the promotion of democracy.' Members of Ford-Kenya expressed skepticism regarding the integrity of election observers following their defeat in December 1992, implying that the observers' previous silence on allegations of fraud rendered them 'nothing more than a bunch of tourists.'

At the core of these observations lies the assertion that international missions have primarily focused on the events of election day itself, neglecting the significant processes of voter registration, candidate nomination, and the overall conduct of the electoral campaign that precede it. This suggests the potential, as claimed in both Kenya and Ghana, that the elections may have been 'rigged' prior to the casting and counting of votes. While one might attribute the superficiality observed among observers to logistical challenges and funding constraints, it ultimately indicates that the nations and organizations involved prioritize the mechanics of voting over a genuine concern for the standards and values inherent in the parties and electoral systems.

During Kenya's 1992 general elections, international observers faced criticism as the discrepancies that arose between their interpretations and conclusions implied a capitulation to external interests. The allegations gained additional momentum due to the involvement of certain foreign observers in the diplomatic sphere, where political considerations appeared to influence their assessment of the elections. Their collective endorsement of these profoundly deficient elections stood in stark opposition to the assessments of national observer groups and the sentiments of numerous discontented voters. Regarded as a pivotal example of the implications of donor-imposed political conditionality, the Kenyan elections significantly undermined the credibility of both the donors and the international observers.

For many years, international election observation has stood as the most recognized, prominent, and frequently well-supported form of assistance related to democracy. The objective is to enhance the integrity of elections and to bolster public confidence in the electoral system. Nonetheless, the capacity of international observers to realize the latter of these objectives is contingent upon their credibility, as it significantly affects the influence of their assessments on individuals' perceptions of electoral quality. The perception of bias consequently presents a significant challenge to their efficacy. Notwithstanding this, the historical narrative surrounding allegations of bias in election observation is as extensive as the practice of election observation itself, with a notable proportion of detractors referencing elections in sub-Saharan Africa as substantiation. Such allegations contribute to a prevalent perception that election observers impose less rigorous criteria on elections within sub-Saharan Africa. It is plausible that the region experiences a higher incidence of fraudulent elections, thereby creating additional opportunities for observers to overlook instances of electoral fraud. Alternatively, the

observable double standard may stem from deeper, underlying factors, rather than being a characteristic unique to the region. It is possible that the region serves merely as a stand-in for various other forms of bias. In the context of sub-Saharan Africa, the inclination of international observers to exercise restraint has often been ascribed to a motive, among Western donors, to safeguard development initiatives from potential disruption. There are accounts of Western aid officials exerting pressure on observers to moderate their reports in order to avoid the potential consequences of aid suspensions or reductions. The strategic considerations of Western nations may also influence the situation. The inclination to preserve favorable relations with governments that oversee essential natural resources, serve as significant partners in counter-terrorism efforts, or contribute meaningfully to peacekeeping missions is frequently referenced as a rationale when analysts seem to disregard instances of electoral fraud. For instance, the evident hesitance of Western observers to denounce electoral manipulation in Uganda is frequently ascribed to the significant role it occupies within the African Union Mission in Somalia (AMISOM). The observable regional inconsistency may also be elucidated by a propensity to overlook imperfect elections, contingent upon the presence of demonstrable advancements in the broader context of democratic development. International observers often justify subpar elections in sub-Saharan Africa by claiming they signify “a step in the right direction.” Critics have characterized that phrase as “one of the most overused metaphors in the field” and “an exercise in self-deception,” suggesting it may merely serve as a convenient justification rather than the genuine rationale behind the acceptance of electoral shortcomings. The inclination to reduce electoral violence may also elucidate the actions of Western election observers in sub-Saharan Africa. Current research indicates that a concern over instigating or worsening electoral violence often

leads observers to moderate their critiques, in order to avoid provoking allegations of fraud that could incite protests from the opposition or lead to repression by those in power. This bias may be more pronounced in sub-Saharan Africa, potentially due to the heightened emphasis placed by international observers on the preservation of peace in this area, or because electoral violence is perceived to be more prevalent in the region (Kelley, 2009).

Judith Kelley categorizes these various manifestations of bias as “special relationship bias,” “progress bias,” and “stability bias.” She presents empirical evidence illustrating their impact on the probability that international observers will either endorse or denounce an election. Any or all of these factors may elucidate the seemingly disparate standards that are observed in sub-Saharan Africa. Interestingly, it appears that Western observers might be more susceptible to these biases compared to their international counterparts. Western governments and intergovernmental organizations comprising Western members represent the predominant sources of foreign aid and are more susceptible to political pressures that may compel them to suspend assistance when the democratic legitimacy of the recipient nations is called into question. Their composition reflects an audience deeply driven to promote democratic reforms through the recognition of progress, while simultaneously striving to circumvent the detrimental human and economic repercussions associated with electoral violence.

The susceptibility to bias presents a paradox, as perceptions of partiality carry greater consequences for Western election observers, who are anticipated to uphold more stringent standards. Western nations have been pivotal in establishing the principle that elections ought to be overseen by international entities. This suggests that Western observers ought to exhibit heightened awareness regarding electoral fraud. To a certain

degree, this holds true: intergovernmental organizations comprised of members with strong democratic principles tend to be less inclined to endorse the elections they monitor. Therefore, if Western election observers implement a regional double standard, it becomes especially puzzling, warranting our examination and comprehension.

Conversely, it is unfortunate that the regional observers appeared to lack sincerity in fulfilling their responsibilities during the elections of 2007 and 2013. It has been observed that the roles of observer missions, including those from the Southern African Development Community (SADC), African Union (AU), East African Community (EAC), and Economic Community of West African States (ECOWAS), were not particularly stringent in safeguarding the existing government. Steytler (2013) reinforced the notion by highlighting how these intergovernmental entities and various regional leaders have cultivated a reciprocal approach to the certification of elections, characterized by a mutual exchange of support. Furthermore, Kenya aligns its geopolitical interests with those of the African Union, the Common Market for Eastern and Southern Africa, the East African Community, and the Intergovernmental Authority on Development, as it holds membership in these organizations. Investigations revealed that members of the regional observer missions exhibit a greater alignment with the government's stance and demonstrate a reduced level of criticism. The coalition mission of the Intergovernmental Authority for Development (IGAD) declared the party nominations to be successful, despite the process being, at best, flawed (IGAD 2015). The evidence presented unequivocally indicates that the regional observer missions have played a role in exacerbating democratic fragility within the Kenyan political landscape, as they endorse the prevailing neo-patrimonial politics.

2.4.1.9 Accusations of Political Tourism

A Norwegian member of the U.N. observer team during the referendum in Eritrea in 1993 has reflected on the challenges faced by their mission when a mentor, who was unable to communicate in English, had to be left behind. This situation underscores that the limitations imposed on international observers need not always be overt or deeply personal. They may reveal themselves in more nuanced manners and can be a result of one's own imposition. The absence of effective coordination among international observer teams undeniably constrains the breadth of their collective knowledge. It is often the case that small groups embark on independent assessments, exemplified by the Egyptian 'delegation' to the Kenyan elections, where a sole representative rendered a judgment of conduct after visiting a select few polling stations in the city of Nairobi. However, even when statements are articulated independently, the strategic deployment of various groups of observers could optimize the utilization of limited resources. The U.N. conducted briefing and debriefing sessions in 1992, allowing for the exchange of data and experiences, while also facilitating connections among international observers, thereby addressing a pressing necessity.

The issue of electoral rolls in Africa has long been a subject of significant contention, with specialists acknowledging their inability to address the challenges posed by unreliable and frequently outdated population statistics, alongside erratic or nonexistent registration and identification processes. This implies that registers are prone to imperfections, and any evaluation of their magnitude must depend on educated conjecture. However, the participants of numerous international observer groups, who infrequently possess any specialized electoral expertise, are anticipated to determine whether the registers are sufficiently acceptable to avoid impacting the election results. In Ghana, there existed a wealth of technical advice and expertise, which was

unfortunately overlooked, leading to what seems to be a questionable evaluation of the elections by the Commonwealth observers. Furthermore, certain evidence suggests that international observers may exhibit hesitance in addressing contentious matters during the electoral process. During the 2013 election, there was a notable absence of a comprehensive report regarding the alleged irregularities. The majority of reports from both domestic and international observers failed to capture the manner in which the losing CORD, in collaboration with the Africa Centre for Open Governance (AfriCOG), contested the legitimacy of the election results at the Supreme Court (Schulz-Herzenberg & Gatimu, 2015). Rather, they merely conveyed that the election reflected the collective desire of the populace, albeit with some irregularities noted. Consequently, it is posited that the observable hesitance to confront these controversies may have contributed to the diminishing trust in observer evaluations among the Kenyan electorate. The degree of trust in election observers in Kenya has diminished from 85% in 2009 to 62% in 2013. This information is derived from the survey conducted by the Institute for Security Studies (Schulz-Herzenberg & Gatimu, 2015).

A significant shortcoming of international election observers lies in their apparent disinterest in the post-election process. Clark (2006) noted, “Today election observation is disproportionately focused on the pre-election and election periods at the expense of the post-election period.” Eric Bjornlund (2012) made a comparable observation: “International election monitoring frequently disintegrates post-election day, once the substantial delegations have left and the international media shifts its focus.” Additional critiques of international election observation encompass the following: it incurs significant expenses; its influence on the democratization trajectory of host nations is

often minimal and transient; and, in certain instances, the professional caliber of international election monitors raises concerns, as noted by Reilly (2003). He remarked, “In numerous instances, international election observers are not adequately trained professionals but instead are politicians or bureaucrats hailing from Western nations.” The issue regarding international election observation, as noted by the Carter Center, is that “Host Governments facing challenging elections frequently extend invitations to observer groups they believe are more aligned with their interests.” Moreover, the inconsistency of election observation reports among various organizations raises significant concerns regarding the methodologies employed, the professionalism exhibited, and the overall credibility of international observation efforts.

2.4.1.10 The Dilemma of Exposing Fraud

Daxecker (2012) examined the interplay among international election observation, electoral fraud, and the occurrence of post-election violence. Although international electoral missions theoretically have the capacity to reduce the likelihood of violence by discouraging election fraud, the actual effectiveness of international observers in identifying manipulation might paradoxically provoke violent uprisings. Significant irregularities recorded by international observers furnish reliable insights into the quality of elections, thereby highlighting the results and mitigating the coordination challenges encountered by opposition parties and the broader society. When elections are distorted to deprive citizens of the chance for peaceful contestation, and when international observers bring such distortions to light, it can lead to violent confrontations among incumbents, opposition parties, and the populace. As a result, the author anticipates that elections marred by fraud and overseen by international organizations will possess a heightened likelihood of ensuing violence.

Although international monitoring may yield advantageous outcomes, the evaluation of electoral quality by global entities could intensify the issues related to the aforementioned manipulated elections. Studies have established the capacity of election observers to identify instances of electoral fraud (Hyde, 2008; Kelley, 2008). However, when elections are not merely suspected of manipulation but such interference is substantiated by reputable international organizations in their evaluations, the potential for increased violence, as previously noted, may escalate further. The oversight of fraudulent elections by international organizations highlights the inequities inherent in electoral processes, mitigates ambiguity regarding the occurrence of fraud, and addresses coordination challenges among stakeholders wary of manipulation. Collectively, these elements may lead to violent disputes following tampered elections. This article posits that fraudulent elections, as noted by international observers, are more prone to inciting post-election violence. When international observers detect irregularities that may have influenced the results of elections, their evaluations offer reliable insights into the degree of manipulation involved. This information serves as a pivotal element for action and enhances coordination among citizens and opposition parties (Tucker, 2007). The presence of substantial evidence regarding widespread fraud, as reported by international observers, may consequently heighten the probability of anti-regime protests and social unrest. Consequently, the assertion posits that the impact of international election monitoring on post-election violence is contingent upon the existence of significant electoral manipulation.

What is the impact of international election organizations on the quality of elections and the potential for electoral manipulation? Initially, the presence of international oversight can enhance the probability that those who engage in deceitful practices are

revealed and that electoral misconduct is uncovered. The documentation of electoral observation reveals the occurrence of fraud, and the reports disseminated by monitoring organizations have significantly highlighted instances of fraudulent elections across numerous nations (Hyde, 2007; Carothers, 1997). Kelley (2009) conducts an analysis of international electoral missions spanning from 1975 to 2004, revealing that international observers tend to endorse elections as free and fair when irregularities are minimal.

This article highlights a third potential connection, positing that international election observation may heighten the likelihood of post-election violence. This scenario is poised to materialize should international election observers, as indicated in the studies by Hyde (2008) and Kelley (2008), effectively identify instances of electoral manipulation. When international observers designate elections as fraudulent, it is anticipated that opposition parties and citizens will mobilize to contest the electoral results. The authors anticipate that elections deemed fraudulent by international organizations will lead to anti-regime contestation, as reliable information regarding electoral misconduct from international observers enhances coordination among citizens and opposition groups. The challenge to electoral results may ultimately escalate into violence, as incumbents or non-state entities may resort to coercive measures. The subsequent sections delineate the manner in which data supplied by international observers enhances collaboration among citizens and opposition factions, and assess the reasons behind the escalation of anti-regime protests into violence. Initially, assessments of elections by international observers can enhance citizen coordination by offering essential insights into the electoral process (Fearon, 2006; Tucker, 2007). Statements of fraud by global entities diminish ambiguity regarding the genuine nature of electoral processes, thereby clarifying the extent to which the regime

may have participated in manipulation. When impartial and esteemed observers assert that elections have been significantly compromised, citizens gain access to trustworthy insights regarding governmental actions, as the observers' evaluations of the electoral process are disseminated to both domestic and international audiences (Bjornlund, 2004; Hyde & Marinov, 2008). Although collective action dilemmas frequently obstruct widespread mobilization, overt fraud highlighted by international observer missions can mitigate the coordination challenges encountered by society by providing unequivocal and public signals. Tucker (2007:541) highlights that the revelation of significant electoral fraud can serve as pivotal moments for mobilization by offering insights into the probability of public participation in protests. The troubling absence of clarity in the reports and verdicts of the IEOs raises significant concerns, particularly as their definitions of free and fair elections have consistently undermined the integrity of electoral processes in Nigeria. An analytical examination of the diverse IEO reports concerning elections in Nigeria since 1999 reveals a persistent reliance on the terms “free and fair” and “not fair” to either validate or contest electoral results. Consequently, the continual application of these terms indicates a tendency towards stereotyping among IEOs in Nigeria and throughout Africa, implying that IEOs may be experiencing fatigue or lack innovative approaches to effectively carry out election observation. It is consequently not unexpected that IEOs have struggled to address the disparities related to the emerging and contentious issues presently observed in Nigeria. The employment of a phrase like “free and fair” inherently complicates the electoral system, resulting in varied understandings and interpretations among political parties and state actors. The excessive dependence on a phrase like “free and fair” to forecast electoral results illustrates a dichotomous

approach to analysis. Elections are evaluated based on their adherence to globally recognized standards or their inherent deficiencies (Tuccinardi et al., 2012).

2.4.1.11 Accusations of Applying Low Standards Observation in African Elections

The article by Dodsworth (2019) examines the potential application of a “double standard” by Western election observers in relation to elections occurring in sub-Saharan Africa. It illustrates that they indeed do: Throughout the period from 1991 to 2012, Western election observers exhibited a statistically lower propensity to claim that substantial fraud had taken place in elections within sub-Saharan Africa compared to elections of equivalent quality conducted in other regions. This inconsistency persists even when accounting for other elements typically believed to affect the judgments of observers, including the strategic motivations of Western nations. Nevertheless, there exists a temporal variation. From 1991 to 2001, the existence of a double standard can be partially attributed to a phenomenon known as “progress bias,” which reflects a propensity to accept imperfect elections that represent an advancement over their predecessors. The application of a double standard by observers from 2002 to 2012 presents a complex challenge to elucidate. During that time, the examination reveals multiple elements that deter Western observers from claiming fraud, such as the potential for inciting electoral violence and the intention to maintain ties with strategic allies. It further delineates the elements that increase the probability of claims regarding electoral fraud, encompassing the historical context established by previous accusations and, rather surprisingly, elevated amounts of foreign assistance. Nevertheless, none of these factors sufficiently elucidate the regional discrepancy. International election observers serve a dual purpose: they strive to identify and prevent fraudulent activities while simultaneously enhancing the overall credibility of electoral processes. The challenges in sub-Saharan Africa are becoming more pronounced,

particularly in light of claims that observers exhibit bias, employing less stringent criteria for elections in this region compared to those applied in other areas. The presidential election in Kenya in 2017 prominently highlighted this issue. Following the careful endorsement of the poll by international observers, Kenya's Supreme Court rendered it invalid on constitutional grounds, determining that the electoral process lacked both adequate transparency and verifiability. While the Court refrained from asserting that fraud occurred, the verdict proved to be profoundly embarrassing for international observers and cast significant doubt on their credibility. Despite the prevalent notion that observers tend to accept elections of inferior quality in sub-Saharan Africa, there exists a notable scarcity of research that investigates its empirical underpinnings. Cheeseman and Klaas (2018) determine that from 1989 to 2012, Western observers were 4% less inclined to assert that fraud had taken place during elections in Africa. This article employs logistic regression to scrutinize all elections monitored by Western entities from 1991 to 2012, drawing predominantly on data sourced from the National Elections Across Democracy and Autocracy (NELDA) dataset. The analysis reveals the presence of a double standard; Western election observers are less inclined to assert that substantial fraud has taken place in elections within sub-Saharan Africa compared to elections of equivalent quality conducted in other regions. The significance and magnitude of this effect remain pronounced, even when accounting for variables such as foreign aid, democratic advancement, the potential for electoral violence, and strategic relevance, which are often perceived to influence the judgments of observers (Kelley, 2008).

During the initial segment of the analyzed timeframe, a portion of the double standard may be elucidated by Judith Kelley's concept of "progress bias" – Western election observers often exhibit a degree of leniency towards imperfect elections if they signify an advancement compared to previous instances. Since 2002, the double standard has not only endured but has also become increasingly challenging to elucidate. Compelling evidence suggests that the apprehension of inciting electoral violence deters observers from voicing allegations of fraud during this timeframe, while less substantial evidence indicates that the inclination to safeguard relationships with key military allies produces a comparable influence. Nevertheless, these factors fail to elucidate the regional discrepancy. Alternative factors frequently presented as rationales for bias in election observation, such as the presence of natural resource wealth, demonstrate no substantial impact, or, in the instance of foreign aid, yield results contrary to expectations. The most notable deficiency in contemporary international election observation is the shift in focus from the promotion of democracy to the promotion of peace. Elena Gadjanova refers to this phenomenon as 'the tyranny of low expectations: low standards are tolerated due to concerns regarding political instability' (Gadjanova, 2018: 2). She contends that international election observers often disregard irregularities and endorse contests in Africa that would be unacceptable in other contexts due to the ongoing anticipation of violence and political instability (Gadjanova, 2018: 2). A multitude of global, continental, and regional frameworks have been established to delineate the appropriate methodologies for this endeavor. Recently, it appears that observers have shifted their attention towards prioritizing stability, peace, and order in the contexts surrounding elections, both prior to, during, and following the events. This inclination diminishes the standards of evaluation from the elevated aspiration of democracy to the more modest aim of mere stability. This elucidates why, in the majority of their

declarations following elections, observers tend to express greater ease in commenting on the peaceful or violent characteristics of the electoral process, rather than assessing its democratic integrity or deficiencies. Consequently, rather than promoting the process of democratization, election observers have permitted authoritarian regimes to intimidate them into enabling the rise of a peaceocracy, wherein the apprehension of conflict is leveraged to emphasize stability and order, ultimately undermining democratic principles (Lynch et al., 2019: 627). The shift from democracy to ‘peaceocracy’ illustrates the contemporary trend of democratic regression in Africa, where authentic democracies are rapidly diminishing, giving way to various forms of semi-democracies or electoral autocracies that dominate the landscape. The predominant classification of governments in Africa reveals a landscape of grey-zone regimes, characterized by a nuanced existence that defies strict categorization as either democratic or authoritarian. These regimes have adeptly honed their skills in navigating the complexities of international relations, skillfully engaging with the global community, including those tasked with observing elections. The tumultuous elections in Kenya and Zimbabwe during 2007 and 2008 serve as pertinent examples where international election observers tolerated flawed electoral procedures, apprehensive of the potential for heightened political violence. Kelly points out that in such situations, ‘fear of violence has completely stifled the truth’ (Kelly, 2009: 771). In conclusion, the prevailing narrative surrounding peace has gradually supplanted the discourse on democracy, ultimately undermining the credibility of international election observation.

2.4.1.12 Disinformation by Social and Digital Media Platforms

The emergence of social media introduces a significant challenge and exacerbates the crisis of international observation, particularly concerning the integrity of elections in

Africa. Cheeseman et al. (2020) insightfully note in their examination of social media and politics in Nigeria that the impact of social media on democratization in Africa can be perceived as either beneficial or detrimental, contingent upon the specific context and manner of its utilization. The latter school of thought is notably exemplified by Odote and Kanyinga, who assert with conviction that technology emerged as a detrimental force in the context of Kenya's 2013 and 2017 elections. It has evolved into an enigmatic entity, one that only a select few involved in the electoral process possess the technical acumen to comprehend its functioning. The political parties vie for dominance over the enigmatic black box, as the entity that secures its control could leverage it to their benefit and emerge victorious in an election (Odote & Kanyinga, 2020: 12). The obstacles that social media presents to democracy and electoral processes encompass the following: (a) The presence of disinformation has the potential to distort and adversely affect democratic processes, particularly during elections; (b) social media platforms tend to exacerbate polarization, creating an environment conducive to democratic regression; (c) the role of social media in diminishing the quality of information available to citizens impairs their ability to make informed decisions; (d) a weakened media landscape compromises the mechanisms that hold government accountable, thereby facilitating unaccountable and corrupt practices; (e) furthermore, social media can serve as an instrument to bolster authoritarianism, populism, narrow nationalism, and xenophobia (IDEA, 2019). It is particularly concerning to note that the digital revolution plays a significant role in facilitating election rigging. The year 2016 undoubtedly served as a significant wake-up call. During that particular year, two established democracies were subjected to manipulation via social media platforms. The now defunct Cambridge Analytica, a private political consultancy firm, exploited online personal data of social media users

to sway the results of the 2016 US presidential elections in favor of Donald Trump of the Republican Party over Hillary Clinton of the Democratic Party. Trump emerged victorious in the election, and as this paper is being composed, the election campaign is escalating for the upcoming November 2020 election, wherein Trump aims to secure a second term.

The identical organization employed a similar strategy to sway the results of the 2016 Brexit referendum, favoring the Leave Campaign, which was advocated by the Conservative Party, in opposition to the Remain faction backed by the Labour Party in the UK. The proponents of the Leave campaign successfully secured a victory in the referendum, and as this paper is being composed, the United Kingdom is engaged in negotiations to determine the most effective approach to extricate itself from the European Union. The narrative surrounding Cambridge Analytica in the context of the US elections and the UK referendum serves as a poignant illustration of social media's capacity to undermine democratic processes and electoral integrity through various forms of digital manipulation, harassment, misinformation, and disinformation (Cheeseman & Klaas, 2018; Ekdale & Tully, 2020). Social media is fundamentally reshaping the landscape of democratic politics. It is redefining the function of individuals within society. It is eroding the foundations of established democratic institutions.

The primary issue lies in the fact that, from its establishment during the 1980 independence elections in Zimbabwe to the present, international election observation has yet to evolve in accordance with advanced technological methodologies. The business model continues to be characterized by manual processes and outdated practices. International election observers have yet to establish the necessary tools, instruments, and methodologies for the assessment of information and communications

technologies, including social media, and their influence on the integrity of elections. For example, many observers failed to recognize the significant role that Cambridge Analytica played in both Nigeria (2015) and Kenya (2017). Chan notes that the election observation process in Africa 'remains precisely as low-tech as it was in 1980' (Chan, 2019: 6). He astutely asserts that 'the safeguarding of electoral democracy, both now and in the future, necessitates keen observational abilities coupled with modern technology.' (Chan, 2019: 20)

2.4.1.13 Lack of interest in the Post-Election Phase

A significant shortcoming of international election observers lies in their apparent disinterest in the post-election proceedings. As Clark articulated, "Currently, the observation of elections is disproportionately concentrated on the pre-election and election phases, neglecting the post-election period." A comparable observation was made by Eric Bjornlund, as cited by Clark: "International election monitoring frequently disintegrates post-election day, once the substantial delegations have left and the international media shifts its focus." The influence it exerts on the democratization processes within the host nations is notably constrained and ephemeral. In certain instances, the professional caliber of international election monitors raises concerns, as noted by Benjamin Reilly. He remarked, "In numerous instances, international election observers are not trained professionals; instead, they tend to be politicians or bureaucrats hailing from Western nations." Another issue related to the observation of international elections, as noted by the Carter Center, is that "Host Governments facing challenging elections frequently extend invitations to observer groups they believe will be more aligned with their interests." Moreover, the inconsistency of election observation reports among various

organizations raises significant concerns regarding the methodologies employed, the professionalism exhibited, and the overall credibility of international observation efforts.

Connected to the aforementioned issue is the perceived lack of engagement from the IEOs throughout the entire electoral cycle; rather, their attention is predominantly directed towards activities on election day. It is essential to recognize that an election transcends mere activity; it represents a systematic process that unfolds from the pre-election phase through to the post-election period. Nevertheless, the engagement of the IEOs in Nigeria's electoral process has revealed that their reports predominantly stem from activities occurring on election day. Typically, there is a lack of concern regarding the post-election period, which is crucial to the overall electioneering process, albeit with some exceptions. This issue partially elucidates the variances and conflicting initial findings presented by the IEOs, which are reflected in their detailed reports. Clearly, the involvement of IEOs in Nigeria's elections since 1999 has been characterized by a focus on short-term versus long-term analysis. The notable ramifications of brief engagements are that there is a diminished likelihood of follow-up concerning initial reports, or a thorough evaluation of each election as they progress with varying dynamics. The situation regarding the European Union's involvement in Nigeria's 1999 and 2003 elections was characterized by reports that exhibited a notable absence of logical structure and coherence (Adesina, 2012).

2.4.1.14 The Dilemma of Dealing with Incumbency

In a similar vein, numerous African nations, Nigeria included, have exhibited a marked aversion to International Election Observers (IEOs) over the years, revealing a determination to exclude them from their electoral processes due to the divergent

perspectives and assessments regarding the same elections. Recognizing this challenge, numerous international election observation organizations analyze the political landscape in these nations and ensure that their operations before, during, and after elections align with the inclinations of incumbents in their pursuit of sustained access. Recent experiences indicate that, in Nigeria, the reports have largely been influenced by the inclinations of the incumbents and the characteristics of their political and economic interests. This has resulted in a situation where certain international election observers condemn an election, while others choose to legitimize it (Kelley, 2009). The general elections in Nigeria in 2015 and 2019 exemplify this characterization with precision. This bias undoubtedly leads to inconsistency and partisanship in election reports, ultimately undermining Nigeria's democratization process. An astute examination of the 2015 and 2019 elections in Nigeria indicates that, although the Independent Electoral Officers exhibited partisanship to bolster the APC's "Change Agenda" against former President Goodluck Jonathan, citing ineptitude and corruption, such a scenario was not replicated in 2019. In light of President Muhammed Buhari's underwhelming performance regarding economic and security matters, alongside a foreign policy perceived as antagonistic, the actions of state-sponsored observer groups revealed a palpable disdain for the administration. However, these groups found themselves constrained, unable to transcend the more favorable assessments reflected in their electoral conclusions.

2.4.2 Opportunities for Diplomacy of IEOMs in Democratic Consolidation

The IEO organizations have demonstrated a commendable openness to criticism, responding by progressively enhancing the professionalism of their missions. At the policy level, the concept of professionalization now holds significant prominence in

IEO documents. In the OAS report ‘Best Practices in OAS Electoral Observation, 2004-2007’, the terms ‘professional’, ‘professionalize’, and ‘professionalization’ are referenced 15 times in the central chapter. The concluding chapter emphasizes the necessity for consolidating electoral observation practices, systematizing observation techniques, and employing standardized follow-up and assessment criteria for observed electoral processes. This approach aims to enhance the objectivity and rigor of the activity, ensuring adherence to the highest standards of professionalism (Organization of American States, 2008: 27-38). In a similar vein, the report titled ‘Methods for Election Observation: A Manual for OAS Electoral Observation Missions’ articulates its aim to enhance the professionalization and standardization of electoral observation, thereby bolstering the credibility of the election observation efforts undertaken by the OAS (Organization of American States, 2007: 26). At the implementation level, numerous significant measures have been undertaken to enhance the professionalism of IEO missions. This encompasses the enhancement and broadening of IEO missions, the introduction of innovative methodologies, and the preparation of international election observers prior to their deployment.

2.4.2.1 Extension and Expansion of Missions

IEO organizations have broadened and deepened their objectives. In the initial phase of IEO, the missions primarily involved the strategic placement of a limited number of election observers on the day of the elections. These election observers frequently possessed minimal understanding of the principles of election observation. This encompasses the extension and expansion of IEO missions, the introduction of novel methodologies, and the training of international election observers prior to their deployment or within the host country, particularly in instances where they had not

received training beforehand. As a result, IEO missions found themselves unable to monitor the electoral process both prior to and following election day, and they seldom ventured beyond the capital and significant urban centers on that day. Currently, IEO missions encompass a range of activities, including election assessment missions initiated several months prior to election day to evaluate the political landscape and negotiate potential mission terms with the host government. Long-term observers are dispatched in the lead-up to election day to monitor voter and candidate registration, evaluate electoral legislation, and scrutinize the election campaign. On election day, a significant number of short-term observers are deployed to witness the final days of the campaign, oversee the voting process, and monitor the counting and tabulation of votes. Additionally, a core team remains in the country post-election to oversee the validation of electoral results, address electoral complaints, and facilitate the inauguration of newly elected officials (Carothers, 1997; Hyde, 2008). Current IEO missions extend over several months and may encompass upwards of 100 election observers. Certain IEO organizations may even implement semi-permanent observation missions in nations experiencing particularly sensitive electoral processes. The Carter Center, for instance, established a semi-permanent mission in Nepal subsequent to the 2008 constituent assembly elections. Although the Carter Center currently designates its endeavor in Nepal as a peace observation mission, it seems to represent the most prolonged election observation initiative in the annals of IEO. It was initiated in 2007 and persists to the present day.

2.4.2.2 Introduction of New Methodologies

IEO organizations have unveiled innovative methodologies. For instance, numerous IEO initiatives currently conduct reciprocal examinations of the voter registry. These

audits serve to assist IEO missions in uncovering 'ghost voters', recognizing individuals who are registered yet unaware of their status, confirming the registration of those who faced challenges in the process, and gauging the percentage of the population that has successfully registered. Initially, a straightforward random sample is obtained from the voter registry, and the data is verified through direct interviews, facilitating a comparison between the list and the voters. Secondly, a straightforward random sample is obtained via in-person interviews conducted among all eligible voters, subsequently verified against the voter registry through a voters-to-list comparison. Instances exist where two-way audits have been employed to identify discrepancies in the voter registration process and the voter registry. For instance, an examination conducted before the 2004 general elections in Malaysia revealed numerous discrepancies in the voter registry. This included a notable instance where 142 voters were registered at the same location—a wooden shack selling knick-knacks—and another case involving 156 voters registered at a fictitious 'ghost' address (Szu-Mae, 2004). Two-way audits, nonetheless, entail significant costs and require considerable time, which is why they are predominantly conducted by large IEO missions. In a similar vein, certain IEO missions currently engage in parallel vote tabulations (PVT). PVTs serve as a mechanism for IEO missions to authenticate both the compilation of electoral results and the results themselves. A straightforward random sample of electoral outcomes is gathered from polling stations or counting centers, contingent upon the electoral administration protocols, and is employed to estimate the electoral results. Similar to two-way audits, PVTs possess the potential for effectiveness, yet they are costly and time-intensive, which leads to their implementation being limited to substantial IEO missions. Furthermore, PVTs

necessitate the public disclosure of electoral results at the level of polling stations or counting centers, a practice that is not consistently upheld.

Numerous instances exist where parallel vote tabulations have been employed to identify electoral discrepancies or to aid in the transition of authority from an incumbent president to a legitimately elected opposition candidate. An illustrative instance is the 1991 presidential elections in Zambia, during which the Carter Center and NDI were at the forefront of implementing PVTs in IEO. The sitting president, Kenneth Kaunda, held a firm belief in his electoral victory and had permitted the PVT to proceed. He urged all Zambians to support the observer groups in every possible manner to facilitate their tasks in the most effective way they are capable of (Bjornlund, 2004: 87). Nonetheless, on the evening of the election, the PVT indicated that the opposition candidate, Frederick Chiluba, was poised for a significant triumph. Concerned that Kaunda might reject the outcome, the leader of the joint Carter Center and NDI mission, former US president Jimmy Carter, sought a meeting with the sitting president on the morning following the election. In the course of the meeting, Carter adeptly persuaded Kaunda to acknowledge the electoral outcome and facilitate the transition of power to Chiluba. The outcome of the PVT was not disclosed and consequently was not employed to contest the official electoral results. Nonetheless, it enabled Carter to react swiftly and potentially avert an electoral crisis (Bjornlund, 2004: 88). Additional instances of elections wherein PVTs have been employed to uncover electoral discrepancies or to aid in the transition of authority from an incumbent president to a legitimately elected opposition candidate encompass the 1986 elections in the Philippines, the 1988 elections in Chile, the 1989 elections in Panama, the 1990

elections in Nicaragua, the 2000 elections in Serbia, and the 2003 elections in Georgia (Bjornlund, 2004; Garber, 1993; Hyde, 2008).

2.4.2.3 Invest in Domestic Election Observation

Initially, IEO organizations might contemplate allocating additional resources towards domestic election observation, despite the considerable investments made in IEO in recent years, such as those through the NEEDS project. The significance of domestic election observation is progressively gaining acknowledgment. Domestic election observation missions face reduced scrutiny regarding accusations of partisanship, given the prevailing understanding that complete impartiality in domestic election observation is an unrealistic expectation. In numerous nations, one can find a variety of domestic election observation organizations, each possessing its distinct political affiliation. The organizations are not wholly dominated by politics; however, they frequently reflect the interests of specific political parties in an indirect manner. However, this may not necessarily be the issue it appears to be, as the various platforms of the organizations tend to equilibrate one another. Moreover, irrespective of their political affiliations, numerous domestic election observation missions may exhibit greater accuracy than certain international election observation missions. This is attributable to the reduced costs associated with deploying each election observer, enabling them to deploy a significantly larger number of observers compared to international missions, despite potentially having fewer financial resources at their disposal. In certain nations, domestic election observation organizations mobilize over 10,000 election observers on election days, in stark contrast to the mere few hundred international election observers present. Ultimately, domestic election observation missions possess the capacity to enhance their effectiveness in

identifying and mitigating electoral irregularities. Their familiarity with the specific types of irregularities to monitor, coupled with their adeptness in disseminating their findings upon observation, significantly bolsters their impact. Nonetheless, Bjornlund observes that ‘bilateral and multilateral donors have occasionally allocated funds for domestic election monitoring without adequately considering the objectives and implications, even as they frequently neglect to maintain support for civil society initiatives following transition elections’ (Bjornlund, 2004: 305). He contends that ‘moral support is at least as significant as material support, and that donors and international democracy advocates ought to reflect on the long-term consequences of their initiatives’ (Bjornlund, 2004: 308-09).

2.4.2.4 Harness the Potential of Modern Technology

IEO organizations might investigate the potential integration of contemporary technology, such as crowdsourcing, into the framework of IEO. The term 'crowdsourcing' is a blend of 'crowd' and 'outsourcing', first introduced by Jeff Howe in his 2006 article titled 'The Rise of Crowdsourcing' (Howe, 2006). Howe posited that ‘technological advances in everything from product design software to digital video cameras are dismantling the cost barriers that previously distinguished amateurs from professionals’ and that ‘industries as varied as pharmaceuticals and television are finding methods to harness the untapped potential of the crowd’ (Howe, 2006: 3). Since that time, the term has gained prominence as a concise reference to the form of collective engagement that contemporary information and communication technologies have enabled. Howe has subsequently presented the interconnected concepts of ‘crowdfunding’, ‘crowd creation’, ‘crowd voting’, and ‘crowd wisdom’. The fundamental concept of utilizing mass collaboration has been applied in numerous

projects. Facebook, as a case in point, employed crowdsourcing to cultivate the various linguistic iterations of its website. VenCorps operates as a venture capital fund that makes investment decisions derived from the collective input of the crowd. Google employs the method of crowdsourcing to enhance the accuracy and detail of Google Maps. Local By Us serves as a platform for crowd-sourced local news, events, opinions, and classifieds. In contrast, Ushahidi emerged in response to the contentious 2007 presidential elections in Kenya, utilizing crowdsourcing to document and pinpoint occurrences of electoral violence. One of the most renowned instances of crowdsourcing is likely Wikipedia. Wikipedia boasts an impressive collection of 19.9 million articles across 282 distinct languages, all crafted through the collaborative efforts of its contributors. Almost every article is subject to modification by any individual who possesses access. The website boasts an impressive estimated readership of 365 million individuals worldwide, positioning it as the sixth most frequented site and the foremost encyclopedia globally. While there are dissenting opinions, the consensus leans towards the notion that the accuracy of information found in Wikipedia parallels that of traditional encyclopedias. In 2005, Giles discovered that Wikipedia's accuracy in its science articles was nearly comparable to that of Encyclopedia Britannica, particularly in terms of the frequency of serious errors (Giles, 2005). Since that time, there has been a notable increase in the number of contributors to Wikipedia, suggesting a probable enhancement in the accuracy of its articles. In 2008, Tyler Cowen, an economist and frequent contributor to the New York Times, notably remarked, 'If I had to guess whether Wikipedia or the median refereed journal article on economics was more likely to be true, after a not so long think I would opt for Wikipedia' (Cowen, 2008).

The potential of crowdsourcing remains largely unexamined by IEO organizations, despite its apparent promise. A system could be developed in which cell phones enable thousands of voters to contribute millions of data points regarding elections. Given the current advancements in information and communication technology, it is feasible to systematically register and categorize information based on its type (such as various forms of electoral irregularities) and the geographical origin of the data provided. It is evident that a potential for misuse exists within such a system, wherein certain voters might deliberately furnish inaccurate information to subvert the system or tarnish the integrity of the elections. Nevertheless, this risk would not exceed that associated with Wikipedia and could be alleviated through the implementation of post facto filters, similar to those utilized by Wikipedia, or by performing ex post audits to triangulate and authenticate the information presented. Ultimately, should the volume of entries, denoting the pieces of information, reach a sufficiently substantial level, the associated risk would become minimal. It has been observed that Wikipedia exhibits a level of accuracy comparable to that of the Encyclopedia Britannica, notwithstanding the potential challenges associated with crowdsourced information.

2.4.2.5 Mobilize the Power of Perceptions

Organizations involved in IEO might investigate the ways in which public perceptions can be effectively harnessed within the context of IEO. An initiative worth considering is the creation of an elections perceptions index, akin to the Corruption Perceptions Index (CPI) that is released annually by Transparency International. The Corruption Perceptions Index evaluates nations based on their perceived levels of corruption within the public sector. The information is derived from 13 distinct sources generated by ten various intergovernmental and international nongovernmental organizations, which

encompass the African Development Bank, Asian Development Bank, Bertelsmann Foundation, Economist Intelligence Unit, Freedom House, Global Insights, Institute for Management Development, Political and Economic Risk Consultancy, World Economic Forum, and the World Bank. Two categories of sources exist: surveys of expert opinions and assessments conducted by experts on various countries. All sources, nonetheless, assess perceptions. The CPI, consequently, does not offer assessments of the actual degrees of corruption, but rather reflects the perceived levels of corruption. An election perceptions index may have the capacity to address certain shortcomings associated with IEO. Initially, it would exhibit a reduced susceptibility to critiques regarding bias. An index measuring perceptions of elections would inherently possess biases, akin to the biases found in other indices related to democracy and good governance, such as those established by Freedom House or Polity IV (Munck, 2002). Nonetheless, the bias would be ingrained in the methodology, rendering it more transparent and less susceptible to the sway of political agendas. One could argue that an election perceptions index is flawed in its approach, as it gauges perceptions instead of quantifying the actual incidence of electoral irregularities. Nonetheless, one cannot justly critique an election perceptions index for exhibiting inconsistency or for being swayed by political agendas. Furthermore, a perception index regarding elections would not face criticism for its potential inaccuracies. The index would effectively capture perceptions surrounding election fraud; however, it would not accurately reflect the reality of actual election fraud and would not purport to do so. Third, although an elections perception index may not identify electoral irregularities, it could potentially serve as a more effective deterrent against them than IEO missions. If we consider that incumbents are concerned with their reputations, it follows that they would address electoral irregularities with

greater seriousness if their perceived commitment to combating such issues were made public. The concept of an index measuring perceptions related to elections has been proposed previously. Simpser, for instance, directly references the CPI and contends that ‘a comparable focus on the democratic reputation of leaders could potentially diminish the benefits to incumbents from engaging in forms of manipulation that are observable yet not verifiable’ (Simpser, 2008: 228). In a comparable manner, Hartlyn and McCoy differentiate between evaluations of electoral quality, as perceived by independent election observers, and evaluations of electoral legitimacy, asserting that both dimensions hold significant importance (Hartlyn & McCoy, 2006: 51-52).

2.4.2.6 Opportunities for Peer Learning

Lastly, it is noteworthy that foreign observer missions from the EU, United States, Canada, and Britain have been engaged in Ghanaian and African elections since the early 1990s; however, there has been a conspicuous absence of African observer groups in the electoral processes of these Western nations. While it is indeed the case that election observation serves as a mechanism to bolster the democratization process in Africa, it would be advantageous for African observer groups to be afforded the opportunity to monitor elections in Western countries, rather than this practice remaining solely unilateral. Through this, local observers are able to acquire valuable best practices and insights that they can apply to their observational endeavors in their own contexts.

2.4.2.7 Collaborating with Domestic Observer Groups

In the 2013 election, the Independent Electoral and Boundaries Commission (IEBC) granted accreditation to 1,834 international observers alongside 21,554 domestic observers. This figure also encompassed 6,327 journalists, both international and local (IEBC, 2016). The international and domestic observers collaboratively scrutinized the electoral process across Kenya's 47 counties. The presence of the Elections Observation Group (ELOG) was significant, with a remarkable deployment of 7,000 observers across 290 constituencies (ELOG, 2016; Krzysztof, 2013). Research indicates that the relationship between domestic and international observers was complementary, as they collaborated towards a shared objective. All parties issued their post-election statements, concurring that the election was conducted satisfactorily and without violence.

Steytler posits that the presence of both domestic and international election observer missions plays a crucial role in the electoral processes across Africa (Steytler, 2013). Their relationship was complementary, contrary to the assertions found in the literature. International observers are frequently criticized for diminishing the role of domestic observers, thereby framing their relationship as one of competition (Hyde, 2011; Judith, 2012). In contrast to the earlier findings, the relationship between the two was complementary. The domestic observers played a significant role through their extensive long-term monitoring prior to the arrival of international monitors, while the international observers provided valuable global experience and perspective (ELOG, 2016). The research consequently contributes valuable insights into the dynamics between local and international observers, a relationship that has been overlooked by scholars.

Mbugau (n.d) highlighted the significance of domestic observers as essential

components of the electoral process, alongside international observation, in enhancing electoral integrity, credibility, and overall acceptability. The interdependence of these observers has rendered them integral to the electoral process, as each plays a crucial role that cannot be fulfilled in isolation. During the 2007 Kenyan election, domestic observers collaborated with international observers, despite allegations of bias against some domestic participants. They likewise united in contesting the election results and exerting pressure on the political leaders to address the urgent issues at hand (Harneit-Sievers, 2008). The presence of a robust civil society, free from political interference, is often regarded as an indicator of a nation's democratic health. Furthermore, in the 2013 election, domestic observers constituted the largest contingent present, playing a crucial role in monitoring the preliminary phases of the election prior to the arrival of international observers. Upon the arrival of the international observers, they seamlessly continued the efforts initiated by the domestic observers, collaborating closely in their endeavors (Cheeseman, 2013).

Many international observers challenged the prevailing assumptions held by scholars concerning their interactions with local observers. Kelley contends that the presence of international observers diminishes the role of local observers, leading her to view their relationship as inherently competitive. In contrast to the ongoing discussions, the occurrences surrounding the 2007 elections demonstrate that international observers, including the International Republican Institute, EU EOM, and the Commonwealth, exhibited a degree of acquiescence towards the actions of domestic observers (IRI, 2007; EU EOM, 2008). International observers convened pre-election discussions with political party leaders, representatives of civil society, and domestic monitors to acquire a deeper understanding of the political atmosphere in the lead-up to the elections. In

this manner, the international observers exhibited a degree of loyalty to the local team while also showcasing an impressive level of collaboration. In the interim, the rise of election monitoring is intricately linked to the recent revival of civil society and its ongoing contribution to the development and fortification of democratic governance. In this context, election observation may signify the engaged involvement of civil society in the process of democratization. Academics have drawn parallels between civil society and the role of international observers, suggesting a process of internationalization within civil society (Abutudu, n.d). These elucidations ultimately circle back to the concept of the intricate connections between domestic and international monitors. Thus, the relationship is significantly complementary.

2.5 Knowledge and Research Gaps in the Literature

The second chapter elucidated several research gaps concerning the role of international observer missions in the democratization process across Africa. The literature review elucidated the deficiencies that the present study aimed to address. Previous objective studies have primarily concentrated on the overarching characteristics of international observer missions. This study aimed to address the omission of diplomatic aspects that had previously been overlooked. Regarding the second objective, earlier research has predominantly concentrated on the instruments employed by international observer missions, neglecting to establish a connection between these tools and the democratization process in Kenya. The third objective of the studies concentrated on the historical narrative detailing the evolution of the democratization process in Kenya since independence, emphasizing the transformations within political parties, key personalities, political leaders, and electoral stakeholders. Research has concentrated

on the challenges and opportunities that emerge from particular electoral events in relation to the fourth objective. None of the studies have adequately addressed both the challenges and opportunities that have arisen since 1992. The diplomacy surrounding international observer missions in the democratization process has been a domain that has garnered scant attention from civil society, governmental bodies, and various non-governmental entities. Most governments do not extend support to other participants, such as observers and monitors, but rather reserve their assistance for those deemed to be aligned with the established system. There exists a dearth of literature or analysis concerning the framework for election management and administration during the colonial era. This period has seen a pronounced emphasis on the analysis of franchise restrictions, limitations on political rights, including the regulation of political parties, and the overt discrimination present within the electoral system. In Kenya, before the year 2013, the administration of General Elections was overseen by the supervisor of elections, a position situated within the executive branch of government, held by a civil servant and assisted by various public officials primarily sourced from the provincial administration.

2.6 Conceptual Framework

This study was underpinned by four theories: Political Realism theory, theory of institutionalism, Neo-functionalism and democratic peace theory.

2.6.1 Power Theory by Hans Morgenthau

Hans Morgenthau, a pivotal contributor to the discipline of international relations, articulated his Power Theory in his influential text "Politics Among Nations."

Morgenthau posited that the dynamics of international relations are fundamentally shaped by the quest for power, highlighting the significance of national interest, the equilibrium of power, and the critical nature of statecraft in the realm of foreign policy. The fundamental principles concerning election observation in Kenya are: Initially, the precedence of national interests: Analyzing the impact of powerful states' national interests on their involvement in election observation in Kenya. This may necessitate an assessment of whether interventions correspond with the priorities of significant global stakeholders. Secondly, the Balance of Power will be examined, focusing on how disparities in power among international actors influence the objectivity and efficacy of election observation missions in Kenya. Third, political realism entails an evaluation of the pragmatic factors and realpolitik that drive international actors' participation in election observation, moving beyond mere idealistic or normative motivations; Fourth, an examination of statecraft and diplomacy through the lens of diplomatic strategies and their application in election observation, particularly by influential nations, to further their own interests; Fifth, the examination of moral constraints involves a critical analysis of the role of morality and ethics in international relations, as Morgenthau recognized the significance of moral considerations within the confines of political realism. Lastly, the role of non-state actors warrants attention by exploring how entities such as international organizations or influential NGOs contribute to election observation missions and whether their activities correspond with or contest existing power dynamics.

The theory possesses several notable strengths, specifically: Morgenthau's theory adeptly delineates and elucidates the frequently self-serving conduct of states within the international arena. This framework has demonstrated its pertinence across diverse historical epochs, offering insights into state behavior amid varying geopolitical

circumstances. Morgenthau's focus on the pragmatic aspects of international relations renders the theory both comprehensible and relevant to tangible situations. The shortcomings of Morgenthau's Power Theory include the potential oversimplification of intricate international dynamics due to its focus on the state as the principal actor, thereby overlooking the influence of non-state entities. Additionally, the theory frequently diminishes the importance of domestic elements in influencing foreign policy choices, a factor that is particularly pertinent in the realm of election observation. Ultimately, detractors contend that Morgenthau's realism, despite its recognition of moral dimensions, may fall short in offering sufficient direction regarding ethical issues in the realm of international relations.

2.6.2 Theory of Functionalism by David Mitrany *et al.*

- 3 Functionalism, as a theoretical framework within the realm of international relations, surfaced in the aftermath of World War II. Figures such as David Mitrany and Ernst B. Haas are frequently linked to the evolution of functionalism. The Fundamental Principles Pertaining to Election Observation in Kenya: Initially, the examination of transnational cooperation through the lens of election observation missions reveals their role in promoting collaboration among states and international organizations. Secondly, it is essential to examine the concept of functional spillover by investigating whether election observation missions yield outcomes that extend beyond their primary objectives, thereby fostering broader regional stability. Thirdly, the role of supranational institutions can be analyzed through the lens of election observation, particularly in how it fosters the evolution of norms and frameworks that extend beyond national borders, as seen in the

African Union and other regional entities. Furthermore, an examination of the role of election observation in fostering peace and stability reveals its significance as a functional outcome within the framework of functionalist theory. Fifth, the role of non-state actors warrants consideration, particularly the participation of international NGOs and civil society groups in election observation. This involvement merits exploration regarding its influence on transnational cooperation, culminating in a discussion on integration and cooperation. by examining the extent to which election observation facilitates the integration and cooperation of states within the region, in alignment with the functionalist perspective that underscores the significance of collaborative endeavors for shared advantage.

The merits of Functionalism lie in its ability to offer pragmatic resolutions to particular challenges, exemplified by its facilitation of collaboration through functional endeavors such as election observation. The hypothesis posits that through collaborative functionality, countries may progressively unify, resulting in enhanced stability and comprehension. Functionalism exhibits a remarkable degree of flexibility, enabling it to adjust to evolving circumstances and facilitating pragmatic responses to newly arising challenges. Critics contend that functionalism might neglect the intricacies of political realities and power dynamics, which can play a crucial role in the realm of election observation. Functionalism presupposes a collaborative context, which may not consistently hold true, particularly in scenarios characterized by elevated political tensions.

2.6.3 Democratic Peace Theory

The assertion has been made that the lack of conflict among democratic nations represents one of the closest approximations we possess to an empirical law within the realm of international relations (Levy, 1983). While the statistical likelihood of conflict between any two nations remains relatively low, the lack of warfare among liberal democracies, influenced by a diverse array of historical, economic, and political elements, indicates a significant inclination towards the avoidance of military aggression among democratic states (Doyle, 1983). The proposition of democratic peace not only calls into question the legitimacy of alternative political systems—such as fascism, communism, authoritarianism, and totalitarianism—but also contests the dominant realist perspective on international relations. This perspective typically prioritizes balance-of-power dynamics and shared strategic interests to elucidate the peace and stability evident in the interactions among liberal democracies (Doyle, 1986). This study contended, however, that the structural and normative arguments of the democratic peace theory collectively provide a significantly more rational and compelling explanation for this apparent anomaly. Moreover, consistent with Immanuel Kant's theory of perpetual peace, this study posits that the worldwide proliferation of democracy will lead to enhanced international tranquility, provided it coincides with the fortification of economic interdependence and international institutions. The challenge resides in the considerable risk of instability that is intrinsic to the democratization process, coupled with the lingering uncertainty present in a 'incomplete Kantian world,' where the Hobbesian state of anarchy has not fully receded from the international system. The theory of Democratic Peace encompasses two distinct variants: the structural account and the normative explanation. Among the two primary variants of the

democratic peace theory, the structural account posits that the institutions of representative governance, which ensure that elected officials and decision-makers are answerable to a broad electorate, render war a predominantly unappealing choice for both the government and its populace (Russett, 1993). The financial burdens and dangers associated with warfare have a profound impact on substantial portions of society, leading to the anticipation that the typical electorate will oust the current leader or party should they embark on a conflict that is deemed unwinnable or superfluous. An analysis of the Democratic Peace Theory's application in international observer missions and the democratization process in Kenya necessitates a thorough examination of its fundamental principles, advocates, advantages, and limitations. The Democratic Peace Theory posits that nations governed by democratic principles exhibit a reduced propensity for conflict with one another, thereby fostering a more tranquil approach to international relations.

The second variant is known as Normative Explanation. Advocates of the normative/cultural perspective contend that the shared democratic and liberal values provide the most compelling explanation for the peace that prevails among democratic states. Elman, 1995 This perspective posits that a democratic political culture fosters peaceful conflict resolution methods, which transcend the domestic political arena to encompass other democratic nations. This is predicated on the assumption that leaders in both states possess a rational expectation that their counterparts will similarly navigate their disagreements through peaceful means (Elman, 1997). Political ideology, consequently, shapes the manner in which democracies differentiate between allies and adversaries: those democracies that embody and pursue the interests of their citizens

are accorded respect and thoughtful consideration, while non-democratic regimes that resort to violence and oppression against their populace are met with skepticism and distrust. The significance of perception suggests that even when a state possesses ‘enlightened citizens and liberal-democratic institutions,’ the democratic peace proposition will falter unless it is recognized as a true liberal democracy by other democratic states. This reasoning can, consequently, elucidate several contentious instances: In 1812, Americans perceived England as lacking democratic principles due to its monarchical system. Similarly, liberals within the Union dismissed the Confederacy as a liberal democracy, primarily due to its reliance on slavery. The foundation of Democratic Peace Theory rests upon several fundamental principles, which encompass: Principles of Democracy. Democracies maintain specific principles and ideals, including the respect for human rights, adherence to the rule of law, and the pursuit of peaceful methods for resolving conflicts. The initial discernible principle is Transparency and Accountability. Democracies are defined by the clarity of governmental processes and the systems in place that ensure leaders are answerable for their decisions. The theory of democratic peace recognizes the significance of public sentiment. In democratic societies, the influence of public sentiment and internal political dynamics is paramount in guiding foreign policy choices, leading leaders to exercise caution in pursuing aggressive measures. Advocates of Democratic Peace Theory encompass academics, decision-makers, and global institutions that assert the capacity of democracies to foster peace and stability. International observer missions can be perceived as a mechanism for promoting and strengthening democratic principles in nations such as Kenya.

The subsequent points elucidate the strengths inherent in diplomatic peace theory. Initially The theory of democratic peace recognizes the importance of conflict prevention. Utilizing Democratic Peace Theory in the context of international observer missions indicates that fostering democracy via legitimate electoral processes may play a significant role in preventing conflict and facilitating peace building. Democratic systems generally exhibit a reduced incidence of conflicts between nations. Furthermore, the theorists acknowledge the significance of Norm Promotion. Observer missions have the potential to promote democratic principles and values in nations such as Kenya by evaluating the integrity and openness of electoral processes. This can contribute to the development of a political culture that prioritizes the importance of peaceful transitions of power. The theory possesses legitimacy and credibility. Observer missions conducted by democratic nations or international organizations rooted in democratic principles may possess enhanced legitimacy and credibility, as perceived by both the host nation and the global community. This has the potential to amplify the significance of their evaluations and suggestions. Nevertheless, the Democratic Peace theory presents several notable shortcomings. A substantial amount of critique regarding the democratic peace theory centers on its methodological approaches. The subjectivity inherent in the specific definitions employed in these empirical studies is posited to have a considerable impact on the outcomes, thereby complicating the validation of the theory with any degree of certainty (Spiro, 1994). However, this assertion is significantly challenged by a multitude of studies indicating that democracies are exceedingly improbable to engage in conflict with one another, regardless of how democracy is defined, the nature of the cases examined, or the criteria for disputes or warfare (Mauz, 1997). Moreover, there has been a notable rise in the prevalence of democratic-democratic dyads, escalating from

under 2% of all political dyads in the 19th century to 13% between 1900 and 1945, and subsequently to 11% during the period from 1946 to 1989, all without the occurrence of significant conflict.

The theory exhibits a discerning approach in its application. The selective application of the theory presents certain challenges. This suggests that solely democracies possess the ethical legitimacy to evaluate and intervene in the electoral systems of other nations, a stance that may be perceived as paternalistic or hypocritical. The Democratic Peace Theory presents a reductionist view of the intricate dynamics between democratic governance and the attainment of peace. It fails to consider the subtleties or exceptions, and it may overlook the fundamental causes of conflicts in non-democratic states. It may be excessively idealistic to presume that democratization inherently results in peace. The journey toward democratization often encounters numerous obstacles, such as conflicts over power, deepening political divides, and periods of instability. In certain instances, internal limitations within democratic systems may hinder their capacity to participate effectively in international observer missions. Political factors, bureaucratic structures, and legal impediments may impede their participation. Within the framework of Kenya, the implementation of Democratic Peace Theory indicates that the advancement of democratic governance via international observer missions may enhance peace and stability in the area. It is crucial to acknowledge the constraints and possible shortcomings of the theory, including selective application and the intricate nature of the democratization process. Furthermore, it is essential that international observer missions are executed with a profound respect for the sovereignty of the host nation, while also considering the distinctive political, social, and historical nuances of Kenya. This approach will enhance their efficacy in facilitating the democratization process.

2.3.4 Neo Functionalism by Ernst B. Haas

Neo-functionalism represents a significant theoretical framework in the context of European integration, emphasizing the notion that collaboration in a singular domain can catalyze enhanced cooperation across various sectors, a phenomenon referred to as "spillover." The framework is constructed upon multiple foundational elements: collaboration within a specific domain generates motivations for additional cooperation in interconnected fields, economic unification promotes political synergy across borders, and supranational entities advocate for enhanced integration to advance their objectives. The notion of spillover holds significant importance in neo-functionalism, characterized by two primary logics: expansive spillover, which posits that integration in one domain compels integration in others, and deepening spillover, wherein initial integration within a sector fosters conditions conducive to further integration in that same sector (Rosamond, 2000, p.60). Nevertheless, neo-functionalism has encountered critique, especially from intergovernmentalists, who contend that it places excessive emphasis on non-state actors and presumes an overly automatic nature in the integration process. Intergovernmentalists prioritize states as the central entities in international relations, highlighting that states, particularly via their foreign offices, retain ultimate authority over integration and possess the capacity to oppose it when deemed necessary. The authors challenge the concept of spillover, contending that integration does not occur spontaneously; instead, it is a product of intentional state choices informed by national interests (Eilstrup-Sangiovanni, 2006, p.97-8). Notwithstanding these critiques, neo-functionalism continues to serve as a significant analytical framework, particularly during the phases of intensified European integration that have unfolded since the mid-

1980s. Although it may encounter difficulties in elucidating the interruptions in integration, it offers a valuable framework for comprehending modern European integration (Eilstrup-Sangiovanni, 2006, p.98). Regarding the International Election Observer Mission, Neo-functionalism highlights the concept of "spillover," suggesting that advancements in one sector foster greater collaboration in additional domains. This process is frequently regarded as initiating a series of interconnected events that fosters wider regional integration. IEOMs frequently initiate their efforts by prioritizing the establishment of free and fair elections, yet they possess the capacity to facilitate more extensive democratic reforms. The analysis and suggestions offered by these missions have the potential to instigate reforms in electoral legislation, judicial autonomy, and governance methodologies, consequently fostering a more robust democratic framework in Kenya.

Neo-functionalism promotes the establishment of supranational institutions that surpass national boundaries and advance regional integration. International Economic Organizations, frequently coordinated by entities such as the African Union or the European Union, play a pivotal role in fostering the evolution of regional norms and standards pertaining to democratic governance. Their participation in Kenya's elections fosters a commitment to these standards, steering the nation toward congruence with wider regional democratic norms. Moreover, Neo-functionalism emphasizes the significance of technocrats and experts in propelling the integration process, wherein decisions are informed by technical expertise rather than political factors. The involvement of IEOMs introduces specialists who evaluate the electoral process through a technical lens, emphasizing transparency, fairness, and compliance with international standards. Their suggestions frequently

possess a technical nature, focused on enhancing the electoral framework, thereby aiding in the fortification of Kenya's democratic institutions. Fourthly, Neo-functionalism asserts that integration unfolds as a gradual process, realized through incremental steps rather than through sweeping transformations. The function of IEOMs in Kenya can be perceived as a component of a gradual progression towards the strengthening of democracy. Every election monitored by these missions yields valuable insights and recommendations that, when acted upon, foster gradual enhancements in the electoral process, thereby reinforcing democracy over time. In summary, Neo-functionalism acknowledges the significance of non-state actors, including NGOs and civil society, in the integration process. Consequently, these non-state actors, such as international NGOs and civil society organizations, frequently engage in or collaborate with IEOMs. Their engagement serves to enhance the dissemination of the missions' findings and recommendations, guaranteeing that the advocacy for democratic reforms transcends the electoral cycle and permeates wider civil society initiatives in Kenya.

2.7 Conceptual Framework Model

This section presents a conceptual model that guided this study.

Independent Variable

Diplomacy of IOM

- IEOM engagement with stakeholders
- Bilateral and multilateral engagement
- Election monitoring and reporting
- Pre-election assessments
- Post-election follow-ups
- Technical assistance and capacity-building

Dependent Variable

Democratization

Increased

- Free and Fair Elections
- Civil Liberties
- Political Pluralism
- Adherence to Rule of Law
- Respect for Human Rights
- Legitimacy and credibility of elections

Decreased

- Electoral Violence
- Suppression of opposition
- Media harassment



- Cooperation of election stakeholders
- Commitment to democratic reforms
- Implementation of previous IEOM Reports
- Public trust and confidence in IEOMs
- Availability of funding to support democratic initiatives
- Global political climate and trends
- Civil Society Engagement
- Civic education
- Political Elite Behavior
- International norms and standards
- Follow up of recommendations

Intervening Variable

Figure 2.1: Conceptual Framework Model Showing Interaction of Variables

Source: Author (2023)

CHAPTER THREE

RESEARCH METHODOLOGY

This chapter provides the methodological approach that was employed in the study, which included both historical and descriptive survey research design as well congruent design. The research methodology outlines the manner in which the study was executed. It states the procedures for obtaining and organizing data, by considering the logic behind using the methods and techniques selected and to give explanation why such research strategy, data collection methods and techniques for data analysis were selected.

3.1 Research Design

The design of research constitutes a systematic arrangement of conditions for the collection and analysis of data, striving to align relevance with the overarching research objectives while maintaining procedural efficiency. (Kothari, 2014). Bryman and Bell (2015) articulate that research design serves as a strategic framework employed to address the research questions at hand. Orodho and Mugireza (2016) contend that a research design constitutes the systematic organization of all conditions influencing research. The design of research serves as a foundational framework that empowers the researcher to devise solutions to complex issues and directs them through the multiple phases of the investigative process. The aim of a research design is to guarantee that the evidence gathered allows the researcher to systematically tackle the research problem with clarity and precision. Sekaran (2015) perceives a research design as a coherent framework that connects empirical data to the foundational research questions of a study. Consequently, this design mitigates the risk of evidence becoming detached from the original inquiry of

the research. The research employed a triangulation of descriptive surveys, historical longitudinal studies, and exploratory research designs to achieve valid results. The design is well-suited for the investigation, as it allowed the researcher to analyze the influence of the diplomacy of the International observer mission on the democratization process in Kenya. Furthermore, the design offered a profound understanding of democratic processes without compromising the research context, while simultaneously ensuring that the data collection procedures were sufficiently clear in effectively addressing the study objectives.

Table 3.1 Table Showing Research Design, Specific Objective and the Measurable Variables

Research Design(s)	Specific Objective	Measurable Variables
Descriptive survey Historical longitudinal	Examine the nature and extent of diplomacy of International Election Observer Missions in consolidating democracy in Kenya since 1992	• Socio-demographics in IEOMs • Types and categories of IEOMs • Scope of observation • Phases and activities of IEOMs • Motivations for deployment of IEOMs
Descriptive survey Historical longitudinal	Assess the efficacy of diplomacy of International Election Observer Missions in consolidating democracy in Kenya since 1992	• Effectiveness of diplomatic tools of IEOMs • Stakeholder engagement by IEOMs • IEOMs influence on stakeholder behavior • IEOMs and electoral reforms

Exploratory design Historical longitudinal	Explore the democratization process in the context of International Election Observer Missions in Kenya since 1992	• Factors influencing IEOMs effectiveness • Effectiveness of IEOMs • Freeness and fairness of observed elections since 1992 • Whether recommendations by IEOMs had consolidated democratic practices • IEOMs contributions in strengthening democratic institutions • IEOMs contributions to facets of democratic consolidation • IEOM with greatest impact on democratic consolidation
Descriptive survey Historical longitudinal	Evaluate the challenges and opportunities of diplomacy of International Election Observer Missions in consolidating democracy in Kenya since 1992	• Challenges facing IEOMs • Opportunities for IEOMs in democratic consolidation

Source: Researcher (2023)

The collection of quantitative data was accomplished via a questionnaire. The variables were quantified and subjected to statistical analysis to ascertain the validity of the prognostic assessments (Sekaran, 2015). Data of a qualitative nature was gathered via

structured interviews, focused group discussions, and the examination of relevant reports.

3.2 Study Area

The research was conducted in Nairobi, Kenya. Nairobi, the capital of Kenya, accommodates International Observer missions and is the headquarters for numerous embassies and international organizations that facilitate both long-term and short-term observers. Kenya is regarded as one of the nations with the most progressive constitutions in Africa since the post-Cold War era, having conducted eight elections since 1992.

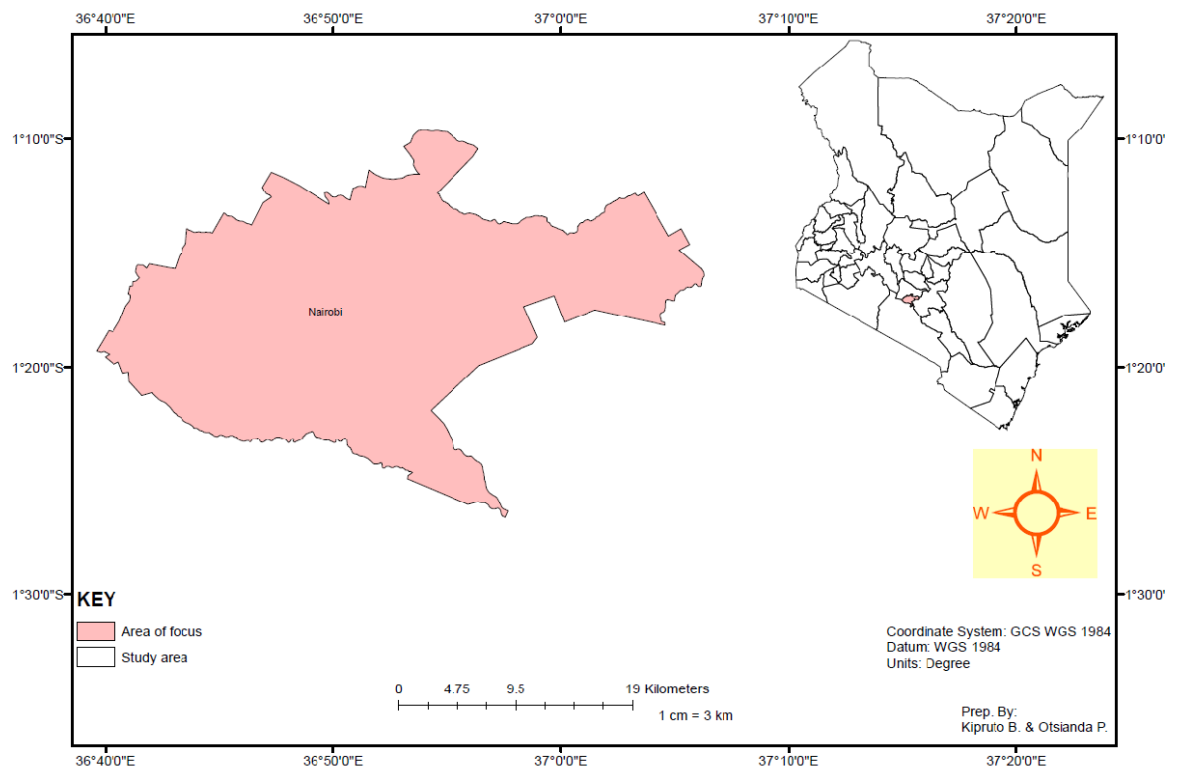


Figure 3.1: Map of the Study Area

Source: Researcher (2023)

Kenya is an ideal subject for research due to its status as a host country for international election observers. The aforementioned four elections have drawn numerous election observation missions, which have played a significant role in shaping the democratic landscape of Kenya. Notwithstanding the presence of international election observation missions, Kenya continues to fall short in the democracy index. The electoral process has been marred by undemocratic practices, including violence, voter bribery, and, in certain cases, the opposition's decision to boycott the elections. Kenya stands as a prominent power within East Africa, and its stability plays a crucial role in fostering regional integration both in East Africa and across the African continent as a whole.

3.3 Target Population

The term population denotes the collection of entities concerning which a researcher aims to derive conclusions. It additionally pertains to the collective set of individual cases or objects that exhibit comparable observable characteristics (Young, 2016). Furthermore, the target population refers to the group of individuals to whom the findings of the study are relevant. Cooper & Schidler (2014) define population as a comprehensive assembly of individual persons possessing distinct characteristics that are pertinent to research endeavors. All these authors perceive a population as a “universe” comprising a collection of individuals, objects, or items from which samples are extracted for measurement purposes. Cooper and Schidler (2014) noted that the target population encompasses the entire set of elements regarding which inferences are desired. A study population comprises the individuals who align with the parameters

established by the researcher for the investigation. The study's target population consisted of 1,128 officials representing the primary election observer stakeholders in Kenya. This encompassed The population comprises a consortium of Election Observers (ELOG) totaling 1, alongside 1,093 election observers, both international and domestic, as well as officials from the IEBC. 9, Kenya Young Parliamentarians Association (KYPA) 1 Civil Society Organization (Siasa Place) 8, Chairperson of the NGECC 1, KNHCR 5, former lead International Election Observer 2, Former Electoral Commissioner 1, Association of African Election Observers Three institutions of higher learning Chairperson of the Students Peace Association of Kenya (UCPAK) 1. Chairperson of the National Council of Churches Kenya 1 Chairperson of the Youth Coordinating Committee – IEBC 1 The cumulative sum amounts to 1128. As noted by Bryman & Bell (2015), the selection of these officials is predicated on their extensive understanding of electoral matters in Kenya, positioning them as the most suitable sources of impartial and insightful information for the study. This was particularly pertinent to the election observers and the media, as they have extensively covered numerous elections and were therefore likely to provide insightful perspectives.

3.4 Sample Size and Sampling Technique

This segment of the research delves into the methodologies employed for determining the sample size and the sampling techniques utilized in the study. The researcher meticulously examined and elucidated the entire process undertaken to determine an appropriate sample size.

Table 3.1 Target Population, Sample Frame, Sampling technique and Sample Size

Population Category	Sample Frame	Sampling Technique	Sample Size
Consortium of Election Observers (ELOG)	1	Purposive	1
Election observers (International and domestic)	1093	Simple random (10%-30% Mill & Gay, 2016)	116
IEBC officials	9	Purposive (10%-30% Mill & Gay, 2016)	1
KYPA Chairperson	1	Purposive	1
CSOs (Siasa Place)	8	Purposive (10%-30% Mill & Gay, 2016)	1
NGEC Chairperson	1	Purposive	1
KNHRC	5	Simple random	2
Former Lead International Election Observer	2	Purposive (10%-30% Mill & Gay, 2016)	1
Former Electoral Commissioner	1	Purposive	1
Association of African Election Observers	3	Purposive (10%-30% Mill & Gay, 2016)	1
USPACK Chairperson	1	Purposive	1
NCCK Chairperson	1	Purposive	1
Chairman Youth Coordinating Committee IEBC	1	Purposive	1

Media	1	Purposive	1
Citizenry	12	Purposive	4
Sample size	1127		133

Source: Researcher (2023)

3.4.1 Sampling Frame

The sampling frame represents a comprehensive and accurate enumeration of all elements within a population from which a sample is derived (Cooper & Schidler, 2014). A sample embodies the chosen respondents of a study, ideally mirroring the broader population with precision, while maintaining an appropriate size that is neither excessively large nor small. A specific and representative subset of individuals or objects within a population is designated for study (Kothari, 2014). Young and Kirkland (2014) assert that a sampling frame aids in the establishment of a sampling unit, which pertains to an individual member of a collection of entities under investigation. This serves as the material source for the random variable or as a published list that provides guidance for identifying a population. This section of the study employed a stratified random sampling technique utilizing a proportional allocation method to effectively gather the sample of the phenomenon under investigation. Stratified random sampling entails the division or categorization of sampling elements, succeeded by the random selection of subjects from each distinct stratum (Sekaran, 2015). The primary benefit of stratified sampling lies in its ability to accurately reflect essential characteristics of the population within the sample. By employing a weighted average, this sampling technique ensures that the traits represented in the sample are proportionate to those found in the broader population. This indicates that observer missions were categorized according to their specific functional areas. This study necessitated this technique as it aimed to elucidate either

similarities or differences while taking into account the diverse aspects associated with democratization processes in a broader context.

3.5 Data Collection Methods

Bryman (2015) posits that data collection instruments serve as the methodologies and protocols employed in the quantification of variables within research endeavors. The present study aims to elucidate the role of international observer missions in the democratization process within Kenya. Orodho & Mugiraneza (2016) identify the primary instruments utilized for data collection as questionnaires, interview schedules, observational forms, and standardized tests. This research employed a combination of structured open and closed-ended questionnaires to gather data from personnel and officials representing various stakeholders involved in election management. This facilitated a harmonious equilibrium between the volume of data amassed and the enhancement of insights regarding democratic performance. The questionnaire utilizing the Likert scale was constructed in the format of either a three-point or five-point rating system. A collection of items within the questionnaire pertains to each distinct objective. This particular form of questionnaire is exceptionally suited for the study due to its straightforward administration and analysis processes. Moreover, the selected participants are authorities in matters pertaining to democratic elections and are therefore expected to provide precise information. The precision of the responses significantly diminishes the likelihood of error in the research. Data was primarily gathered through a questionnaire distributed to the observer mission, encompassing both local and international participants, as well as the general populace, utilizing a stratified approach. Blumberg, Cooper, and Schindler

(2014) assert that a questionnaire serves as an effective instrument for gathering primary data, as it encompasses both open-ended and closed-ended questions. The quantitative aspect of this tool employs a nominal scale alongside a five-point Likert-type scale format. The Likert-type format was chosen due to its provision of equal-interval data, which facilitates the application of more robust statistical analyses to examine research variables. Annual reports from various election stakeholders, including the media, civil society, observers/monitors, and the IEBC, served as the source of secondary data. This was accomplished by engaging in the reading, analysis, collection, and documentation of data found in various prepared materials, including both private and public statistical records, documents, books, newsletters, magazines, and journals pertaining to electoral performance. Participants in this study were tasked with assigning suitable values that align with each assertion presented in the constructed questionnaire.

3.5.1 Data Collection Procedure

Cooper and Schindler (2014) describe data collection as the systematic process of gathering information from samples to facilitate the answering of research questions. The gathering of data is essential to any research endeavor, as it facilitates the distribution of precise information and the creation of significant programs. The research employed a combination of primary and secondary data sources for data collection. Data was gathered through the administration of a questionnaire. The researcher meticulously developed and prepared this questionnaire.

3.6 Validity of Research Instruments

Creswell (2014) posits that validity refers to the extent to which a sample of test items accurately reflects the content that the test aims to assess. The employed measure of content validity in the study assesses the extent to which data gathered through a specific instrument accurately reflects a defined domain or the essence of a particular concept. According to Young & Kirkland (2014), the standard approach for evaluating the content validity of a measure involves consulting a professional or expert within the relevant field. According to Young (2016), validity refers to the extent to which the results of a study are accurately comprehended and applicable to other populations. This also pertains to the extent to which research instruments accurately quantify their intended measurements. In order to ascertain the validity of the instrument, the researcher consulted with authorities in the fields of electoral processes, democratic theory, and leadership, particularly engaging the insights of the researcher's supervisors and academic instructors. This enabled the essential revision and alteration of the research instrument, thereby improving its validity. Additionally, the research evaluated the responses and non-responses for each question to ascertain whether any technical difficulties were present in the inquiries posed.

3.7 Reliability of the Research Instruments

Creswell (2014) posits that validity refers to the extent to which a sample of test items accurately reflects the content that the test aims to assess. The employed measure of content validity in the study assesses the extent to which data gathered through a specific instrument accurately reflects a defined domain or the essence of a particular concept. According to Young & Kirkland (2014), the standard approach for evaluating the content validity of a measure involves consulting a professional or expert within the

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3.8 Data Analysis and Presentation

Babin & Zikmund (2015) describe data processing and analysis as the intellectual endeavor of interpreting collected data to identify consistent patterns and summarize pertinent details within a specific study. Data analysis involves the meticulous examination of collected data, leading to deductions and inferences that reveal the underlying assumptions. It entails a thorough examination of the gathered data and drawing conclusions from it. The researcher meticulously refined the data by cataloging, eliminating inaccuracies, and scrutinizing extreme values, followed by editing to guarantee adherence to established standards. The data from the group survey underwent analysis utilizing SPSS Version 24. The variables underwent analysis through descriptive statistics. The qualitative data underwent a thorough analysis, wherein emerging themes were synthesized from key informant interviews, topic analysis, and the cut and paste techniques applied to the focus group discussion transcripts. The analysis of

quantitative data was conducted through the application of descriptive statistics, including frequencies and percentages. The researcher articulated the data findings through frequency tables, pie charts, bar graphs, and narrative descriptions.

3.9 Limitations of the Study

Limitations refer to challenges and occurrences within a study that fall beyond the researcher's influence (Kothari, 2014). The constraints of a study refer to its inherent flaws or deficiencies, which may arise from factors such as resource unavailability, a limited sample size, or methodological shortcomings, among other considerations. No research is entirely without imperfections or comprehensive in covering every conceivable facet. The researcher is expected to face several challenges throughout the study; one notable limitation encountered was the respondents' ability to attend interviews during their working hours. Certain respondents, such as public officers, may encounter challenges in completing the questionnaire due to concerns that providing the requested information could endanger their employment. Nevertheless, this issue was addressed by assuring them that the information would remain confidential and is intended solely for academic purposes (Meredith, 2015). A considerable number of respondents were presumably occupied with their field responsibilities, indicating that they would have insufficient time to participate in the interview. To address this limitation, the researcher, either personally or via a research assistant, administers questionnaires utilizing a drop-and-pick method.

3.10 Ethical Considerations

Following the approval of the research proposal, the researcher sought an introductory letter from the Directorate of Postgraduate Studies at Masinde Muliro University of Science and Technology, which was subsequently submitted to the National Commission for Science, Technology and Innovation (NACOSTI) to obtain authorization for conducting the research. As noted by Okoth (2012), the mistreatment of human research subjects constitutes an unethical practice. The consent of research informants and the safeguarding of their rights is of paramount importance in the realm of research. Consequently, safeguarding research assistants and informants was of utmost importance. In relation to the current perspective, the researcher assumed the duty of safeguarding the integrity of confidentiality. Moreover, the investigator guaranteed that all data presented would be handled with the highest degree of privacy and confidentiality, ensuring that no information would be disclosed to any third party without obtaining written consent from the source (Okoth, 2012). References derived from the works of other scholars were meticulously cited to ensure the avoidance of plagiarism.

3.11 Chapter Summary

This chapter has elucidated the methodological framework that was utilized in this study. This has further highlighted the fundamental importance of the data collection techniques employed in this study. The methodology for deriving precise and significant inferences has been elucidated as well. The text elucidated the methodology of data collection by delineating the channels employed in the gathering of information. The study's limitations and the strategies employed to address them were thoroughly

examined. The ethical considerations that are paramount to the study were also scrutinized.

CHAPTER FOUR

NATURE AND EXTENT OF DIPLOMACY OF INTERNATIONAL ELECTION OBSERVER MISSIONS IN CONSOLIDATING DEMOCRACY IN KENYA SINCE 1992

This chapter presents and discusses findings on the first specific objective which sought to examine the nature and extent of diplomacy of international election observer missions in consolidating democracy in Kenya since 1992. The chapter is divided into two sections namely: socio-demographic characteristics of respondents and extent of diplomacy of international election observer missions in consolidating democracy in Kenya since 1992. The aforementioned sections present empirical field data which are presented, analyzed and discussed in an attempt to situate the first specific objective. The results and interrogations are presented and discussed in subsequent sections. The chapter ends with a summary.

4.1 Questionnaire Survey Response Rate

The study conducted by Wu et al. (2022) delves into the response rates of online surveys within research contexts, exploring the criteria that define an acceptable response rate for such surveys. To address the deficiency in understanding. Their analyses revealed a consistent increase in the prevalence of online surveys within published research over the years. The typical response rate for online surveys stands at 44.1%. The findings suggest that distributing an online survey to a larger pool of participants did not yield an increased response rate. Rather, distributing surveys to a well-defined and meticulously refined demographic significantly enhances the response rate for online surveys. Furthermore, reaching out to prospective participants in advance, employing various survey methods alongside online surveys, and utilizing phone calls to remind

individuals about the online survey may contribute to an increased response rate. The present study initially characterized the participants engaged in IEOMs and the domain of election observation. The research conducted by the Election Observation Group (ELOG), a consortium comprising both domestic and international election observers, involved the dissemination of online questionnaire surveys through email and WhatsApp, accompanied by periodic follow-up messages that received favorable responses. Participants were likewise asked to furnish their email addresses, to which they consented. Ultimately, among all the selected participants, the response rate achieved was 75%, a figure that is regarded as quite commendable for online surveys. Daikeler and colleagues (2020) conducted an analysis of 114 comparisons regarding the response rates of online surveys in relation to mail, e-mail, telephone, and in-person surveys. It was found that online surveys produced an average response rate that was 12% lower compared to alternative survey methods. The study conducted by Wu et al. (2022) indicates that, in the process of designing an online survey, one should take into account the following strategies linked to enhanced response rates: Engage with potential participants in advance, employ various survey methodologies alongside online surveys, and utilize phone calls as reminders for participants regarding the survey.

4.2 Socio-Demographic Characteristics of Respondents

4.2.1 Gender of Respondents

In the last few decades following the end of the Cold War and entrenchment of democratic principles of democratic governance led by Western hegemonies, the place of gender especially with regards to women participation in democratic spaces has emerged as a fundamental measure of democratic consolidation (Pinilih, 2020). Since

then, the expectation is that women should have a fair share in democratic space and actively participate (Dike & Ofodile, 2024). To this end, therefore, the study sought to examine the gender of respondents. Data on the same were collected, analyzed and the results presented in Figure 4.1.

It is important to point out that this study being a study on democracy went beyond the traditional gender characteristics by providing respondents with four options. The argument here is that traditionally, male and female have dominated discussions on gender. It is also of significance to point out that in the national population census of Kenya-2019, a third gender- transgender was introduced. The study adopted the third gender for use in data collection whilst at the same time introduced a fourth option to respondents who would not have preferred to indicate their gender. These are now Euro-American measures that albeit resistance in the most the Global South are being recognized in democratic spaces especially with regards to issues of human rights (Mahomed & Trangoš, 2016; Asuman *et al.*, 2019; Machingura, & Shahmanesh, 2023).

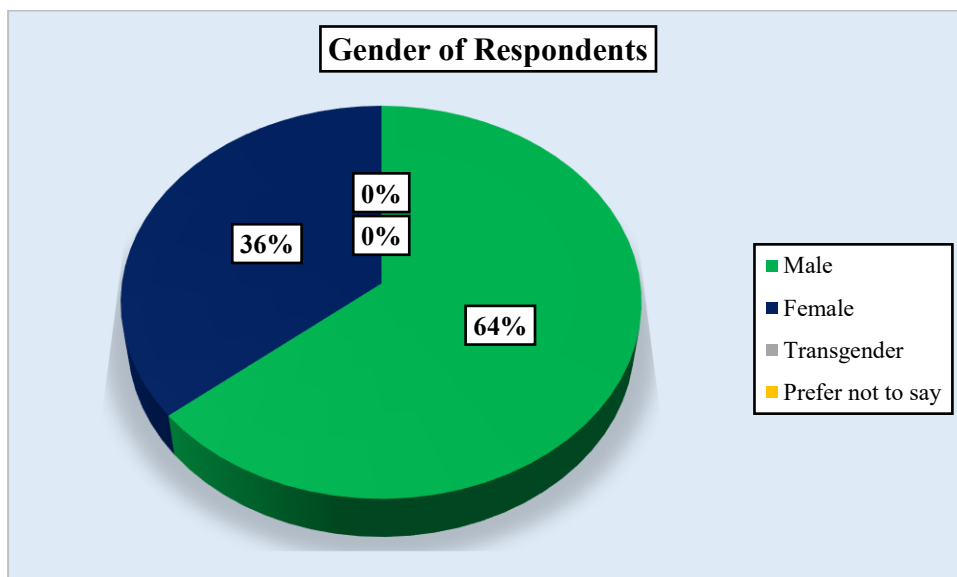


Figure 4.1: Gender of Respondents

Source: Researcher (2024)

Quantitative evidence in Figure 4.1 revealed that from the responses provided, majority 64% (74) of respondents were male, 36% (42) were female, 0% (0) were transgender and none 0% (0) chose the last option which was preferring not to say. The study therefore contends that these figures indeed show minimum level of inclusion in IEOMs and a core parameter for measuring democratic gains and consequently democratic consolidation in Kenya. In addition, the 64%, 36% male female representation among election observers indicates a noticeable gap but a good gain since Kenya began implementation of the two-thirds gender rule and suggests progress towards gender inclusivity in democratic spaces. The study advances that gender equality is a fundamental aspect of democratic consolidation and reflects the progressive acceptance of women in political spaces. Quantitative findings on gender were corroborated during a key informant interview with a former electoral commissioner.

There have been a number of recommendations by IEOMs that have targeted women not just representation but also encouraging women to come out and vote, in 1992 the number of women and generally in the 90s was very low. To achieve a democracy, the place of women has to be guaranteed which is an issue that has not only been captured in IEOM recommendations but also in domestic legal and policy processes. Even in election observation, the number of women in yesteryears was so low, talk of electoral commissions, the first women commissioners only came the other day with the new constitution (Interview with former Electoral Commissioner in Kakamega County on June 21, 2024).

Qualitative data obtained during the key informant interview indeed affirms the historical underrepresentation of women in Kenya's electoral processes and highlights the concerted efforts by International Election Observation Missions (IEOMs) to address this issue. It notes that IEOMs have consistently recommended measures to increase women's political participation, not only by enhancing their representation in elected positions but also by encouraging their voter turnout. The reference to the 1990s indicates a stark gender disparity, with women's participation in politics being notably low. The statement further emphasizes that ensuring women's place in democracy has

been a critical focus of both IEOM recommendations and Kenya's domestic legal and policy frameworks. This includes advocating for gender inclusion at all levels of the electoral process, such as the appointment of women to electoral commissions. The mention of the first female commissioners coming into office only recently, following the enactment of the new constitution, illustrates the slow progress in gender equality within electoral bodies. These findings reveal the significant strides yet to be made in enhancing women's political involvement and underscores the ongoing need for targeted interventions to secure gender equity in Kenya's democratic processes.

While the study's usage of gender did was not synonymously used with women, this section looks at gender with the bias of women in Kenya's democracy since 1992 for the sole reason that women involvement in democratic spaces has been a core agenda since Kenya became a pluralist society. Document analysis of IEOM reports in Kenya however revealed an interesting trajectory with regards to gender. In the 1992 and 1997 reports for instance, document analysis established that there was no mention of gender. However, it is important to point out that from the 1992 elections, of the 202 elected members of national assembly, only 6 women were elected making in a marginal 2.97% (6 of 202) representation of women in parliament, 3.57% (8 of 224) in 1997, 7.14% (16 of 224) in 2002, 10.7% (24 of 224) in 2007, 20.9% (87 of 416) in 2013, 21.8% in 2017, 23.4% in 2022. In the new dispensation, data from document analysis revealed that in 2013 there were 0 of 47 (0%) women governors in 2013 to 7 of 47 (15%) in 2022 shows that indeed there have been marginal gains with regards to achieving the two third gender rule in governance spaces in Kenya. Based on the data, since 1992, there is quantitative evidence on increase in women representation in the national assembly which is an indicator of democratic consolidation.

Study findings on gender were also corroborated during an interview with a key informant for the Association of Election Observers in Africa.

Women involvement in observer missions is higher than that of the youth but they need to do better. In most of the IEOMs, very few have given a role to women as lead observers. It is only recently that when the association of observers in the Horn of Africa region decided to give a woman from Uganda to be the Chair of the association which to me is a significant milestone on inclusion. I also think inclusion needs to be done in a very substantive way whereby people are given specific roles to play but not just as members. For the ones I have observed, women are always reduced to the role of mission secretaries and end up taking notes and minutes and the reason I am saying, we can do better to ensure they are highly involved (Interview with a Representative- Association of Election Observers in Africa on July 4, 2024 in Nairobi City County, Kenya).

Qualitative evidence from the key informant interview highlights the progress and ongoing challenges regarding women's involvement in International Election Observation Missions. It points out that while women's participation in observer missions is higher than that of the youth, there is still a significant need for improvement. The KII emphasizes that women rarely hold leadership roles within these missions, a gap that only recently saw some progress when a woman from Uganda was appointed Chair of the Association of Observers in the Horn of Africa region. This appointment is considered a significant milestone for inclusion. However, the interviewee stressed that inclusion should be substantive and meaningful, involving women in specific, impactful roles rather than relegating them to support positions. They note that in many missions they have observed, women are often assigned roles as secretaries, responsible for taking notes and minutes, rather than being given opportunities to lead or engage in critical decision-making processes. The interviewee advocated for more comprehensive inclusion efforts to ensure that women are actively and meaningfully involved in IEOMs, moving beyond tokenistic participation.

In 2002, the study asserts that it was the inaugural instance of gender being addressed in IEOM reports. The Carter Center's report from that year highlighted that numerous respondents expressed concerns regarding the notable exclusion of women candidates from the nomination process. A number of female candidates and civil society organizations have expressed concerns regarding the preferential treatment of men in the recruitment of election officials by the ECK, urging for the establishment of enhanced recruitment guidelines. The portrayal of women within the political sphere in Kenya remains persistently minimal. Six years post-independence were required for the inaugural woman to penetrate the national political sphere and attain membership in Parliament. The advent of multiparty democracy in 1992 instilled in women a profound optimism regarding their potential to attain political positions. Nonetheless, from 1992 to 2002, the representation of women in Parliament did not exceed eight out of a total of 220 members.

The 2002 elections saw a slight progression in women's involvement in the political sphere; however, the experiences of women from previous elections remained largely unchanged in this instance. During this election period, it was frequently observed that female candidates received minimal backing from both women and men, as noted by various Kenyans. The rationale provided for this perspective encompassed the belief that women lack the capability to lead, the notion that women cannot effectively balance familial responsibilities with public office, and the observation that certain women candidates hail from challenging family backgrounds, which adversely impacts their reputation. Concurrently, female candidates frequently encountered harassment from their male counterparts throughout the campaigning process. While the media did not document any significant occurrences of disparagement, female candidates nonetheless indicated that this was an issue, despite the fact that such behavior was

never formally acknowledged in connection with women in the electoral arena. This resulted in certain women withdrawing from races entirely. The involvement of women in every facet of the polling process represents a crucial objective for democracies. Certain nations have implemented specific thresholds or quotas to promote the emergence of more female candidates and to enhance the overall representation of women in elected positions. The existing degree of female involvement in Kenya's electoral framework is inadequate, necessitating the implementation of strategies to enhance the initiatives of those women who have triumphed in attaining elected positions. These initiatives ought to encompass the provision of campaign training for both aspiring and elected women; the integration of gender dynamics into general civic education to enhance awareness of the obstacles to women's participation and the strategies to surmount them; the establishment of a women's caucus within Parliament to elevate the consciousness of women's issues among elected officials; the encouragement of media organizations to amplify the visibility of women's issues during electoral processes; and the enhancement of reporting on women candidates and their platforms.

In 2013, the Commonwealth Observer Group Report highlighted that the allocation of special seats for women in the National Assembly, along with reserved seats for women and other groups in the Senate and County Assemblies, signifies an enhancement in the level of women's representation compared to the preceding parliament. It is unfortunate that the gender quota stipulated in the new constitution has not yet been fully implemented within governance structures. Furthermore, the report from the Carter Center (2017) highlighted that the constitution mandates that no more than two-thirds of the members in any appointive or elective body may belong to the same gender. The

National Assembly has yet to implement this provision, resulting in the quota not being fulfilled during the 2017 elections. The 2023 EU IOM report advocated for the adoption of the two third gender principle, which remains unfulfilled, highlighting the challenges in its implementation and consequently obstructing the process of democratic consolidation.

On a longitudinal basis, this study contends and demonstrates that the issue of gender inclusion in democratic spaces in Kenya has indeed evolved. In national politics, affirmative action and the march towards the thirty percent inclusion of women in democratic spaces is an issue that gained momentum following the promulgation of the Constitution of Kenya, 2010. This, the study therefore, argues that this is a positive step towards attaining gender balanced democratic spaces in Kenya.

4.2.1 Education Level of Respondents

The study also sought to establish the education level of respondents. Data on gender were collected, analyzed and the results presented in Figure 4.2.

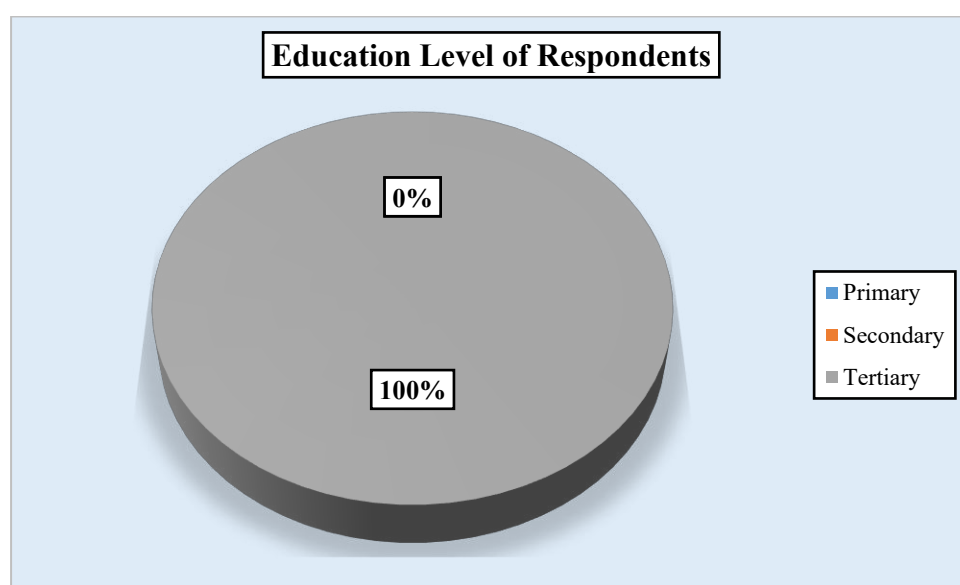


Figure 4.2: Education Level of Respondents

Source: Field Data (2024)

Quantitative evidence in Figure 4.2 revealed that all respondents 100% (116) had attained tertiary education with primary and secondary levels of education getting 0% (0) responses. Based on this quantitative data, the study contends that participation in IEOMs requires some minimum skill level in terms of training in an effort to make objective reports that will likely be crucial in fueling democratic processes in Kenya.

The fact that 100% (116) of respondents indicated having attained tertiary qualifications is indicative of the relatively high level of expertise that election observers should possess. In addition, this study contends that tertiary level of education is characterized by exposure to professional standards and suggestive of the fact that observers are likely to be guided by ethical practices and standardized protocols. These findings were corroborated during a KII with a former lead international election observer who stated that the practice of international election observation generally requires a high grasp of a state's electoral laws, regulations, policies and the general set-up of elections in the state being observed.

Generally, well-educated observers may possess analytical skills ensuring they observe elections on lenses that align with democratic norms and values. To this end, therefore, the findings reflect the fact that election observation missions prioritize relatively well-educated individuals in pursuit of quality and reliable work.

4.2.3 Years of Experience in Internationally Observed Elections

The study also sought to establish the years of experience respondents had in international observed elections in Kenya. Data on the same were collected, analyzed and the results presented in Figure 4.3. Quantitative evidence presented in Figure 4.3

revealed that majority 54% (63) of respondents had observed elections for 0-3 years, 26% (30) had 4-7 years of experience, 12% (14) had 8-11 years of experience, 2% (2) had 12-16 years of experience whereas 6% (7) of respondents had over 16 years' experience in internationally observed elections.

The study contends that these findings point to the temporary nature of participation in observation missions. The argument here is that from the findings, it is evident that there is a likelihood of an observer observing one election and failing to observe a subsequent election. This, the study advances that it has implications on the ability to yield valid election reports in addition to following up on implementation of reports from previous elections. The study makes an assumption that, the more one participates in consecutive elections as an observer, the higher the chances of making objective reports and following up on implementation of the reports that seek to consolidate democracy in Kenya. In addition, the study contends that the more an individual observes an election and in different countries, the higher their chances of peer review and peer learning. Today as Makotsi *et al.*, (2021) study argues that peer learning especially through the African Peer Review Mechanism is a fundamental aspect that allows borrowing of best practices in governance and democratic practices from peers.

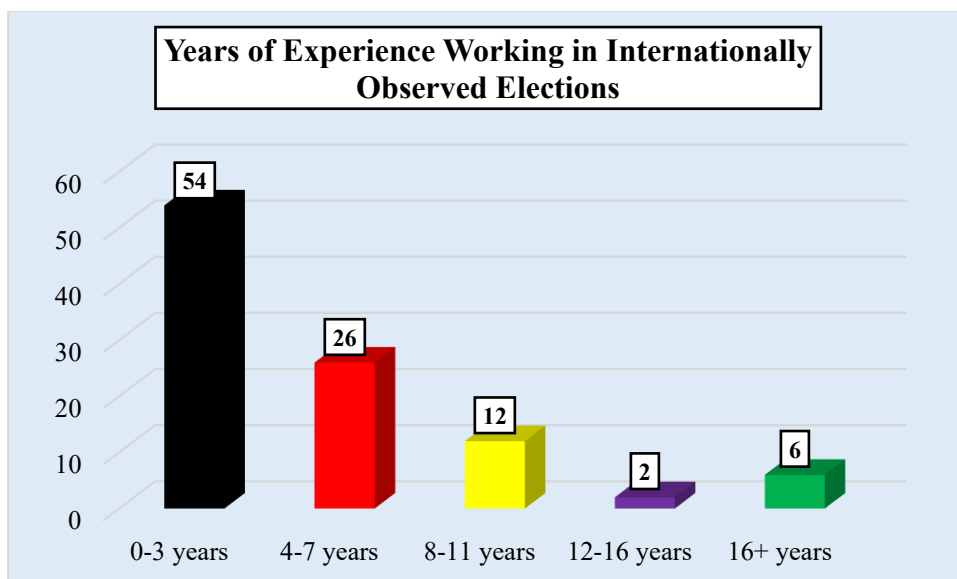


Figure 4.3: Years of Experience Working in Internationally Observed Elections

Source: Field Data (2024)

From the quantitative data, it is evident that election observation missions have a high turn-over rate which can result to losing critical institutional memory that is ideal for ensuring follow-up on implementation of reports. Hence, as a result of high turn-over, study findings point to the need for extensive capacity building programs for new observers in every general election cycle which could be both time and resource consuming in a space that is heavily reliant on donor funding.

On the other hand, the relatively low percentage of respondents indicating that they had observed elections is an important category. In as much as this low percentage of experienced observers reflects challenges of missions in sustaining international commitment to election observation in Kenya- possibly resulting from funding challenges and shift in organizational priorities, this category is well placed and at a vantage position to engage with stakeholders and pushing for progressive reforms necessary for democratic consolidation in Kenya.

4.2.4 Category of Election Observation Mission

The study also sought to establish the category of observer missions' respondents belonged to. In this section, respondents were provided with two options- Domestic/citizen observer missions and international observer missions. Data on this item were collected, analyzed and the results presented in Figure 4.4. Quantitative evidence revealed that majority 82% (95) of respondents belonged to domestic observer groups whereas only 18% (21) of respondents belonged to international observer missions.

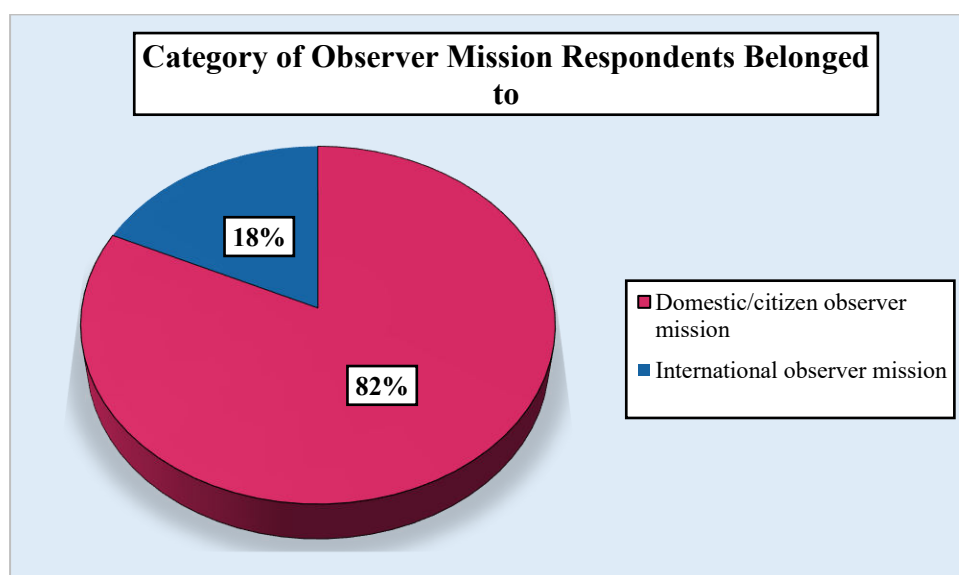


Figure 4.4: Category of Observer Mission Respondents Belonged to

Source: Field Data (2024)

Based on these findings, the researcher contends that it was important for this study to consider respondents who had served at one point or the other as election observers in Kenya whether international or domestic. In fact, getting majority 82% (95) of respondents as domestic observers points to the fact that most IEOMs often close shop as soon as the election phase is done. It also points to the fact that domestic observers play an important role in supplementing the work done by IEOMs. Therefore, these

findings have a number of implications for this study. It is also a marker of sovereignty and trust in the ability of domestic institutions to take up salient responsibilities that are essential for attaining favorable democratic spaces. The fact that majority respondents were from domestic observer missions implies a good measure of the work of IEOMs since they would be in the space to objectively measure the role of IEOMs in democratic consolidation processes in Kenya since 1992.

Quantitative evidence revealing majority 82% (95) domestic observers of respondents is a reflection of dominance and local ownership of the observation process. In this regard, the study contends that this evidence speaks to and aligns to the principle of sovereignty where local observer missions take up the primary responsibility in monitoring the nation's electoral processes. The findings also demonstrate the capacity of local observer missions in driving electoral oversight which is a key ingredient for democratic consolidation. A majority response by domestic observers is also indicative of fairly well developed election observation infrastructure in Kenya and points to the fact that effort has been consolidated to develop the capacity of domestic observers. In addition, a majority proportion of respondents belonging to domestic observer groups means that a substantial proportion of respondents were able to provide objective feedback on the diplomacy of IEOMs in consolidating democracy in Kenya since 1992- which was the basic and overall thread that defined this thesis.

Majority domestic observer groups, the study argues is also advantageous because, their continuous presence in the country allows for long-term monitoring as well as follow up and advocacy of implementation of reports in between the election cycles thereby contributing to sustained democratic consolidation. Similarly, the findings demonstrate the complementarity in the roles of domestic and international observer missions. This dual and complementary approach is key in ensuring adequate oversight and legitimacy

of electoral processes in Kenya. In addition, the involvement of majority domestic observer missions bolsters the legitimacy as well as fosters the credibility electoral process.

With regards to the 18% (21) of respondents indicating that they belonged to international observer missions, this data supports the continued engagement and interest of the international community in Kenya's democratic processes. The study advances that it is a reflection of diplomatic efforts by the international community to spread democracies in the international system which will likely to lead to more peace as- democracies are unlikely to go to war with each other. It is also a pointer that demonstrates the commitment of the international community in ensuring free and fair electoral processes with its bilateral and multilateral partners.

The findings were substantiated by Odero's (2022) examination of the role of EOMs in facilitating democratic elections in Kenya. Odero (2022) posited that in Kenya's elections, there have been various domestic, regional, and international election observer groups and missions. The domestic election observer groups predominantly consist of civil society and non-governmental organizations, including the Election Observer Group (ELOG) Kenya and the Kenya Human Rights Commission (KHRC). Observer missions for regional elections have, conversely, originated from regional entities including the East African Community, Intergovernmental Authority on Development, Common Market for Eastern and Southern Africa, Southern African Development Community, and the African Union. Various international election observer missions, including those from the Carter Center, the European Union, and the International Republican Institute, have conducted observations of the electoral processes in Kenya. The results of the present study indicate that a combination of both domestic and international observer groups is essential for a credible election

observation mission in Kenya.

The study conducted by Kaaba et al. (2022) on Zambia's elections in 2016 and 2021 provides a comparative analysis of the influence exerted by both domestic and international observer groups. An analysis of the comparative roles of international and domestic observers during Zambia's general elections in 2016 and 2021. The research demonstrated that observer groups possess the capacity to enhance electoral results and, although not within their official responsibilities, may find themselves in a position to promote peaceful transitions. Recognizing that the substantial voter turnout and the significant margin of the opposition's victory were pivotal to the seamless transition in Zambia, it is essential to note the critical contribution of election observers in facilitating this democratic process.

Throughout history, the realm of election observation has been predominantly influenced by Intergovernmental Organizations (IGOs). Regional organizations like the EU, AU, EAC, and OSCE have established a practice of sending long-term observers to conduct election observations in nations of significance. Entities like IGAD, EAC, and COMESA create temporary frameworks that participate in brief assessments. Academics have raised inquiries regarding the legitimacy of observer missions conducted by intergovernmental organizations on multiple fronts. Chand (1997) posits that IGOs with members lacking a robust democratic culture tend to treat observation as a mere formality, seldom reporting irregularities. This tendency undermines a fundamental principle of functionalism theory, representing a significant contribution to the body of knowledge and theories surrounding integration as explored in this study. Furthermore, Simpser & Donno (2012) assert that generally, IGO missions exhibit a notable degree of caution in the phrasing of their reports when evaluating elections in a significant member state.

The results were corroborated by Odero's (2022) analysis of the function of EOMs in promoting democratic elections in Kenya. Odero (2022) asserted that in the context of Kenya's elections, a multitude of domestic, regional, and international election observer groups and missions have been present. The domestic election observer groups primarily comprise civil society and non-governmental organizations, such as the Election Observer Group (ELOG) Kenya and the Kenya Human Rights Commission (KHRC). Observer missions for regional elections have, on the other hand, emerged from regional organizations such as the East African Community, Intergovernmental Authority on Development, Common Market for Eastern and Southern Africa, Southern African Development Community, and the African Union. Numerous international election observer missions, such as those from the Carter Center, the European Union, and the International Republican Institute, have undertaken comprehensive observations of the electoral processes in Kenya. The findings of the current study suggest that the integration of both domestic and international observer groups is crucial for ensuring a credible election observation mission in Kenya. The research undertaken by Kaaba et al. (2022) regarding Zambia's elections in 2016 and 2021 offers a comparative examination of the impact wielded by domestic and international observer groups. A critical examination of the differing functions of international and domestic observers in the context of Zambia's general elections in 2016 and 2021. The study illustrated that observer groups have the ability to improve electoral outcomes and, while not formally tasked with such duties, may inadvertently facilitate peaceful transitions. It is important to acknowledge that the considerable voter turnout and the notable margin of the opposition's victory played a crucial role in ensuring a smooth transition in Zambia. Furthermore, the vital involvement of election

observers in this democratic process cannot be overlooked. Historically, the domain of election observation has been largely shaped by the activities of Intergovernmental Organizations (IGOs). Regional entities such as the EU, AU, EAC, and OSCE have developed a protocol of deploying long-term observers to carry out election assessments in countries of importance. Organizations such as IGAD, EAC, and COMESA establish provisional frameworks that engage in succinct evaluations. Scholars have posed questions concerning the validity of observer missions carried out by intergovernmental organizations across various dimensions. Chand (1997) argues that IGOs comprised of members with a weak democratic culture often regard observation as a superficial procedure, rarely documenting any irregularities. This inclination challenges a core tenet of functionalism theory, signifying a noteworthy addition to the corpus of knowledge and theoretical frameworks concerning integration as examined in this research. Moreover, Simpser & Donno (2012) contend that, in general, IGO missions demonstrate a considerable level of prudence in the articulation of their reports when assessing elections in a prominent member state.

4.2.5 Type of Election Observer Mission

The study sought to establish the type of election observer mission respondents belonged to. By type, respondents were provided with four options to select from. These included whether respondents belonged to long term observer (LTOs) missions, short term observer (STOs) missions, both or none of the options provided. Data on the same were collected, analyzed and the results presented in Figure 4.5.

Quantitative evidence in Figure 4.5 revealed that a higher 45% (52) proportion belonged to LTOs, 18% (21) belonged to STOs, 31% (36) classified their missions as being both an LTO and an STO and only 6% (7) of respondents stated that their missions were neither STOs or LTOs. Based on this quantitative data, the study contends that, this is indicative of a good combination for democratic consolidation in Kenya. Long terms- following up implementation of reports in the post elections phase, short-terms observing and giving reports, all of the above oscillating between long and short terms with only 6% (7) not aware of their typology of observation.

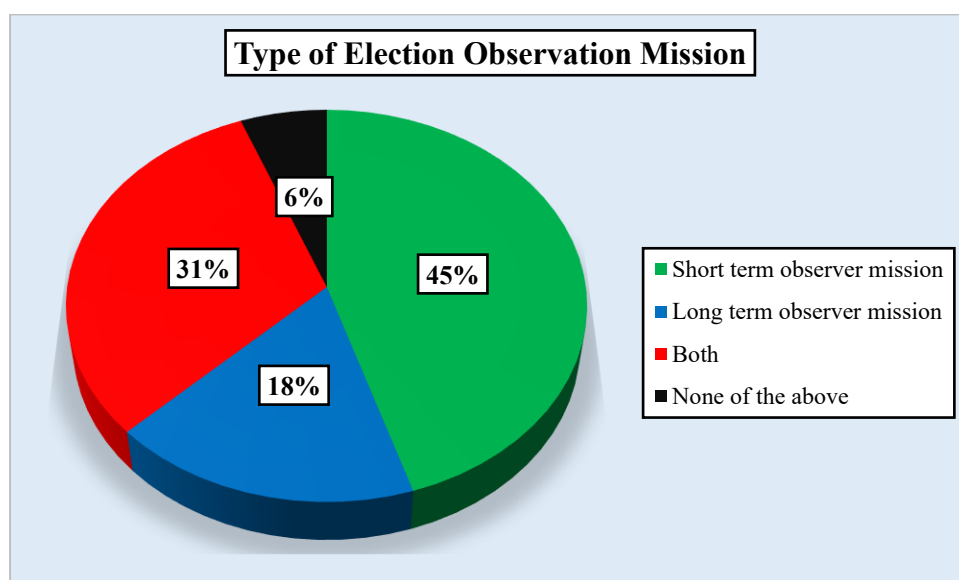


Figure 4.5: Type of Election Observation Mission Respondents Belonged to

Source: Field Data (2024)

This 6% (7) seems to have been accounted for by civil society organizations that are not deep into matters election and do not focus entirely on the subject matter of elections unless during peak election times. The study also argues that this combination of LTOs and STOs may play complementary roles since for LTOs, the focus may be on immediate events in the pre-election, during and post-election processes and could actually be crucial in identification of irregularities in the immediate election

environments. On the other hand, LTOs may provide the bigger picture with regards to the pre-election, during and post-election phases and are essential players in the implementation of electoral laws. While the presence of both may reflect and add to credibility of electoral processes, the presence of long-term engagement by international observer missions may demonstrate international support and commitment to supporting democracy in Kenya. It also adds to democratic development which is essential for forging stronger diplomatic ties and cooperation between Kenya and the international community.

Lastly, the 6% (7) respondents who did not identify with the categories provided are likely members of CSOs that take part in matters of election observation intermittently. They may also represent respondents belonging to entities that may have not formalized or have election observation as their core mandate but only escalate observation during peak periods of elective processes in an effort to support electoral transparency and accountability.

The research outcomes regarding the type of EOM were supported by Simpser & Donno (2012), who advocated for LTOs. Their investigation was driven by a fascinating, albeit insufficiently examined, phenomenon. Their argument posits that with the rise of election monitoring, governments determined to manipulate outcomes have become adept at strategic adaptation. They have shifted their focus away from overt fraud on election day, opting instead for pre-election manipulation tactics that are less susceptible to scrutiny and repercussions, thereby underscoring the necessity for greater engagement with Long-Term Observers (LTOs). Scholars like Hyde & O'Mahony (2010) have meticulously recorded this strategic adaptation, examining its implications for international election monitoring organizations (Bjornlund, 2004) and the shifting incentives it presents for opposition parties (Beaulieu & Hyde, 2009).

Conversely, the research results align with the assertions made by van Cranenburgh (2000), who advocates for the adoption of LTOs rather than STOs. A significant aspect of this critique is the assertion that IEO missions place excessive emphasis on the day of the election. Oda van Cranenburgh posits that ‘international observation is heavily focused on procedures on polling day’, yet notes that ‘it is precisely in the preparation of elections that many opportunities for irregularities and abuse occur’ (van Cranenburgh, 2000: 29). Amanda Sives, in her examination of the Commonwealth’s experiences with IEO, posits that ‘a longer-term presence is necessary to ensure that all aspects of the process are taken into account’ (Sives, 2001: 516). She contends that a sustained presence enhances the credibility of the findings of an IEOM (Sives, 2001: 516).

A variety of researchers and advocates for democratic processes have recorded the ways in which the emergence of international election monitoring has prompted numerous dishonest incumbents to move away from fraudulent activities on election day, instead opting for strategies typically employed during the pre-election phase that advantageously alter the competitive landscape in their favor (Carothers, 1997:22; Hartlyn & McCoy, 2006; Hyde, 2011; Hyde & O’Mahony, 2010). The rationale behind this action is straightforward: the presence of election monitors to record and disseminate information about electoral misconduct increases the likelihood that leaders will face repercussions for engaging in ballot fraud, as opposed to pre-election manipulation. Bjornlund (2004) elucidates: “where effective monitoring is permitted, rulers willing to cheat have learned to focus on other parts of the process, particularly in the pre-election period, that can be more easily manipulated and for which domestic and international monitors have yet to develop effective deterrents” (2004, 282–83). Beaulieu and Hyde (2009) refer to this phenomenon as “strategic manipulation,”

observing that numerous instances of such misconduct are “visible but unlikely to be classified by international observers as fraud” (2009, 400). Consequently, there exists a necessity for LTOs in nascent democracies such as Kenya. The electoral landscape in Armenia exemplifies this dynamic. The elections of 2003 were characterized by extensive ballot box stuffing and significant manipulation in the processes of counting and tabulating votes. Observers from the Organization for Security and Cooperation in Europe (OSCE) determined that the contest did not meet the international benchmarks for democratic elections (ODIHR 2003). In light of this criticism, incumbent president Robert Kocharian experienced heightened pressure to secure more favorable assessments from monitors in the future, in order to prevent reductions in foreign aid (Halpin, 2007) and to mitigate the potential threat of an electoral upheaval (Beissinger, 2007, 261). In the subsequent electoral cycle, the government diminished its reliance on ballot fraud and the manipulation of vote tallies, redirecting its efforts towards fostering an uneven campaign landscape and intensifying the pressure on local officials and state employees to advocate for the ruling party.

Over 25 observer missions were present to witness the elections in Kenya in August 2017 (Oruko & Kimanthi, 2017). The group was led by two former heads of state, alongside diplomats and various senior officials. A multitude of nations possessing diplomatic missions in Kenya engaged in the observation of elections by establishing diplomatic watcher missions. A majority of the observers were present for a brief duration, while several long-term observers had been in the country for months prior to the elections. In the year 2017, several local transparency organizations operating within the nation published reports assessing the readiness for elections, which underscored various concerns that could potentially undermine the integrity of the

electoral process. The issues encompassed insufficient consultations (Kenya Human Rights Commission, 2017), delays by the IEBC in making the voter register available for public examination, ethnic polarization (National Democratic Institute 2017), a lack of transparency regarding the awarding of the ballot printing tender and KIEMS, disputes over the choice between an electronic voter register and a manual one (AU, 2017b), systematic abuses by the government, including the utilization of state resources for campaigning (AFRICOG 2017), the involvement of public servants in government campaign efforts, and an increase in national tensions (EU 2018). The reports revealed a shared understanding of the necessity to expedite the readiness of the IEBC, while also enhancing security and the political climate to ensure the conduct of free and fair elections.

In summary, the study by Makombe (2019) advocates for the endorsement of LTOs, asserting that the involvement of election observers influences the degree of violence present in a nation, contingent upon the actors involved. Consequently, the presence of international observers has demonstrated that the incumbent government tends to exhibit greater restraint in provoking violence and suppressing voter participation. Furthermore, the extended presence of observers diminishes the likelihood that the incumbent government can provoke or engage in acts of violence. Conversely, opposition parties perceive a heightened necessity to engage in protest when international observers are present. This is because it assists the current administration in establishing a more equitable environment, thereby enhancing the integrity of the electoral process. The presence of domestic observers during the 2002 elections in Kenya played a pivotal role in fostering unity among the citizens of the nation. All these factors significantly influence the intensity of electoral violence. Nevertheless, it is essential to acknowledge that domestic issues exert a more significant influence on

electoral violence than the presence of election observers, whether they be international or local citizens.

4.3 Nature & Extent of Diplomacy of International Election Observer Missions in Consolidating Democracy in Kenya Since 1992

4..3.1 Number of Elections Observed in Kenya Since 1992

The study sought to establish the number of elections respondents had observed in Kenya since 1992. Data on the same were collected, analyzed and the results presented in Figure 4.6. Quantitative evidence in Figure 4.6 revealed that a higher 44% (51) proportion of respondents had observed one election, 12% (14) of respondents had observed two elections, 20% (23) of respondents had observed three elections, 16% (19) of respondents had observed four elections, 1% (1) of respondents had observed five and 1% (1) six elections, 6% (7) of respondents had observed 7 elections whereas no 0% (0) respondents had observed all the eight elections since 1992.

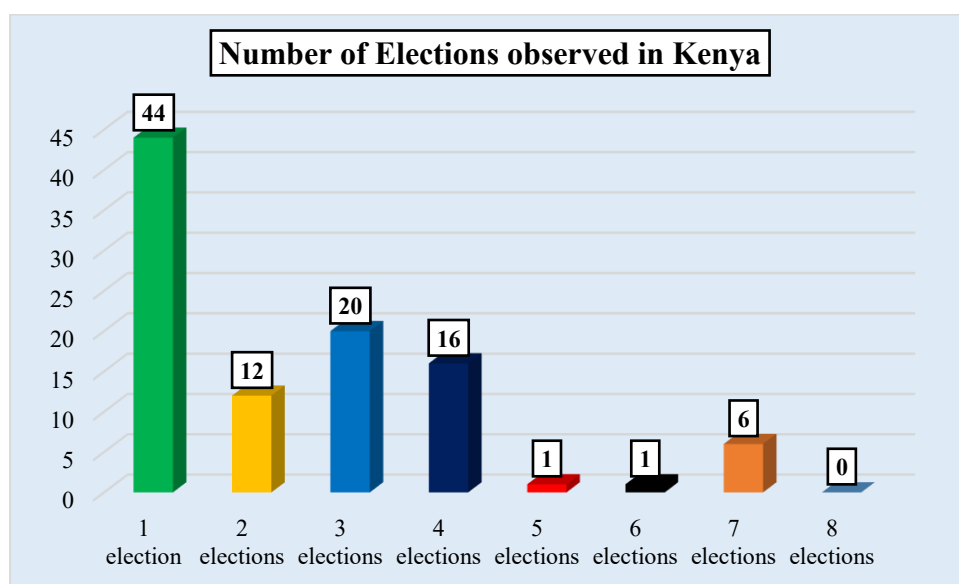


Figure 4.6: Number of Elections Respondents Had Observed in Kenya

Source: Field Data (2024).

Quantitative evidence indeed demonstrates a growing interest in election observation with little interest in 1992 since it was just being introduced and then the civil society groups drew interest in subsequent elections. However, there is evidence from quantitative data collected that there has been growing interest not only by domestic but also international observers since Kenya opened her doors to multi-party democracy thus ushering in practices and standards that would define democratic spaces- a good milestone with regards to democratic consolidation since 1992. Today, international election observation is a standard for all Kenyan elections which shows adherence to existing international norms and standards and a good gesture to the international community on the proliferation of democratic values.

4.3.1.1 Specific Elections Respondents Had Observed in Kenya

The study further sought to establish from the respondents which particular elections they had observed. Respondents were provided with the election options from the most recent election in 2022 to the 1992 elections which was the first since Kenya ushered in multiparty democracy. Data on the same were collected, analyzed and the results presented in Figure 4.7. Quantitative evidence presented in Figure 4.7 established that 37% (43) of respondents had observed the 2022 elections, 26% (30) had observed the 2017 repeat elections, 22% (26) had observed the 2017 elections, 13% (15) had observed the 2013 elections, 5% (6) had observed the 2007 elections, 1% (1) had observed the 2002 elections, 6% (7) had observed the 1997 elections while none 0% (0) of the respondents had observed the 1992 elections.

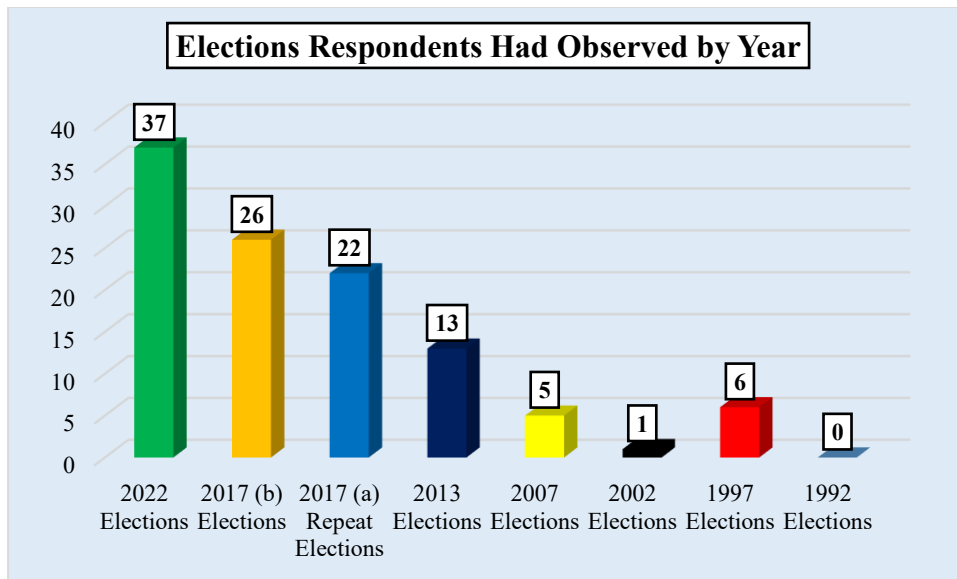


Figure 4.7: General Elections Respondents Had Observed by Year

Source: Field Data (2024)

Based on the quantitative evidence presented, the varied responses across the different elections indeed are an attempt at a valid assessment into the core research question of this study which is “What is the diplomacy of IEOMs in democratic consolidation in Kenya?” a question that is responded to using 4 research questions. It is also important note that measuring democratic consolidation with regards to this study would suffice since 2007 which seems to have been a turning point in Kenya’s pursuit for democratic ideals following the 2007/2008 post-election violence.

Based on empirical data presented in Figure 4.7, it is evident that the distribution of responses across the different elections provided points to a growing and progressive involvement in election observation since 1992. In 1992 for instance, no response may suggest the initial hesitance and lack of established domestic framework to support election observation missions. It is a period which marked the beginning of pluralism and multi-party democracy in Kenya and it is likely that both domestic and IEOMs were in the processes of developing their frameworks and capacity for election

observation. It has to be noted that this election followed the end of the Cold War which ushered in the United States of America hegemonic period which may not have seen quite established multilateral IEOMs.

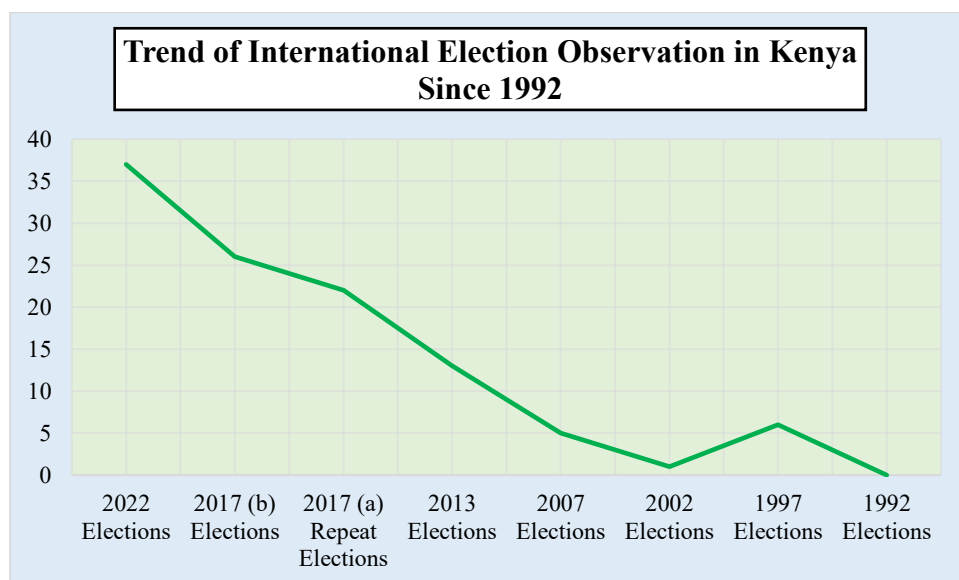


Figure 4.8: Trend of International Election Observation in Kenya Since 1992

Source: Field Data (2024)

Therefore, the increasing percentages in responses with regards to election observation in subsequent elections is a reflection of rising global and national interest in the practice of international election observation. It also suggests that over time and in subsequent elections, both domestic and international observer missions developed stronger and more institutionalized machinery for election observation as demonstrated in Figure 4.8. The presence and subsequent increase in international election observation as demonstrated in Figure 4.8 affirms the continued diplomatic interest and support by the international community in consolidating Kenya as a leading democracy in the Horn of Africa and the larger African Continent.

4.3.2 Whether Respondents Had Observed Elections Outside Kenya

The study also sought to establish whether respondents had observed in elections outside Kenya. Data on the same were collected, analyzed and the results presented in Figure 4.10.

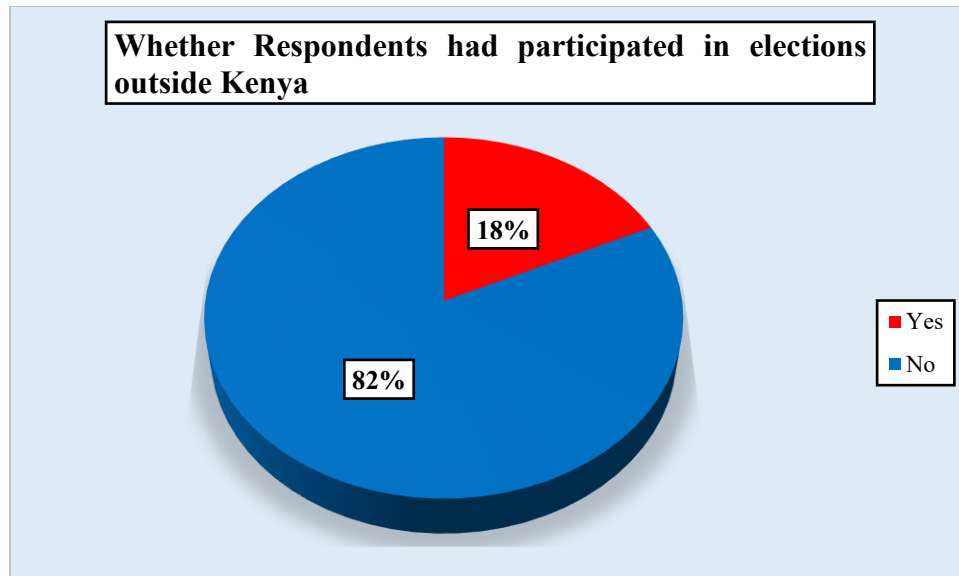


Figure 4.9: Whether Respondents Had Participated in Elections Outside Kenya

Source: Field Data (2024)

Quantitative evidence presented in Figure 4.10 revealed that majority 82% (95) of respondents had not participated in elections observation outside Kenya, only 18% (21) of the respondents indicated that they had participated in elections outside Kenya. The current study contends that participation in elections outside one's own country would suffice as a good marker for peer review mechanisms. Peer review is one of the now internationally recognized practices that defines democratic regimes where they seek to compare a number of democratic practices in an effort to improve their democratic spaces (Makotsi, 2021). The study based on these findings contends that majority 82% (95) respondents lack of participation in elections outside Kenya is indicative of two issues. First, it is indicative of strong focus and specialization in domestic electoral

processes by majority of the observers and second- being an activity that is heavily dependent on donor funding, there is a likelihood of the challenge of lack of financing to deploy domestic observers in other elections not only within the region but also at continental level. Evidently, with only 18% (21) of respondents having participated in elections outside the continent could be indicative of a gap with regards to cross-national experience which may bring benefits such as exposure to best systems and practices with regards to consolidating democracy (Makotsi, 2021). This gap, the study contends creates an opportunity for capacity building through cross-national exchange programs facilitated by existing peer review mechanisms which may eventually enhance the overall quality of election observation.

In addition, this study argues that in as much as 18% (21) of respondents being a marginal figure, they may bring international experience which helps to ensure that recommendations arising from observation missions align and are at par with best practices at the international level. This approach leverages and supports national sovereignty and demonstrates self-reliance while at the same time still benefitting from international expertise which is in tandem with the tenets of power theory- one of the theories that informed this study.

4.3.3 Primary Role of International Election Observer Missions in Kenya

The study by Brown & Raddatz (2014) posits that for many years, international actors have sporadically attempted to influence the trajectory of Kenyan politics. Since at least 1990, Western diplomatic and aid officials, along with the governments they represent, collectively referred to as “the donors,” have exerted both individual and collective pressure on the Kenyan government to engage in specific actions and abstain from others, all in the pursuit of peace, justice, and democracy. The peak of donor engagement typically aligns with the general elections in Kenya, which occur every

five years. Elections serve as definitive assessments of democratic principles and pivotal moments that shape a nation's trajectory. They also act as potential catalysts for political dissent and unrest, which can jeopardize stability and security, while presenting significant challenges to accountability mechanisms. The research aimed to ascertain the perspectives of respondents regarding the fundamental function of international election observer missions in Kenya since 1992. Participants were presented with a five-point Likert scale to indicate their degree of agreement with the items in the questionnaire survey. The data pertaining to this matter were meticulously gathered, subjected to analysis, and the findings are delineated in Table 4.1.

Table 4.1: Table Showing Primary Role of Respondents in Election Observation Missions

Primary role of Election Observers	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
Monitoring and assessing electoral integrity	14%	8%	14%	26%	38%
Promoting accountability and transparency of elections	12%	6%	16%	32%	34%
Facilitating dialogue between election stakeholders	10%	8%	26%	20%	28%
Enhancement of democracy	8%	8%	30%	24%	30%

Source: Field Data (2024)

On the primary role of IEOMs as monitoring and assessing electoral integrity, quantitative evidence in Table 4.1 revealed that 14% (16) of respondents strongly disagreed, 7% (8) disagreed, 14% (16) were neutral, 26% (30) were in agreement and 38% (44) strongly agreed with this item. This shows that majority 54% (63) of

respondents either agreed or strongly agreed with this item as the primary role of IEOMs in Kenyan elections since 1992. The study contends that this level of agreement underscores the fundamental role IEOMs play in an effort to ensure that elections are conducted in a fair and transparent manner thus reinforcing legitimacy of the electoral process. Even though the 14% (16) strong disagreement with the questionnaire item may reflect doubt with regards to the impartiality of IEOMs. These findings highlight the centrality of IEOMs in safeguarding the integrity of electoral processes which is a key ingredient for democratic consolidation and aligns with liberal-institutionalism views on the role international institutions in promoting global peace, security and governance. Study findings on the primary role of IEOMs were corroborated during a key informant interview with a former lead international election observer.

Democratization was taken that it should spread all over the world and people should choose their leaders instead of coup and army coups and dictators taking over and dying in office. It started mainly with the United Nations when they set up a process whereby there is an election in any country, they would send observers. The Americans had their own group, Europe has its own and so, they would send observers to see what the election is like and later on recommend any changes they thought could help that country. The lead observers are the ones who go to look at the laws of the country being observed and the election set-up. After looking at these, on the eve of the elections, the body of observers brief the rest of the observation team.....Ideally, the practice of observation is to help countries which are not yet developed democratically on how to choose. Therefore, the role of observers in my view is important because they are supposed to observe, they are not supposed to participate in the election process. They come to observe and then make a statement on what they saw and then make recommendations. After they have recommended they go away. Now it is for the Electoral Commission of that country and the governments of that country to see where they agree. They make recommendations after the elections, after the leaders have been declared. You have got to wait for the election to end to give recommendations, but if something is happening and the electoral commission is in-charge, you can mention to the authorities that I have seen this happen in confidence but not in the press to say this is right and this is wrong. (Interview with former lead international election observer in Kakamega County on June 21, 2024).

Qualitative data obtained from the KII reveals that the global push for democratization, primarily championed by the United Nations, aimed to replace undemocratic regimes with elected governments. The establishment of IEOMs was a key strategy in this process, with observers from various regions, such as the United States and Europe, being deployed to monitor elections and provide recommendations. The primary role of IEOMs, as described in the quotation, involves observing the electoral process, assessing the legal and logistical framework of elections, and providing recommendations for improvements. Lead observers play a crucial role by examining the country's laws and election setup, briefing the observation team, and ultimately ensuring that the process is transparent and fair. Qualitative data from the KII also reveals that IEOMs can privately raise concerns during the election process, their primary public role is to issue a comprehensive post-election statement and recommendations.

From the lens of a realist though, this study contends that state actors may invite non-state actors in an effort to gain legitimacy as well as support from relatively powerful international organizations and democracies. In addition, while realists from their point of view may be cautious about the motives behind IEOMs, they are cognizant of the fact that the presence of IEOMs in their democratic processes is a key factor in influencing power dynamics as strategic interests of state actors. In this case, Kenya playing host to a number of IEOMs is a gesture of commitment to democratic standards, norms and principles which is key in attracting international aid and bolstering Kenya-international community diplomatic ties.

On the primary role of IEOMs as promoting accountability and transparency of elections, quantitative evidence revealed that 12% (14) of strongly disagreed, 6% (7) disagreed, 16% (19) were neutral, 32% (37) were agreement whereas 34% (39) strongly

agreed with this questionnaire item. The study points the fact that a combined majority of 66% (77) of respondents either agreed or strongly agreed with this item. This indeed affirms the role of IEOMs as being perceived as key actors in enhancing openness in Kenya's electoral processes. The study also contends that the relatively low percentage of respondents who either strongly disagreed or disagreed which was a combined 18% (21) is indicative of broad support by respondents on this role. The promotion of transparent and accountable elective processes is a key factor for credibility of any elections and an ingredient to win trust of the electorate in pursuit for democratic consolidation. Therefore, it would be objective to argue at this point and based on these findings that IEOMs play and contribute to the proliferation of democratic values, norms and principles. Therefore, by spreading these norms, IEOMs play a key role in shaping the behaviour of electoral actors- contributing to democratic consolidation in Kenya. When elections through the role played by IEOMs, are held in a transparent and accountable environment, there is a reduced likelihood of electoral violence, disputes and political instability. When this is achieved, the current study argues- it adds to democratic consolidation and consequently speaks to the tenets of democratic peace theory on the role of democratic governance in reducing the likelihood of war, thereby promoting not only national stability but stability within the international system- first at regional level where the affected country is located, second at continental level and lastly at global level. These findings were corroborated with qualitative data during a key informant interview with a representative of the Association of Election Observers in Africa.

One of the key things I see is that IEOMs bring a lot of credibility to elections because once everyone at this space for example the AU, EAC, EU, TCC and others. All of those bodies that come to Kenya, if all of them say that the election was not fair according to them, even if that particular president wins that election the international community is

likely not to legitimize that kind of election and that is why we are saying that they are very key and very important because they also bring out the credibility issue of the president who is actually democratically elections (Interview with a Representative- Association of Election Observers in Africa on July 4, 2024 in Nairobi City County, Kenya).



Plate 4.1: Plate showing researcher with a key informant during the primary data collection process

Source: Field Data (2023).

Qualitative data highlights the critical role played in bringing credibility to elections in Kenya by IEOMs. It emphasizes that the presence of multiple reputable international bodies, such as the African Union (AU), East African Community (EAC), European Union (EU), and others, contributes significantly to the perceived legitimacy of the election results. If these bodies collectively determine that an election was not fair, it can lead to a lack of international recognition for the winning candidate. This emphasizes the importance of IEOMs in ensuring that elections are conducted fairly

and transparently, thereby influencing the international community's perception and acceptance of the election outcome. The credibility and legitimacy brought by IEOMs are crucial for the democratic consolidation of Kenya, as they help ensure that elected leaders are seen as genuinely representative of the people's will. Further, the results were corroborated during a KII with the IEBC Youth Coordination Committee Chairperson.

Their presence also makes the electoral management bodies to be a little more careful because the reputation of the EMB is also at stake. In as much as IEOMs will not observe everything, and all the processes, the ones that they will be able to check, they will come up with issues that they have seen, the flaws as most of them understand the electoral processes so well. I can tell you my brother, the election process in Kenya is one of the roles people never wish to take up since you have to do as it is stipulated in the law. Like right now we are doing the International Election Bill of 2024 which describes the international election procedure. It has issues of when to open, when to close, when to declare or not and so you are guided by the laws. And so when observers come, you never really know at what point they will be visiting a polling station or the tallying centre, yet, they will observe and report whether processes followed the law (Interview with the IEBC Youth Coordination Committee Chairperson on July 4, 2024 in Nairobi City County, Kenya).

Qualitative evidence from the KII revealed that that the presence of observers makes EMBs more diligent and careful in their operations because their reputation is at stake. Even though IEOMs cannot observe every aspect of the electoral process, their expertise allows them to identify significant flaws and ensure that the processes they do observe adhere to legal standards. The mention of the International Election Bill of 2024 highlights the structured and legal framework guiding electoral procedures, which observers use as a benchmark. The uncertainty about when and where observers will appear keeps EMBs vigilant, thereby promoting adherence to the law and enhancing the integrity of the electoral process. This vigilance and adherence to legal standards

supported by IEOMs are essential for democratic consolidation, as they help build public trust in the electoral process and its outcomes.

On the primary role of facilitating dialogue between election stakeholders, quantitative evidence revealed that 10% (17) of respondents strongly disagreed, 8% (9) disagreed, 26% (30) were neutral, 20% (23) were in agreement and 28% (32) of respondents strongly agreed with this questionnaire item. The study notes that whereas a combined 48% (56) either strongly agreed or agreed with the facilitative role of IEOMs in promoting dialogues with election stakeholders, a good portion 26% (30) of respondents remained neutral. The study contends that this could be indicative that this role by IEOMs could be secondary. However, the role by IEOMs in promoting dialogue is crucial in polarized societies and can help prevent conflicts which is a pathway for democratic consolidation.

On the primary role of IEOMs in enhancing democracy, quantitative evidence revealed that 8% (9) of respondents strongly disagreed, 8% (9) disagreed, 30% (35) of respondents were neutral, 24% (28) were in agreement and 30% (35) of respondents strongly agreed. These findings indicate that a combined majority 54% (63) either agreed and strongly agreed with this item that enhancing democracy as the primary role of IEOMs in Kenya. However, the study contends 30% (35) neutrality indicates that this role may be an indirect outcome of IEOMs activities and not a direct one. In addition, this response rate may be reflective of long-term IEOMs in democratic consolidation. Overall, by deploying IEOMs, these contribute to enhancing democracy which has a spillover effect on global peace, security and stability. The study findings were corroborated during a key informant interview with an international election observation expert in Nairobi City County who disagreed that IEOMs enhance democracy in Kenya.

IEOMs come to the country that is about to carry out an election a couple of weeks before the actual election. Some actually come months prior. They have vested interests, the ones that come from the EU and Britain actually come to Kenya to work on rigging elections but at face value they are election observers and will do reports. They are quick to water down the anomalies and will always say that the discrepancies observed were not big enough to change a whole election. They will be the one working with private entities to make sure everything runs smoothly. What the public is given to digest is what they are made to believe. But deep down things are very different. When you hear about servers being tampered with, data diverted. Those are credible eventualities but are watered down. If you listen to the previous Chief Justice, you will be able to pick a lot of information regarding our electoral processes in Kenya there (Interview with an International Election Observation Expert in Nairobi City County on June 30, 2024).

Qualitative evidence from the KII presents a skeptical perspective on the role of IEOMs in Kenya, specifically highlighting allegations of interference and bias. Evidence revealed that IEOMs, particularly those from the EU and Britain, have vested interests and are involved in rigging elections under the guise of observation. The KII adds that these missions often downplay electoral anomalies and collaborate with private entities to ensure a façade of smooth electoral processes, while in reality, there are significant discrepancies such as server tampering and data diversion. This viewpoint contrasts starkly with the primary data indicating that IEOMs are committed to maintaining the integrity of elections in Kenya.

The study also contends that through consistent interaction between Kenya and IEOMs in electoral processes, they continue to influence the behavior and beliefs of election stakeholders thereby bolstering a democratic culture. It is a pointer to gradual internationalization and socialization of democratic values and principles for sustainable democratic consolidation. For realists, the use of IEOMs to spread democracy may be part of the strategic interests by relatively powerful states and international organizations. The promotion of democracy points to an effort to create a stable political environment which aligns with Kenya's economic and geopolitical

interests which can enhance her global image and standing to attract foreign aid and investment.

Overall, the study findings reveal strong support for monitoring and assessing electoral integrity at 54% (63) and promotion of accountability of elections at 66% (77) - both which are crucial for democratic consolidation.

The study findings regarding the principal function of IEOMs are supported by Darnolf's (2011) paper, which contends that the predominant justifications for deploying an IEOM are fourfold: to deter fraud; to detect fraud; to offer impartial and accurate evaluations of the electoral process; and, where relevant, to suggest enhancements to electoral procedures. Election observation fulfills eight primary roles: ensuring the integrity of the electoral process; fostering openness and transparency; bolstering public confidence; alleviating potential tensions; deterring improper practices and fraudulent attempts; enhancing political credibility; aiding in the acceptance of election results; and promoting the dissemination and reinforcement of international standards and electoral best practices (African Union, 2013). The research outcomes regarding the function of IEOMs in Kenya since 1992 are validated by Garber (2020), who advocates for the election observation process and posits that these initiatives could be enhanced through the incorporation of a violence prevention mandate. Initially, they contend that the existence of impartial observers acts as a disincentive for individuals predisposed to resort to violence for political advantage. Furthermore, observers possess the ability to function as proficient mediators among individuals who may engage in violent behavior. Third, observers possess the capability to accurately delineate the areas where violence is most prone to manifest and formulate strategic approaches to tackle the issue at hand. Fourth, it is essential for observers to engage with security forces consistently, fostering an

environment that diminishes the potential for violence through regular interaction and vigilant oversight of their operations. Ultimately, observers have the capacity to employ mechanisms such as parallel vote tabulations and the prompt release of statements to shape the actions of individuals who may be predisposed to engage in violent behavior. The findings are further supported by the article by Asunka et al. (2019), which indicated a decrease in fraud, thereby enhancing electoral integrity in Ghana and the possibility of mitigating violence. Employing an experimental research design alongside polling station data concerning fraud and violence during Ghana's 2012 elections, the study by Asunka et al. (2019) demonstrates that the presence of observers mitigated instances of fraud and violence at the monitored polling stations. Schedler et al. (1999) examined Ghana's 1996 elections and posited that the presence of election observer missions enhances public confidence in the electoral process. They acknowledged, however, that domestic election observer missions possess a more nuanced understanding of the local political context than most external observers. Having access to developments before, during, and after the voting process, along with a deep understanding of the local political landscape, Ghana's domestic election observers were consequently able to establish parallel vote counting mechanisms. These initiatives played a crucial role in monitoring potential fraud, improving electoral transparency, and ultimately fostering public trust in the electoral results. Kibara et al. (2003) contended that election observer missions enhance public trust in the electoral process, as the act of observation instills voter confidence by providing assurance that the conduct of the incumbent government during elections is being monitored. Election observation has the potential to mitigate voter apathy, thereby fostering increased voter turnout. It serves to inspire the public to participate in the electoral process, instilling confidence that the presence of observer missions will

monitor electoral irregularities that may have previously compromised their votes or deterred them from voting altogether.

Carothers (2010) argues that well-structured election observation can bolster fragile electoral systems and processes in nations experiencing democratic transition. Consequently, the ongoing involvement of international election observer missions can inspire a cautious public to cultivate trust in the electoral process and engage actively in it. For example, in societies or nations where there is a lack of trust in electoral processes, the presence or engagement of international election observers can persuade even the most doubtful opposition parties and their supporters to engage in elections, rather than opting for boycotts or civil disobedience. Kelley (2012) posits that international election observation enhances public confidence in elections, particularly indicating that the international community is more vigilant, which increases the chances of exposing fraud and consequently reduces the likelihood of political authorities participating in electoral misconduct. In a similar vein, the presence of international election observers, by monitoring elections and reassuring citizens of global scrutiny, empowers the public to mobilize against electoral fraud. This dynamic serves as a deterrent, as the potential for international backlash increases the stakes for political authorities contemplating such misconduct. Further supporting the argument, Kelley (2011) asserts that the presence of quality election observers enhances the transparency of elections, reduces fraud, and consequently increases the confidence of opposition political parties and their supporters in the electoral process, while also promoting their participation in elections. In general, the findings of studies regarding the primary role of IEOMs are supported by various scholars. An essential role of international election observation is to evaluate

the integrity of electoral processes (Carothers, 1997; Bjornlund, 2004; Hyde, 2008, 2011; Kelley, 2008; Hartlyn & McCoy, 2006). Assessing the quality of elections necessitates the formulation of a framework of criteria for the evaluation of electoral processes. It is commonly asserted that elections can be assessed based on the criteria of being ‘free and fair’; however, there exists a multitude of processes that may be examined to reach such determinations (Hartlyn & McCoy, 2006: 44). Electoral manipulation may manifest during the pre-election and campaign phases, on the day of voting, or in the processes of tabulating and announcing the results. Furthermore, numerous deceptive activities may occur at various stages of the electoral process. Although initial critiques of election observation focused on an excessive concentration on fraud on election day, numerous international observer organizations have notably enhanced their methodologies and now oversee the comprehensive electoral process (Carothers, 1997). Since 1989, numerous observer groups have concentrated on assessing the quality of the electoral process well in advance of election day, deploying long-term observers who formulate evaluations regarding the integrity of the pre-election period. The assessments are further enhanced by accounts from short-term observers who have engaged with various polling stations on the day of the election. Throughout the process of result tabulation, international observers meticulously oversee the vote counting procedure and engage in parallel-vote tabulation (PVT). It is customary for observers to remain within the country until the official results are both announced and certified (Hyde, 2008).

The documentation of electoral observation reveals instances of fraud, and publications from monitoring organizations have played a crucial role in highlighting fraudulent elections across numerous nations (Hyde, 2007; Carothers, 1997). Kelley (2009)

conducts an analysis of international electoral missions spanning from 1975 to 2004, revealing that international observers tend to endorse elections as free and fair when irregularities are minimal. A substantial body of research has been conducted by scholars regarding election observation, leading to the emergence of two opposing schools of thought. The prevailing viewpoint asserts that election observers serve as essential participants, significantly enhancing the overall credibility of the electoral process. This is relevant prior to, throughout, and subsequent to the elections. Hyde & Marinov (2008) assert that the inclusion of LTOs during the preparatory phases is crucial for the efficient organization of the polls, as it deters participants from partaking in pre-election misconduct. It has the potential to enhance the ability of the polling agency to conduct elections with integrity. The electoral agencies periodically consult the evaluations of a nation's election readiness conducted by the LTOs to pinpoint areas necessitating enhancement. From time to time, development partners consult these reports to assess the necessity for technical assistance. The reports highlight the challenges that could potentially disrupt the orderly execution of the polls, as well as the vulnerabilities that may be taken advantage of by unethical officials to perpetrate fraud. Furthermore, the presence of election observers significantly reduces the probability of malpractices occurring on election day, as their vigilance makes it challenging for overt rigging to escape scrutiny (Chernykh & Svolik, 2015). Moreover, the act of observing elections serves to elevate the costs associated with cheating by enhancing the probability of incurring some form of international isolation or sanction against those who engage in electoral fraud. This scenario is especially pertinent as poorly conducted elections can lead to civil unrest and violence, the repercussions of which may resonate throughout various regions. Elklit and Svensson (1997) have highlighted that in the

context of globalization, election observers function as the vigilant eyes and ears of the international community. By doing so, they promote the evolution of a self-sustaining democracy through the dissemination of information that empowers voters and other nations to align their efforts against both fraudsters and those who refuse to accept defeat. The significance of election observation in societies transitioning from conflict has been underscored (Lappin, 2009). In the aftermath of conflict, the practice of election observation serves to foster peacebuilding and supports the development of robust governance institutions.

The third perspective posits that the presence of observers exerts no influence on the events that unfold on election day. This viewpoint asserts that individuals intent on manipulation will seek out alternative avenues to compromise the electoral process, irrespective of the presence of monitoring entities (Chernykh & Svolik, 2015). This perspective regards election monitors as passive observers, lacking the authority to influence occurrences on election day. Cheeseman (2017) notes that while citizens have a high regard for observers, the significance of their role in ensuring the integrity of elections is often overstated. This perspective suggests that politicians may manipulate circumstances during the initial phases of elections or extend their strategies to areas lacking oversight. Obi (2008) concludes that election observations are riddled with contradictions, as they are intended to ensure legitimately free and fair elections, yet at times they inadvertently promote the acceptance of flawed polls. In light of this potentiality, the opposition factions in Kenya, Ethiopia, and Sudan have historically opted to boycott elections, even in the presence of international observers. The inference drawn suggests that the opposition held a firm belief that electoral fraud had either already occurred or was inevitable, irrespective of the presence of election

monitors, and that there would be no repercussions for those responsible. Essentially, when the opposition chooses to boycott elections that include international observers, they are casting doubt on the capacity of these observers to significantly influence the integrity of the electoral process. Several studies have indicated that IEO missions may merely facilitate transitions from observable to non-observable forms of electoral irregularities. The study conducted by Hyde in 2007, focusing on Indonesia, posits that the IEO could potentially incentivize electoral autocrats to employ subtler forms of electoral manipulation that are less susceptible to detection by international observers, including preemptive alterations to the electoral process prior to election day (Hyde, 2007a: 63). In their comparative analysis of elections from 1990 to 2002, Beaulieu and Hyde contend that IEO have instigated strategic manipulation, providing incumbents with the motivation to choose methods of electoral manipulation that are less likely to be detected by observers (Beaulieu, 2009: 410). Furthermore, it is contended that opposition parties exhibit a greater propensity to abstain from elections in the presence of international observers. This phenomenon arises from the allure of allocating their limited resources towards unveiling strategic manipulations and undermining the credibility of the government, rather than engaging in the electoral process itself (Beaulieu, 2009: 410). Simpson (2008), in an examination of the 'unintended consequences' of IEO, posits that 'those forms of electoral manipulation that are less amenable to detection and redress through monitoring can also cause important damage to political, legal, and governmental institutions and to media independence' (Simpson, 2008: 216).

Furthermore, several studies corroborate the notion that IEOMs reinforce research conclusions regarding the accountability and transparency of electoral processes. Norris

(2013) posits that the notion of electoral integrity pertains to the international standards and global norms that dictate the proper conduct of elections. The aforementioned norms are fundamentally grounded in the 1948 Universal Declaration of Human Rights, as well as the detailed provisions of the International Covenant on Civil and Political Rights established in 1966, in conjunction with various other international conventions. The establishment of contemporary international norms has been significantly influenced by these agreements, which assert that the legitimacy of governments is derived from the will of their citizens, as evidenced by the occurrence of regular and authentic elections. The Global Commission on Elections, Security, and Democracy (2012) characterizes a genuine election as one that adheres to the democratic tenets of universal suffrage and political equality, as articulated in international standards and agreements. It emphasizes the necessity for professionalism, impartiality, and transparency in both the preparation and administration of the electoral process across its entire cycle.

4.3.4 Motivations for Deployment of International Election Observer Missions in Kenya

The practice of election observation began during the Cold War era, and it wasn't until the late 1980s that the advantages associated with democracy were predominantly accessible to a select group of nations that were already aligned with the West. The prioritization of anticommunism eclipsed any inclination towards democratic values, with only anticommunist Western allies positioned to feasibly enhance their portion of global advantages by demonstrating a dedication to democratic principles. The conclusion of the Cold War enhanced the accessibility of benefits linked to democracy while reducing the significance of anticommunism. Collectively, these modifications

enhanced the extent of benefits tied to democratic governance and broadened the spectrum of nations eligible to vie for such advantages. This alteration provided genuine democrats with the motivation to extend invitations to observers, fostering the perception among advocates of democracy that all authentic democrats engage in such practices, thereby establishing the groundwork for extensive adherence to norms. Pseudo-democrats aiming to optimize international advantages were compelled to undertake a complex analysis, assessing the expected value of democracy-related benefits, the costs associated with autocracy, and the likelihood of successfully manipulating the election, engaging in deceit, and evading unfavorable evaluations (Hyde, 2011).

The study sought to establish the primary motivations for deployment of IEOMs in Kenyan elections since 1992. Respondents were asked to respond to a number of motivations by showing the degree of agreement on the basis of a three point Likert scale. The ranks are also provided. Data on the same were collected, analyzed and the results presented in Table 4.2. Quantitative evidence presented in Table 4.2 revealed the following. On the motivations for deployment item one “Strengthening of host country and international community diplomatic relations”, majority 76% (88) of respondents were in agreement, 16% (19) of the respondents were neutral, whereas 8% (9) disagreed.

Table 4.2: Table Showing Motivations for Deployment of IEOMs in Kenya since 1992

Motivations for Deployment of IEOMs in Kenya	Agree	Neutral	Disagree	Rank
Strengthening of host country and international community diplomatic relations	76%	16%	8%	1

Vested interests in the host country by the observer mission	48%	34%	18%	7
Obligation by the international community	52%	28%	20%	6
Commitment to entrench democratic principles and values	66%	26%	8%	3
Provision of technical support to civil society organizations	60%	26%	14%	4
Promotion of peace, security and stability	74%	18%	8%	2
Invitation by the host country	58%	24%	18%	5
An institutional mandate	60%	26%	14%	4

Source: Field Data (2024)

This study contends that on this item, 76% (88) agreement is an indicator that strengthening diplomatic ties is a core motivation leading to the deployment of IEOMs in Kenyan election. The results indeed align liberal perspectives that advocate for international cooperation as an instrument for enhancing global governance. In other words, this study contends that the presence of IEOMs is key in enhancing Kenya's diplomatic ties with her bilateral and multilateral partners and essential for fostering mutual collaboration. The findings on this item indeed point out the diplomatic dividends of hosting IEOMs and reinforce Kenya's commitment to democratic standards in international spheres.

On the motivations for deployment item number two "Vested interests in the host country by the observer mission", quantitative evidence revealed that a higher 46% (53) proportion of respondents were in agreement, 34% (39) of the respondents were neutral and 18% (21) of respondents disagreed with this item. The findings indeed reveals mixed findings where while a higher proportion of respondents believed that IEOMs deploy because they have vested interests in Kenya, a substantial proportion were neutral and in disagreement with the item. Although this study contends that from a

realist train of thought, state and multilateral international organizations may have interests that guide their deployment of IEOMs in Kenyan elections. These interests may indeed vary from geopolitical factors, economic benefits to political influence and reflect the complex nature in understanding the motivations behind deployment of IEOMs. These findings were further corroborated during a KII with a member of Kenya Youth Parliamentary Association.

I must admit that observers do have interests in elections processes because why would they invest so much resources to observe a Kenyan election? I would say that even though, their primary interest is not Kenya but their interests and those of their sending partners built on the platform that, “we are supporting Kenya.” Observation processes in my opinion also provide a window for foreign entities to also infiltrate election processes and voice their interests. Even if you look at the outcome that is produced is normally a debate externally more than internally because you will find either foreign governments identifying with the position of the envoys during the observation, depending on what suits their interests. If their interests are not served, they may likely dispute or remain cold depending on the outcome of the elections. Like in the case of when Americans pronounced their position over Kenyan elections and people felt that they were off. Because they tried to give credit in a space where the masses were anti the position they gave. And so, sometimes interests override the intended purpose of observation missions (Interview with member of Kenya Youth Parliamentary Association on July 11, 2024 in Nairobi City County Kenya).

Qualitative data collected from the KII suggests that these missions are driven by vested interests. The data also reveals that while IEOMs are ostensibly supporting Kenya, their primary interests lie with their own countries or sending partners. The substantial resources invested in observing Kenyan elections indicate that foreign entities see these processes as opportunities to advance their own agendas. Qualitative data from the KII also reveals that the observation process allows foreign entities to influence election outcomes and voice their interests, often leading to external debates that reflect these interests more than the internal perspectives of Kenyans. The interviewee instances where foreign governments, such as the United States, have pronounced positions on

Kenyan elections that did not align with the sentiments of the Kenyan public, suggesting a discord between the interests of the observers and the local population. Overall, analysis of qualitative data collected from the KII reveals that IEOMs may be motivated by their own strategic interests rather than purely by a desire to support democratic processes in Kenya. The observation missions can become platforms for foreign governments to project their influence and secure outcomes that align with their geopolitical or economic interests. In addition, a KII with an international election observation expert revealed that:

The African continent is still under serious control by the west. Mostly it's economic control that is done through IMF and world bank and also private companies. Who wins an election in Kenya is very important to them because that individual is supposed to further their agenda and protect their interests. Am sorry to say, they care nothing about democracy. They care more about their interests. IEOMs come to protect those interests and ensure image remains good or the PR is acceptable to the masses there (Interview with an International Election Observation Expert in Nairobi City County on June 30, 2024).

Qualitative evidence from the KII indeed brings the contrasting perspective on the role of IEOMs in Kenya and, by extension, Africa. The expert argued that Western control over the African continent persists, particularly through economic mechanisms like the IMF, World Bank, and private companies. This control extends to political processes, with the suggestion that who wins an election in Kenya is crucial for the West to further its agenda and protect its interests. Therefore, IEOMs are deployed not out of a genuine concern for democracy, but rather to safeguard these interests and maintain a favourable public image. Qualitative evidence from the KII indeed reveals that IEOMs serve as a public relations exercise rather than as unbiased monitors of electoral integrity. The KII implies that IEOMs are more concerned with ensuring the election results are palatable to the international community and the local populace, rather than truly democratic. Therefore, this study contends that albeit with a 48% (56) agreement, IEOMs may have

vested interests in maintaining the status quo or promoting candidates who align with Western economic and political goals therefore leading to doubts on the impartiality of and primary role which seems to prioritize foreign interests rather than democratic principles.

On motivation for deployment item number three “Obligation by the international community” as a motivation for deployment of IEOMs in Kenyan elections, quantitative evidence revealed that majority 52% (60) of respondents were in agreement, 28% (32) were neutral whereas 20% (23) of respondents were in disagreement with this item. The current study contends that majority 52% (60) agreement with this item is in tandem with the normative perspectives of international relations that emphasize on the role of international obligations in guiding the behavior of state actors. In this case, IEOMs may be viewed as prefects that often seek to fulfill the responsibility of upholding democratic standards in elections they deploy missions to. These results emphasize the normative framework within which IEOMs operate thus reflecting a commitment to international principles of democracy and the responsibility to support, spread and entrench democratic processes globally.

On motivation for deployment item number four “Commitment to entrench democratic principles and values” as a motivation for deployment of IEOMs in Kenyan elections, quantitative evidence revealed that 66% (77) of the respondents were in agreement, 26% (30) were neutral whereas 8% (9) of the respondents disagreed with the item. The study contends that a majority 66% (77) agreement with this item supports the liberalist view that international actors- in this case IEOMs play a fundamental role in the promotion of democracy. Further, the study based on these findings advances that IEOMs are tools that aid in the institutionalization of democratic norms, principles and practises thereby contributing to long term democratic consolidation in Kenya. The

prevailing perspective suggests that the involvement of international election observers yields beneficial effects for the nation under consideration. Election observers fundamentally provide assurance to the political entities within the nation that the electoral process will be safeguarded against any form of exploitation (Daxecker, 2012). This bestows credibility upon the election results and imparts legitimacy to those who have been elected to office. In addition to preventing electoral manipulation, the practice of election observation fosters the advancement of enduring democratic principles and promotes the establishment of close connections among the relevant stakeholders and the state involved (Simpser & Donno, 2012)

On motivation for deployment item number five “Provision of technical support to civil society organizations” as a motivation for deployment of IEOMs in Kenya, quantitative evidence revealed that majority 60% (70) of respondents were in agreement, 26% (30) were neutral whereas 14% (16) of respondents were in disagreement with this item. A 60% (70) agreement rate indeed affirms the supportive role that IEOMs play in supporting CSOs. These findings are in tandem with liberal views on the role of non-state actors in capacity building and strengthening democratic institutions. These results, the study argues is significant since it highlights the critical role that IEOMs play in supporting local actors.

On motivation for deployment item number six “Promotion of peace, security and stability” as a motivation for deployment of IEOMs in Kenya elections, quantitative evidence revealed that majority 74% (86) of respondents were in agreement, 18% (21) were neutral and 8% (9) were in disagreement. The study contends that based on majority 74% (86) agreement, promotion of peace and security indeed emerges as a

primary reason for deployment of IEOMs. This finding reflects the salient features of democratic peace theory which posits that the attainment of democratic institutions is a key ingredient for pursuing global peace. In other words, the presence of IEOMs may help avert electoral violence and consequently promoting regional and global peace and security.

On motivation for deployment item number seven “Invitation by the host country” as a primary motivation for deployment of IEOMs in Kenyan elections, quantitative evidence revealed that majority 74% (86) of respondents were in agreement, 18% (21) were neutral whereas 8% (9) were in disagreement with the item. The findings on this item and majority agreement points out the agency and sovereignty by Kenya in seeking international support in its electoral processes. This finding supports the motivation “national interest” which is a manifestation of realism through the power theory. Indeed, the study contends that the willingness of Kenya to invite IEOMs epitomizes her commitment to transparency and openness to observation in an effort to consolidate her democratic space.

On the last item “An institutional mandate” as a motivation for deployment of IEOMs, quantitative evidence revealed that majority 60% (70) of respondents were in agreement, 26% (30) were neutral and 14% (16) were in disagreement. The study contends that 60% (70) agreement points to the fact that IEOMs operate on the basis of their respective institutional mandates in an effort to support and advance democratic tenets globally.

Based on rankings as reflected in Table 4.2, the most significant results on motivations for deployment of IEOMs in Kenyan elections are: 1- Strengthening of host country and international community diplomatic relations with a support rate of 76% (88); 2-

Promotion of peace, security and stability with a support rate of 74% (86) and rank at 3- Commitment to entrench democratic principles and values supported at 66% (77). These three findings are indeed in tandem and emphasize the democratic peace theory that the spread of democracies will lead to less war in the international system. Through this study, this tenet is supported and affirmed. The findings also situate the motivations of IEOMs in enhancing diplomatic ties, promotion of democratic values and entrenchment of democratic values. These findings were corroborated with a KII with a former lead international observer.

No, the international group has no interest in the results of the elections, in the sense that they are concerned with who should win. No, that will be totally wrong. They observe the elections and make recommendations but it is for the people of that country to decide on whom should win the elections by voting. They cannot have an interest on who should win and we never did it but sometimes we were alleged to be favoring the ruling party and we were perceived to have been influenced (Interview with former Lead International Election Observer in Kakamega County on June 21, 2024).

Qualitative data from the KII provides a defence against the notion that International Election Observation Missions are motivated by interests in determining the outcome of Kenyan elections. The former Lead International Election Observer asserts that IEOMs do not have a vested interest in who wins the elections, emphasizing that their role is to observe the process and make recommendations, leaving the decision to the voters of the country. Overall, qualitative data supports the finding that IEOMs are primarily motivated by a commitment to uphold democratic processes, rather than by any specific interest in the election results. Yet, the current study contends that even if pursuit is not directly based on interests, attaining peace would imply that their interests in the country being observed are taken care of through democratic elections. Study findings on interests as a motivation for IEOMs were corroborated during a KII.

Do you know why candidates travel to give speeches in Chatham house? Chatham house hosts leaders across the country who are vying for elections in Countries that have British and EU Interests. More so Britain Interests. This interests are individual interests and national. Their level of influence has become more and more immense over the years to the point of deciding who actually wins. Heavily funding those individuals and to the levels of being involved in the actual elections. It should be made illegal for any Kenyan vying for a presidential election to even go to Britain during campaign periods. Let's say the kind of colonialism still under way in Africa is way stronger than when the white man physically occupied the continent. If you can pull the reports of 2022 election, it will help you understand this scenario better there (Interview with an International Election Observation Expert in Nairobi City County on June 30, 2024).

Quantitative data reveals that the international community use avenues like Chatham House to vet Kenyan presidential candidates. The KII suggested that Chatham House, a notable British think tank, serves as a platform for candidates to essentially audition for international approval and support, particularly from Britain and the EU. This implies that these candidates seek to align themselves with the interests of these foreign powers, which are both individual and national, in order to secure significant funding and support. The expert contended that the influence of these international actors has grown to the extent that they can decisively impact the outcome of elections in Kenya, a form of neo-colonialism that is argued to be more pervasive and insidious than the colonial occupation of the past. Therefore, the study contends that particularly Britain and the EU, have vested interest in Kenyan presidential candidates. The process of candidates giving speeches at Chatham House is viewed as part of a broader strategy to secure international endorsement and resources, which are critical for their electoral success. The KII suggested that such practices ought to be made illegal during the campaigns and reflects a concern about the undue influence and control exerted by foreign powers over Kenya's political landscape. This analysis reveals the notion that

the international community goes beyond mere observation and into the realm of active participation and manipulation to protect their interests.

The findings of the study regarding the motivations for the deployment of IEOMs in Kenya are supported by several other studies. Research conducted by Kelley (2012), Brown (2005), and Donno (2010) suggests that when governments are internationally exposed for their participation in post-electoral violence, they foresee significant repercussions for their diplomatic relations with the international community. Their international legitimacy and material advantages may be compromised when states and international organizations decide to suspend foreign aid, diminish economic exchanges, revoke preferential trade agreements, exclude them from membership in international entities, or retract military support. Marinov (2005) posits that the implementation of international punishment may incur significant domestic costs. Economic sanctions diminish state revenue, consequently limiting the resources accessible to the government for sustaining political backing. In light of these anticipated expenses, it is imperative for governments to respond to the potential of international election observers to unveil their participation in post-electoral violence. Current studies further indicate that global scrutiny and condemnation of governments can enhance their adherence to human rights standards (Murdie & Davis, 2012; Krain, 2012) and their performance in democratic governance (Marinov & Goemans, 2014; Aronow et al., 2014). Governments enhance the overall quality of elections when subjected to the oversight of international election observers (Kelley, 2012: 101–103). Consequently, by integrating international exposure with indicators of global repercussions, it is anticipated that election observers will compel governments to abstain from endorsing post-electoral violence.

The motivation of vested interests in the host country, as observed by the mission, is supported by the findings of Roth (2008). Roth (2008) observes that ‘due to competing interests—energy, commerce, counter-terrorism—the world's more established democracies frequently find it expedient to present themselves as gullible regarding these fraudulent elections’. Given these reflections, the advancement of democracy transforms into a mere pretense, particularly when it embraces a superficial version of democracy, provided that ‘the winner is a strategic or commercial partner.’ Consequently, while the majority of election observer missions are motivated by the aspiration to foster free and fair elections as a cornerstone of democracy in Africa, they are, in practice, compelled to navigate formidable national, political, and diplomatic interests; and face the sobering truth that their reports often lack the gravity they deserve. Despite their integrity and utility, these reports are often relegated to the strategic and economic considerations of the prevailing political elites and post-Cold War powers with notable expedience.

The study conducted by Fisher (2012) in Uganda presents a counterargument regarding the notion of vested interests. Although this factor received moderate support, it underscores the possibility that IEOMs may be influenced by strategic interests. Consequently, the advancement of free and fair elections, as well as the broader process of democratization, does not constitute the exclusive focus for donors in Uganda or, indeed, in many other nations. Donors engage with foreign governments for a variety of reasons, including economic, strategic, and ideological interests. Frequently, these objectives take precedence over the promotion of democracy, as they are perceived as more critical or, in fact, more challenging to accomplish in the context of democratization pressures. In the context of Uganda, it has been a prevailing argument among scholars since the 1990s that donors have adopted a more lenient stance towards

the promotion of democracy, primarily to safeguard their interests in other critical domains where collaboration with the Ugandan government is deemed vital (Hauser, 1999). A motivation to protect these interests seems to have persuaded donors, to a certain extent, to refrain from adopting an excessively political stance towards the EC in the lead-up to the 2011 elections. Two distinct foreign policy priorities that surfaced in the latter part of the 2000s seem to have played a crucial role in dampening donors' efforts to adopt a 'political approach' to the EC issue in 2010: the discovery of oil and Uganda's engagement in Somalia. A dispute in the middle of 2010 regarding unpaid capital gains tax between the Ugandan government and Tullow Oil Plc, a UK-based company engaged in oil extraction in western Uganda, seems to have prompted UK officials to elevate commercial interests above other considerations in their interactions with Kampala leading up to the election. The identification of oil reserves in western Uganda has indicated, for numerous donors, the onset of a transition away from the nation's reliance on aid – the primary mechanism of donor influence (Fisher, 2012). Similarly, Uganda's dependability as a partner in the 'War on Terror'—notably as a principal troop contributor to the African Union (AU) mission in Somalia—has generally prompted the United States and other Western donors to avoid exerting significant pressure on the nation regarding democratic practices since 9/11 (Fisher, 2012).

The motivation for deployment, as indicated by the host country's invitation, is supported by the findings of Garber (2020). Entities that sponsor election observation missions must obtain an invitation from the host government prior to deploying their teams on-site. The host government has the discretion to extend a broad invitation to

all interested entities or to confine the invitation to select organizations. In return for formal accreditation, which grants access to polling and counting sites as well as other pertinent data, the host government delineates the legal framework governing the operations of the observers. Nonetheless, as articulated in the pertinent declarations of principles for both international and domestic observers, it is incumbent upon the host government to ensure that these observers are afforded the liberty of movement and the right to express themselves publicly. Prior to making a decision regarding the acceptance of an invitation, the sponsoring organization ought to contemplate two significant considerations. Initially, it is essential to ascertain whether the fundamental criteria for credible elections are established; otherwise, allocating resources to the endeavor would be imprudent. Secondly, it is imperative to evaluate whether the prevailing security conditions allow for effective observation; otherwise, the observers may lack the capacity to provide a credible assessment. A study conducted in 2014 for the European Parliament suggested that “alternatives to EU election observation missions (EOMs) should be developed for conflict situations where minimum conditions for observation may be lacking and the presence of an EU EOM could potentially exacerbate conflict.” Host governments may impose restrictions on the particular functions of observer groups, particularly by controlling the timing of the announcement of results produced by a PVT. From the standpoint of the government, it is solely the appointed EMB that possesses the jurisdiction to disseminate official results. The government may genuinely or disingenuously fear that the dissemination of unofficial results could lead to public confusion and heightened tensions. However, the opposing view posits that in a politically charged atmosphere, particularly when the Electoral Management Body lacks public trust or when there are delays in the announcement of official results, a

credible Parallel Vote Tabulation can serve to mitigate tensions and promote the use of peaceful methods for addressing disputes related to election results. Given that PVTs contribute significantly to the refinement of the observers' evaluative processes and act as a deterrent to the escalation of tensions, it is imperative for observers to underscore the necessity of facilitating a credible PVT and ensuring the prompt dissemination of its results.

The study conducted by Brown & Raddatz (2014) delves into the dynamics of diplomatic relations in host countries, specifically analyzing the extent to which Western nations exert pressure—or fail to do so—regarding peace, justice, and democracy in Kenya. The analysis examined the timeframe following the 2008 National Accord, which alleviated the post-election crisis of 2007–08, with particular emphasis on the events leading up to and the immediate consequences of the 2013 elections. Brown & Raddatz (2014) posited that the recent pressure from Western nations represents a continuation of a longstanding trend wherein donors fail to uphold the conditions they have articulated for future assistance, resulting in diminishing returns. Furthermore, donors have shown a hesitance to employ their potential influence over the Kenyan government, while simultaneously underestimating its significance. They have made the mistake of issuing public threats to utilize this leverage at the least opportune times, rather than when it would have been most impactful. Third, Western officials persist in making decisions that prioritize immediate stability or peace, which ultimately erode fundamental tenets of democracy and justice. Research outcomes regarding the enhancement of international community relations within host countries indicate a contemporary trend of extraversion among African governments, exemplified by their issuance of invitations to international observers.

Peiffer and Englebert (2012) contend that this relationship possesses a dual character. Many African nations exhibit characteristics of personal governance and patrimonialism, which refers to the utilization of state authority and its resources for individual and political ends. A significant number of these entities pursue foreign relations by soliciting the patronage of affluent nations, providing diplomatic allegiance and strategic advantages in return for resources, political backing, and a commitment to non-interference in their internal matters. In a more detailed examination, as articulated by Bayart (2000), it is evident that historically, the majority of African governments have acquired, solidified, or preserved their authority and resources through the implementation of 'extraversion' policies. This hypothesis posits that African ruling elites leverage their dependent relationship with the external world to appropriate resources and authority, thereby establishing or reinforcing their dominance over domestic rivals. Throughout history, various strategies of extraversion have encompassed the domestic instrumentalization of slavery, colonization, development aid, commodity exports, structural adjustment programs, among others, by certain elites. According to Cooper (2019), African states function as 'gatekeepers', positioned 'astride an interface between a territory and the rest of the world, collecting and distributing resources that [derive] from the gate itself'.

4.3.5 Scope of Election Observation

The study sought to establish the scope of IEOMs observation missions. In this section, the study sought to establish where the focus of IEOMs was. This is because, Kenya holds a number of elections running from the Presidency all the way to the Members of County Assembly. Respondents were provided with five options to choose from on the

scope of election observation. Data on the same were collected analyzed and the results presented in Figure 4.10.

Quantitative evidence in Figure 4.10 revealed that 46% (53) of respondents indicated that the scope of IEOMs was on presidential elections, 29% (34) indicated gubernatorial elections, 28% (32) indicated senatorial elections, 30% (35) indicated member of national assembly and 28% (32) indicated member of county assembly. Quantitative evidence in Figure 4.10 revealing a higher proportion 48% (56) of respondents' emphasis on presidential elections is indicative that presidential elections are indeed a core marker of determining the overall perceived fairness of the electoral process. This study contends that this heightened focus on presidential elections is attributable to a number of factors namely: the seat of the presidency holds significant influence and power on impacting national governance, domestic and foreign policy making and implementation of the nation's foreign policy.

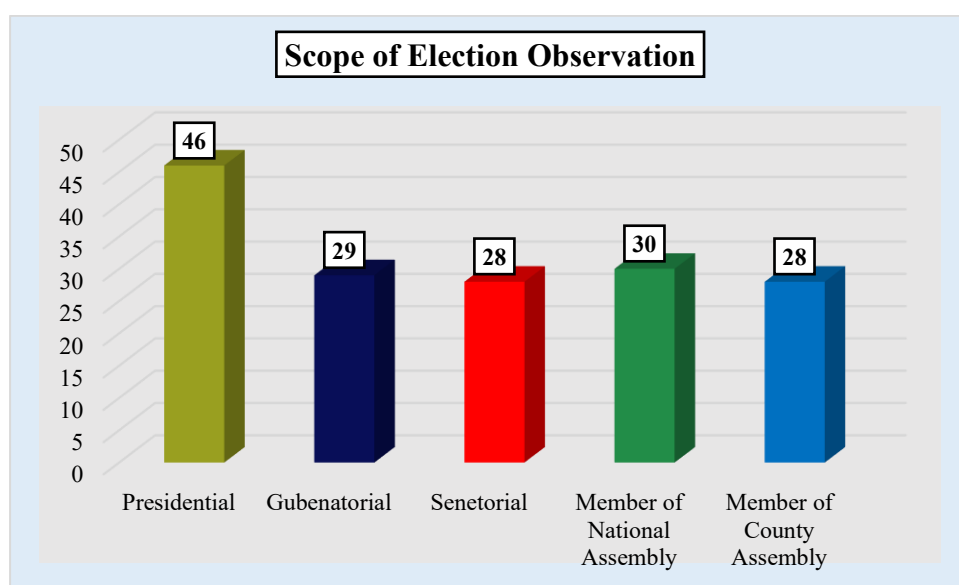


Figure 4.10: Scope of Election Observation

Source: Field Data (2024)

Often, presidential elections are the standard for affirming the nation's political stability and democratic health. For instance, this study advances that, peaceful transfer of power from an incumbent to a predecessor is a strong gesture towards democratic consolidation. In addition, the outcome of presidential elections has direct effects on the foreign policy direction therefore making it the epicenter of IEOMs. In addition, focus on presidential elections has implications on international relations. In other words, credible presidential elections can enhance Kenya's diplomatic standing on the international stage as being at the vanguard of democratic governance which can strengthen her diplomatic ties. On the contrary, a presidential election characterized by chaos and political instability can dent a nation's international image especially with nations and multilateral partners that are pro-democracies. In addition, the study notes that focus of IEOMs on presidential elections is because Kenya is a unitary state. Overall, the findings point to the tenets of political realism with more focus of IEOMs on presidential elections therefore implying that with the view of aligning their interests with the next government, IEOMs, bilateral and multilateral partners focus on the presidential elections. However, an even spread on focus on the other elections especially the gubernatorial elections could be indicative of the growing field of para-diplomacy.

Though less intense than the presidential elections, quantitative evidence shows a uniform spread of focus on the other elections which range between 28% (32) - 30% (35) for the rest of elections. This, in as much as it acknowledges the importance of other elections in democratic consolidation could be indicative of deployment of more resources to presidential as opposed to other elections. The major focus on presidential elections underscores the role of the presidency as a barometer for democratic health. However, this study argues that this singular focus on presidential elections may be

problematic and overlook the overall picture of democratic processes. Therefore, in as much as achieving free and fair presidential elections is important, it is of essence to consider integrity of the other elections in an effort to attain democratic consolidation.

4.3.6 Phases and Activities Observed by IEOMs During Elections in Kenya

The study also sought to establish phases and activities of IEOMs during elections in Kenya since 1992. Respondents were provided with three options ranging from pre, during and post-election phases. Quantitative evidence in Figure 4.11 revealed that 30% (35) of respondents indicated focus on the pre-election phase, 45% (52) indicated focus on the election phase and 23% (27) of respondents indicated focus on the post-election phase. Quantitative evidence in Figure 4.11 reveals fair distribution on participation across the phases with much attention peaking in the election phase. This explains why institutions conducting observations engage temporary observers during this phase and reduce their numbers once elections are done. In this study, election phase refers to the process on voting day up to the declaration of results in the polling stations. For presidential elections however, this is different since the presidential results are declared at the National tallying center. Simply put, electoral fraud does not only happen on election day (Darnolf, 2011).

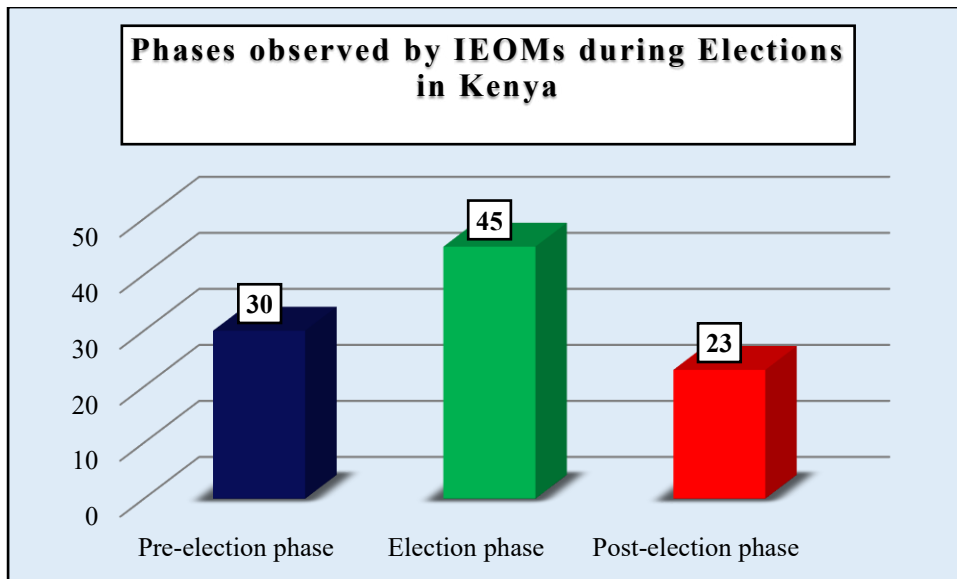


Figure 4.11: Election Phases Observed by IEOMs during Elections Since 1992

Source: Field Data (2024)

Based on the findings presented in Figure 4.11, the study contends that IEOMs activities in the pre-election 30% (35) phase is important since it sets stage for holding credible elections and could potentially help identify and avert potential issues that could compromise the integrity of elections. These issues could include voter and opposition suppression, unfair campaigns, and inadequate electoral preparation by the electoral body and stakeholders.

The highest level of IEOMs activities at 45% (52) was recorded during the election phase. This includes the activities on election day from voting to the declaration of election results to declaration of results in polling stations. The high activity could be attributable to IEOMs often escalating temporary observers during this phase in an effort to ensure extensive scrutiny and coverage of the election phase. This escalation of activities highlights the role of this phase in determining legitimacy of the process on voting day. The elections phase is characterized with highest potential for misconduct and fraud thereby necessitating an escalation in scrutiny by IEOMs.

Effective monitoring during this phase is a key contributor to perceptions of fairness and can enhance pursuit for democratic consolidation. Lapses on this phase can puncture efforts aimed at democratic consolidation.

The post-election phase supported by 23% (27) of respondents is a vital phase for validation of election results. This phase ensures that any grievances arising from the previous phases are addressed through appropriate mechanisms and institutions. This study notes that while this phase is characterized by reduction in number of observers, their continued presence however marginal is critical in upholding the credibility of the process. The study adds that the escalation and de-escalation of observer numbers across the three phases could point to logistical and strategic challenges faced by IEOMs during their mission stays. It also points high focus and support by donors in the election phase to allow for extensive coverage for the critical election phase. In addition, the post-election phase is usually characterized high technicalities on issues such as election disputes, observation of court proceedings, analysis of legal documents and presentations and overall writing the mission report which may not require numbers as compared to the election phased. In this study however, when it comes to the role of IEOMs in democratic consolidation in Kenya, the three phases are critical for democratic governance.

The research on electoral phases aligns with Norris (2004), who posits that the presence of observers tends to rise during the electoral period, particularly in the month when the election takes place. Throughout this interval, ballots are submitted, and the outcomes are revealed. This elucidates the fluctuations in responses depicted in Figure 4.11. A significant presence of international observers is noted in the week leading up to the election, and their engagement is particularly pronounced on the day of the election itself. The period following the election is characterized by the auditing and

evaluation of the electoral process, alongside the updating of the voter's register. At this juncture, there remain scant, if any, international observers present. Typically, they depart two to three days following the announcement of the election results. The presence of citizen observers diminishes during this phase of the electoral cycle. The duration of an election observation mission will be contingent upon the presence of election observers.

4.3.6.1 Pre-Election Activities Observed by IEOMs

Specifically, the study sought to examine pre-election activities covered by IEOMs in Kenyan elections since 1992. Data on the same were collected, analyzed and the results presented in Table 4.3. The results were scored on a Likert scale of priority.

Table 4.3: Table Showing Pre-Election Activities Observed by IEOMs

Pre-Election activities observed	Low priority	Medium priority	High priority
Voter education	20%	26%	54%
Adherence to human rights	6%	18%	76%
Media landscape	14%	44%	42%
Relationship between election stakeholders	8%	50%	42%
Technology or system deployed for election management	14%	28%	58%
Examination of legal framework guiding the process	10%	34%	56%

Source: Field Data (2024)

Quantitative evidence presented in Table 4.3 revealed that on voter education as an item of IEOMs observation in the pre-election phase, quantitative evidence revealed that 20% of respondents indicated that it was of low priority, 26% (30) indicated medium priority whereas majority 54% (63) of respondents indicated that voter education as an

item of observation was of high priority. This study argues that the high priority response rate by majority of respondents is attributable to the fundamental role of ensuring the electorates are informed. An informed electorate symbolizes that citizens are aware of their rights and possess knowledge of the voting process and ensures participation in democratic processes which is a key aspect of democratic consolidation. The findings are in tandem with the tenets of liberal institutionalism which posit that international actors such as IEOMs are essential in the promotion of democratic norms and standards.

On adherence of human rights as an item of IEOMs observation in the pre-election phase, quantitative evidence revealed that 6% (7) indicated that it was of low priority, 18% (21) indicated that it was of medium priority and a majority 76% (88) of respondents indicated that it was of high priority. The overwhelming majority emphasis on this item indeed affirms the place of human rights in electoral processes. Ensuring adherence to human rights not only in the pre-election phase but also throughout the election cycle which is key factor for safeguarding democratic principles and an essential for free and fair elections. The findings also reinforce the link between respect for human rights and pursuit for stable democratic systems- a key tenet to the democratic peace theory.

On the media landscape as an item of IEOMs observation in the pre-election phase, quantitative evidence revealed that 14% (16) of respondents indicated it was of low priority, 44% (51) indicated medium priority and 42% (49) of respondents indicated that it was of high priority. This shows a fairly balanced priority as free and fair media coverage and usage is essential of transparent and accountable elections. This study contends that the media indeed plays a significant role in influencing public opinion and provision of information. With respect to existing theoretical perspectives, the

media plays a role in shaping political environment and information flow which affect electoral outcomes. Therefore, through the promotion of openness the media is a fundamental aspect of a well function democracy and a tool for democratic consolidation.

On maintaining relationship between electoral stakeholders as an item of IEOMs observation in the pre-election phase, quantitative evidence revealed that 8% (9) of respondents indicated low priority, majority 50% (58) indicated medium priority and 42% (49) of respondents indicated that it was of high priority. These findings suggest that the relationship between electoral stakeholders should be given considerable attention. Therefore, the study contends that a strong and cooperative relationship between electoral stakeholders if a key factor for smooth and credible elections in addition to preventing conflicts that may arise. These findings support the issue of democratic dialogue among stakeholders. This is because, peaceful elections require cooperation between electoral stakeholders- political parties, CSOs and electoral bodies among others.

On technology deployed for elections as an item of IEOMs observation in the pre-election phase, quantitative evidence revealed that 14% (16) of the respondents indicated low priority, 28% (32) indicated medium priority and majority 58% (67) indicated high priority. This reflects the importance of technology deployed as a measure of democratic consolidation in modern elections. Therefore, deployment of a reliable election technology is key to enhancing the credibility of electoral processes. A majority response rate to this item as being of high priority demonstrates focus of leveraging technology to minimize electoral fraud, errors as well as enhancing transparency of elections. These findings align with the democratic peace theory- where the study contends that deployment of flawed and unreliable electoral system may

undermine trust and potentially lead to electoral conflicts. To this end, therefore, IEOMs may prioritize the deployment of a functional and secure technology as an item of observation.

On examination of legal framework guiding elections as an item of IEOMs observation in the pre-election phase, study findings revealed that 10% (12) of respondents indicated low priority, 34% (39) indicated medium priority and a majority 56% (65) of respondents indicated it was of high priority. This points to the fact that the legal framework guiding elections is indeed given a significant priority by IEOMs thereby reinforcing its foundational role as a pathway to lawful electoral processes. Overall, based on the findings, this study contends that the highest priority was given to adherence of human rights, at 76% (88) as a focal point of IEOMs observation.

4.3.6.2 Election Activities Observed by IEOMs

The study also sought to examine the activities observed by IEOMs during the election phase. Data on the same were collected, analyzed and the results presented in Table 4.4. The results were scored on a Likert scale of priority.

Table 4.4: Table Showing Election Activities Observed by IEOMs

Election activities observed	Low priority	Medium priority	High priority
Voting process	0%	10%	90%
Verification of results	4%	10%	86%
Transmission of results	6%	14%	80%
Media engagement	6%	50%	22%
Adherence to human rights and the rule of law	4%	16%	80%

Source: Field Data (2024)

On voting process as an item of IEOMs observation in the election phase, quantitative evidence revealed that 0% (0) of respondents indicated that it was low priority, 10%

(12) indicated it was of medium priority and majority 90% (104) indicated it was of high priority. The 0% (0) response rate on this item as being low priority indeed also affirmed that it is a high priority activity. The study advances that the overwhelming response rate to this item indicates its fundamental importance. This was highest ranked activity by IEOMs in the elections phase signifying its importance and priority.

On verification of results as an item of IEOMs observation in the election phase, quantitative evidence revealed that 4% (5) of respondents indicated it was a low priority issue, 10% (12) indicated medium priority whereas majority 86% (100) indicated it was a high priority issue. This high priority emphasis on this item indicate the essential role of verification of results as a measure of legitimate electoral processes. Verification affirms that the votes are counted accurately and the results reflect the will of the people- a key factor towards democratic consolidation.

On transmission of results as an item of IEOMs observation in the election phase, quantitative evidence established that 6% (7) of respondents indicated that it was of low priority, 14% (16) indicated medium priority and majority 80% (93) indicated high priority. This study contends that accurate transmission of results without tampering is a key aspect for maintaining trust in the electoral process and a measure of democratic consolidation.

On media engagement as an item of election observation in the election phase, quantitative evidence established that 6% (7) of respondents indicated low priority, majority 50% (58) indicated medium priority and 22% (26) of respondents indicated that this item was of high priority for IEOMs. The study contends that while the results indicate that this role is not as highly prioritized as other activities, a moderate priority

demonstrates that media engagement is still crucial as it provides the public with accurate and timely information regarding the electoral processes.

On adherence to human rights as an item of IEOMs observation in the election phase, quantitative evidence revealed that 4% (5) of respondents indicated it was of low priority, 16% (19) indicated medium priority and majority 80% (93) indicated that item was of high priority. These findings are in tandem with theoretical underpinnings of liberal institutionalism which emphasize the place of human rights and adherence to the rule of law in democratic spaces. This focus is essential for upholding democratic principles and averting human rights abuse.

4.3.6.3 Post-Election Activities Observed by IEOMs

The study also sought to examine the post-election activities observed by IEOMs. Data on the same were collected, analyzed and the results presented in Table 4.5. The results were scored on a Likert scale of priority.

Table 4.5: Table Showing Post-Election Activities Observed by IEOMs

Post-Election activities observed	Low priority	Medium priority	High priority
Post-election complaints and dispute resolution	12%	32%	56%
Adherence to the rule of law	6%	26%	68%
Follow-up on implementation of the mission's recommendations	18%	28%	54%
Declaration of election results	8%	14%	78%
Transition of power	16%	18%	66%

Source: Field Data (2024)

On post-election complaints and dispute resolution as an item IEOMs observation in the post-election phase, quantitative evidence revealed that 12% (14) of respondents indicated low priority, 32% (37) indicated medium priority and a majority 56% (65) indicated high priority. Study findings highlight that the significant response given to

this item indeed affirms the place of addressing grievances as an important facet for maintaining the integrity of electoral processes. The study therefore contends that these findings align with liberalist views on the role strong institutions play in the promotion of democratic norms.

On adherence to the rule of law as an item IEOMs observation in the post-election phase, quantitative evidence revealed that 6% (7) of respondents indicated low priority, 26% (30) indicated medium priority and majority 68% (79) of respondents indicated this item was of high priority. Study findings on high support for this item highlights the important of adhering to the rule of law in this phase. It is viewed as a fundamental requirement towards ensuring free and fair elections. These findings are consistent with the tenets of democratic peace theory which supports that when the rule of law is upheld, it creates stable environment where electoral disputes can be solved through legally established means thereby reducing the risk of violence.

On follow-up on implementation of the mission's recommendations as an item IEOMs observation in the post-election phase, quantitative evidence revealed 18% (21) of respondents indicated low priority, 28% (32) indicated medium priority and majority 54% (63) of respondents indicated high priority. This study contends that the moderate-high priority support for this item is a reflection on the need for continuous improvement of electoral processes by IEOMs. IEOMs often document reports with recommendations on the electoral process and may provide platforms for improvement of subsequent elections based on observed deficiencies which is crucial for democratic consolidation. These findings therefore suggest that respondents' belief on IEOMs recommendations and their potential to improve future elections.

On declaration of election results as an item IEOMs observation in the post-election phase, quantitative evidence reveals that 8% (9) of respondents indicated low priority, 14% (16) of respondents indicated medium priority, and majority 78% (90) indicated this item was of high priority. The overwhelming support for this item indicates that timely and transparent declaration of election results is essential for public trust and eventually, the acceptance of electoral outcome by election stakeholders. The study contends that this finding is unsurprising and aligns to the principle of free and fair elections.

On transition of power as an item IEOMs observation in the post-election phase, quantitative evidence reveals that 16% (19) of respondents indicated low priority, 18% (21) indicated high priority and majority 66% (77) of respondents indicated high priority. To this end therefore, this study contends that the results suggest that transfer of power is indeed a key parameter for democratic consolidation. Peaceful transfer of power is essential for political stability and indeed aligns to the theoretical perspectives of democratic peace theory that typical democracies have checks and balances within their set-ups making it easy to solve conflicts.

Overall, this study points to the fact that declaration of election results which was supported at 78% (90) as the most important result and activity in the post-election phase. When election results are declared in a timely and transparent manner, it assures the international community of a country's commitment to democratic norms, values and principles. Therefore, transparent election may indeed enhance Kenya's international reputation thereby creating a stable post-election environment that bolsters international investor confidence, foster enhance bilateral and multilateral relations between Kenya and the rest of her global partners.

4.4 Chapter Summary

This chapter presented and discussed findings on the first specific objective which sought to examine the nature and extent of diplomacy of international election observer missions in consolidating democracy in Kenya since 1992. The chapter was divided into two sections namely: socio-demographic characteristics of respondents and extent of diplomacy of international election observer missions in consolidating democracy in Kenya since 1992. On socio-demographic variables of respondents, study findings revealed that majority 64% (74) of respondents were male, 100% (116) of respondents had attained tertiary education and that a majority 54% (63) of respondents had experience working in internationally observed elections. In addition, majority 82% (95) of respondents belonged to domestic observer groups whereas 18% (21) belonged to international observer missions. In addition, this finding points to the fact that there has been increased involvement of neo-functional international organizations such as the EAC, COMESA, IGAD among others in elections in Kenya since 2002. On type of election observation mission, study findings established that a higher 45% (52) proportion of respondents belonged to short term observer mission, 18% (21) belonged to long-term observer missions and 31% (36) of observer missions were either long or short term observer missions.

On the nature of and extent of diplomacy of IEOMs in consolidating democracy in Kenya, study findings revealed that 44% (51) of respondents had observed one of the eight elections held in Kenya since 1992 indicating a high turnover of election observers. Majority 82% (95) of respondents had also not observed elections outside Kenya. On the primary role of IEOMs in Kenya since 1992, monitoring and assessment of electoral integrity supported at 64% (74), promotion of accountability and transparency of elections was supported at 66% (77). On the motivations for

deployment of IEOMs, strengthening diplomatic relations of host country and the international community was supported at 76% (88) and promotion of peace, security and stability was supported at 74% (86). On the scope of election observation by IEOMs, the presidential elections received the highest support at 46% (53) with the rest of the elections evenly supported at between 28% (32) -30% (35). On the phases observed by IEOMs during elections in Kenya since 1992, the election phase was the highest supported at 45% (52) with de-escalation of IEOM activities supported at 30% (35) for the pre-election phase and 23% (27) for the post-election phase. In the pre-election phase, adherence to human rights was of the highest priority to IEOMs and supported at 76% (88). In the election phase, voting process at 90% (104) and verification of results at 86% (100) had the highest support. In the post-election phase, declaration of results was strongly supported at 78% (90). The results are also in tandem and anchored on the tenets of power, functionalism and democratic peace theories that guide this study. The next chapter presents and discusses findings for the second specific objective of the study.

CHAPTER FIVE

EFFICACY OF DIPLOMACY OF INTERNATIONAL ELECTION OBSERVER MISSIONS IN CONSOLIDATING DEMOCRACY IN KENYA SINCE 1992

This chapter presents and discusses findings for the second specific objective of the study which sought to assess the efficacy of diplomacy of international election observer missions in consolidating democracy in Kenya since 1992. The chapter presents and discusses findings on the following key items that were used to respond to the second research question. The chapter covers: diplomatic tools for democratic consolidation used by IEOMs in Kenya since 1992; IEOMs engagement with key stakeholders during elections in Kenya; Respondents assessment of IEOMs effectiveness in consolidating democracy in Kenya since 1992; Extent of IEOMs influence on the behavior of key stakeholders; Level of cooperation between IEOMs and key election stakeholders; Respondents views on key factors influencing the effectiveness of IEOMs and whether IEOMs had led to electoral reforms in Kenya since 1992. The results are presented and discussed in subsequent sections. The chapter ends with a summary.

5.1 Diplomatic Tools Used by IEOMs for Democratic Consolidation in Kenya

The study sought to assess the diplomatic tools used by IEOMs for democratic consolidation in Kenya since 1992. Respondents were provided with three options on a Likert scale of preference. Data were collected, analyzed and the results presented in Table 5.1. Quantitative evidence on diplomatic negotiations and engagement with stakeholders as a tool used by IEOMs for democratic consolidation was dispreferred at 8% (9), 24% (28) of respondents were neutral and majority 68% (79) of respondents indicated that this was a preferred democratic tool. The findings on this item highlights the importance of consensus building through dialogue in electoral processes. This

approach, the study contends bolsters a collaborative approach to issues in electoral processes, increases trust and minimizes conflicts. These findings align with the tenets of democratic peace theory since multi-sectoral negotiation promotes democratic practices and a key factor towards the development of stable democracies. In addition, such negotiations epitomize the use of soft-power diplomacy which IEOMs may employ to indirectly influence electoral outcomes.

Table 5.1: Table Showing Respondents views on Diplomatic Tools used by IEOMs for Democratic Consolidation in Kenya

Diplomatic Tools used by IEOMs for Democratic Consolidation in Kenya	Dispreferred	Neutral	Preferred	Rank
Diplomatic negotiations and engagement with stakeholders	8%	24%	68%	2
Press releases and conferences	8%	36%	56%	4
On-the ground presence	8%	32%	60%	3
Technical assistance and capacity building	10%	38%	52%	5
Collaboration with domestic observation missions to educate voters and conduct other activities	12%	28%	60%	3
Use of conditional support or sanctions (Tying diplomatic support to grants and aid)	32%	34%	34%	6
Detailed reports and recommendations on elections and electoral processes	4%	20%	76%	1

Source: Field Data (2024)

Quantitative evidence on press releases and conferences as a tool used by IEOMs for democratic consolidation was dispreferred at 8% (9), 36% (42) of respondents were neutral and a majority 56% (65) of respondents indicated that this was a preferred democratic tool. This study contends that press releases are valued for the role they play in providing timely updates to both domestic and global audiences. The use of press

releases may also help manage public perceptions in addition to projecting influence. Openness through transparent communication is an essential aspect of democratic governance. Press releases also suffice as fundamental tools for soft power diplomacy.

Quantitative evidence on on-the ground presence as a tool used by IEOMs for democratic consolidation was dispreferred at 8% (9), 32% (37) of respondents were neutral and majority 60% (70) of respondents indicated that this was a preferred democratic tool. This study contends that the presence of observers is an essential aspect in deterrence of electoral malpractices and ensures transparency in elections. In addition, for realists, on-the ground presence provides a check against actors and may be viewed by IEOMs as a projection of power. It also is a soft power diplomatic approach by IEOMs to contribute to democratic governance by promoting credible elections. On-the ground presence is indeed a signal of presence of international parties and that the international community is watching and will likely hold the country under scrutiny to account. These arguments on accountability are backed by the infamous “choices have consequences” warning by the USA to Kenya before the 2013 general elections. In a statement by the US assistant Secretary of State, the USA urged Kenya to use the “wonderful opportunity” to “demonstrate to the world the vitality of Kenya's democracy” (Joselow, 2013).

Quantitative evidence on technical assistance and capacity building as a tool used by IEOMs for democratic consolidation was dispreferred at 10% (12), 38% (44) of respondents were neutral and majority 52% (60) of respondents indicated that this was a preferred democratic tool. The study advances that this tool was moderately preferred. Technical assistance as a tool for diplomacy may be essential for long-term democratic consolidation. It involves capacity building of election officials, improve electoral infrastructure and improve the technical capabilities. From a realist perspective,

building capacity of institutions in the host country contributes to stability, helps in maintaining order and minimizes potential for conflicts. It also helps build strong domestic institutions which is a measure of democratic governance thus supporting the tenet of democratic peace theory that strong democracies are less prone to conflicts.

Quantitative evidence on Collaboration with domestic observation missions to educate voters and conduct other activities as a tool used by IEOMs for democratic consolidation was dispreferred at 12% (14), 28% (32) of respondents were neutral and majority 60% (70) of respondents indicated that this was a preferred democratic tool. This item had a moderate to high preference which demonstrates that such collaboration can enhance the legitimacy of observation missions. The study contends that these findings support democratic peace theory whereby collaboration between domestic and IEOMs helps to internalize and entrench democratic practices and norms in the host country. In addition, such collaboration also supports soft power diplomatic approaches by IEOMs to influence the host country electoral process. Collaboration between IEOMs and domestic observer missions also support bottom-up integration approaches as advocated for by integration theories- in this case the findings support the functionalism theory.

Quantitative evidence on Use of conditional support or sanctions (Tying diplomatic support to grants and aid) as a tool used by IEOMs for democratic consolidation was dispreferred at 32% (37), 34% (39) of respondents were neutral and 34% (39) of respondents indicated that this was a preferred democratic tool. This was the least preferred tool of diplomacy by IEOMs. The study contends that low preference for conditional support affirms the fading role of hard power diplomatic strategies and a shift towards soft power, cooperative and supportive measures suggesting that soft power diplomacy as a favored tool for 21st century diplomatic space and practice. The

findings emphasize the significance of nurturing positive relationships between actors in pursuit for democratic practices. From a theoretical perspective, this study argues that in as much as realists proper may see conditional support as a tool for enhancing compliance, its low preference points to the fact that hard power may be limited in terms of effectiveness in promoting democratic consolidation.

Quantitative evidence on Detailed reports and recommendations on elections and electoral processes as a tool used by IEOMs for democratic consolidation was dispreferred at 4% (5), 20% (23) of respondents were neutral and majority 76% (88). The study contends that majority 68% (79) support for detailed reports and recommendations is indicative of the crucial role IEOMs play in consolidating democracy. The reports of IEOMs typically provide detailed analysis of the electoral process, pointing out what worked and the weaknesses as well. Overall, the reports provide actionable recommendations to various stakeholders. These often lead to changes in policy decisions, institutional reforms, legislative amendments which all add to the strength of democratic governance. This study however argues that the implementation of the recommendations of these reports is based on goodwill. This finding on implementation of the recommendations aligns with the tenets of realism on the asymmetric relationship between states and non-state actors in the international system. Detailed reports by IEOMs may also guide the long-term electoral reforms. In addition, this study also contends that detail reports symbolize a significant source of soft power diplomacy in the sense that they are aimed at influencing the behavior of actors in the democratic space.

Overall, in terms of rank the most preferred diplomatic tool by IEOMs was use of reports ranked at 1, followed by diplomatic engagement with stakeholders ranked at 2. The least preferred approach was use of conditional support which was ranked at 6

thereby affirming the fading role of stick diplomacy and preference of softer diplomatic approaches in pursuit of democratic consolidation.

Research outcomes regarding comprehensive reports and recommendations on elections and electoral processes, recognized as the most endorsed diplomatic instrument of engagement by IEOMs, were substantiated by various studies. Daxecker (2012) argues that election observers disseminate comprehensive information regarding the conduct of elections, both domestically and internationally, through their reports and official statements. In addition to established avenues, international election observers possess the capacity to unveil acts of violence through less conventional means. They engage in discussions with diplomats, officials from foreign ministries, and politicians representing donor nations, sharing firsthand insights regarding the observed elections with international policymakers. Observers typically concentrate on the preparations for the election and the activities of election day, remaining present until the official results are declared and certified (Daxecker, 2012: 505). For example, it is mandated that European Union election observation missions gather grievances expressed by candidates and voters during the post-election period. The conclusive reports from international election observers are disseminated several months subsequent to the elections (Carothers, 1997: 18). The postponement of the publication date ensures that their reports will encompass breaches of democratic principles following election day, including instances of post-electoral violence. Participants in elections are concerned with the involvement of international election observers. Reports from observers regarding electoral violations and violence can provide a reliable foundation for international policymaking concerning the monitored nation (Hyde, 2007; Kelley, 2012). Election observation missions are dispatched by or maintain close affiliations with resource-rich nations and international organizations

(Carothers, 1997: 20; Kelley, 2011:7). Their deployment signifies that the monitored nation and its electoral processes hold significant interest for the global community (Kelley, 2012: 101). Research indicates that intergovernmental organizations are more inclined to implement suitable sanctions when international observers elucidate the nature and extent of violations of democratic norms (Donno, 2010). Adverse evaluations from election monitors elevate the likelihood of diplomatic seclusion for nations, instigate a decrease in aid distributions or, at the very least, the prospect of such reductions, and could result in the cessation of trade alliances (Brown, 2005: 193). The presence of international election observers serves as a formidable deterrent by heightening the potential repercussions for those engaged in post-electoral violence, thereby amplifying the associated risks on a global scale. The study conducted by Hyde (2017) posits that governments which receive unfavorable reports do not effectively communicate to either domestic or international audiences that they are conducting elections that can be considered plausibly democratic (2017: 13). In a similar vein, Carothers warns that, ‘A sharp condemnation by foreign observers of a flawed election could precipitate serious violence or political instability’ (1997: 25). It is posited by scholars that those in power pursue favorable evaluations from international observers to enhance their legitimacy (Hyde & Marinov, 2014: 331; Kelley, 2012: 7–9; Rich, 2001: 26). Regarding the use of sanctions as a diplomatic instrument by IEOMs, the study's findings indicated that this approach was the least favored option. In Nigeria, for example, Obi's study (2008) demonstrated that despite the majority of observation reports indicating that the 2007 Nigerian elections did not meet national, international, and regional standards, the international community refrained from advocating for a re-run of the elections or from refusing to acknowledge the government that emerged from

this compromised process. Rather, it chose to promote the idea that those who experienced electoral defeat should pursue legal avenues for redress, while also proposing recommendations for electoral reforms to inform future elections in Nigeria. In response to the compromised elections, the US spokesperson emphasized that the United States stands ready to collaborate with Nigeria's forthcoming administration to enhance our commendable bilateral relations and to persist in the promotion of peace and security across Africa.

Furthermore, Obi (2008) posited that Nigeria encountered no overt hostility or sanctions for failing to meet international standards regarding transparent elections. For the majority of foreign economic participants, whose interests have been assured by the new administration, operations have continued as they were since April 2007. It is clear that the responses of the international community to 'flawed elections' remain ambiguous, inconsistent, and significantly influenced by economic and strategic considerations. The situation in Nigeria once more highlights that beneath the extensive framework of global backing for democracy in Africa exists a multifaceted realm of *realpolitik*, characterized by the interests, assumptions, and geopolitical factors that shape and propel the dynamics of international election observation politics. There exists substantial evidence indicating that, akin to numerous other nations globally, Nigeria is situated within a globalized context that engages in intricate maneuvers concerning the legitimizing elements of electoral democracy. In elucidating the duplicity exhibited by global powers regarding 'free and fair' elections, Roth (2008) observes that considerations such as commerce, energy, and counter-terrorism take precedence over the International Election Observation Missions' pursuit of democracy. "Due to various interests—such as energy, commerce, and counter-terrorism—the

more established democracies of the world frequently opt to present themselves as gullible regarding these fraudulent elections.” (Obi, 2008). Cammack (2007) and Carothers (2002) offer broader analyses regarding the ways in which donors can facilitate democratization processes within this framework, while also presenting valuable insights. Cammack (2007) posits that ‘donors should recognize their limited capacity to effect change’ in semi-authoritarian regimes, as ‘they are excluded from the critical discussions where significant decisions are made and they do not possess the legitimacy, personnel, or authority to impose challenging reforms’. Cammack (2007) observes that donors occasionally endeavor to ‘fill the void and seek to formulate and execute policy’ via aid conditionalities and participation in the drafting of ‘development plans’; however, these efforts seldom yield significant ‘positive impact’. This observation reinforces a well-established agreement among academics and professionals regarding the ineffectiveness of aid conditionality in fostering policy reform within developing nations. Investigations into this question through both quantitative and qualitative lenses have yielded two principal conclusions in this context. Firstly, the effectiveness of such conditionality has been infrequent in compelling even the most aid-dependent governments to authentically embrace specific reforms unless these governments have already demonstrated a commitment to such changes. Furthermore, it is evident that donors have seldom demonstrated the willingness or capacity to fully enact policy conditionality, consequently diminishing its efficacy as a tool (Fisher, 2012). Hyde (2011) posits that those who advocate for democracy distribute incentives for democratic elections while imposing penalties on governments perceived as resistant to democratization. Leaders who engage in electoral theft may face a multitude of repercussions. Following the 2002 presidential elections in Zimbabwe, which garnered

significant condemnation from international observers, President Robert Mugabe encountered a series of international economic sanctions, cuts in foreign aid and trade, expulsion from the Commonwealth, and widespread criticism from various nations for allegedly manipulating the election and attempting to suppress both foreign and domestic media. British Foreign Secretary Jack Straw articulated that Mugabe "... has been profoundly shocked" by the condemnation from both Western and African states regarding his deceitful actions, which he noted "... wholly weakens his legitimacy" (Mcgeal, 2002).

At this juncture, the study observes that sanctions imposed by the international community, represented by IEOMs in electoral contexts, are not inherently connected to the electoral process itself but rather to more profound issues, such as egregious violations of human rights, exemplified by the situation in Zimbabwe. The analysis posits that flawed electoral processes, even with the presence of International Election Observation Missions, serve as a catalyst for the imposition of international sanctions. Analysts frequently overrate the capacity of Western nations to shape policies within African countries, notwithstanding the clear disparities in political, economic, and military power. For more than ten years, bilateral and multilateral aid donors and lenders have sought to either "encourage" or "compel," depending on one's viewpoint, African nations to implement structural adjustment policies through economic conditionality. Despite being highly focused, concerted, and sustained, the efforts led by Western nations were, at best, only partially successful and, at worst, deemed a "failure" (Geisler, 1993). According to the research conducted by Gordon Crawford, the effectiveness of political conditionality in converting authoritarian regimes into democratic systems has been notably constrained (Collier, 1997). Donor nations have

achieved only modest outcomes in their endeavors to shape governance practices within recipient countries, particularly concerning justice and accountability, a matter of significant importance in Kenya. Certain academics highlight the capacity of African nations to exert varying levels of influence over their interactions with Western powers and the multilateral framework. Recent edited volumes by Lindsay Whitfield, as well as by William Brown and Sophie Harman, have significantly highlighted the importance of “African strategies for dealing with donors” and “African agency” (Whitfield, 2009). In numerous cases, African nations possess the capacity to shape donor agendas and navigate their influences. Fisher (2007) highlights the agency of recipient countries in his examination of the varying perceptions held by donors regarding the “reliability” of Kenya and Uganda in the context of the “War on Terror.” In Kenya, research outcomes regarding the constraints of donor influence became apparent during the 1990s. The Kenyan government faced significant pressure from donors regarding the need for political and economic liberalization. The most significant actions taken by donors involved the suspension of new foreign aid in late 1990 and mid-1997. These measures, in conjunction with robust local democracy movements, prompted the government to transition to a multiparty system in the former instance and to implement certain electoral reforms in the latter. Both the December 1992 and December 1997 elections failed to adhere to international standards of fairness and freedom, as evidenced by the findings in the observer reports from the donors themselves. Nevertheless, contributors expressed apprehension that dismissing the findings might lead to instability. Consequently, they expressed their support and revitalized aid distributions, motivated by tangible or anticipated economic reforms (Brown, 2013).

Western actors overlooked the established reality that, in both cases, senior officials within the government and the ruling party of President Daniel arap Moi, the Kenya African National Union (KANU), orchestrated and funded extensive electoral violence, resulting in the deaths of over 1,000 individuals perceived to support opposition parties, driven by their ethnic identity, and displacing hundreds of thousands more. Donors exhibited a lack of substantial initiative to compel the government to hold accountable those culpable for the atrocities, even though these events were, in numerous respects, a consequence of donor advocacy for democratization, once more placing a premium on stability and other foreign interests at the expense of accountability (Geist, 1997). By their actions and failures to act, donors have consequently eroded fundamental tenets of democracy and justice. While one might contend that these decisions provided short-term advantages, particularly in maintaining stability, they ultimately served to sustain a repressive regime until 2003. Furthermore, they played a significant role in entrenching impunity and fostering the conditions for future large-scale atrocities. Had those accountable for the violence during the period of 1991–93 faced appropriate consequences, the likelihood of its recurrence in 1997–98 would have been significantly diminished, both due to the incarceration of the offenders and the deterrent effect on potential wrongdoers. The absence of prosecution for any notable officials involved in the “electoral clashes” of the 1990s directly contributed to over 1000 additional fatalities in 2008, as well as the displacement of hundreds of thousands more individuals. The identities of those purportedly accountable during the 1990s were widely recognized. A considerable number were referenced in two parliamentary reports examining the “clashes,” yet total impunity persisted (Anderson & Lochery, 2008) Certain individuals recognized in the 1990s subsequently faced allegations

regarding their involvement in the post-election violence of 2007–08. The engagement of member states and donors in international election observation from developed nations is readily understandable. In the aftermath of the Cold War, it is clear that the promotion of democracy has emerged as a fundamental component of the foreign policy strategies employed by Western nations. Furthermore, the conduct of elections has become a crucial element of the political prerequisites associated with aid, trade, and investment. The Western nations and international financial institutions covertly sway election observers to fulfill their strategic objectives through a combination of incentives and coercive measures. Should the assessment of international observers be favorable, such a nation will become eligible for increased trade, assistance, and investment; it will secure international recognition; it will draw in greater tourism; and it will entice additional loans and grants. On the other hand, should the verdict be unfavorable, that nation is prone to experience diminished trade, investment, and aid inflows; it may encounter sanctions and isolation, consequently relegating it to the status of a pariah state; tourism is expected to wane, and opportunities for loans and grants are likely to be scarce (Kelly, 2010). For international election observation to restore its credibility, it must prioritize the interests of the nations conducting elections rather than the agendas of dominant powers in our contemporary global landscape.

Furthermore, the connection between democratic governance and global advantages is typically elucidated to leaders prior to electoral processes. Before the 2001 elections in Belarus, a spokesperson from the U.S. State Department remarked that “only by establishing conditions for free and fair elections can Belarus earn the respect of the international community, enhance relations with the United States, and conclude its

self-imposed isolation.” (Hyde, 2011) Such subtle threats encourage states to adjust their conduct in expectation of global advantages. In elucidating the framework of the newly established African Union in 2002, Jennifer Windsor articulated that “by committing to uphold democratic elections and adhere to the rule of law, as well as to take action when member states infringe upon human rights, member states aspire to draw over \$60 billion each year in fresh trade and investment from affluent nations” (Windsor, 2002). In nations where coups and clear instances of democratic regression occur, it is common for sanctions to be enacted, with the reinstatement of foreign assistance typically contingent upon elections that are certified by international observers. It is noteworthy that the majority of coups occurring post-1990 have been promptly succeeded by competitive elections (Goemans & Marinov, 2008). In examining press releases and conferences as instruments of diplomatic engagement, the findings of Garber (2020) provide substantial support, highlighting that the observer community frequently deliberates on the timing of assessments regarding the process and the appropriate framing of such evaluations. The issues pertain to possible disruption of a current procedure and the incitement of violence stemming from the statement's content. Typically, observer groups release at least two public statements: the initial statement upon the mission's deployment, which identifies the sponsoring organization, introduces the team members, and outlines the mission's terms of reference; followed by a second statement within twenty-four to seventy-two hours after the polls close, providing a preliminary assessment of the electoral process. Furthermore, certain observer groups integrate one or more pre-election missions into their comprehensive observation strategy, evaluating diverse elements of the pre-election landscape and suggesting measures that could enhance the electoral process. In a comparable manner, organizations might release statements following an election

to address the counting of results and the resolution of grievances. A pertinent inquiry pertains to the timing of the immediate post-election statement, which frequently serves as an observer group's initial substantial, public evaluation of the process. A multitude of factors shapes the prevailing practice of releasing a statement within one to three days following the closure of the polls. Initially, there exists a keen interest among the general populace to engage with the evaluations provided by independent organizations regarding a significant national occurrence that prompts widespread mobilization. Secondly, a declaration within this temporal context enables the groups to formulate a comprehensive evaluation of the process, rather than concentrating on fragmented occurrences disseminated by individual commentators via their social media platforms, which may skew perceptions and intensify pre-existing conflicts. Third, observer groups endeavor to enhance the dissemination of their evaluations within the media and among key policymakers; for numerous organizations, postponing the release of a statement diminishes its significance (Garber, 2020). Observers acknowledge that their initial post-election remarks pertain to a process that remains unfinished. Such assertions consistently underscore the necessity of permitting the electoral process to unfold according to established protocols, asserting that a conclusive evaluation should be deferred until the entirety of the procedure is finalized—that is, subsequent to the announcement of official results and the resolution of post-election grievances.

In the aftermath of the 2017 Kenyan election, various delegations released preliminary statements that were interpreted as endorsements of the electoral process. However, the Kenyan Supreme Court ultimately determined that the process was fundamentally flawed, necessitating a rerun. An examination of the statements reveals that they

encompassed the necessary caveats. Furthermore, in the wake of the Supreme Court ruling, the observer groups acknowledged this instance of significant judicial scrutiny, irrespective of their opinions regarding the prudence of necessitating a second voting round. Nevertheless, numerous Kenyans perceived that observer groups hastily and erroneously validated what the higher courts concluded was a defective process. When observer groups release preliminary statements, they should be ready to provide additional statements to bolster assurance that both national and international communities will obtain a comprehensive and precise report. The experience of IRI/NDI in Zimbabwe serves as a pertinent case study: within the six weeks subsequent to the release of the immediate post-election statement, the observer mission coordinated by the institutes produced five further statements, including a collaborative statement with other observer groups, addressing particular developments concerning the electoral process.

The dissemination of statements following elections is based on the assumption that such monitoring declarations directly influence the perceptions of domestic populations regarding their electoral processes: affirming statements are anticipated to enhance the legitimacy of elections, whereas critical statements are expected to undermine it. For example, a guide from the National Democratic Institute on election monitoring states that to achieve the greatest effect, observer groups should promptly disseminate their findings, as ‘citizens want to know whether the election is “going well” or “going badly” on election day’ (Estok et al., 2002: 84). The United Nations' 'Declaration of Principles for International Election Observation'—endorsed by the majority of monitoring agencies—establishes a connection between the dissemination of observation findings and the enhancement of public trust in electoral processes (United Nations, 2005:2).

In a noteworthy and significant advancement in assessing the influence of observers' statements on public perceptions, Bush & Prather (2017) examine how positive and negative electoral monitoring statements affect the public's perception of electoral credibility. A survey experiment conducted shortly after the 2014 Tunisian election reveals that statements exert, on average, a modest yet statistically significant influence in the anticipated direction: a positive statement results in a slight enhancement of perceived electoral credibility, while a negative statement leads to a minor decline. In summary, findings from numerous studies indicate that a significant number of international entities tend to favor democracies over non-democracies, especially in the context of the post–Cold War era. A substantial array of scholarly investigations indicates that benefits contingent upon democratic governance emanate from various origins, including foreign direct investors (Jensen, 2003, 2008; Li & Resnick, 2003), international entities that acknowledge the "democratic advantage" (Schultz & Weingast, 2003), the enhancement of international legitimacy associated with democratic systems (McFaul, 2004; Rich, 2001), the post–Cold War surge in foreign aid directed toward democracies (Brown, 2005; Dunning, 2004; Knack, 2004; Wright, 2009), and even the apparent rise in tourism that democratic nations seem to experience (Neumayer, 2004).

5.2 IEOMs Engagement with Key Stakeholders During Elections in Kenya

The study sought to assess the engagement of IEOMs with key stakeholders during elections. Stakeholder categories were provided and respondents were asked to indicate the level of agreement based on a five point Likert scale. Data on the same were collected, analyzed and the results presented in Table 5.2.

On extent of collaboration with security agencies quantitative evidence, revealed that 6% indicated no engagement at all, 14% (16) indicated to a small extent, 42% (49) indicated to a moderate extent, 28% (32) indicated to large extent and 10% (12) indicated to a very large extent. The results suggest a moderate to large engagement. This suggests that effective collaboration between IEOMs and security agencies plays a vital role in deterrence of electoral violence.

On extent of collaboration with civil society organizations, quantitative evidence revealed that 4% (5) indicated no engagement at all, 26% (30) indicated to a small extent, 32% (37) indicated to a moderate extent, 38% (44) indicated to large extent and 0% indicated to a very large extent. The results suggest a moderate to large engagement. CSOs act as watchdogs and educators thereby contributing to the integrity of electoral processes. CSOs promote civic engagements which is critical for development of stable democracies. Such collaboration extends the soft power diplomatic strategies by IEOMs. In addition, this study contends that CSOs support the functionalist objective of building strong and integrated civil society structures that enhance democratic governance.

Table 5.2: Table Showing Respondents views on IEOMs Engagement with Key Stakeholders During Elections in Kenya

Stakeholder type	Not at all	Small extent	Moderate extent	Large extent	Very large extent
Security agencies	6%	14%	42%	28%	10%
Civil society organizations	4%	26%	32%	38%	0%
Faith based organizations	2%	14%	32%	34%	18%
Political parties	2%	8%	28%	36%	26%
Legislature	6%	24%	22%	42%	6%
Media	6%	30%	48%	16%	0%

Citizen observer groups	2%	14%	28%	24%	32%
The executive	2%	11%	40%	24%	14%

Source: Field Data (2024)

On extent of collaboration with faith based organizations, quantitative evidence revealed that 2% (2) indicated no engagement at all, 14% (16) indicated to a small extent, 32% (37) indicated to a moderate extent, 34% (39) indicated to large extent and 18% (21) indicated to a very large extent. Study findings suggest a moderate to large extent of engagement. This study contends that this high level of engagement with FBOs is indicative of their influential role. In addition, FBOs play a role in the promotion of democratic values. Similarly, cooperation with FBOs supports functionalist perspectives with regards to integrating diverse actors in democratic processes.

On extent of collaboration with political parties', quantitative evidence revealed that 2% (2) indicated no engagement at all, 8% (9) indicated to a small extent, 28% (32) indicated to a moderate extent, 36% (42) indicated to large extent and 26% (30) indicated to a very large extent. The results suggest engagement of between large to very large extent. The study contends that a positive engagement of IEOMs and political parties may help parties to adhere to democratic norms, comply with electoral laws and contribute to a more inclusive process. In support for the tenets of democratic peace theory, political parties play a critical role in democratic governance. Therefore, their adherence to democratic principles is essential in sustaining peace. In addition, IEOMs collaboration with political parties may be viewed as a tool for advancing soft power diplomacy in shaping the political behavior of electoral stakeholders.

On extent of collaboration with the legislature, quantitative evidence revealed that 6% (7) indicated no engagement at all, 24% (28) indicated to a small extent, 22% (26)

indicated to a moderate extent, 42% (49) indicated to large extent and 6% (7) indicated to a very large extent. Study findings revealed a moderate to large engagement with the legislature which indicates the role of institutional support in the enforcement of electoral laws. These findings support democratic peace theory in creating strong institutions that ensure checks and balances for democratic governance.

On extent of collaboration with the media, quantitative evidence revealed that 6% (7) indicated no engagement at all, 30% (35) indicated to a small extent, 48% (56) indicated to a moderate extent, 16% (19) indicated to large extent and 0% (0) indicated to a very large extent. Study findings reveal moderate engagement with the media. The study contends that free media is vital for democratic governance.

On extent of collaboration with the citizen observer groups, quantitative evidence revealed that 2% (2) indicated no engagement at all, 14% (16) indicated to a small extent, 28% (32) indicated to a moderate extent, 24% (28) indicated to large extent and 32% (37) indicated to a very large extent. Study findings reveal large to very large extent of engagement.

On extent of collaboration with the executive quantitative evidence, revealed that 2% (2) indicated no engagement at all, 11% (13) indicated to a small extent, 40% (46) indicated to a moderate extent, 24% (28) indicated to large extent and 14% (16) indicated to a very large extent. Study findings reveal a moderate to large engagement. The executive is very essential in democratic governance. It represents the highest level of support. On a realist perspective, this study contends that the executive wields significant power in electoral processes. In addition, executive support for democratic consolidation affirms democratic values. The executive is also considered the face of the country with regards to the implementation of foreign policy. Therefore, supporting

the work of IEOMs may be seen as part of the bigger strategy towards democratic governance and thereby democratic consolidation. Overall, study findings reveal that engagement with parties, FBOs and citizen observer groups particularly stood out as particularly significant. These findings were corroborated with a KII during an interview.

I think mostly IEOMs really engages the civil society organizations within the country which they have gone to observe the elections. Here in Kenya, one of the most sorted out organization when the IEOMs come to Kenya is the ELOG which comprises of different actors. So when the different IEOMs come to Kenya, they usually get a brief on what really happens in terms of the elections and also our security agencies because they have also to be informed of the areas they are visiting because during elections since 1992, there are areas which are considered hotspots making it difficult for IEOMs to access those areas. Kapedo, Manda for instance- elections happen there but most IEOMs do not deploy their teams in these areas (Interview with the IEBC Youth Coordination Committee Chairperson on July 4, 2024 in Nairobi City County, Kenya).



Plate 5.1: Plate showing the researcher during a key informant interview

Source: Field Data (2023)

The KII interview shows that engagement of IEOMs in Kenya highlights the crucial role of local civil society organizations, such as ELOG. It reveals that IEOMs heavily rely on these organizations to understand the electoral environment and receive briefings on election dynamics. Additionally, coordination with security agencies is vital for ensuring the safety and logistical planning of IEOMs, particularly in hotspot areas like Kapedo and Manda, which pose accessibility challenges. These regions often

see limited deployment of observer teams due to security concerns. The cooperation between IEOMs, civil society, and security agencies underscores the importance of local expertise and coordinated efforts to facilitate comprehensive and effective election observation, ultimately contributing to democratic consolidation in Kenya

Kaaba et al. (2022) corroborated the study findings on stakeholder engagement by advancing the notion that an additional layer of international stakeholder engagement is in the form of diplomatic, political engagement, or "good offices" demarches, which are designed to foster peace immediately prior to, during, or following an election. This represents the most unstructured, uncoordinated, and inarticulate mode of international involvement, yet it constitutes a significant element of electoral backing, particularly in unstable and politically charged electoral environments. This typically involves the appointment of an envoy, whether a former or current Head of State, an elder statesman, or a leader of an international organization, to a nation experiencing escalating political tensions. The envoy's role is to interact with political leaders, particularly the primary candidates, to alleviate tensions through messages of peace and to obtain commitments for conducting elections in a peaceful manner. Typically, these initiatives are led by intergovernmental organizations including the African Union, ECOWAS, SADC, the Commonwealth, and the United Nations. The mediation function is typically undertaken by the Chairpersons or leaders of international election observation groups, as required, during instances of post-election crises; however, this responsibility extends beyond their official mandate.

Hyde (2015), conversely, posits that the doctrine of inviting international election observer missions has evolved into a widely accepted global norm. Consequently, a country's refusal to permit such missions is regarded internationally as indicative of electoral fraud, thereby serving as a basis for non-recognition by global powers. For

instance, Iran's decision to deny international observers access to its 2009 elections resulted in the United States, Germany, and numerous other global entities rejecting and failing to recognize the electoral results. The concept of international legitimacy is now intricately linked to the presence of international election observers, leading to the perception that governments which choose not to invite such missions are attempting to conceal electoral fraud. According to Hyde (2015), even the most tyrannical governments that want to be recognized internationally have sought out credible international observers to evaluate their elections. This is because the international community now views a lack of invitations from international observers as evidence that the elections are not legitimate.

5.3 Respondents Assessment of IEOMs Effectiveness in Consolidating Democracy in Kenya since 1992

The study sought to assess respondents' view on the effectiveness of IEOMs in consolidating democracy in Kenya since 1992. Respondents were provided with five options of effectiveness to choose from. Data on the same were collected, analyzed and the results presented in Figure 5.1. Quantitative evidence in Figure 5.1 revealed that majority 56% (65) of respondents agreed that IEOMs had been effective, 8% (9) indicated very effective, 6% (7) indicated very ineffective, 20% (23) were neutral and 10% (12) indicated that IEOMs were ineffective in democratic consolidation in Kenya since 1992.

These findings when combined show that 64% (74) of respondents' view IEOMs as being effective or very effective in democratic consolidation in Kenya since 1992. This is a positive perception that suggests IEOMs have played a significant mandate in the

promotion of democratic principles, norms and values in Kenya. Study findings also reveal a diversity of perspectives on the effectiveness of IEOMs.

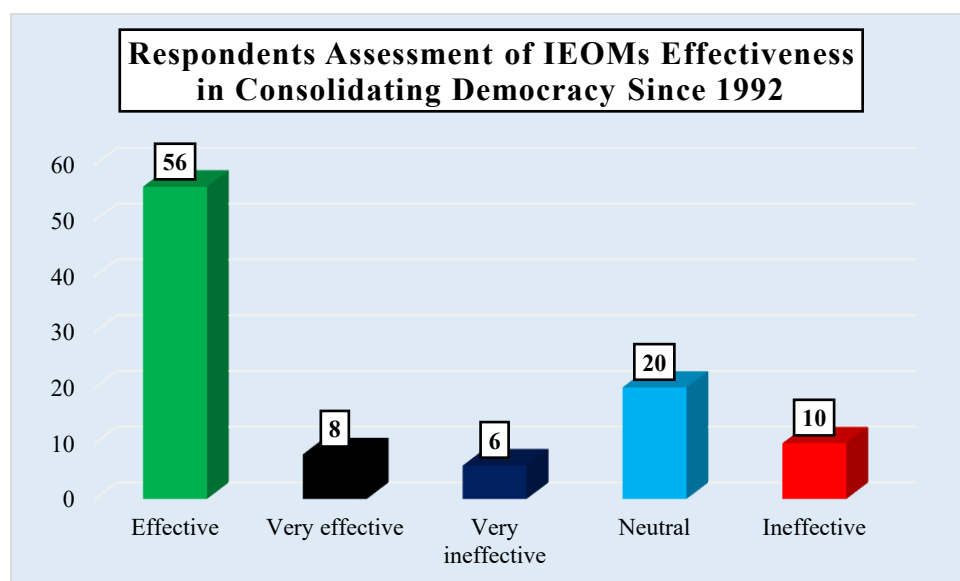


Figure 5.1: Respondents Assessment of IEOMs Effectiveness in Consolidating Democracy in Kenya since 1992

Source: Field Data (2024)

This study contends that while a substantial majority of respondents hold a positive perception on the effectiveness of IEOMs, a combined 36% (42) of respondents indicated that IEOMs were either very ineffective, at 6% (7) , neutral 20% (23) and ineffective 10% (12) therefore, pointing the need to acknowledge and consider potential areas for improvement of IEOMs in their pursuit for democratic consolidation in Kenya.

This finding were corroborated during a key informant interview.

To put it into context, IEOMs in the Kenyan context have been very instrumental because part of their reporting informs even the court determinations like I know for the 2007 and subsequent elections a lot of reference was made to these reports by international observer missions. I think that has helped to slightly sanitize the electoral processes by way of ensuring that there is a third eye which is independent, impartial and is objective. And so we just have to strengthen the electoral process. It also builds confidence of the parties and candidates because of the perception that there is a clean bill from an impartial entity. In the last election, I would say that part of the calmness witnessed was as a result of the observer press conferences, and even in as much as sections of contestants wanted to discredit their work, but majority of Kenyans generally felt that their report reflected

their wish (Interview with member of Kenya Youth Parliamentary Association on July 11, 2024 in Nairobi City County Kenya).

Qualitative data from the KII reveals that IEOMs have enhanced Kenya's electoral integrity and democratic consolidation. It highlights that IEOMs have been pivotal in influencing court determinations, particularly citing their reports during the 2007 and subsequent elections, which have contributed to sanitizing electoral processes. This independent, impartial, and objective oversight has acted as a "third eye," enhancing transparency and trust in the elections. The calmness observed in the most recent elections is attributed to the observer missions' press conferences, which, despite attempts to discredit them, were widely accepted by Kenyans as reflecting their collective wishes. This sentiment aligns with the quantitative data showing high levels of agreement on the contribution of IEOMs in strengthening democratic institutions and processes in Kenya. It reinforces the notion that IEOMs' presence and reporting have significantly bolstered the credibility and confidence of political parties, candidates, and the general public in the electoral system.

These findings align and support the theoretical perspectives on the role of international institutions in promoting international stability. IEOMs, therefore, as part of the international space contribute to the spread of democratic norms. In addition, it points to the fact that IEOMs help in shaping democratic norms.

The findings corroborate the study conducted by Odero (2022) regarding Kenya, which determined that election observer missions have played a significant role in fostering democratic elections in the country by enhancing electoral transparency, increasing public trust in the electoral process, and bestowing legitimacy upon the elections. The study conducted by Odero (2022) demonstrated that election observer missions have significantly enhanced the transparency of presidential elections in Kenya by increasing

the probability of detecting fraudulent activities. Election observer missions enhance transparency in elections by fostering vigilance and thorough examination of the electoral process, thus increasing the likelihood of identifying electoral fraud. Consequently, the observer missions to Kenya's presidential elections have enabled a thorough examination of the nation's electoral framework, thereby increasing the chances of identifying overt electoral fraud in the early phases of the electoral process. This, in turn, has diminished the probability of electoral misconduct on election day by rendering it notably challenging for flagrant electoral fraud to occur without detection. Furthermore, the research demonstrated that the election observer missions have resulted in a Kenyan populace reassured of the scrutiny of the nation's electoral process, thereby enhancing public trust in the presidential elections. The domestic observers, having been selected from the populace and possessing insight into the current political milieu, have provided voters with a sense of reassurance regarding the prevention of electoral fraud, thereby bolstering public trust in the presidential elections. In a similar vein, the involvement of esteemed dignitaries in both regional and international observer missions to Kenya has, as a result, bolstered public confidence among voters. This stems from the prevailing perception that the intensified international oversight of the elections serves to insulate against, or deter, electoral fraud. The research on the effectiveness of International Election Observation Missions (IEOMs) in strengthening democracy in Kenya since 1992 is further supported by the article "Tying incumbents' hands: The effects of election monitoring on electoral outcomes" by Roussias & Ruiz-Rufino (2018). This study indicates that IEOMs enhance the likelihood of electoral turnover in authoritarian regimes, while exhibiting no significant impact on democratic systems. Electoral observation missions aim to enhance the quality of democracy through the scrutiny of elections; however, what is

their level of success? The authors contend that EOM constrain the actions of incumbents, necessitating adjustments to their electoral misconduct strategies, thereby enhancing political competition and increasing the likelihood of success for the opposition. A dataset comprising 580 parliamentary and presidential elections across 108 countries from 1976 to 2009 provided empirical support for their theoretical assertions. EOM enhances electoral competitiveness in authoritarian regimes by diminishing the margins of victory for those in power, while having no impact on competition within democratic systems.

Evidence suggests that EOs play a role in fostering clean elections on Election Day; however, their presence may adversely impact the broader political landscape. An examination of national legislative and executive elections spanning from 1975 to 2004 across 182 countries reveals that election observation correlates with enhanced election quality. Kelley (2012) posits that this association manifests in elections being deemed internationally acceptable, a reduction in reported electoral irregularities, and an increase in the frequency of power transitions. The existence of observers seems to diminish instances of voter registration fraud (Ichino & Schundeln, 2012), raise questions about turnout rates (Asunka et al., 2013; Sjoberg, 2012), and impact the vote share of the incumbent candidate (Enikolopov et al., 2013; Hyde, 2007).

Nevertheless, the act of election observation is linked to adverse consequences for domestic institutions, governance, and liberties within the observed nation (Simpser & Donno, 2012). The act of monitoring elections could potentially incentivize strategic manipulation by political parties aiming to undermine the electoral process, as well as heighten the likelihood of boycotts by opposition parties (Beaulieu & Hyde, 2009). On Election Day, it is possible for electoral officers to facilitate fraudulent activities at

polling stations in their absence (Asunka et al., 2013; Ichino & Schundeln, 2012). Kaaba et al. (2022) contend that although various elements contribute to the consolidation of democracy, factors like win margins indicate that EOMs have a significant role to play. The examination of elections and observer missions in Kenya and Malawi reveals that observers have faced increased scrutiny in recent years. This scrutiny intensified following their evaluations of the elections in these countries, where they did not raise significant concerns. However, the subsequent annulment of the polls by courts due to serious irregularities has called their assessments into question. Through a comparative analysis of the functions performed by international and domestic observers during Zambia's general elections in 2016 and 2021, it becomes evident that these observer groups can significantly influence favorable electoral results and, although not explicitly tasked with this responsibility, may also play a role in fostering peaceful transitions. Recognizing that the substantial voter turnout and the significant margin of the opposition's victory were pivotal to the seamless transition in Zambia, it is important to note the critical contribution of election observers in facilitating this democratic process.

Amid the competing geopolitical interests in Africa, particularly between Eastern powers such as China and Western nations, Zambia's 2021 elections presented a significant opportunity for Western influence to re-establish itself, allowing for a more substantial involvement in the subsequent democratic and economic developments. The primary determinant of a seamless transition was the remarkable participation of voters, who were presented with the opportunity to support a singular, cohesive opposition party. Additionally, both international and domestic observers significantly contributed to the integrity of the electoral process and the maintenance of a tranquil transition.

Kelley (2009) presents a counterargument regarding the efficacy of IEOMs in the context of democratic consolidation. Kelley (2009) posits in the article, “International Influences on Elections in the New Multiparty States,” that observer missions have proven ineffective in reshaping domestic institutions based on the statistics currently available. The author, in fact, identified international activities that yield adverse consequences for domestic politics (Kelley, 2012). Consequently, they influence the behavior and framework of electoral processes. Furthermore, Kelley expressed her concerns regarding the inadequacy of the international election observer mission in the host countries, prompting her to conduct a comparative analysis between international and domestic observers. She recognized that domestic factors serve as more effective catalysts for democratization, demonstrating superior influence compared to international actors (Kelley, 2012). International actors are recognized for their role in undermining elections, legitimizing fraudulent electoral processes, and extending their foreign policy through election observation in developing nations (Kelley, 2012; Simpser & Donno, 2012).

Hyde (2011) discusses the emergence of the practice of inviting international election observers as a widely accepted standard, especially within newly democratic nations. This phenomenon has evolved into a prevalent cultural aspect within African states following the embrace of the third wave of democratization. In this regard, Hyde scrutinized the efficacy of the international observers, noting that despite their invitation to various nations to oversee elections, there remains a conspicuous absence of meaningful change. This procedure has faced scrutiny as a means for autocratic leaders to validate their elections by involving international observers, thereby gaining the perception of being democratic (Geisler, 1993; Hyde, 2011). The existing body of

literature reveals a compelling conundrum: numerous leaders of sovereign nations persist in welcoming international observers, despite the inherent risk of facing global censure for electoral malfeasance and associated violence. The Kenyan elections, characterized by a persistent history of irregularities, fraud, and violence, nonetheless continue to attract the attention of international observers. The study findings regarding the effectiveness of IEOMs do not align with Bjornlund (2004), who utilized Cambodia as a case study to highlight the deficiencies or constraints of international election observer missions in enhancing electoral transparency. After enduring decades of civil conflict, Cambodia conducted a sequence of elections in 1991, 1998, and 2002. These elections were subject to examination and approval by international observer missions, yet they ultimately revealed significant shortcomings. Cambodia's case, consequently, underscores the deficiencies inherent in the approaches utilized by international election observer missions, notably the excessive focus on election day itself and the neglect of pre-election insights, along with a lack of follow-up after the elections.

Daxecker (2014), referencing Turner (2007) posits that international election observer missions have effectively documented and critiqued fraudulent elections, leading to both domestic and international sanctions imposed on the responsible regimes. Following the 2002 presidential elections in Zimbabwe, which faced significant criticism from international election observers, the Western powers led by the United States imposed a series of international sanctions on the country. Recognizing the significant impact that post-election assessments from international observer missions have on their legitimacy, political actors in elections, particularly those in power, endeavor to mitigate any unfavorable perceptions in the sight of these observers.

Hyde (2011) further substantiates the argument, suggesting that in their quest for international legitimacy and global recognition as democratic entities, numerous regimes engage international election observers with the expectation of favorable assessments. Hyde provides the illustration of nations like Chile and the Czech Republic, which prior to 1992 and 2003 respectively, had been welcoming international election observers. Respected international election observer missions and institutions subsequently counseled the two nations to refrain from further invitations to international election observers, contending that such invitations were no longer requisite given that the nations had achieved global or international acknowledgment as democratic entities. Nonetheless, unfavorable assessments from international election observer missions have been linked to domestic political turmoil and revolutions, reductions in foreign aid, and even exclusion from international platforms, among various other sanctions. This confluence ultimately undermines the legitimacy of both the countries and the governments elected, as evidenced by Zimbabwe's international isolation following 2002.

5.4 Extent IEOMs Influence the Behavior Electoral Stakeholders

The study also sought to assess the extent of IEOMs influence on the behavior of electoral stakeholders. Stakeholder categories were provided and respondents were asked to indicate the level of influence based on a five point Likert scale. Data on the same were collected, analyzed and the results presented in Table 5.3.

On the influence of IEOMs on the behavior of the legislature quantitative evidence revealed that 20% (23) indicated no engagement at all, 32% (37) indicated to a small extent, 32% (37) indicated to a moderate extent, 14% (16) indicated to large extent and 2% (2) indicated to a very large extent. These findings demonstrate that a majority 52%

(60) of respondents that the influence of IEOMs to the legislature was between a small and moderate extent which is indicative of challenges or inability that IEOMs have in directly influencing legislative processes. The study contends that this could be made difficult as a result of legislative alignment the nation's political interests. From a theoretical perspective, this study also advances the need to escalate soft power diplomacy in an effort to influence the legislature.

On the influence of IEOMs on the behavior of civil society organizations quantitative evidence revealed that 4% (5) indicated no engagement at all, 8% (9) indicated to a small extent, 24% (28) indicated to a moderate extent, 36% (42) indicated to large extent and 28% (32) indicated to a very large extent. These findings reveal that a significant proportion 64% (74) indicated either large or very large extent of influence of IEOMs on the behavior of CSOs. These findings demonstrate IEOMs ability to impact CSOs and bolstering support for democratic processes in Kenya.

Table 5.3: Table Showing Respondents Views on Extent IEOMs Influence the Behavior Electoral Stakeholders

Extent of IEOMs Influence on the behavior of stakeholders	Not at all	Small extent	Moderate extent	Large extent	Very large extent
Legislature	20%	32%	32%	14%	2%
Civil society organizations	4%	8%	24%	36%	28%
Media	4%	6%	30%	48%	12%
Political parties	8%	26%	28%	30%	8%
Citizen observer groups	2%	20%	26%	34%	18%
National security organs	8%	30%	34%	20%	8%
Judiciary	12%	28%	28%	22%	10%

Source: Field Data (2024)

On the influence of IEOMs on the behavior of the media quantitative evidence revealed that 4% (5) indicated no engagement at all, 6% (7) indicated to a small extent, 30% (35)

indicated to a moderate extent, 48% (56) indicated to large extent and 12% (14) indicated to a very large extent. These findings show that a combined 60% (70) of respondents indicated large or very large influence of IEOMs on the media. This is indicative that free and fair media coverage is a fundamental aspect for democratic governance. Media influence demonstrates the use of soft power diplomacy by IEOMs.

On the influence of IEOMs on the behavior of political parties' quantitative evidence revealed that 8% (9) indicated no engagement at all, 26% (30) indicated to a small extent, 28% (32) indicated to a moderate extent, 30% (35) indicated to large extent and 8% (9) indicated to a very large extent. These findings show a moderate to large influence of IEOMs on political parties. The combined responses of moderate to large was 58% (67) which shows effectiveness of IEOMs in influencing key electoral actors.

On the influence of IEOMs on the behavior of citizen observer groups quantitative evidence revealed that 2% (2) indicated no engagement at all, 20% (23) indicated to a small extent, 26% (30) indicated to a moderate extent, 34% (39) indicated to large extent and 18% (21) indicated to a very large extent. This demonstrates a high influence by IEOMs on citizen observer groups. When combined majority 52% (60) of respondents indicated the influence as being either large or very large highlighting the importance of grassroots involvement in election observation processes.

On the influence of IEOMs on the behavior of national security organs quantitative evidence revealed that 8% (9) indicated no engagement at all, 30% (35) indicated to a small extent, 34% (39) indicated to a moderate extent, 20% (23) indicated to large extent and 8% (9) indicated to a very large extent. These findings demonstrate moderate influence of IEOMs on the behavior of national security organs where a combined 54%

indicated support for moderate to large influence. This study contends that integration of security organs into electoral framework is an essential for a functional democracy.

On the influence of IEOMs on the behavior of the judiciary quantitative evidence revealed that 12% (14) indicated no engagement at all, 28% (32) indicated to a small extent, 28% (32) indicated to a moderate extent, 22% (26) indicated to large extent and 10% (12) indicated to a very large extent. Study findings demonstrate a moderate to large influence where a combined majority of 50% (58) indicated moderate influence of IEOMs on the judiciary. This study contends the need for a strong judiciary in upholding democratic norms and resolution of electoral disputes.

Overall, these study argues that the influence of IEOMs on CSOs and the media seem to be the most critical results since IEOMs had the highest influence on the behavior of CSOs and the media. Study findings revealed a moderate influence of IEOMs on the behavior of political parties and citizen observer groups. There was however limited influence by IEOMs on the behavior of the legislature and national security organs. The findings demonstrate support for power theory especially through the use of soft power diplomacy by IEOMs in an effort to influence electoral stakeholders in Kenya.

The findings of the study regarding the influence of IEOMs on the behavior of electoral stakeholders are supported by the work of Makombe (2019). Makombe (2019) posits that the presence of international observers influences the actors in a manner distinct from their responses to citizen observer groups. As noted by Daxecker (2014; 232), the presence of international observers tends to deter governments from engaging in violent actions against citizens or opposition parties, as such behavior could undermine their legitimacy and jeopardize their capacity to secure assistance from Western nations. Conversely, opposition parties tend to engage in protests and create instability within

the electoral landscape to highlight the incumbent government's corruption, particularly in the presence of election observers, thereby undermining their primary rivals. Furthermore, the presence of observers and their respective national affiliations significantly influences the conduct of various participants during electoral processes. The presence of a greater number of international observers enhances the breadth and depth of coverage and information that can be gathered from an election observation mission. Observers affiliated with the Carter Centre, representing Britain and America, possess greater prestige due to their association with donor nations that play a significant role in Kenya's economic development. In a theoretical framework, should dissatisfaction with the electoral process arise, it is conceivable that they might consider withholding aid or imposing travel restrictions on the incumbent government (Fiedler, 2018; 319). Nevertheless, it is noteworthy that observers from the African Union hold significance, yet they are generally less inclined to classify an election as illegitimate within their own member states. This is clearly demonstrated by their endorsement of the 2017 election in Kenya, during which the Supreme Court annulled the presidential elections due to issues of transparency and verifiability (BBC, 2017). Furthermore, citizen observer groups exert varying influences on the election process, as they are prone to the sway of political parties, particularly the incumbent party in power during that period. Despite this, citizen observers assume a pivotal role in elections, overseeing the entire electoral process from inception to conclusion. Failure to report and address irregularities in the early stages of the electoral cycle, particularly concerning voter registration, may precipitate violence in the post-electoral phase due to voters being disenfranchised. Consequently, the act of observing elections significantly influences the conduct and behavior of those involved in the electoral process.

5.5 Level of Cooperation between IEOMs and Key Stakeholders in The Democratic Consolidation in Kenya since 1992

The study also sought to assess the level of cooperation between IEOMs and key stakeholders in the democratic consolidation in Kenya since 1992. Stakeholder categories were provided and respondents were asked to indicate the level of influence based on a five-point Likert scale. Data on the same were collected, analyzed and the results presented in Table 5.4.

On cooperation of IEOMs with the legislature quantitative evidence revealed that 16% (19) indicated no engagement at all, 30% (35) indicated to a small extent, 36% (42) indicated to a moderate extent, 16% (19) indicated to large extent and 2% (2) indicated to a very large extent. These findings reveal limited cooperation between IEOMs and the legislature. The study contends that limited cooperation between IEOMs and the legislature could be indicative of challenges in the implementation of recommendations by IEOMs.

On cooperation of IEOMs with civil society organizations quantitative evidence revealed that 2% (2) indicated no engagement at all, 12% (14) indicated to a small extent, 28% (32) indicated to a moderate extent, 26% (30) indicated to large extent and 32% (37) indicated to a very large extent. The results point to a high cooperation between IEOMs and CSOs. Study findings reveal that a combined majority 58% (67) of respondents indicated large to very large cooperation. Cooperation with CSOs indeed affirms the role of soft power diplomacy in aiding the functionalist role of CSOs into the democratic fabric to ensure electoral transparency and accountability.

Table 5.4: Table Showing Respondents Views on Level of Cooperation between IEOMs and Key Stakeholders in The Democratic Consolidation in Kenya since 1992

Level of Cooperation between IEOMs and key stakeholders	Not at all	Small extent	Moderate extent	Large extent	Very large extent
Legislature	16%	30%	36%	16%	2%
Civil society organizations	2%	12%	28%	26%	32%
Media	2%	12%	36%	34%	16%
Political parties	8%	16%	42%	26%	8%
Citizen observer groups	4%	18%	30%	24%	24%
National security organs	8%	16%	48%	22%	6%
Judiciary	18%	10%	44%	18%	10%

Source: Field Data (2024)

On cooperation of IEOMs with the media quantitative evidence revealed that 2% (2) indicated no engagement at all, 12% (14) indicated to a small extent, 36% (42) indicated to a moderate extent, 34% (39) indicated to large extent and 16% (19) indicated to a very large extent. These findings reveal some significant cooperation between IEOMs and the media with a combined majority 50% (58) of respondents indicating that cooperation was either large or very large.

On cooperation of IEOMs with political parties' quantitative evidence revealed that 8% (9) indicated no engagement at all, 16% (19) indicated to a small extent, 42% (49) indicated to a moderate extent, 26% (30) indicated to large extent and 8% (9) indicated to a very large extent. Study findings revealed moderate cooperation between IEOMs and political parties. A combined 68% (79) of respondents indicated moderate to large cooperation reflecting the need to escalate cooperation. Political parties are key players in electoral processes, thereby key in democratic consolidation.

On cooperation of IEOMs with citizen observer groups quantitative evidence revealed that 4% (5) indicated no engagement at all, 18% (21) indicated to a small extent, 30%

(35) indicated to a moderate extent, 24% (28) indicated to large extent and 24% (28) indicated to a very large extent. These findings demonstrate high cooperation between IEOMs and citizen observer groups where a combined 48% (56) of respondents indicated large to very large cooperation. Therefore, the integration of citizen observer groups into electoral processes is a key parameter for participatory democratic systems.

On cooperation of IEOMs with national security organs quantitative evidence revealed that 8% (9) indicated no engagement at all, 16% (19) indicated to a small extent, 48% (56) indicated to a moderate extent, 22% (26) indicated to large extent and 6% (7) indicated to a very large extent. These findings show moderate cooperation where a higher proportion of 48% (56) of respondents indicated moderate cooperation.

On cooperation of IEOMs with the judiciary quantitative evidence revealed that 18% (21) indicated no engagement at all, 10% (12) indicated to a small extent, 44% (51) indicated to a moderate extent, 18% (21) indicated to large extent and 10% (12) indicated to a very large extent. The results point to moderate cooperation between IEOMs and the judiciary which a higher proportion 44% (51) of respondents indicating the role of judiciary in electoral dispute resolution making it a vital process in democratic consolidation. Overall, study findings reveal high cooperation between IEOMs and CSOs as well as the media, moderate cooperation between IEOMs and political parties as well as citizen observer groups and limited cooperation between IEOMs and the legislature as well as the judiciary.

5.6 Respondents Level of Agreement on Key Factors Influencing Effectiveness of IEOMs in Consolidating Democracy Since 1992

The study sought to assess factors influencing the effectiveness of IEOMs in consolidating democracy since 1992. Respondents were provided with options and

were asked to agree on the basis of a three-point Likert scale. Data on the same were collected, analyzed and the results presented in Table 5.5.

Table 5.5: Table Showing Respondents Level of Agreement on Key Factors Influencing Effectiveness of IEOMs in Consolidating Democracy Since 1992

Factors Influencing Effectiveness of IEOMs in Consolidating Democracy Since 1992	Agree	Neutral	Disagree	Rank
Cooperation with host government	78%	22%	0%	1
Political will of key stakeholders	60%	32%	8%	4
Credibility and independence of observer missions	64%	28%	8%	3
Financial and non-financial resources	52%	38%	10%	5
Implementation of previous recommendations	52%	36%	12%	6
Political environment (peaceful or hostile)	64%	30%	6%	2

Source: Field Data (2024)

On the factor cooperation with the host government, quantitative data revealed that majority 78% (90) of respondents were in agreement, 22% (26) were neutral and 0% (0) disagreed with this factor. The study notes that this item was ranked first. Majority 78% (90) of respondents' agreement with this factor affirms the significance of cooperation between the host government and IEOMs in consolidating democracy in Kenya. This study contends that cooperation with the host government may give good will in the implementation of recommendations and provide logistical support. Indeed, without cooperation between IEOMs and host government may limit the operational effectiveness of IEOMs. From a realist perspective, this study contends that this finding highlights state sovereignty in either promoting and inhibiting the efforts by IEOMs. Therefore, cooperation with the host government is critical factor for the success of IEOMs in democratic consolidation efforts in Kenya since 1992. It indicates goodwill

of Kenya's openness to subject itself to international oversight- this aligns to the tenets of power theory.

On the factor political will of key stakeholders, quantitative data revealed that majority 60% (70) of respondents were in agreement, 32% (37) were neutral and 8% (9) disagreed with this factor. This factor ranked fourth. This indicates a moderate agreement and supports political will of stakeholders as an essential for IEOMs. This study contends that the findings and concur with alignment of IEOMs interests and support by electoral stakeholders.

On the factor financial and non-financial resources, quantitative data revealed that majority 64% (74) of respondents were in agreement, 28% (32) were neutral and 8% (9) disagreed with this factor. This factor was ranked fifth. This shows a moderate agreement with factor of financial and non-financial resources.

On the factor implementation of previous recommendations, quantitative data revealed that majority 52% (60) of respondents were in agreement, 36% (42) were neutral and 12% (14) disagreed with this factor. This item was ranked sixth. The study contends that while implementation of previous recommendations is important, it may be challenging. Following up recommendations arising from previous elections is important for continuous improvement of electoral credibility and therefore ensuring democratic consolidation.

On the factor of political environment (peaceful or hostile), quantitative data revealed that majority 64% (74) of respondents were in agreement, 30% (35) were neutral and 6% (7) disagreed with this factor. This factor was ranked second demonstrating the importance of political environment in ensuring the effectiveness of IEOMs in Kenya.

Indeed, the study contends that a peaceful political environment is a key factor in democratic consolidation. These findings were corroborated during a KII.

When you come as an observer, you begin by going to the Commission and then you scatter yourselves into many areas. Sometimes you can have problems with access to the different areas. Therefore, the cooperation of the people, election officials, the administration of the day, the police in charge, political parties and all other stakeholders, they need to know why you are there and that can be a challenge, you may overhear issues like what is this person doing here and yet he is not a Kenyan, what is his interest? Some will say, these people come here when they have already been influenced by other people and are just coming here to pretend to help (Interview with Lead Observer in Kakamega County on June 21, 2024).

Qualitative data analyzed from the KII by the Lead Observer in Kakamega County highlights the logistical and perceptual challenges IEOMs face, emphasizing the necessity for cooperation with various stakeholders. Upon arrival, observers must liaise with the election commission and spread out to different regions, where access can be problematic. Effective cooperation with local people, election officials, administrators, police, and political parties is crucial. Misunderstandings and suspicions about the observers' roles and intentions can arise, reflecting a lack of awareness or mistrust among the local population. Some locals may question the observers' presence, assuming ulterior motives or foreign influence. This underscores the importance of clear communication and collaboration with all stakeholders to ensure that the observers' objectives are understood and supported, facilitating smoother operations and more accurate observations.

They are restricted by some rules and their work as observers is to strictly observed and the comments that they give, it is just like an opinion, it is not binding and they usually give something which the country might choose to adopt or not to adopt. So, there is a thin line of checks and balances. Some of them do not know our culture, how people have and their judgement therefore, may not be accurate because how a person behaves in Australia when going to vote is not the same with how a person in Kuria may behave. The confidence level between the electorate and the election management body is completely different

between these two contexts and that is why I tell you that was part of the facilitators for the IRI/NDI joint observation teams in Kenya. Some of the things they say and said this is bad, you know me as a Kenyan I thought it is very normal. How we are cultured does not really give a true picture of what has transpired on the ground. They might make a conclusion and give a recommendation which for us we think might not be applicable in our local context (Interview with the IEBC Youth Coordination Committee Chairperson on July 4, 2024 in Nairobi City County, Kenya).

Qualitative data with a KII representative in the IEBC Youth Coordination Committee Chairperson revealed the limitations and cultural challenges faced by IEOMs. Observers are bound by strict rules and their reports are non-binding, serving as recommendations that the host country may choose to adopt or disregard. This created a delicate balance between providing oversight and respecting national sovereignty. Furthermore, cultural differences can impact the observers' understanding and judgments. The behavior and electoral context in Kenya differ significantly from other countries, affecting how observations are interpreted. For instance, practices deemed normal by Kenyans may be misinterpreted by foreign observers. This highlights the need for IEOMs to deepen their cultural awareness and engage with local stakeholders to contextualize their findings appropriately. Effective cooperation with local actors ensures that the observers' recommendations are relevant and considerate of the local context, enhancing their applicability and impact.

Regarding the collaboration with the host government as a determinant of the effectiveness of IEOMs, while it received substantial backing at 78% (90), the study's findings both corroborate and diverge from Fisher's (2013) examination titled "The limits and limiters of external influence: donors, the Ugandan Electoral Commission and the 2011 elections." Fisher (2013) examined the influence of international 'donors' in the context of the 2011 Ugandan elections, with a particular emphasis on their involvement regarding the matter of Electoral Commission bias. In a move that sparked

considerable debate, Uganda's President Yoweri Museveni reappointed the Ugandan Electoral Commission in 2009 without prior consultation. This decision led to widespread perceptions among opposition parties, civil society, and international donors that the commission exhibited an undue bias in favor of the government. The administration of the 2011 polls by its seven commissioners raised questions of legitimacy surrounding the process well in advance of the announcement of the results. This study sought to elucidate the reasons behind donors' eventual retreat from adopting a 'political' approach, as opposed to a 'technical' one, in their interactions with the Museveni regime. This occurred despite their readiness to engage politically in other contexts, such as Nigeria, and in relation to various disagreements with Kampala. Consequently, it highlights that cooperation with the host government was insufficient to significantly influence International Election Observation Missions (IEOMs). Three primary factors are posited to have contributed to the inconsistent and ineffective strategies adopted by donors: conflicting foreign policy priorities, especially concerning security matters such as Somalia and trade interests like oil; the internal dynamics within the donor community; and a potentially flawed perception among numerous donor officials that their missions lacked the necessary leverage to effect change in the regime's position on the issue.

The present study contends that the political will of key stakeholders remains a significant factor, highlighting that this is a crisis that IEOMs persistently encounter. The findings align with the analyses of the late Thandika Mkandawire, who characterized Africa's political landscape as characterized by 'choiceless democracies' (Mkandawire, 2006). The prevalence of regular multi-party elections has emerged as a contemporary norm, accompanied by the increasing trend of international election

observation. Hyde (2011) compellingly posits that contemporary election observation is commonly recognized as an international standard, with few nations conducting elections without the presence of international observers (Hyde, 2011: 336). She contends that the landscape of international election observation has grown increasingly intricate, as the advantages associated with democracy are no longer exclusive to genuine democrats; rather, those who may be considered pseudo-democrats also seek to appropriate these benefits by projecting an image of commitment to democratic principles. This alteration provided genuine democrats with the motivation to extend invitations to observers, fostering the perception among advocates of democracy that all authentic democrats engage in this practice, thereby establishing the groundwork for extensive adherence to norms. Pseudo-democrats aiming to optimize international advantages found themselves compelled to undertake a complex analysis, balancing the expected value of benefits tied to democracy, the costs associated with autocracy, and the likelihood of successfully manipulating the electoral process, engaging in deceit, and evading unfavorable assessments (Hyde, 2011: 360). Hyde (2011) posits that the formation of the conviction that all genuine democrats welcome international observers signifies the inception of a norm, while simultaneously fostering an environment conducive to extensive norm diffusion and adherence among pseudo democrats. It follows that if advocates of democracy assert that genuine democrats welcome international observers, then any incumbent who does not extend such an invitation must be regarded as a pseudo-democrat. It is important to recognize that the invitation of observers is not exclusively contingent upon the actions of true democrats. Once the norm is established, any leader conducting an election without inviting observers is unequivocally regarded as a pseudo-democrat. By extending invitations to observers, those who engage in superficial democratic practices

can take a calculated risk regarding the likelihood that their electoral manipulations will be exposed by international monitors, while simultaneously preserving a chance of reaping benefits that are contingent upon the appearance of democracy.

5.7 Whether IEOMs had led to Electoral Reforms in Kenya since 1992

The study sought to generally assess whether IEOMs involvement in Kenyan elections since 1992 had led to electoral reforms. Data on the same were collected, analyzed and the results presented in Figure 5.2. Quantitative evidence in Figure 5.2 established that majority 66% of respondents agreed that IEOMs had led to electoral reforms since 1992 and 34% of respondents disagreed with this item.

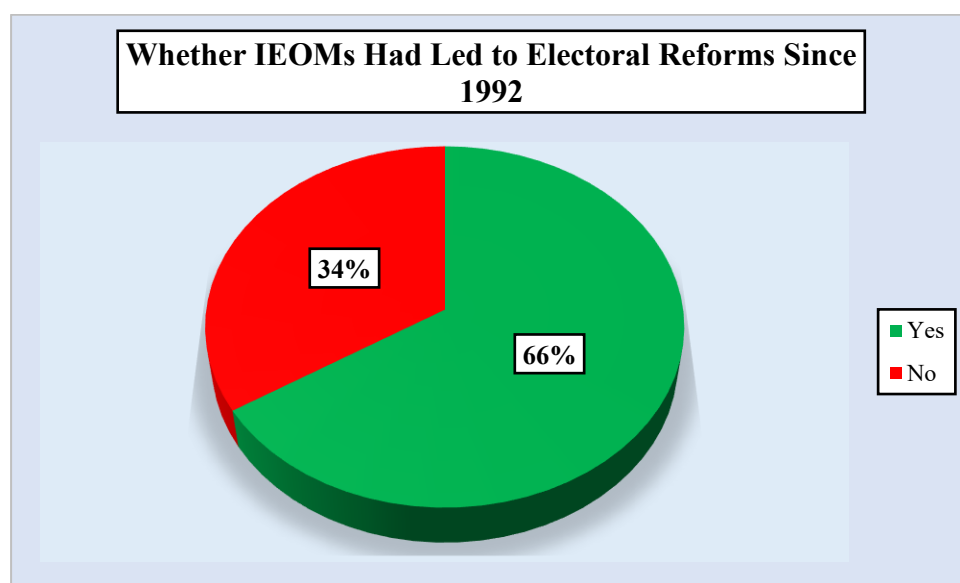


Figure 5.2: Whether IEOMs had led to Electoral Reforms in Kenya since 1992

Source: Field Data (2024)

These findings suggest that majority 76% (88) agreement indicates a positive perception that IEOMs have indeed impacted electoral reforms in Kenya which is key for democratic consolidation. The study contends that IEOMs are indeed viewed by respondents as effective instruments for facilitating electoral reforms and therefore enhancing democratic values and practices in Kenya. These findings align with the

tenets of democratic peace which advances that international efforts by IEOMs may contribute in bolstering democratic institutions. The acknowledgement by majority respondents that IEOMs have led to electoral reforms in Kenya since 1992 affirms their role in enhancing credible and transparent elections. These findings affirm the strategic interests of IEOMs in the promotion of a stable electoral process in Kenya and the tenet of democratic peace theory that democratic states are unlikely to engage in conflicts. Despite majority agreement with the contribution of IEOMs to electoral reforms in Kenya, 24% (28) of respondents felt that IEOMs had not led to electoral reforms implying that they may be faced by a number of limitations in their pursuit for electoral reforms in Kenya. These findings were corroborated during a KII with a former electoral commissioner.

Yes, observer missions have led to changes, even in Kenya, we have made changes following the recommendations of observer missions but you can also dismiss them and ignore. Some changes I can clearly share include- the constituency demarcation, voting hours, the secrecy of the ballot and secret balloting, the position of women and why women are not coming out to vote, why women are shy and many other areas. Yes, improvements have been made all along. In 1997 for instance, political parties were saying it is wrong for the government of the day to be choosing commissioners and it was decided that that both the government and opposition would have a hand in the selection of commissioners and that is why the number jumped from 10-12 to 21 commissioners. This was a recommendation from the report of 1992 (Interview with former Electoral Commissioner in Kakamega County on June 21, 2024).

Qualitative data collected and analyzed revealed recommendations from IEOM reports have led to notable changes, including adjustments in constituency demarcation, voting hours, and the enhancement of ballot secrecy, ensuring greater transparency and fairness in the electoral process. Additionally, IEOMs have highlighted issues such as the low participation of women in voting, prompting initiatives to boost women's electoral involvement. A pivotal reform was the 1997 change in the selection process for electoral commissioners, driven by the 1992 IEOM report's recommendation for a

balanced selection involving both the government and opposition, increasing the number of commissioners from 12 to 21. These examples illustrate how IEOMs have effectively influenced Kenya's electoral landscape, promoting reforms that enhance democratic integrity and inclusivity.

Research outcomes regarding electoral reforms are corroborated by Darnolf (2011), who posits that Electoral Management Bodies frequently embrace both financial and technical counsel from international entities and stakeholders. Furthermore, international election observation missions, embodying a diverse array of international organizations, have integrated themselves into the standard electoral framework in numerous nations. A substantial sum, amounting to hundreds of millions, is allocated annually to support electoral processes, encompassing the deployment of election advisors and a multitude of election observers. In his analysis of assistance aimed at fostering democracy, Carothers (1999) identifies five distinct categories of electoral aid: the design of electoral systems, voter education, mediation during elections, observation of elections, and the administration of elections. Darnolf (2011) posits that, at first glance, one of the most precarious instruments within the international community's electoral arsenal is the provision of technical assistance (TA) to electoral authorities. This process frequently entails dispatching electoral consultants to the headquarters of an electoral management body for an extended period, providing guidance on the design, planning, and execution of diverse components of the authority's responsibilities. These advisors frequently lack decision-making authority and do not have assured access to information at the EMB. Furthermore, technical assistance is prohibited from utilizing national or international media to exert pressure on the EMB, nor do technical assistance missions disseminate their findings, concerns, or recommendations. The foundation for a technical assistance

mission frequently rests upon a loosely articulated Memorandum of Understanding between the Election Management Body and the pertinent international organization, typically a governmental aid agency, the United Nations, or the European Union. These advisors frequently find themselves needing to cultivate the essential trust and access with the EMB staff to effect meaningful change. Nonetheless, despite these formal constraints, election advisors often wield considerable influence over the design, approval, and implementation of crucial electoral policies, thereby impacting the democratic integrity of electoral processes. Providing technical assistance to an electoral management body can lead to substantial enhancements in various essential elements of the electoral process. International advisors frequently engage in the formulation of amendments to legislative frameworks, the procurement of commodities to enhance transparency and credibility, the development of innovative voter registration methodologies, the provision of assistance in poll worker training, the creation of voter education campaigns, and the comprehensive restructuring of election results management systems. Depending on their mandate, international representatives may formally participate in an EMB's decision-making body as commissioners, thereby exerting considerable influence over the formulation of rules, regulations, and decisions. Nonetheless, one cannot assert with certainty that providing technical assistance to an electoral authority will yield successful outcomes or enhance the democratic nature of the election process.

5.8 Chapter Summary

This chapter presented and discussed findings for the second specific objective of the study which sought to assess the efficacy of diplomacy of international election observer missions in consolidating democracy in Kenya since 1992. The chapter

assessed a number of items that cumulatively sought to respond to the research question. On the question of preference of diplomatic tools used by IEOMs to consolidate democracy in Kenya since 1992, detailed reports by IEOMs was strongly preferred at 76% (88), diplomatic negotiations and stakeholder engagement was supported at 68% (79). Use of conditional support was the least preferred at 34% (39) showing the fading role of hard power diplomatic tools in pursuing international interest. On IEOMs engagement with key stakeholders, study findings revealed that engagement with parties, FBOs and citizen observer groups particularly stood out as being significant. On the effectiveness of IEOMs in consolidating democracy, 56% (65) and 8% (9) of respondents indicated support that IEOMs as being effective. On the extent of IEOMs influence of the behavior of stakeholders, study findings revealed that IEOMs had the highest influence on the behavior of CSOs and the media. Study findings also revealed a moderate influence of IEOMs on the behavior of political parties and citizen observer groups with the least influence on the legislature and the judiciary.

On the question of cooperation between IEOMs and key stakeholders, study findings revealed high cooperation between IEOMs and CSOs as well as the media, moderate cooperation between IEOMs and political parties as well as citizen observer groups and limited cooperation between IEOMs and the legislature as well as the judiciary. On the factors influencing the effectiveness of IEOMs, cooperation with the host government was strongly supported at 78% (90). Lastly, 66% (70) of respondents indicated that IEOMs had led to electoral reforms in Kenya since 1992. The results are also in tandem and anchored on the tenets of power, functionalism and democratic peace theories that guide this study. The next chapter presents and discusses findings for the third specific objective of the study.

CHAPTER SIX

DEMOCRATIZATION PROCESS IN THE CONTEXT OF INTERNATIONAL ELECTION OBSERVER MISSIONS IN KENYA SINCE 1992

This chapter presents and discusses findings for the third specific objective of the study which sought to explore the democratization process in the context of international election observer missions in Kenya since 1992. The chapter presents and discusses findings on the following key items that were used to respond to the third research question. The chapter covers: respondents perceptions of internationally observed elections in Kenya since 2002 on the basis of being free and fair or not free and fair; whether recommendations of IEOMs had informed democratic consolidation in subsequent elections in Kenya since 1992; contribution of IEOMs in strengthening democracy in Kenya since 1992; contribution of IEOMs on facets of democratic consolidation and respondents views on which IEOMs had the greatest impact on democratic consolidation in Kenya. The results are presented and discussed in subsequent sections. The chapter ends with a summary.

6.1 Respondents Classification of Elections Observed by IEOMS in Kenya since 1992

In an effort to explore democratic consolidation in the context of IEOMs, respondents were asked to indicate whether elections were free and fair. Two options were provided for respondents for each election held in Kenya since 1992 and they were to respond using free and fair or not free and fair. Data on the same were collected, analyzed and the results presented in Table 6.1. Quantitative evidence in Table 6.1 revealed that of eight elections held in Kenya and that have been internationally observed by IEOMs since 1992, on three elections were marked as free and fair by respondents and that is based by the majority numbers. These elections are, the 2022 elections which was strongly supported at 72% (84), the 2013 elections moderately supported at 58% (67)

and the 2002 elections strongly supported at 78% (90). It is fair to state that, in as much as the 2013 elections were perceived as free and fair at 58% (67), the 42% (49) indicating the same election was not free and fair points to the fact that it may have largely been unfair.

Table 6.1: Table Showing Respondents Classification of Elections Observed by IEOMs since 1992

Respondents assessment of IEOMs effectiveness of elections since 1992	Not free and fair	Rank	Free and fair	Rank
2022	28%	7	72%	2
2017 (b)- Elections after annulment	62%	5	38%	4
2017 (a)	74%	4	26%	5
2013	42%	6	58%	3
2007	82%	1	18%	8
2002	22%	8	78%	1
1997	76%	3	24%	6
1992	78%	2	22%	7

Source: Field Data (2024)

The assumption of this study is that, subsequent elections after the 1992 elections were generally supposed to reflect a positive trend. This assumption is backed by the fact that recommendations arising from IEOM reports would influence positively the subsequent election. The study however also advances that this improvement would not only be based on IEOMs but other internal and external factors within the nation and the international community. The trend line in Figure 6.1 on elections as being free and fair indicates a positive gain of respondents from 22% (26) support in 1992, to 24% (28) in 1997. In 2002, there was a 54% (63) increase of perception from 24% (28) to 78% (90) which was evidently the biggest gain. Although at this point, study findings argue that a change in leadership from twenty years of Nyayo era is attributable to this

change in addition to peaceful transfer of power significantly influenced this significant change- a key factor in democratic consolidation.

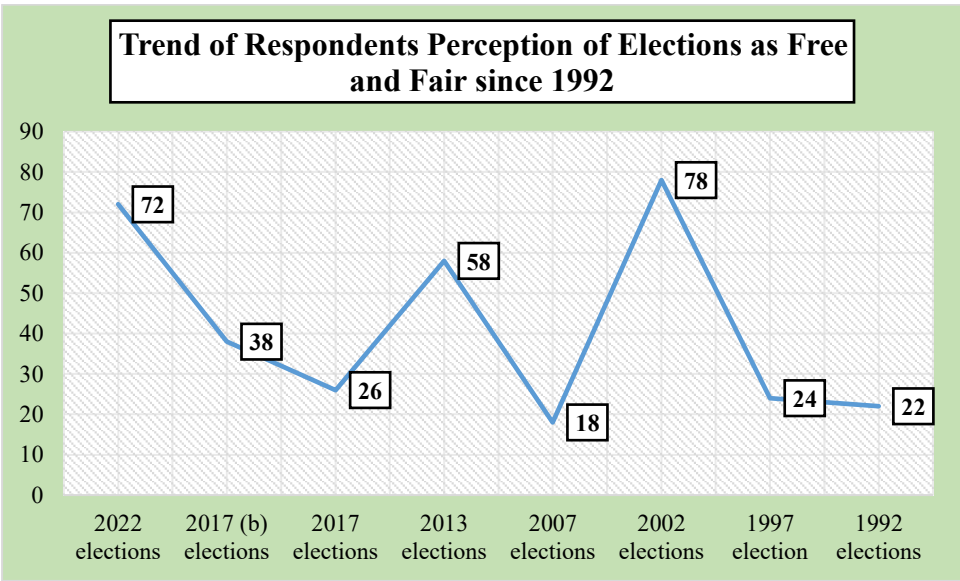


Figure 6.1: Trend of Respondents Perception of Elections as Free and Fair since 1992
Source: Field Data (2024)

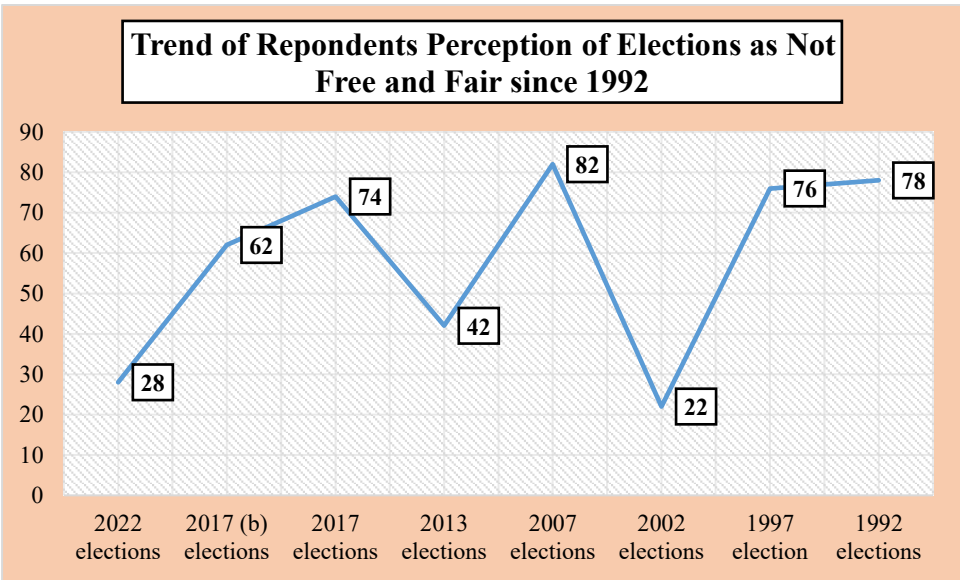


Figure 6.2: Trend of Respondents Perception of Elections as Not Free and Fair since 1992
Source: Field Data (2024)

The trend line from 2002, 78% (90) indicates a sharp decline by 60% (70) in perception of respondents to 18% (21) in 2007. It has to be noted that the 2007 elections were characterized by violence, loss of lives and massive displacements. In addition,

procedures following the conclusion of the winning candidate were clouded in opaqueness and non-adherence to the rule of law. In 2013, respondents' perception shows an increase of 40% (46) on perceptions of fairness to 58% (67) which declined by 32% (37) to 26% (30). The elections of 2022 were perceived as being the second fairest elections since 1992.

Generally, study findings reveal a significant variation on respondents' perceptions of fairness of IEOMs observed elections since 1992 which shows that, IEOMs alone as a stand-alone factor may not be an adequate parameter of measuring democratic consolidation. The study contends that other aspects indeed influence issues of democratic consolidation- these include, peaceful transition of power, post-election violence, observation of measures to protect human rights among other factors. While the 2007 and 2017 (a) elections are perceived as being not free and fair by a majority of respondents, the 2002 and 2013 elections were overwhelmingly perceived as being free and fair. The study contends that whereas IEOMs play a role in promoting stability, the perception that some elections were not fair highlights challenges IEOMs encounter in pursuit of democratic consolidation in Kenya. In addition, this study raises the question of power dynamics at play on whether IEOMs may exert external influence on states to affect the electoral outcomes or do they merely validate electoral outcomes?

The study findings also contend that despite IEOMs certifying elections in Kenya as free and fair, high support for perceptions of unfairness in the 2007 and 2017 (a) elections raises the question on the legitimacy of IEOMs verdicts and their commitment towards elevating the country's democratic standards. The contradiction in perception of responses and IEOMs pronouncements of elections as free and fair also raises the concerns on whether IEOMs come to rubberstamp elections or they genuinely support democratic processes.

The study advances that widespread support by respondents of elections in Kenya not being free and fair indeed undermines democratic processes in Kenya. While the 2007 elections stand out as the least fair elections- supported by 78% (90), the 2002 elections were perceived as the fairest election-supported at 78% (90) indicating efforts of successful democratic consolidation in the period between 1992 and 2002. Overall, the significant variation of respondents' perceptions since 1992 speaks to the complex pattern of interaction between IEOMs, domestic factor and the perception of election legitimacy in democratic consolidation in Kenya.

6.1.1 Election Observation in 1992 Elections

Kelley (2010) presents Kenya as a compelling case of perplexing evaluations. In 1992, under the weight of international pressure, the longstanding president Daniel arap Moi took the significant step of releasing several political prisoners and, albeit reluctantly, began the process of dismantling the one-party system. An incisive counter-narrative emerged and began to thrive. At a moment when it appeared that Moi's political aspirations had reached their conclusion, he skillfully engineered interethnic conflict to fracture the opposition along ethnic divisions. The government systematically declined to register countless eligible voters in areas dominated by the opposition, populated the electoral commission with supporters of Moi, and obstructed the opposition's access to media outlets and permits for public gatherings. The day of the election was marked by numerous challenges, yet the act of voting itself unfolded with a notable sense of tranquility. Amidst a disjointed opposition, Moi secured a plurality of the votes and subsequently took the oath of office as president. Subsequently, the IRI articulated that "the electoral environment was inequitable and the electoral process fundamentally deficient." The Commonwealth Secretariat (CS) proclaimed, prior to the completion of the counting, that "the progression of the process leading to polling day and the ensuing

count was increasingly favorable to a degree that we are confident the results, albeit imperfect, in many cases accurately represent the will of the people.” In the face of ethnic clashes, international entities endeavored to mitigate the violence, advocating for the opposition to engage in parliamentary processes and pursue resolution through established legal avenues. Ultimately, Moi chose to suspend the newly formed parliament for approximately six weeks, thereby reasserting his dominance. In November 1993, international donors reinstated aid to Kenya, referencing the favorable economic and political reforms that had taken place. The elections of 1997 mirrored this established pattern quite closely. On 29 December 1992, Kenya witnessed its inaugural multi-party elections for both presidential and parliamentary positions since 1966. Precisely five years later, this occurrence transpired once more. The elections in Kenya garnered significant attention both domestically and internationally due to several interconnected factors. These elections are viewed as a critical component of the democratization process, often advocated by Western donors in various African nations. Kenya's alignment with Western ideals, its open capitalist framework, and its relative political stability set it apart from many of its regional counterparts. Furthermore, while its strategic significance has diminished over time, Kenya remains important to Western interests, exemplified by its role as a key harbor during the Gulf War. Additionally, the country serves as a primary channel for considerable Western donor funding (Foeken & Dietz, 2000).

The 1992 elections were regarded as a significant milestone in the democratization process, not only within Kenya but also from the viewpoint of the donor countries. Ultimately, Moi was compelled to acquiesce to multipartyism and elections due to

significant external pressure, particularly through the suspension of foreign aid. Consequently, to reestablish the financial connections between Kenya and its benefactors, it was imperative that the elections be characterized as 'free and fair'. This elucidates the significant intrigue surrounding the elections from external observers of Kenya. Numerous international observation teams were present. In addition to the previously referenced team from the International Republican Institute (IRI), representatives from two other American institutions were present: the Federal Electoral Commission and the International Foundation for Electoral Systems. Notably, a third American organization, the National Democratic Institute, was dismissed by President Moi due to allegations of partiality towards the Opposition. A significant cohort was the Commonwealth team, under the leadership of Sir Telford Georges, who previously served as chief justice in both Zimbabwe and Tanzania. The Commonwealth team represented the most substantial contingent ever dispatched by the organization for such a mission, signifying, in the context of Kenya, the gravity with which the electoral process was perceived by Western nations. National teams also represented Canada/Sweden (referred to as the Scancan team), Denmark, Egypt, Finland, Germany, Japan, the Netherlands, and Switzerland. Ultimately, over 150 external observers scrutinized the elections (Giesler, 1993). On the day the Commonwealth team arrived in Kenya, specifically on 16 December, which was two weeks prior to the election day, the IRI had just disseminated a press statement detailing their findings regarding the campaign and nomination process. The report stemmed from a fortnight of observational inquiry and conveyed a rather unfavorable assessment, noting, for example, that the electoral process had been 'significantly compromised by the centralized and systematic manipulation of the administrative and security apparatus of the state to benefit the ruling party'. The

declaration further addressed the issue of 'political harassment' directed at Opposition candidates, as well as the 'illegal' utilization of KANU funds to sway voter opinions. The chairman of YK '92, Cyrus Jirongo, expressed a vehement response, vehemently alleging that the IRI was aligning itself with the Opposition. He urged the Electoral Commission to revoke the accreditation of the US team and to expel them. Furthermore, he issued a warning that, should his demands not be met, the IRI observers would be prohibited from accessing polling stations on election day—a threat that lacked a degree of originality.

During the media briefing, the spokesperson for the IRI team, Margaret Thompson, emphasized that the observer teams were present in Kenya to observe and report, rather than to monitor the elections. Her explanation indicated that monitoring entails a comprehensive oversight of the entire election process, typically spanning a duration of six months, whereas observing primarily consists of deploying personnel to specific stations to assess the fairness and freedom of the polls. However, even within this constrained framework, this exemplified a significant flaw in the observation process, as there was an insufficient number of international observers present. The outcome indicated that merely a fraction of the polling stations were accessible to the observation teams, and the duration of their presence at each station was typically quite brief, certainly not extending throughout the entire day.

The concluding remarks from the international observation teams were of significant concern to the Kenyan government. In private discussions, it became evident that neither the international monitoring teams nor the majority of diplomats stationed in Nairobi were able to assert that the elections had been conducted fairly. In its official statement issued on the eve of its departure, when, as noted by Geisler in 1993, the vote

counting had not yet been finalized in numerous constituencies, the Commonwealth team acknowledged this reality: This was an election that presented challenges in assessing its freeness and fairness. From the outset, it became clear to us that certain elements of the election lacked fairness. The issues encompassed: the registration process across various regions of the nation; the nomination process, especially in the Rift Valley, which led to the unopposed election of 16 KANU parliamentary candidates; the absence of transparency exhibited by the Electoral Commission; the intimidation, administrative hurdles, and violence that characterized the political campaign; the bias of state-owned radio and television; and the government's unwillingness to separate itself from the KANU party. The national monitoring teams deployed between 7,500 and 10,000 observers in the field, and their assessment of the elections was significantly more critical than that of the international teams. Shortly after the election day, the National Election Monitoring Unit (NEMU), the largest of its kind, asserted that the 'electoral process has been seriously compromised.' In its final report, the unit concluded that 'the December 1992 elections were not free and fair' (Geisler, 1993:627).

6.1.2 Election Observation in 1997 elections

The Opposition exhibited an even greater degree of fragmentation than it did during the 1992 elections. A total of 14 candidates from the Opposition vied for the presidency, alongside 24 parties participating in the general elections. The two FORD factions diverged even more significantly. FORD-Kenya, established in 1992 as a coalition of the Luo and a segment of the Luhya communities, experienced a division when Raila Odinga, the Luo political leader and son of the late Oginga Odinga, chose to create his own party, the National Development Party (NDP). Consequently, FORD-Kenya

emerged as a political entity representative of the Luhya community, under the leadership of Kijana Wamalwa. A similar occurrence transpired with FORD-Asili, which amalgamated elements from both the Kikuyu and Luhya communities. The party experienced a division into a Luhya faction (FORD-Asili) and a Kikuyu faction (FORD-People), largely due to the decision of its leader, Kenneth Matiba, to abstain from the presidential elections. A number of additional parties participated in the elections, among which two held particular significance: the Kamba-based Social Democratic Party (SDP), notable for presenting the first female presidential candidate, Charity Ngilu, and Safina, the sole party that claims to possess a non-ethnic foundation, as suggested by its name, which translates to 'the Ark.' The Kikuyu, the predominant ethnic group in Kenya, exhibited significant internal divisions, as evidenced by the presence of five candidates from their ranks vying for the presidency. Among them, only Mwai Kibaki of the Democratic Party emerged as a credible contender. A significant alteration in relation to the prior elections pertained to the constitutional and legal reforms instituted in September 1997. For an extended period, KANU consistently declined to adhere to the prevalent call for political reforms in the nation, a call championed by the National Convention Executive Council (NCEC), which encompasses a diverse array of church-affiliated and other societal organizations. In an effort to prevent total disorder, approximately 75 members of parliament from both KANU and the Opposition parties took the initiative to establish the Inter-Parties Parliamentary Group (IPPG), tasked with devising a comprehensive array of constitutional and legal reforms. Significant reforms included the expansion of the Electoral Commission by 10 members as proposed by Opposition parties, although they remained a minority compared to the 11 members from KANU. Additionally, there was a provision for a coalition government, effectively allowing the president to appoint

ministers from Opposition parties, reminiscent of how Moi became a minister in 1964. The recommendations also encompassed the registration of all parties, resulting in the registration of Safina, while the Coast-based Islamic Party of Kenya was not registered. Furthermore, there was an equal allocation of broadcasting time for all parties across television and radio platforms. Nevertheless, two matters of critical significance regarding the election outcomes and the allocation of power within the nation were not addressed. The 25 per cent rule for presidential elections and the delineation of constituency boundaries by the Electoral Commission led to the overarching conclusion of the NCEC, which stated that the reforms are significantly inadequate in guaranteeing a representative parliament for the citizens of Kenya. Furthermore, it asserted that achieving free and fair elections under these circumstances is unfeasible (The Sunday Nation, 14 September, 1997).

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On 7 January 1998, the European Union issued a statement via its president, the British High Commission in Nairobi, affirming its acceptance of the outcomes of both the presidential and parliamentary elections, characterizing this as 'a further step in Kenya's development towards greater democracy.' Simultaneously, it was observed that the elections did not meet the expected democratic standards, with occurrences of violence, bribery, and voter intimidation reported. Furthermore, 'the process of voter registration was inadequate, and the media, including television and radio, which were under State control, failed to deliver impartial coverage' (The Daily Nation, 8 January 1998).

6.1.3 Election Observation in 2002 Elections

In the 2002 general elections, the electoral commission granted accreditation to 45,000 election observers, comprising 40,000 domestic observers and 5,000 foreign observers. The domestic observers unified under a singular organization known as the Kenya Domestic Observation Programme (K-DOP). The international observers comprised the Commonwealth Observer Group, the European Union Elections Observation Mission (EUEOM), the Carter Centre, USAID/US Embassy, the British High

Commission, the African Union, and the Donors for Development and Democracy Group. The international observers engaged in a collaborative effort during their election observation activities, and upon conclusion of the elections, despite noting some minimal irregularities, they collectively reached a consensus declaring the elections free and fair (Kanyinga, 2014). The European Union election observer mission noted that the preparations for the election were largely executed effectively by a capable and well-resourced electoral commission, which implemented a voter education program ahead of the elections. Significant apprehension was expressed regarding the voter registration process, which necessitated urgent enhancement. Consequently, a recommendation was directed to the electoral commission to bolster the accuracy and integrity of the voter register, particularly with the forthcoming implementation of continuous voter registration (Kenya: Final EU Observation Report, 2002). Upon the conclusion of the extensive election observation initiative, the Observation Programme published a report characterizing the 2002 general elections as both free and fair.

6.1.4 Election Observation in 2007 Elections

The general elections of 2007, conversely, witnessed the electoral commission granting accreditation to around 25,000 observers, among which were 15,000 observers affiliated with the Kenya Domestic Observation Forum (KEDOF). The internal observers, conversely, comprised the European Union, the International Republican Institute, the East African Community, COMESA, and the Commonwealth observer missions. These entities deployed their observers well ahead of election day and, likewise, continued their presence in the post-election period. In contrast to earlier general elections, the 2007 general elections experienced a notable reduction in the

presence of both local and international observers. This decline can be attributed to the perception that, following the peaceful transfer of power in the 2002 general elections, Kenya had already surpassed a critical threshold in conducting free and fair elections (Kanyinga, 2014). The diverse observer missions converged in their assessments, noting that the electoral process leading up to Election Day was credible. The administration of the elections was characterized by a high degree of professionalism on a technical level, encompassing all aspects from voting to vote counting at the polling stations. Nonetheless, in relation to the processes of tallying, tabulation, and the subsequent announcement of results, the observer missions observed that the management of the 2007 elections fell short of essential regional and international benchmarks for transparency in electoral conduct (Kanyinga, 2014). Numerous international observer missions were in attendance, including representatives from the European Union, the International Republican Institute, the East African Community, the Common Market for Eastern and Southern Africa, and the Pan African Parliament. The international presence during the 2007 election was notably diminished, with fewer observers compared to the 2002 election. Lappin, R. posits that the presence of observers diminishes in the absence of anticipated violence (2009). The election of 2002 was characterized as a tranquil electoral process. Consequently, the global community held no anticipations of a particularly tumultuous election, and it appeared that Kenya was advancing in its democratic journey compared to prior elections.

In the concluding months of the presidential campaign, Odinga emerged as the unequivocal frontrunner. The compilation of opinion polls conducted in September and October – notably in an African nation where such polls hold significant weight – indicated that he was in the lead. Throughout October and November, with the sole

exception of one week in November, he consistently maintained a lead over Kibaki in the weekly polls. The elections in December presented three intriguing facets: The initial tally indicated Odinga in the lead, suggesting that any potential manipulation would have transpired during the subsequent phases of the counting process. In the parliamentary contest, Odinga's party secured 99 seats, while Kibaki's party obtained 43, amidst a complex array of competing parties. Nonetheless, Odinga's evident parliamentary dominance over Kibaki, with a ratio of 2 to 1 in seats, was contradicted by the ultimate presidential outcomes, which recorded Kibaki at 4,578,034 votes compared to Odinga's 4,352,993. Significant violence along ethnic lines emerged, necessitating a keen mediation effort by Kofi Annan to compel both parties to reach a compromise on a coalition government. The report from the EU determined that the 2007 General Elections in Kenya did not meet essential international and regional benchmarks for democratic elections. It employed no more forceful expressions, yet much of its phrasing maintained this critical undertone.

The observer missions highlighted a significant deficiency in transparency regarding the processing and tallying of results, which consequently eroded confidence in the accuracy of the presidential election outcomes. The electoral commission failed to demonstrate the integrity of the results, thereby casting doubt on their validity. As a result, the observer missions concluded that the 2007 elections were neither free nor fair. As a result, the Commonwealth and the European Union election observer missions advocated for the establishment of measures governing the execution of a second round of presidential elections, ongoing enhancements to the voter registration system, and a comprehensive reform of the processes for tallying and announcing results. These recommendations aim to foster increased transparency, including the

formulation of a timeline for result announcements. Furthermore, they proposed that the appointment of electoral commissioners undergo a process of scrutiny and approval by parliament to bolster the independence of the electoral commission and further shield it from political interference (Kenya: Final Commonwealth and EU Observation Reports, 2007).

The magnitude and seriousness of the assaults that ensued after the December 2007 elections led donors to emphasize peace and stability over democratic ideals, reminiscent of their approach in the 1990s (Anderson & Lochery, 2008). Western benefactors and the African Union collaborated to facilitate a power-sharing arrangement that deferred, rather than resolved, the issue of who legitimately triumphed in the presidential elections. The 2008 National Accord promptly brought an end to the extensive violence; nevertheless, it set aside the principles that dictate the formation of the government. Donors consequently enabled a division of political authority among the factions of the primary rivals, characterized as “the politics of collusion,” exchanging democratic principles for stability, while establishing a “government of national impunity” (Cheeseman & Tendi, 2010).

6.1.5 Election Observation in 2013 Elections

In the period preceding the March 2013 elections, global entities concentrated their efforts on the electoral process, largely neglecting the imperative of justice and accountability. At certain moments, there was a greater emphasis on ensuring elections were safe and devoid of violence, often prioritizing peace over the essential principles of free and fair democratic processes. Johnnie Carson, who served as the US Assistant Secretary of State for Africa during that period, subsequently affirmed that “The US's primary objective was to prevent a recurrence of the 2007–08 violence and to ensure

peaceful elections,” whereas the specific “mechanics of the process” were regarded as a secondary concern (Waki Commission Report, 2008). The observer groups conducted an extensive examination of the election process, encompassing the pre-election phase, election day, and the post-election phase, with particular focus on irregularities observed on election day. These included the malfunctioning of electronic voting technology, instances of double voting, voter bribery, and the distribution of multiple ballots for the presidential race. The ELOG Kenya election observer mission noted that the elections encountered significant challenges, including notable failures in technology. It is thus advisable to establish procedures for the procurement of electronic voting technologies. These procedures should ensure transparency and openness to public scrutiny, be completed within defined timelines, and undergo thorough testing and independent auditing prior to full implementation (Kenya: Final ELOG Kenya Observation Report, 2013). Nevertheless, Kamencu et al. (2014) contend that, shaped by the existing electoral atmosphere and the imperative to prevent post-election violence, the final reports of the observer missions tended to overlook the irregularities noted, thereby undermining their conclusions by failing to disclose electoral discrepancies that might exacerbate tensions among the Kenyan populace. The 2013 elections in Kenya were subject to scrutiny by regional observers, comprising a coalition of various regional organizations, including the East African Community (EAC), the Intergovernmental Authority for Development (IGAD), and the Common Market for Eastern and Southern Africa (COMESA). The African Union additionally established an Observation Mission within the nation. The EAC-IGAD-COMESA observation mission implemented a “short-term methodology,” deploying a pre-election assessment mission followed by twenty-one

teams across 40 of Kenya's 47 counties. The coalition issued an initial statement indicating that it would compile a thorough report following the completion of the electoral process. The initial declaration – issued a day following the elections – contended that the electoral process had adhered to “regional, continental and international standards for credible and transparent elections.” The assertion served as a validation of the electoral procedure occurring on and potentially prior to Election Day, standing in stark opposition to the revelations presented in AGLI/FCPT's report, which highlighted irregularities and anomalies that transpired during and subsequent to the voting process.

The African Union Election Observation (AUEOM) mission deployed a total of 74 observers across 26 of Kenya's 47 counties on Election Day, during which they visited 482 polling stations encompassing 130 constituencies. The report refrained from providing a generalized overview of Kenya's 2013 election, instead focusing on specific themes including Security, Closing and counting procedures, as well as the roles of party agents and observers. Within the framework of ‘Closing and counting procedures’, the AUEOM expressed its apprehension regarding the significant volume of rejected ballots observed at the polling stations. At the outset, the electronically transmitted results from the IEBC indicated a notably elevated count of rejected votes. Following the cessation of electronic result transmission and a return to manual counting, there was a significant reduction in the number of rejected votes. The Chairman of the IEBC ascribed the decrease to a “bug in the commission's database that amplified the rejected votes by a factor of eight.” Within the framework of ‘Post-Election Issues,’ the AUEOM refrained from addressing the matter of rejected votes, a significant quantity of which had been noted by their observers at the polling stations.

In contrast to the report from the AGLI and the internal report of the EUEOM, which were featured in the Nairobi Star, the previously mentioned anomalies were absent from the final report of the AUEOM. Critics of observer missions affiliated with regional groupings have raised concerns regarding their impartiality. They contend that the missions function as intergovernmental entities, wherein the participating governments possess shared geopolitical interests, thus exercising caution to avoid offending the current government in their reporting of observations. The Country Director for the Electoral Institute of Sustainable Democracy in Africa in Kenya posited: “Observer missions from the AU, SADC, EAC, and ECOWAS, being intergovernmental entities, tend to adopt a reciprocal approach in certifying elections, characterized by a mutual support system.” To put it differently, they refrained from being overly critical in order to avoid causing offense to the existing administration.

The European Union Election Observation Mission, EUEOM, dispatched 65 observers to evaluate the entirety of the electoral process. The Mission observers released a statement two days post-election, indicating that the overall conduct of operations across all polling stations was commendable and that the recorded results accurately represented the voters' intentions (EU report, 2013). This assertion subsequently contradicted an internal report from the same Mission, which was published in one of the Kenyan newspapers. The Star, a daily publication in Kenya, conveyed details from an internal report indicating that “the processing of official election results, derived from tallying the results on polling station forms, exhibited a lack of transparency at every stage.” The report additionally indicated that party agents and observers were prohibited from witnessing the tallying process, including at the National Tallying Centre located at the Bomas of Kenya. The situation elicited concerns regarding the

transparency of the process and the credibility of the outcomes: “Neither election observers nor party agents were afforded sufficient access to the procedures at the constituency, county, and national tallying centres.” Minor yet abundant mathematical discrepancies could have exerted considerable influence, considering the narrow margin by which Kenyatta exceeded the 50% threshold. The final report of the Mission, however, overlooked the details contained within the internal report. Mathematical inconsistencies, once considered to potentially exert a considerable influence on the internal report, were dismissed in the final report as merely “widespread minor discrepancies in tallies and between numbers of votes cast for presidential and other races.” The report indicated that the variances “were nearly all below 1%,” attributing the discrepancies to counting errors and minimizing the probability of a manipulated outcome (EU Report, 2013). Consequently, it was suggested that the previously noted mathematical inconsistencies, which were deemed significant, were in fact negligible and unlikely to have had any meaningful impact on the election.

The EUEOM final report indicates that EU observers noted the IEBC and its personnel effectively navigated the technical and operational challenges encountered on Election Day, thereby safeguarding the integrity of the vote (EU Report, 2013). The report indicates that the confidentiality of the voting process was inadequately safeguarded, and that the results recorded at subordinate levels frequently lacked signatures from party representatives. The latter was referenced in the internal report, accompanied by observed mathematical inconsistencies noted by analysts. The unsigned tallied results, which exhibit certain mathematical inconsistencies, undermine the integrity of the vote, particularly given the absence of any reference in the EUEOM report regarding the

rectification of these discrepancies. The report, in this regard, presents a contradiction within its own assertions. The EUEOM may have altered its election reporting to present a more favorable image to the newly elected Jubilee government. A legal action aimed at prohibiting "Western" observer organizations, citing "open bias" associated with EU and US election monitoring groups, was initiated in court by Nairobi attorney Harrison Kinyanjui on February 13, 2013 (Kiplagat & Maina, 2013). The petitioner contended that the EUEOM exhibited a clear bias against the election of Uhuru Kenyatta and William Ruto during the March 4, 2013 Elections. The Observation Mission faced criticism from the Jubilee coalition for what they deemed "unprofessional and partisan involvement in Kenya's political and internal affairs." The coalition asserted that the EUEOM was providing assistance to CORD in its Election Petition. The Jubilee Coalition's statement also conflated the Observer Mission with the European Union, which faced allegations of secretly financing CORD's primary ally, the Orange Democratic Movement, via a Non-Governmental Organization. Given that the majority of observer groups had deemed the election to be legitimate, it is probable that the EUEOM would not produce a significantly divergent report, particularly in light of allegations of partiality during the electoral process. The Carter Center's International Election Observation Mission to Kenya has dispatched 52 observers to monitor the electoral process in the country. The Observation Mission released a statement two days subsequent to the polling day. The statement commended the Kenyan electorate for their peaceful participation in the elections, noted the significant incidence of rejected votes, mirroring the observations of the African Union Election Observer Mission, and urged political parties and candidates to demonstrate patience as the results were being finalized. A more detailed statement was disseminated on 4 April 2013, subsequent to the release of results, their

subsequent challenge in court, and the affirmation of those results. The findings indicated that the election results in Kenya, derived from the manual tallying process, accurately represented the preferences of the Kenyan electorate. The Centre posited that the manual tallying provided sufficient assurance to uphold the authentic expression of the will of Kenyan voters, notwithstanding significant deficiencies in the management of technology and the tabulation of final results by the Independent Electoral and Boundaries Commission. The statement, however, criticized the absence of transparency in the tallying process and the reluctance to disclose results by polling station. Concerning transparency, the Carter Center expressed disapproval of the IEBC's decision to restrict party agents and observers to the gallery of the national tally center, thereby rendering effective observation unattainable. The absence of transparency raises significant concerns regarding whether the process provided adequate assurances to uphold the expression of the will of Kenyan voters, particularly in the Presidential election, where a mere 8,418 votes thwarted a run-off. Indeed, the observation of the results may or may not have had a significant impact on the outcomes – whether a victory for Uhuru Kenyatta in the first round or a run-off – yet the absence of oversight during the tallying process by agents and observers at the tallying center casts doubt on the credibility of the result.

Similar to the EUEOM, the Carter Centre Election Observation Mission faced allegations of bias during its observation of the 2013 election. An official of the mission disclosed: “We faced a petition aimed at halting the accreditation of observers – specifically, American Observers.” We were similarly subjected to scrutiny by a coalition that amalgamated the ICC and the West into a singular entity, which also encompassed the observer missions. Should the results favor their adversaries, they

would assert that they had swayed the election's outcome. The paper by Oruko & Kimanthi (2018) illustrates the ways in which both international and domestic observer missions, operating within a politically charged context, may undermine the integrity of their election observation reports. In the instance of KHRC, EUEOM, and the Carter Center Election Observation Mission, the process of Election Observation transpired amid allegations of bias concerning these observer entities. This may have ultimately shaped their reporting. It has been posited that missions like the AUEOM and the EAC-IGAD-COMESA observation missions may have originated from intergovernmental entities and could have adopted a diplomatic approach in their reporting of observations to preserve the reciprocal relationship between the host state, Kenya, and other member states. Future elections in other member states would necessitate that similar Election Observation Missions affirm the electoral processes and outcomes as credible, transparent, and representative of the people's will. In the instance of ELOG, which utilized citizen participation, the necessity for tranquility likely shaped their reporting, leading them to refrain from questioning the IEBC's results or highlighting any irregularities that were brought forth by the CORD Presidential Candidate and the non-governmental organization AFRICOG in the Presidential Election Petition. The electoral landscape in Kenya was marked by appeals for tranquility and a transition to a revised constitutional framework. This ultimately established the context for communications whose substance was evaluated from participants in the electoral process. The emphasis placed on maintaining peace may have led to a compromise in the integrity of the election observers' reporting. The endorsement of the electoral process by a range of observers may have established a framework for additional observers to temper their assessments. This would occur regardless of whether the endorsement accurately reflects the nature of the actual

process and the validity of the election results. It is important to observe that in the period preceding the March 2013 elections, global entities concentrated their efforts on the electoral process, largely neglecting issues of justice and accountability, and opted to advocate for peace rather than democracy. At certain moments, there was a greater focus on ensuring safe, violence-free elections rather than prioritizing the principles of free and fair processes, thereby emphasizing peace over democratic values. Johnnie Carson, serving as the US Assistant Secretary of State for Africa during that period, subsequently affirmed that the primary objective of the United States was to prevent a recurrence of the violence witnessed in 2007–08 and to facilitate peaceful elections, whereas the intricacies of the process were regarded as a lesser priority (Brown & Raddatz, 2013).

In early December 2012, as Raila Odinga topped the polls, former adversaries and fellow ICC indictees Kenyatta and Ruto entered into a strategic alliance marked by pragmatic considerations. It was quite unexpected for observers that the two individuals could transcend their violent dispute; indeed, they had been positioned on opposing factions during the conflict of 2007–08. The alliance was evidently calculated, with both parties likely recognizing that a collaborative success would diminish their prospects of facing prosecution. Kenyatta and Ruto collaborated in their campaign efforts, presenting a united front under the auspices of the Jubilee Alliance. As the competition progressed, Kenyatta set himself apart from his principal opponent Odinga by articulating an anti-imperialist discourse that highlighted his objective of “safeguarding Kenyan sovereignty.” Throughout, Jubilee's nationalistic campaign adopted notable anti-British nuances, as Kenyatta framed himself as a proponent of African and Kenyan self-determination. Concerns were prevalent that this election might once more lead to violence; indeed,

numerous elements that contributed to the turmoil of 2007–08 remained in play. Once more, the electoral campaign leveraged ethnic divisions, as the Jubilee Alliance presented a coalition between the Kikuyu and Kalenjin, in contrast to Odinga's Coalition of Reform and Democracy (CORD), which was predominantly supported by the Luo community. The persistent challenges of land distribution, corruption, and poverty remained prominently at the forefront. Once more, surveys indicated a closely contested competition. The atmosphere was charged, and the stakes were elevated (Brown & Raddatz, 2013).

In the months leading up to the March 2013 election, the majority of donors prudently maintained a subdued presence, so as not to be perceived as interfering. “We refrained from voicing our support for any particular candidate or party during the election campaign,” elucidated one diplomat. “We consciously chose not to intervene.” Rather, contributors concentrated their endeavors on the collection and dissemination of information, frequently supplied by the United States. Undoubtedly, a majority of donors appreciated a continuous environment of stability, not merely due to their endorsement of Kenyans' electoral rights, but also to safeguard their own stakes in Kenya. No nation exhibited greater apprehension regarding Kenya's security than the United States. It is rather ironic that a high-ranking US official instigated considerable upheaval just prior to Election Day, as will be elaborated in the following paragraphs. On Election Day, 4 March 2013, tranquility reigned – yet the authenticity of democracy remains uncertain. Notwithstanding certain regional discord throughout the campaign, the elections were predominantly devoid of violence, marking a noteworthy accomplishment. Following a week fraught with technical difficulties and recounts, compounded by a contentious Supreme Court decision, Kenyatta attained the presidency with a narrow margin of 50.07% of the vote. While it was not a decisive

victory, it sufficed to preclude a run-off election, notwithstanding the presence of sufficient irregularities that cast significant doubt on the legitimacy of the initial round's outcome.

The Kenyan populace received unanimous praise from Western nations for their peaceful electoral process, while the newly elected President appeared to be overlooked, as initial congratulations were notably absent for the victors. Germany expressed its anticipation that Kenya would adhere to its international obligations, particularly in relation to its cooperation with the ICC (Lough, 2013). In a comparable manner, the United States emphasized the importance of Kenya adhering to its international commitments, while US Secretary of State John Kerry praised “all those elected to office” without specifically highlighting Kenyatta (Kelly, 2013). British Prime Minister David Cameron refrained from issuing a public statement of congratulations; however, he did communicate with Kenyatta, expressing that “the Kenyan people should take pride in the strong signal they have conveyed to the world regarding their commitment to exercising their democratic rights peacefully.” Canada acknowledged the millions of Kenyans who stood in line with composure to cast their votes and extended congratulations to “Kenyans on exercising their democratic right and on conducting peacefully the first elections under a new constitution” (Brown & Raddatz, 2013). In a similar vein, UN Secretary General Ban Ki-moon refrained from extending congratulations to Kenyatta on his victory, opting instead to commend the Kenyan populace for their commitment to a peaceful electoral process. Western nations likewise refrained from dispatching representatives from their capitals to the inauguration. Nevertheless, local ambassadors were present, even though it did not constitute a situation of “essential contact.”

It was evident that donors had not adequately anticipated the likelihood that Kenya's newly appointed leaders might not exhibit the same level of receptiveness towards the ICC as they had previously suggested. From the outset, Kenya has seemingly impeded the court's efforts, all the while projecting a semblance of cooperation sufficient to placate donors.

6.1.6 Election Observation in 2017 Elections

The August elections were scrutinized by over 2,000 international observers affiliated with IEBC-accredited IEOMs (Oruko & Kimanthi, 2018), which encompassed several prominent observer groups. These included the African Union, under the leadership of Thabo Mbeki, the former President of South Africa; the Commonwealth, headed by John Mahama, the former President of Ghana; the EU, led by Marietje Schaake, a Dutch MEP; the National Democratic Institute, which featured four notable leaders, including Attahiru Jega, the former Chair of Nigeria's Independent National Electoral Commission; and The Carter Center, co-chaired by John Kerry, former United States Secretary of State, and Aminata Touré, former Prime Minister of Senegal. They were accompanied by several smaller, regional initiatives including the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), the International Conference of the Great Lakes Region (ICGLR), and the Intergovernmental Authority on Development (IGAD). The oversight of domestic observation was led by the Elections Observation Group (ELOG), under the chairmanship of Regina Opondo. ELOG maintained an extensive observational presence throughout the electoral process, deploying 270 long-term observers and 85 observers for political party primaries starting in March 2017, before mobilizing over 8,000 observers during the elections.

The 2017 general elections, conversely, drew a notably substantial contingent of election observers, estimated at around 10,000, hailing from diverse international, regional, and domestic election monitoring missions. Consequently, at the international level, the observer missions comprised the African Union, Commonwealth, European Union, Carter Center, and the National Democratic Institute. Regional entities across the African continent, including the International Conference of the Great Lakes Region (ICGLR), East African Community (EAC), and the Intergovernmental Authority on Development (IGAD), likewise dispatched election observers to Kenya's 2017 general elections. In the realm of domestic affairs, the Election Observer Group (ELOG) Kenya, a collective of citizen observers, has mobilized around 7000 individuals to monitor the electoral process. Upon the conclusion of the electoral process, the observer missions subsequently released statements regarding their evaluation of the elections, predominantly commending the manner in which the elections were conducted.

Moreover, while the election observer missions for the 2017 general elections in Kenya generally commended the electoral process, as the results began to arrive at the national tallying center for the presidential election, the opposition National Super Alliance (NASA) contested the outcomes, specifically claiming that the Kenya Integrated Election Management System (KIEMS) had been compromised and the results altered to benefit the incumbent. As a result, the NASA coalition initiated a presidential election petition in the Supreme Court of Kenya, contesting the election of the current president. In a remarkable ruling, the Supreme Court invalidated the presidential elections, referencing unlawful activities and discrepancies in the transmission of results, and consequently mandated new presidential elections to be held within 60 days. The Supreme Court's ruling, notably, took election observer missions by surprise,

particularly considering that their preliminary statements did not indicate electoral irregularities of such magnitude as to justify the annulment of presidential election results. As a result, the annulment of the presidential election outcomes has intensified the examination of election observer missions, particularly revitalizing the analysis of their mandate, capabilities, and behaviors, as well as the significance and effectiveness of election observation itself.

Molony & MacDonald (2019) assert that the Supreme Court's ruling was unparalleled, marking the inaugural instance in Africa where a court has invalidated the re-election of an incumbent president. The unexpected nature of the situation was further accentuated by the actions attributed to the election observation missions that serve as the central theme of this article. A considerable number of individuals monitoring the elections, both within Kenya and beyond, had inferred from the reports of international observers' preliminary statements that these missions had lent their endorsement to the electoral process. In the aftermath of the events on 1 September, there arose a proliferation of sharply critical narratives concerning election observation missions. These accounts indicate that the missions conveyed to both Kenyans and the broader international community that the elections in August were characterized as 'free and fair.' The ruling of the Supreme Court subsequently demonstrated that this assertion was erroneous, thereby casting doubt on the fundamental credibility of observation missions. This narrative similarly cast uncertainty on the appropriateness of granting accreditation to international missions for the observation of the newly announced October elections.

Kuo and Dahir (2017) observe that election monitors are responsible for evaluating the integrity of the electoral process as impartial observers. Entities such as the African Union, the European Union, the Commonwealth Nations, and the Carter Center, based

in the United States, have expressed their endorsement of the outcomes of Kenya's election held on August 8. John Kerry, the former US secretary of state and leader of the Carter Center's mission, commended the process as "free, fair and credible," acknowledging "minor aberrations here and there." In a span of less than a month, those irregularities, encompassing 5 million unverified ballots, prompted Kenya's high court to invalidate the election, thereby reversing the triumph of incumbent president Uhuru Kenyatta. Scrutiny has swiftly shifted towards the function of election observers. Odinga, having petitioned the court to annul the vote, issued a statement asserting, "With this bold verdict, we subject the international observers to scrutiny for their swift actions to legitimize the fraud."

6.1.7 Election Observation in 2022 Elections

The paper by Sambu (2023) scrutinized the proceedings of the 2022 presidential election in Kenya. It sought to delineate the most effective practices as instructive examples for the democratization of the entire African continent. The research that led to the paper was qualitative, grounded in a case study of the presidential election held in August 2022 in Kenya. To achieve this objective, this paper employed observation, expert insights, and a review of relevant documents to gather both primary and secondary data. The presidential election in Kenya predominantly satisfied the criteria for being free, fair, and credible. The clarity of the process received widespread commendation, and the constitutional stipulations regarding timelines and associated activities enhanced the predictability of events, thereby helping to alleviate tensions and prevent post-election violence similar to that observed in 2007/8. The election faced scrutiny in the Supreme Court, where the proceedings remained accessible to the public until a resolution was reached, ultimately affirming the outcome. The significance of the media and law enforcement was underscored. Nonetheless, various concerns were

identified that require attention to enhance participation, increase voter turnout, improve voter education, address budgetary constraints, optimize resource allocation, and ensure effective communication of results while clarifying pertinent issues. Notwithstanding the technical difficulties encountered, the electoral experience in Kenya substantiates the notion that the recurrence of elections fosters democratic principles, thereby providing valuable insights for other African nations. The paper advocated for enhancing the autonomy of electoral management bodies and commissioners, thereby reinforcing the integrity of election processes through legislative measures. Additional considerations encompass the clarity of the entire procedure, thorough preparation that includes the evaluation of relevant technologies, and the timely allocation of sufficient resources. It further advocates for comprehensive voter education, engaging relevant stakeholders and enhancing communication strategies.

Agiboko and Okafor (2023) noted that Africa has experienced considerable democratic advancement, both in terms of principles and practical implementation, over the last twenty years. Kenya's 2022 general election has deviated from the conventional narrative of citizens fulfilling their civic responsibilities, only to passively observe the distortion of their votes. Kenyans have endeavored to address this issue through thorough constitutional reforms, a proactive and discerning citizenry, and a judiciary that is progressively independent. Kenyans have meticulously developed a strategic framework for themselves and for democratic reform advocates throughout the continent. Furthermore, the 2023 general election in Nigeria has yielded notable political advancements, particularly evident in the significant transformations within the nation's political landscape. The rise of new political entities, such as the Labor Party, introduces fresh ideologies and principles that challenge the status quo. These

developments indicate that citizens are progressively reasserting their esteemed role in the electoral process across Africa. This signifies that political authority fundamentally resides with the populace, serving as the cornerstone of democracy and its governance.

The historical analysis of election observer missions in Kenya reveals two opposing viewpoints. On one side, these missions have confidently issued statements and published election observation reports that outline numerous flaws and irregularities identified during the presidential elections, while also offering a comprehensive evaluation of the electoral process. Conversely, shaped by a politically charged atmosphere and the interplay of political and strategic interests, the election observer missions have diluted the integrity of their reporting. They have notably minimized the flaws and irregularities identified, leading to overly favorable evaluations of electoral processes that were, in fact, deeply flawed. This pattern is evident in the presidential elections of 1992, 1997, 2013, and most recently, the 2017 elections, which were ultimately annulled by the country's Supreme Court.

6.2 Whether Recommendations by IEOMs informed Democratic Consolidation in Subsequent Elections Since 1992

The study in an effort to explore the democratization process in the context of IEOMs in Kenya since 1992 sought to measure whether recommendations by arising from previous elections had informed subsequent elections. Respondents were provided with a number of recommendations arising out of IEOMs reports and either agreed or disagreed with them. Data on the same were collected, analyzed and the results presented in Table 6.2.

Table 6.2: Table Showing Respondents Views on Whether Recommendations by IEOMs informed Democratic Consolidation in Subsequent Elections Since 1992

IEOMs recommendations in consolidating democracy in subsequent elections since 1992	Yes	No
Recommendations to improve fraud detection	76%	24%
Recommendations to improve electoral legal framework	94%	6%
Recommendations to improve electoral dispute resolutions	94%	6%
Recommendations to enhance respect for human rights	82%	18%
Recommendations to improve vote transmission	86%	14%
Recommendations to enhance peaceful transfer of power	84%	16%
Recommendations to enhance capacity of electoral bodies	80%	20%
Recommendations to improve electoral pluralism	70%	30%
Recommendations have improved electoral reforms	80%	20%

Source: Field Data (2024)

On the recommendations to improve fraud detection, quantitative evidence revealed majority 76% (88) agreement with this item, only 24% (28) of respondents disagreed. The study contends that the presence of IEOMs during elections and inputs of IEOMs through post-election reports may have led to mechanisms to mitigate electoral fraud in Kenya which is an essential for ensuring electoral integrity.

On the recommendations to improve electoral legal framework, quantitative evidence revealed that majority 94% (109) of respondents agreed with this item, only 6% (7) disagreed. These findings indicate that IEOM recommendation have shaped and improved the legal framework in Kenya. Study findings also advance that a robust legal framework is a fundamental aspect for proper conduct of electoral process as it provides clear rules and guidelines. It reflects the effectiveness of IEOMs in consolidating democratic gains in Kenya since 1992 in advocating for legal reforms.

On the recommendations to improve electoral dispute resolutions, quantitative evidence revealed that 94% (109) of respondents agreed with this item, only 6% (7) disagreed.

These findings suggest the influence of IEOMs in creating strong institutions aimed at improving electoral dispute resolution to address conflicts arising from electoral processes. Effective dispute resolution institutions and mechanisms are an essential in maintaining public trust and electoral integrity. These are key in democratic consolidation.

On the recommendations to enhance respect for human rights, quantitative evidence revealed that 82% (95) of respondents agreed with this item, only 18% (21) disagreed. These findings affirm the role of IEOMs in enhancing respect for human rights since 1992. In democratic spaces, respect for human rights is a cornerstone for democratic consolidation in Kenya.

On the recommendations to improve vote transmission, quantitative evidence revealed that 86% (100) of respondents agreed with this item, only 14% (16) disagreed. Study findings point to the fact that respondents felt that IEOM recommendations have indeed advocated for improved methodologies of vote transmission. Accurate vote transmission is a cornerstone of democratic consolidation.

On the recommendations to enhance peaceful transfer of power, quantitative evidence revealed that 84% (97) of respondents agreed with this item, only 16 % (17) disagreed. Study findings indicate that IEOMs have indeed been a contributing factor in acceptance electoral results thereby promoting stability which is a key factor in democratic consolidation.

On the recommendations to enhance capacity of electoral bodies, quantitative evidence revealed that 80% (93) of respondents agreed with this item, only 20% (23) disagreed. These findings suggest that since 1992, IEOMs have been successful in the role of

supporting and providing guidance to electoral institutions in Kenya. The findings affirm the role of IEOMs in bolstering institutional capacity of electoral bodies.

On the recommendations to improve electoral pluralism in Kenya, quantitative evidence revealed that 70% (81) of respondents agreed with this item, only 30% (35) disagreed. Study findings established that this aspect has been somewhat effective in the promotion of a competitive electoral environment. Electoral pluralism is a measure of healthy democratic governance. Despite electoral pluralism having a lower response rate, it reflects notable impact by IEOMs in democratic consolidation of this aspect.

On the general view that recommendations have improved electoral reforms in Kenya, quantitative evidence revealed that 80% (93) of respondents agreed with this item, only 20% (23) disagreed. These findings suggest the recognition by respondents that IEOMs have indeed fueled electoral improvements. The study contends that continuous reforms are necessary for improved democratic processes.

The most important results appear to be that IEOM recommendations have improved electoral legal framework and mechanisms for dispute resolution which were strongly supported at 94% (109). Overall the findings align with existing theoretical perspectives which suggest the international institutions- in this case IEOMs as mechanisms for enhancing international cooperation and enforcing democratic standards. Results show a fair distribution of responses which points to the fact that IEOMs recommendations have informed democratic consolidation in subsequent elections. Study findings on implementation of IEOM recommendations were corroborated during a KII with a former lead international election observer.

When the recommendations are made, for example in one instance, the Chairman of the Electoral Commission stated that now you made your recommendations, come we discuss. So we had to go and hold a whole workshop discussing elections and how to improve but they would have

chosen just to take what you have said and discuss it but then let the commission decide. The commission is independent and if they want parliament to legislate some of the recommendations, they can then invite them in a separate workshop and also invite other arms of the government to comment on what the group said (Interview with former lead international election observer in Kakamega County on June 21, 2024).

Qualitative evidence reveals that while recommendations by IEOMs may be taken seriously and subjected discussions by stakeholders, their implementation is dependent on the Electoral Commission's independent judgment and the broader legislative processes. The findings also reveal potential legislative involvement by Parliament and points to the complexity of implementing some recommendations, suggesting a process that involves multiple governmental arms. Therefore, this balance between external input and internal decision-making indeed essential in the democratic consolidation process in Kenya.

The findings of the study regarding the implementation of recommendations are supported by the Commonwealth Observer Group report from 2008, which observed that certain recommendations had indeed been put into practice. For instance, there has been a rise in funding for ECK, the establishment of regulations concerning party funding, the cessation of the practice of imposing accreditation fees on international and domestic observers, revisions to the procedures for Assisted Voters, and the encouragement of local peace committees. Nevertheless, the report highlighted several crucial recommendations that remain unaddressed, including the necessity for the KBC to adhere to the broadcasting act by delivering equitable and impartial reporting, alongside allocating free airtime for political parties. It is advisable to refrain from scheduling General Elections in proximity to significant religious festivals. Reevaluation of constituency boundaries to address inconsistencies in constituency dimensions; It is imperative to motivate all stakeholders to engage in discussions aimed

at reaching a consensus on pertinent regulations governing the utilization of state resources in forthcoming elections. Furthermore, the ECK should contemplate the establishment of a framework that guarantees essential service personnel, including polling staff and law enforcement, the opportunity to fulfill their voting rights by implementing early voting options or designated provisions on Election Day. Establish guidelines that oversee the financial aspects of electoral campaigns, with a particular emphasis on the disclosure of funding sources utilized by political parties during their campaigns; Examine the implications surrounding the safeguarding of ballot confidentiality for voters lacking literacy skills. It is essential that these individuals receive comprehensive voter education, enabling them to identify party symbols, and consideration should be given to incorporating candidates' photographs on the ballots to enhance recognition.

The findings of the study were supported by the research conducted by Dodsworth et al. (2020), which revealed a notable disparity in the application of election observation recommendations throughout sub-Saharan Africa, with variations evident both among countries and across different categories of recommendations. The research observed that: The likelihood of implementing recommendations significantly increases when the Electoral Management Body (EMB) operates independently and possesses the necessary capacity. This indicates that significant benefits can be derived from cultivating robust connections with EMBs: Recommendations concerning specific issues, particularly campaign finance and the political representation of women, present greater difficulties in implementation than others, as they pose more profound challenges to the existing political order. In the face of challenging contexts and complex topics, instances of unexpected success emerged. This phenomenon typically arises when civil society organizations have established unified and articulate

coalitions, thereby amplifying domestic demands for transformation. In certain contexts, the insights provided by international observers have yielded advantages, notwithstanding their failure to be put into practice. For instance, the absence of implemented recommendations has inadvertently facilitated the growth of domestic election observation by maintaining this issue in the forefront of discourse.

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In light of this, the study conducted by Dodworth et al. (2020) explored the execution of recommendations put forth by prominent international observers across five nations in sub-Saharan Africa: Ghana, Kenya, Liberia, Nigeria, and Uganda. The examination, grounded in a synthesis of quantitative and qualitative data, uncovers both parallels and divergences in the elements influencing the execution of recommendations across these nations. Initially, the study demonstrated that a significant portion of the differences observed among countries regarding the implementation rate of recommendations can be elucidated by examining the characteristics of each country's Election Management Body (EMB). In instances where EMBs have effectively enhanced their capacity and autonomy, there is generally a notable increase in the implementation of recommendations. Secondly, specific matters present significant challenges in terms of implementation, notably in the realms of campaign finance and the political engagement of women. The aforementioned areas raise significant concerns among international observers; however, their recommendations regarding these matters have seldom achieved substantial influence. Ultimately, there exists a potential avenue through which this issue could be addressed. Several recommendations have been executed despite significant challenges, yielding unexpectedly successful outcomes. This phenomenon frequently arises from meticulously structured and unified campaigns spearheaded by local civil society organizations, indicating a potential

pathway for enhanced collaboration between international election observation entities and the wider democracy assistance sector in their mutual endeavors. This analysis of the recommendations from IEOMs in Kenya concludes that the implementation of issues such as campaign financing and the inclusion of women presents significant challenges. Nevertheless, specific elements, such as the results of the 2007/2008 elections, prompted the legal establishment of matters concerning women's inclusion in governance arenas. This, however, may not be directly ascribed to IEOMs but rather to the subsequent events following the election—specifically, the extensive violence that occurred in 2007/2008.

6.2.1 Factors that Affect Implementation of IEOMs Recommendations

The initial aspect to consider is the caliber of democracy. In light of Kelley's (2012) observation that the likelihood of implementing observers' recommendations increases in political environments that are less characterized by a 'winner takes all' mentality and where there are significant domestic pressures for reform, the study conducted by Dodsworth et al. (2020) posits that elevated levels of democracy are likely to facilitate the adoption of these recommendations. Consequently, the authors anticipate a greater likelihood of recommendations being enacted in Ghana, a nation deemed 'Free' by Freedom House and recognized as one of Africa's most stable and competitive democracies. Nigeria embodies a more complex scenario. Nigeria, classified as 'Partly Free', has maintained a formal democratic structure since 1999; however, it is often perceived as a 'hybrid regime' due to the ambiguous nature of its democratic depth and quality. Nevertheless, it is Uganda that appears to present the most challenging political environment for effective implementation. Presently classified as 'Not Free' by Freedom House, Uganda is viewed by scholars as a case study of electoral

authoritarianism; a political system where authoritarian practices are concealed beneath the formal institutional appearance of a representative democracy. As noted by Dodsworth et al. (2020), the second factor influencing our case selection is foreign aid, which can impact the adoption of observers' recommendations by offering both an incentive for countries to act on those recommendations (to avoid the withdrawal of aid) and the necessary financial resources to implement reforms. Uganda has traditionally been viewed as a favored recipient of international assistance. Once dependent on foreign aid amounting to approximately 15 percent of its Gross National Income (GNI) in 2007, the nation now receives aid that constitutes around 7 to 8 percent of its GNI annually. This has not, however, consistently afforded Uganda's donors the political leverage that many anticipate (Fisher, 2013). Conversely, Nigeria, endowed with significant natural resource wealth through its oil reserves, demonstrates a markedly lower dependence on foreign aid inflows. It generally receives assistance amounting to under one percent of its Gross National Income annually, a factor that could complicate efforts by international donors to motivate or enable the execution of the observers' recommendations. Ghana embarks on a distinct path. Despite receiving comparable levels of assistance (in relation to GNI) as Uganda during the years 2000 to 2004, economic growth has enabled it to significantly diminish its dependence on foreign aid. In the year 2018, the aid received by Ghana amounted to less than two percent of its Gross National Income.

Dodsworth et al. (2020) observed that, on average, slightly more than 14 percent of the recommendations put forth by international election observers were fully realized by the subsequent election. Additionally, 20.5 percent of the recommendations saw partial implementation. The current rate of success may be regarded as rather unsatisfactory,

as it indicates that approximately two-thirds of recommendations have not been implemented whatsoever. The data indicates significant disparities among nations regarding the frequency with which the recommendations of international election observers are enacted. Kenya stands out prominently in this context, with slightly more than fifty percent of all recommendations executed either in full (19.8 percent) or in part (31.3 percent). Conversely, the rates of implementation in Uganda are significantly lower, with merely 5 percent of recommendations having been fully executed, and 17 percent partially executed. This is illustrated in Figure 6.3.

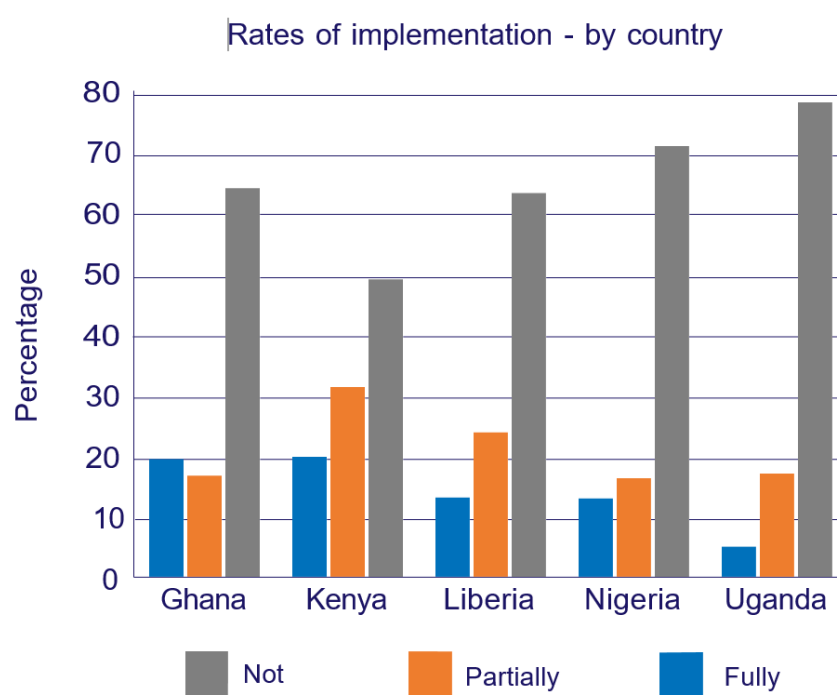


Figure 6.3: Secondary Data Showing the Rates of Implementation of Election Observation Recommendations by Country

Source: Dodsworth *et al.*, (2020)

The correlation between particular elections and the rates of implementation exhibits statistical significance, and in certain instances, there is considerable variation among

the elections themselves. This phenomenon is particularly evident in Kenya, as demonstrated in Figure 6.3. The rates of implementation were significantly elevated for the recommendations that emerged following Kenya's 2007 election, which incited a surge of post-electoral violence resulting in the deaths of over 1200 individuals and the displacement of several hundred thousand others.

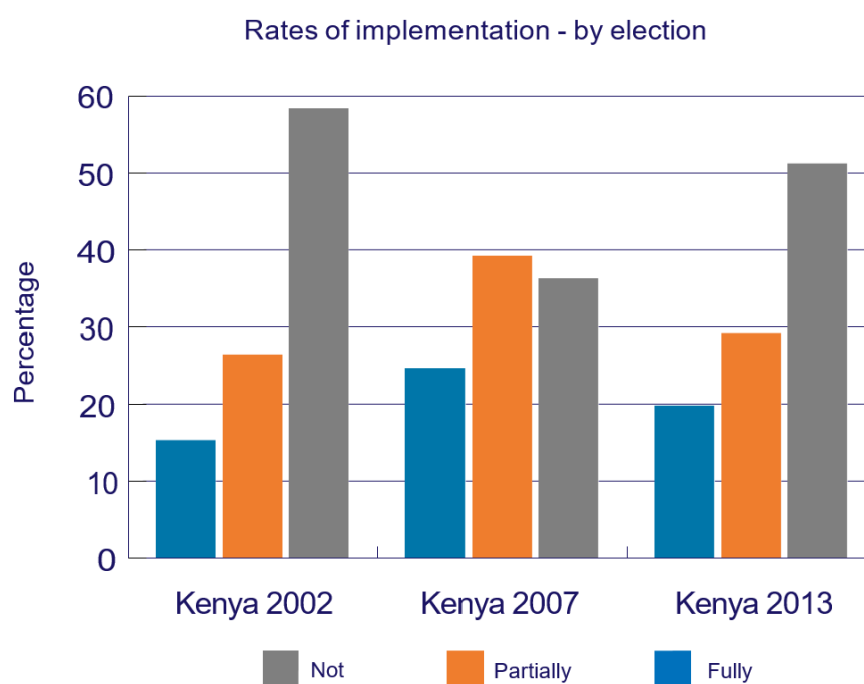


Figure 6.4: Secondary Data Showing the Rates of Implementation of Election Observation Recommendations in three Consecutive Elections in Kenya

Source: Dodsworth *et al.*, (2020)

The violence that astonished both the international community and the Kenyan populace may partially elucidate the elevated rates of implementation observed after the 2007 election. The violence engendered both domestic and international pressure to enhance the integrity of the Kenyan electoral process, and (as depicted in Figure 6.4) seems to have catalyzed a significant rise in the allocation of aid funds aimed at this

objective in the lead-up to the 2013 and 2017 elections. Consequently, following the 2007 elections, Kenya possessed both the financial resources and the political determination required to implement electoral reforms. Certain categories of recommendations are executed with significantly greater frequency than their counterparts. Two factors appear to hold significant importance: the recipients of a recommendation and the content of the recommendation itself. Approximately 17.5 percent of recommendations aimed at electoral commissions are entirely executed, whereas roughly 26 percent are executed to a partial extent. Conversely, suggestions aimed at alternative entities, or those lacking a specific target, are realized with lesser frequency, at rates of 13 percent and 17.5 percent, respectively. The commendable history of electoral commissions in executing recommendations is not wholly unexpected. International election observers, along with the organizations that support their endeavors, generally dedicate considerable effort to cultivating collaborative relationships with electoral commissions. Election commissions frequently attract considerable interest for support, encompassing financial aid and capacity enhancement, from the global community dedicated to promoting democratic values. The widespread appeal of this phenomenon arises from two primary factors: the essential role elections play in the framework of democracy, and the nature of electoral commissions, which are typically more technocratic and less overtly political. This characteristic enables international donors to provide support without inciting accusations of partiality in domestic political affairs.

6.2.1 Implementation of IEOM Reports Since 1992

This section sought to track implementation of IEOM reports since 2002. The section presents general information about the election, IEOMs present, verdict of the election

by IEOMs on whether it was free and fair, and, recommendations arising from the IEOMs.

Table 6.3: Table Tracking Implementation of IEOMs Report in 1992 Elections

General elections of 1992	
IEOMs Present	
International Republican Institute (IRI)- Funded by USAID, Federal Electoral Commission (USA), National Democratic Institute (NDI), Scancan team (Scandnavia), Canada, Egypt, German, Japan, Netherlands and Switzerland also sent representatives.	
Verdicts of the Elections by IEOMs	
• Not free and fair • In private, none of the international monitoring teams and virtually no Nairobi-based diplomats could state that the elections had been fair. • This was an election that proved difficult to evaluate in terms of freeness and fairness.	
Selected Recommendations by IEOMs (IRI)	
Electoral Law Reforms	
• The new parliament scheduled to convene in March 1993 will confront challenges of a pluralistic political system therefore the need for electoral law reform. • Composition of the electoral commission (EC) to reflect the new multi-party character of the Constitution. • Given civil service bias in favor of KANU especially during campaigns, there should be greater supervision from parliament to ensure all parties are treated equally. • Voter registration responsibilities must lie with the EC until the civil service is depoliticized. • Eliminate under-age voting. • Voter rolls be published early to allow for cleaning. • Voters to vote where they live or work. • Timely dispute resolution of electoral offenses with parliament considering and independent mechanisms to hear cases before and after elections. • Increase campaign time between nomination and election day. • One ballot instead of three separate ballots to simplify counting.	

- Revised campaign funds regulations to discourage illegal use of funds and a level playing field.

Political Parties

- KANU to separate its identity from Government of Kenya
- KANU to reconfigure its youth organization
- International community to support democracy development programs

Freedom of Assembly

- Responsibility of granting rally permits be transferred to an independent body until civil service is depoliticized.
- Civil servants to made aware that harassment and intimidation of citizens is unacceptable.
- A complete end to politically- motivated violence

Media

- Non-partisan broadcast by media.

Election Day

- Voter materials be distributed more effectively.
- Electors identity card number not to be indicated in the ballot stub.
- Roles of each election official be re-defined
- Limit of number of voters allowed in the polling are to be established.

Quantitative Primary Data on Respondents Views about the elections

- 78% of respondents indicated that they were not free and fair.
- 22% of respondents indicated that they were free and fair.
- Ranked 2/7 as the most unfair elections since 1992.
- Ranked 7/7 or last as the fairest elections since 1992 .

Source: Field Data (2024).

Table 6.4: Table Tracking Implementation of IEOMs Report in 1997 Elections

General elections of 1997
IEOMs Present
Donors' Democratic Development Group (DDDG)- Coordinated by the Dutch Embassy and chaired by the Canadian embassy, a group of 22 donor-countries (also including the United States, Britain, France, Germany, Japan and the Scandinavian countries)
Verdict of the Elections
• The election itself was described as 'chaotic' • According to The Daily Nation of 30 December 1997, 'just about anything that could go wrong did go wrong'. • The newspaper talked about a 'Chaplinesque performance', a 'national disgrace' and 'an insult to voters. • The group's general conclusion was that despite the many irregularities and the chaotic character of the elections, 'the results reflected the wishes of the voters'. • EU described it as 'a further step in Kenya's development towards greater democracy'. • EU noted that the elections fell short of 'normal democratic Standards',
General Observations
• Slow issuance of identity cards to persons turning 18 years • Burning of voter cards • Dissatisfaction with the EC as it did not act to allay fears of widespread dissatisfaction with the voter registration process. • The significant variation in demographic size of many constituencies violates the principle of equality of the vote. To take the extremes of constituency sizes, Embakasi in Nairobi has some 114,000 registered voters whilst Ijara in Garissa District has just 7,500. • Over-representation for particular provinces in the parliament. • The expansion of the Commission to include 10 representatives of opposition parties was also positive. • KBC TV and radio reverted to a heavy bias in favor of KANU. During this period, KANU received 85% of KBC TV and radio news airtime in contrast

to 10% received by the opposition. The remaining 5% went to other news items. • Whilst violence continued to be a feature of the campaign and nomination processes it was noticeably decreased from 1992. • It was also observed that bribery and vote buying continue to be a feature of the electoral process. • A further worrying factor during the campaign was the involvement of public employees, such as District Commissioners, District Officers and Chiefs, and state resources on behalf of the ruling party. • Poll watchers reported that at least 56% of polling stations failed to open on time. Once voting did commence, 98% of poll watchers rated the actual voting process as being acceptable. • Secrecy of the ballot not adhered to as polling booths were either not to be found or did not afford voters proper secrecy.
Recommendations by IEOMs (NDI-Joint Observer Statement) • Changes allowing for an increase in the period for nominations (Not implemented from 1992 recommendations). • The amendment of the Public Order Act, negating the requirement for a license for the holding of political meetings (Not implemented from 1992 recommendations). • Kenyan Broadcasting Corporation Act allocating equal air time for all registered political parties (Not implemented from 1992 recommendations). • The Chairman of the Commission should not be a political appointment (Not implemented from 1992 recommendations). • There needs to be a stronger legal basis for dealing with electoral complaints (Not implemented from 1992 recommendations). • Institutional bias in favour of KANU to be addressed ((Not implemented from 1992 recommendations).
Quantitative Primary Data on Respondents Views about the elections • 76% of respondents indicated that they were not free and fair. • 24% of respondents indicated that they were free and fair. • Ranked 3/7 as the most unfair elections since 1992.

- Ranked 6/7 as the fairest elections since 1992.

Source: Field Data (2024).

Table 6.5: Table Tracking Implementation of IEOMs Report in 2002 Elections

General elections of 2002
IEOMs Present
Commonwealth Observer Group, the European Union Elections Observation Mission (EUEOM), the Carter Centre, USAID/US Embassy, the British High Commission, the African Union, and the Donors for Development and Democracy Group.
Verdict of the Elections
• Observation Programme released a report describing the 2002 general elections as free and fair. • Despite some minimal irregularities, all returned a verdict of free and fair elections (Kanyinga, 2014).
General Observations
• Preparations for the election were generally well conducted by a well-equipped. • Competent electoral commission that undertook a voter education programme prior to the elections. • Serious concern was, however, raised by the voter registration process, which needed imminent improvement, thus recommendation made to the electoral commission to improve the accuracy and integrity of the voter register, using the imminent introduction of continuous voter registration.
Recommendations by IEOMs (EU)
Electoral Reforms
• The ECK should not allow itself to be pressured into practical solutions outside the law (An issue from the 1992 report). • ECK should follow-up on the existing programme of long term and widespread voter education (An issue from the 1992 report) • ECK meets with the international community to discuss how to improve the accuracy and integrity of the register (Still an issue from the 1992 report).

- The ECK should address and act upon the High Court rulings regarding the constituency boundaries (Recommendation from (Recommendation from 1997 report).
- The ECK should pay particular attention to improving the secrecy of the vote (Recommendation from 1992 report).
- The term of office of ECK commissioners should in any case run through six months after the next general elections to enhance the commissioners' independence and to prevent the issue of reappointment from playing a role before the elections.

Media

- Round tables involving candidates from different parties should be organized at least on the public broadcaster KBC, both on radio and television.
- Paid political advertisements should be avoided during news programmes.
- Both on private and public media, free airtime and paid political advertisements should be clearly distinguished to enable voters to make an informed choice

Quantitative Primary Data on Respondents Views about the elections

- 22% of respondents indicated that they were not free and fair
- 78% of respondents indicated that they were free and fair
- Ranked 7/7 as the most unfair elections since 1992
- Ranked 1/7 as the fairest elections since 1992

****The peacefulness of the 2002 elections made observers so mean with the recommendations.*

Table 6.6: Table Tracking Implementation of IEOMs Report in 2007 Elections

General elections of 2007

The December 27, 2007 elections were the most highly contested elections in Kenyan history. According to official election results, 9,886,650 Kenyans came out to vote. This figure is equivalent to a 69 percent national voter turnout and represents the highest turnout ever experienced in Kenya. In addition, there were nine presidential candidates, 2,547 parliamentary candidates, and 15,331 civic candidates vying for office, also the highest number in Kenya's history.

IEOMs Present

European Union, International Republican Institute, the East African Community, COMESA, and the Commonwealth observer missions.

Verdict of the Elections

Regarding tallying, tabulation, and announcement of results, the observer missions noted that the administration of the 2007 elections did not meet key regional and international standards for transparency in the conduct of elections (Kanyinga, 2014).

Observations

- Lack of voting secrecy. In many cases, this was a result of too many people being present in the polling station.
- Lack of transparency in the processing and tallying of results which, therefore, undermined confidence in the accuracy of the results of the presidential elections.
- The electoral commission had not succeeded in establishing the integrity of the results, thus bringing the validity of the results into question.
- Kivuitu appeared on KBC and announced final presidential figures naming President Kibaki the winner. Less than an hour later, President Kibaki was sworn in for a second term at the Nairobi State House by Chief Justice Evans Gicheru.
- ODM ruled out the possibility of filing a court petition against President Kibaki, claiming that the courts are controlled by the government and the party would not receive a fair judgment.
- The ECK is not an independent institution and is subordinate to the executive branch of the Kenyan government (Observation in the 1992 report).
- State and government resources were abused for campaign purposes (Observation in the 1992 report).
- Bias in the state-owned broadcaster KBC (Observation in the 1992 report).
- The Kenyan Constitution was drafted under a colonial regime and does not adequately address the needs of an independent, modern Kenya (Fresh observation).
- Technology used in the 2002 elections to contribute to the transparency of the polling exercise was circumvented in 2007.
- Use of hate-speech which was key in fueling violence (Fresh observation).

Recommendations by IEOMs (Commonwealth & EU)

- Introduction of provisions for the conduct of a second round of a presidential election (Fresh issue).
- Continuous improvements to the voter register (Recommendation from 1992 report).
- Overhaul of the tallying and announcement of results processes to ensure greater transparency, including developing a time- frame for the announcement of results (Fresh issue).
- Appointment of electoral commissioners be subject to screening and approval by parliament in order to strengthen the independence of the electoral commission and to further insulate it against political interference (Extended issue on EC since 1992). (Kenya: Final Commonwealth and EU Observation Reports, 2007).
- The independence of the ECK must be established through legislation, if not through a constitutional amendment (Recommendation from the 1992 report).
- The Kenyan Constitution must be revised to more appropriately balance the authority of the various branches of the Kenyan government, so that there are checks and balances that limit the influence that individuals and groups can have over the government (Fresh recommendation).
- Systems such as Global Position Satellite links and digital photography could be used as additional anti-fraud tools (Fresh recommendation).
- Independent body to can levy penalties against egregious hate speech that has the potential to incite ethnic violence in Kenya (Fresh recommendation).
- The ECK should as a matter of priority review the processes for the transmission and announcement of results (Fresh recommendation).
- Introduce a legal process that would ensure that election disputes are concluded before inauguration of newly-elected officials (Fresh recommendation).
- Separate funding to be made available to female candidates, considering their low social and economic status (Fresh recommendation).
- Government and political parties to foster an environment that is conducive to women's active participation in politics (Fresh recommendation).

• Provide adequate funding to ensure that young people are able to genuinely compete when nominating for election (fresh recommendation).
Quantitative Primary Data on Respondents Views about the elections
• 82% of respondents indicated that they were not free and fair • 18% of respondents indicated that they were free and fair • Ranked 1/7 as the most unfair elections since 1992 • Ranked 7/7 and last as the fairest elections since 1992

****Voting patterns were largely influenced by the 2005 referendum.*

Source: Field Data (2024)

Table 6.7: Table Tracking Implementation of IEOMs Report in 2013 Elections

General elections of 2013 The 4 March 2013 elections were Kenya’s first General Elections under the new Constitution and a series of new laws governing the elections, and represent an integral step in the reform and devolution process. Citizens have voted for the President, National Assembly, Women Members of the Assembly, Senate, County Governors and County Assemblies; three of which are brand new elective representative institutions. These elections were also the first General Elections since the tragic events following the 2007 polls, and so a major test for the country and its institutions.
IEOMs Present East African Community (EAC), Intergovernmental Authority for Development (IGAD), Common Market for Eastern and Southern Africa (COMESA), African Union, European Union, Carter Center,
Verdict of the Elections Western countries unanimously commended the Kenyan people for their peaceful elections and seemingly snubbed the newly elected President by not initially congratulating the winners.
Observations • The elections were regulated by an entirely new legal framework, including the 2010 Constitution and the 2011 Elections Act, IEBC Act and Political Parties Act and overall the new legal framework provides the basis for credible, inclusive and competitive elections.

- The elections were competitive, with freedom of association and participation rights provided for.
- The provision of special seats for women in the National Assembly and reserved seats for women (as well as youth and persons with disabilities) in the Senate and County Assemblies.
- There is a higher level of confidence and trust in the independence of the Judiciary following reforms and new appointments among judges at various levels.
- Electronic transmission process failed and the IEBC had to resort to waiting for the physical delivery of official results by Returning Officers to Nairobi.

Recommendations by IEOMs

- Providing an adequate period for voter registration which can be completed in good time prior to the poll (Recommendation made for all election since 1992).
- If the IEBC intends to continue to utilize the biometric voter identification devices in polling stations, then it must ensure that there is sufficient time to adequately test the system (Fresh recommendation).
- New legislation governing campaign financing and expenditure was not enacted for these polls, but it is required (An issue since 1992).
- Gender balance in representation in the parliament, as envisaged in the Constitution, is enforced as soon as is feasible (Recommendation follows up 2007 recommendations).
- The National Cohesion and Integration Commission, the Media Council of Kenya and the Communications Commission of Kenya should be adequately financed and equipped to efficiently and effectively fulfil their respective mandates (Fresh recommendation).
- In the event that Kenya has multiple elections on the same day, and thereby necessitating multiple ballots and ballot boxes, then it is important that the ballots and their respective boxes are more distinctly colored to ensure easier differentiation by voters. Further voter education can also help in this regard (Fresh recommendation).

• It is essential that if an electronic results transmission system is to be used again then the system must be adequately tested to ensure that it is reliable (Fresh recommendation).
Quantitative Primary Data on Respondents Views about the elections
• 42% of respondents indicated that they were not free and fair • 58% of respondents indicated that they were free and fair • Ranked 6/7 as the most unfair elections since 1992 • Ranked 3/7 as the fairest elections since 1992

*** This election had the highest number of fresh issues given that it was the first under the new constitutional dispensation.

Source: Field Data (2024)

Table 6.8: Table Tracking Implementation of IEOMs Report in 2017 Elections

General elections of 2017
IEOMs Present
Commonwealth, EU,AU, Carter Center, NDI, COMESA, the East African Community (EAC), the International Conference of the Great Lakes Region (ICGLR), and the Intergovernmental Authority on Development (IGAD).
Verdict of the Elections
• John Kerry, head of the Carter Center’s mission, applauded the process as “free, fair and credible” despite “little aberrations here and there.” • IEOMs described the elections as free and fair.
Observations
• Flawed voter registration process, which included an independent audit and corrective actions to address some of the many errors in the list. • Observers noted problems during the subsequent processes of electronically transmitting polling station results and tabulation of results at county-level tallying centers. • IEBC hastily declared the final presidential election results on Aug. 11, just three days after election day. • Supreme Court annulled the results of the presidential election, finding that the tabulation procedures failed to fulfill the constitutional requirement that

all elections be “simple, secure, transparent and verifiable.” It called for the election to be rerun in “fresh” polls within 60 days.

- Continued political confrontations that threaten key democratic actors, including the courts, civil society, journalists, and others.
- Women aspirants and candidates faced a hostile political environment, including propaganda, smear campaigns, and violence. Many lacked sufficient finances to run for office. Youth and Persons with Disabilities (PWDs) also faced similar barriers to participation.

Recommendations by IEOMs

- Kenya’s parliament should consider extending the deadline for the Supreme Court to resolve challenges to the results of a presidential election from the current 14 days to a minimum of 30 days to allow for a thorough consideration of all issues and sufficient time for verification exercises. (Fresh recommendation).
- Amend the election law provisions regarding criteria for annulling elections. Depending on the outcome of a pending court case regarding the late amendments passed in October by the ruling party, another amendment might be necessary to clarify that election results should only be annulled when irregularities are shown to be of sufficient magnitude to affect the outcome (Fresh recommendation).
- Implement the legally mandated two-thirds gender rule. Effective measures should be put into place to ensure full and timely compliance with the constitutionally mandated two thirds gender rule (Fresh recommendation)
- Clarify leadership and integrity requirements (Fresh recommendation).
- Hold accountable security forces found culpable of misconduct (Fresh recommendation).
- Implement independent electronic and paper-based results paths, with cross checks (Fresh recommendation).
- Implement all KPMG audit recommendations and conduct an audit of the voter register prior to the 2022 election (Recurrent recommendation).
- Political parties to pursue inter-party dialogue at all levels of government (Fresh recommendation).

• Implement a zero-tolerance policy for hate speech (Recommendation from 2007).
Quantitative Primary Data on Respondents Views about the elections
• 74% of respondents indicated that they were not free and fair • 26% of respondents indicated that they were free and fair • Ranked 4/7 as the most unfair elections since 1992 • Ranked 5/7 as the fairest elections since 1992

Source: Field Data (2024)

Table 6.9: Table Tracking Implementation of IEOMs Report in 2022 Elections

General elections of 2022
IEOMs Present
East Africa Community (EAC), Intergovernmental Authority on Development (IGAD), the Commonwealth, the African Union (AU), the Common Market for Eastern and Southern Africa (COMESA), European Union, Carter Center, NDI
Verdict of the Elections
Kenya largely met the threshold of a free, fair and credible election.
Recommendations by IEOMs
• In deciding electoral disputes, courts should seek to balance the quantity or number of proven irregularities against their substantive weight (Fresh recommendations). • The IEBC should ensure timely publication of all future voter registers to afford time for verification and objections (Recommendation from previous reports). • There is an urgent need to review the IEBC commissioner appointment process to ensure the timely appointment of satisfactorily non-partisan commissioners and that the independence of the IEBC is safeguarded and strengthened (Recommendation from the 2007 reports). • The conviction of any candidate for corruption, electoral malpractice or unethical conduct contrary to national values should lead to automatic disqualification of such a candidate as per the law (Recommendation from 2017 report).

• There is a need for the Elections Campaign Financing Act to come into force and to draft regulations (Recommendation since 1992). • The Kenyan Government should ensure the IEBC receives balanced funding throughout the course of the five-year electoral cycle, rather than receiving the bulk of it in the final year (Extended item recommendation on previous IEBC centric recommendations). • The National Assembly should pass the amendments to the Public Benefits Organisations Act to strengthen civil society against banning and deregistration (Fresh recommendation). • It is vital that political parties comply with the two-thirds gender rule (Extended recommendation from 2017). • The National Assembly should increase budget allocations for the IEBC and youth-led CSOs working on the ground for better reach (Extended recommendation from 2017). • Social media companies are encouraged to take more responsibility and action on disinformation, misinformation and hate speech to improve the speed at which dangerous/misleading content is removed from their platforms (Fresh Recommendation). • The Government is encouraged to review legislation pertaining to hate speech, including the National Cohesion and Integration Commission (NCIC) Act (Extended recommendation since 2007). • In its post-election review, the IEBC should consider administrative and technological solutions that would expedite the official announcement of results (Recommendation from 2017).
Quantitative Primary Data on Respondents Views about the elections
• 28% of respondents indicated that they were not free and fair • 72% of respondents indicated that they were free and fair • Ranked 6/7 as the most unfair elections since 1992 • Ranked 2/7 as the fairest elections since 1992

****Youths and Social Media emerging in the last 3 elections*

Source: Field Data (2024)

6.3 Contribution of IEOMs in Strengthening Democratic Institutions in Kenya Since 1992

The study also sought to explore the contribution of IEOMs in strengthening democratic institutions in Kenya. Respondents were provided with items and were required to show agreement with them based on a three point Likert scale. Data on the same were collected, analyzed and the results presented in Table 6.10.

On the contribution, Building Capacity of Election Management Bodies, quantitative evidence revealed that majority 68% (79) of respondents were in agreement, 24% (28) were neutral and 8% (9) disagreed. The results are indicative that IEOMs since 1992 have been effective in contributing to capacity building and resource pooling to enhance the efficiency of electoral bodies. Electoral bodies are a fundamental aspect of long term democratic consolidation.

On the contribution, enhancing legal and regulatory frameworks, quantitative evidence revealed that 48% (56) of respondents were in agreement, 44% (51) were neutral and 10% (12) disagreed. These findings indicate a mixed perception on this role with almost half or the respondents indicating neutrality. Mixed responses on this item suggest the ineffectiveness of IEOMs with positive agreement indicating some level of influence by IEOMs in enhancing legal regulatory frameworks in Kenya since 1992.

On the contribution, Promotion civic education and voter awareness, quantitative evidence revealed that majority 70% (81) of respondents were in agreement, 20% (23) were neutral and 10% (12) disagreed. Study findings reveal a strong perceived contribution of IEOMs in providing education to the electorate since 1992. Civic education is a fundamental part instrument that propels countries towards democratic consolidation.

On the contribution, Building Public Confidence, quantitative evidence revealed that majority 70% (81) of respondents were in agreement, 20% (23) were neutral and 10% (12) disagreed. The results suggest that IEOMs since 1992 have made a significant contribution in nurturing public confidence which is significant indicator of democratic consolidation in Kenya.

Table 6.10: Table Showing Respondents Views on the Contribution of IEOMs in Strengthening Democratic Institutions in Kenya Since 1992

Contribution of IEOMs in Strengthening Democracy since 1992	Agree	Neutral	Disagree	Rank
Building Capacity of Election management Bodies	68%	24%	8%	3
Enhancing legal and regulatory frameworks	48%	44%	8%	5
Promotion civic education and voter awareness	70%	20%	10%	2
Building Public Confidence	70%	20%	10%	2
Encouraging dialogue and cooperation between stakeholders	80%	14%	8%	1
Encouraging democratic values	60%	34%	6%	4

Source: Field Data (2024)

On the contribution, Encouraging dialogue and cooperation between stakeholders, quantitative evidence revealed that majority 80% (93) of respondents were in agreement, 14% (16) were neutral and 8% (9) disagreed. The study contends that IEOMs based on the findings have played a key role in encouraging communication between and among election stakeholders- a key ingredient for reducing electoral tension and facilitating a fertile democratic space for peaceful electoral processes.

On the contribution, encouraging democratic values, quantitative evidence revealed that majority 60% (70) of respondents were in agreement, 34% (39) were neutral and 6% (7) disagreed. These findings indicate though a positive result, there was a less overwhelming perception among respondents on the contribution of IEOM in

promoting democratic principles. Study findings on the contribution of IEOMs in strengthening democratic consolidation in Kenya were corroborated during a KII interview with a former lead international election observer.

We basically look at the law and see if the law was applied then make recommendations. We see all the parties involved, the interested parties as you are putting it. And see how they are authorized to access the media, how are they allowed by the system to campaign properly, are they permitted or restricted? You will find an opposition party trying to go to a place and they are denied and in Kenya this has happened. You need to request the police and you hear they have rejected your request for a meeting and when you try to come in, they arrest you. In Kenya, we have had problems for a long time but the law has been improving on the issue of elections but the disputes, the suspicions between the ruling party and the ones in opposition have persisted and many of the allegations are just imaginary- they are not true at all. Some issues though have been made difficult, like the transmission of results using technology. The party agents are not able to provide information at the center to confirm whether the results from polling station A reached. (Interview with former Lead International Election Observer in Kakamega County on June 21, 2024).

Overall, this study finds that the most important results are that IEOMs have encouraged dialogue between stakeholders- supported at 80% (93) and building public confidence- supported at 70% (81). The findings support theoretical perspectives that indeed international institutions play a vital role in promoting cooperation in their effort to consolidate democracy in Kenya.

6.4 Level of Agreement on the Contribution of IEOMs in Facets of Democratic Consolidation since 1992

The study in an effort to explore the democratization process in Kenya in Kenya in the context of IEOMs sought to establish the level of agreement with the contribution of IEOMs to facets of democratic consolidation. Respondents were asked to indicate their level of agreement based on a five point Likert scale for agree. Data on the same were collected, analyzed and the results presented in Table 6.11.

On regulation of campaign funds, quantitative evidence revealed that 14% (16) strongly disagreed, 26% (30) Disagreed, 18% (21) were neutral, 28% (32) agreed and 14%(16) strongly agreed with this item.

Table 6.11: Table Showing Respondents Level of Agreement on the Contribution of IEOMs in Facets of Democratic Consolidation since 1992

Contribution of IEOMs to facets of Democratic Consolidation in Kenya Since 1992	Strongly disagree	Disagree	Neutral	Agree	Strongly agree
IEOMs recommendations have facilitated the regulation of campaign finance	14%	26%	18%	28%	14%
IEOMs recommendations have enhanced gender inclusion	26%	34%	26%	6%	8%
IEOMs recommendations have promoted minority inclusion	22%	38%	28%	6%	6%
IEOMs recommendation have enhanced engagement between parties and candidates	24%	40%	28%	6%	2%
IEOMs recommendations have strengthened electoral authorities	32%	32%	30%	2%	4%
IEOMs recommendations have ensured transparency during voting process and vote count and result transmission	24%	40%	18%	12%	6%
IEOMs recommendations have streamlined electoral laws and procedures	20%	34%	34%	6%	6%
IEOMs recommendations have enhanced voter registration and voter education	16%	46%	26%	10%	4%
IEOMs recommendations have strengthened dispute resolution mechanisms	18%	56%	14%	8%	4%
IEOMs recommendations have strengthened support for citizen/domestic observer groups	32%	46%	12%	8%	2%
IEOMs recommendations have enhanced fair media coverage	22%	46%	20%	12%	0%
EOMs recommendations have enhanced security and safety during elections	22%	44%	22%	10%	2%
IEOMs recommendations have enhanced adherence to International electoral standards and norms	34%	44%	12%	8%	2%

Source: Field Data (2024)

Study findings revealed that a combined 42% (49) of respondents showed agreement with this item, a combined 40% (46) were in disagreement and 18% (21) of respondents were neutral. This indicates a moderate impact of IEOMs on regulation of campaign funds in Kenya since 1992. Regulation of campaign funds is crucial in ensuring fair competition in electoral processes, therefore, moderate agreement with this item suggesting challenges of enhancing campaign finance regulations.

On the enhancement of gender inclusion, quantitative evidence revealed that 26% (30) strongly disagreed, 34% (39) Disagreed, 26% (30) were neutral, 6% (7) agreed and 8% (9) strongly agreed with this item. A combined 60% (70) of respondents disagreed with this item at 60% (70), 14% (16) agreed and 26% (30) were neutral. While gender inclusion is a key aspect in democratic consolidation, the negative responses highlight the gap IEOMs face in addressing gender gaps in democratic processes.

On the promotion of minority inclusion, quantitative evidence revealed that 22% (26) strongly disagreed, 38% (44) Disagreed, 28% (32) were neutral, 6% (7) agreed and 6% (7) strongly agreed with this item. A combined 60% (70) of respondents disagreed, 12% (14) agreed and 28% (30) were neutral. The results point to the perceived ineffectiveness of IEOMs in enhancing minority inclusion in electoral processes.

I usually see, most of the IEOMs are done by very old people and when you are talking about continuity, the young people have to be there. They need to understand these processes much earlier so that they can be part of these processes. I can tell you that most the young people you see who participate in these missions, are given the role of escorting the people who come to observe or they become drivers of those vehicles or the role of a facilitator. They are not included in critical work such as report writing, and coming up with recommendations. Through their diplomatic missions, they can second five young people to be part of the observer missions (Interview with a Representative- Association of Election Observers in Africa on July 4, 2024 in Nairobi City County, Kenya).

On enhancement of engagement between parties and candidates, quantitative evidence revealed that 24% (28) strongly disagreed, 40% (46) Disagreed, 28% (32) were neutral, 6% (7) agreed and 2% (2) strongly agreed with this item. A combined 64% (74) of respondents disagreed, 8% (9) agreed and 28% (32) were neutral. These findings indicate the perceived lack of impact of IEOMs in contributing to fostering dialogue between parties and candidates.

On strengthening electoral authorities, quantitative evidence revealed that 32% (37) strongly disagreed, 32% (37) Disagreed, 30% (35) were neutral, 2% (2) agreed and 4% (5) strongly agreed with this item. These findings show that a combined 64% (74) of respondents disagrees, 6% (7) agreed and 30% (35) were neutral further indicating further the ineffectiveness of IEOMs in this area. Negative feedback on this item also indicates a challenge in IEOMs towards contributing to empowerment of electoral bodies.

On ensuring transparency during voting, vote count and transmission, quantitative evidence revealed that 24% (28) strongly disagreed, 40% (46) Disagreed, 18% (21) were neutral, 12% (14) agreed and 6% (7) strongly agreed with this item. These findings show that a combine 64% (74) disagreed with this item, 18% (21) were in agreement and 18% (21) were neutral. The study contends that based on the findings, IEOMs have not been particularly successful in contributing to transparent elections.

On streamlining electoral laws and procedures, quantitative evidence revealed that 20% (23) strongly disagreed, 34% (39) Disagreed, 34% (39) were neutral, 6% (7) agreed and 6% (7) strongly agreed with this item. A combined 54% (63) of respondents showed disagreement by either strongly disagreeing or disagreeing, 12% (14) agreed and 34% (39) were neutral. This mixed responses shows a moderate level of agreement by

respondents on this item. This study contends that while the findings suggest some progress on this item, IEOMs are likely faced by challenges in their effort to improve electoral laws and procedures. Study findings on the contribution of IEOMs were corroborated during a key informant interview.

On effectiveness, there are two categories- there is a long term and a short term, so the long term deal will the process from cleaning the register, observe the voter registration process, the tendering process, the voting process, counting and transmission of results and usually give their recommendations even one year after the elections and proper recommendations based on what they have observed throughout. In this, you can be assured that based on their knowledge and expertise- as this usually is nit their first internationally observation mission, whatever they also learn as good practises, they also come and expect Kenya to put in theirs as part of the recommendations which helps improve the democratic process. That is why you find in every election, we have new bills, new laws which some of them have been informed by IEOMs. There recommendations are always geared to improve the next election (Interview with the IEBC Youth Coordination Committee Chairperson on July 4, 2024 in Nairobi City County, Kenya).

On enhancement of voter registration and voter education, quantitative evidence revealed that 16% (19) strongly disagreed, 46% (53) Disagreed, 26% (30) were neutral, 10% (12) agreed and 4% (5) strongly agreed with this item. Study findings reveal that a combined majority 62% (72) disagreed, 14% (16) agreed and 26% (30) were neutral. Quantitative evidence shows a perceived lack of impact by IEOMs on this aspect of democratic consolidation.

On strengthening dispute resolution mechanisms, quantitative evidence revealed that 18% (21) strongly disagreed, 56% (65) Disagreed, 14% (16) were neutral, 8% (9) agreed and 4% (5) strongly agreed with this item. A combined majority 74% (86) of respondents disagreed, 12% (14) agreed and 14% (16) of the respondents remained neutral indicating a perceived lack of actual contribution by IEOMs to this aspect of democratic consolidation.

On strengthening support for domestic/citizen observer groups, quantitative evidence revealed that 32% (37) strongly disagreed, 46% (53) Disagreed, 12% (14) were neutral, 8% (9) agreed and 2% (2) strongly agreed with this item. A combined majority 78% (90) of respondents disagreed, 10% (12) agreed and 12% (14) remained neutral demonstrating a perception that there was lack of support by IEOMs for citizen observer groups.

On enhancement of fair media coverage, quantitative evidence revealed that 22% (26) strongly disagreed, 46% (53) Disagreed, 20% (23) were neutral, 12% (14) agreed and 0% (0) strongly agreed with this item. Study findings show that a combined 68% (79) of respondents disagreed, 12% (14) agreed and 20% (23) of the respondents were neutral with the results implying that IEOMs had not impacted the media especially with regard to unbiased reporting during electoral processes which is a critical measure of democratic consolidation.

On enhancement of security during elections, quantitative evidence revealed that 22% (26) strongly disagreed, 44% (51) Disagreed, 22% (26) were neutral, 10% (12) agreed and 2% (2) strongly agreed with this item. A combined 66% (77) of respondents disagreed with this item, 12% (14) of respondents agreed and 22% (26) of respondents were neutral indicating a perception that IEOMs may not have had a significant impact on this item highlighting security as a pre-dominantly state centric issue.

On enhanced adherence to international electoral norms and standards, quantitative evidence revealed that 34% (39) strongly disagreed, 44% (51) Disagreed, 12% (14) were neutral, 8% (9) agreed and 2% (2) strongly agreed with this item. A combined 78% (90) of respondents showed disagreement, 10% (12) agreed and 12% (14) of

respondents were neutral painting a picture of limited contribution by IEOMs on this aspect.

Overall, the study contends that the facets of strengthening electoral dispute resolution, support for citizen observer groups and enhancement of adherence to international standards of democratic elections had the highest level of disagreement yet these are salient areas to the perception of fairness of electoral processes, credibility and consequently democratic consolidation. From a theoretical lens, these findings on the contribution of IEOMs on facets of democracy highlight the asymmetric relationship between state and non-state actors and exposes the limitations of IEOMs in influencing state actors to fully adopt some or most of their recommendations in an effort to pursue democratic consolidation. These, the study argues are due to the basis of state autonomy and sovereignty- explaining the dominance of negative perceptions of the contribution by IEOMs to facets of democratic consolidation. In addition, mixed results point to some contributions that international institutions may have on state actors in pursuit for democratic governance- democracies are key to attaining a peaceful international system which is the point of departure by democratic peace theorists.

The research outcomes regarding the enhancement of electoral bodies, as articulated by IEOMs, find corroboration in the work of Kaaba et al. (2022). In a general sense, one can identify three primary tiers of international involvement in the electoral processes across Africa (Kaaba et al., 2022). The initial layer involves the provision of technical assistance, typically facilitated through a UNDP-managed basket fund. The primary justification for the basket fund, a collective financing mechanism, lies in its potential to enhance coordination and project execution, particularly within delicate political environments. Assistance from international stakeholders, facilitated through this coordinated mechanism, typically manifests as projects aimed at enhancing the capabilities of the election-management body. This includes initiatives for the development of electoral officials, logistical support for elections, procurement of technical equipment, arrangements for electoral security, backing for citizen observer groups, establishment of early warning systems, voter education initiatives, media capacity-building, reinforcement of grassroots conflict resolution strategies, and various other endeavors designed to foster transparency. The intricacies of engagement are typically contingent upon various factors, such as the developmental status of the nation, the current political landscape, the dedication to democratic

principles, and the interests of international stakeholders. International stakeholders also extend assistance bilaterally or directly to national institutions and stakeholders, bypassing the basket fund. A crucial element of this support involves the provision of funding for domestic election observers and monitors, as well as citizens engaged in this vital oversight role.

6.5 Respondents Views on IEOMs with the Greatest Impact on Democratic Consolidation in Kenya since 1992

The study sought to establish which IEOM had had the greatest impact on democratic consolidation in Kenya since 1992. Data on the same were collected, analyzed and the results presented in Figure 6.1. Quantitative evidence revealed that 54% (63) of respondents indicated AU COMESA Joint Observation Mission, 36% (42) indicated Carter Center Expert Observation Mission, 54% (63) indicated Commonwealth Observer Mission, 10% (12) indicated EISA Election Observation Mission, 70% (81) indicated European Union Observer Mission, 28% (32) indicated IGAD Observation Mission, 42% (49) indicated IRI/NDI Election Observer Mission, 44% (51) indicated EAC Election Observer Mission, and 34% (39) AfriCOG Observer Mission. In terms of rank, the European Union Observer Mission ranked 1, Commonwealth Observer Mission ranked 2, AU-COMESA joint observation mission ranked 2, EAC election observer mission ranked 3, IRI/NDI Election Observer Mission ranked 4, Carter Center Expert Observer Mission ranked 5, AfriCOG observer Mission ranked 6, IGAD observation mission ranked 7 and EISA Election Observation mission ranked 8. The ranking is presented in Table 6.12.

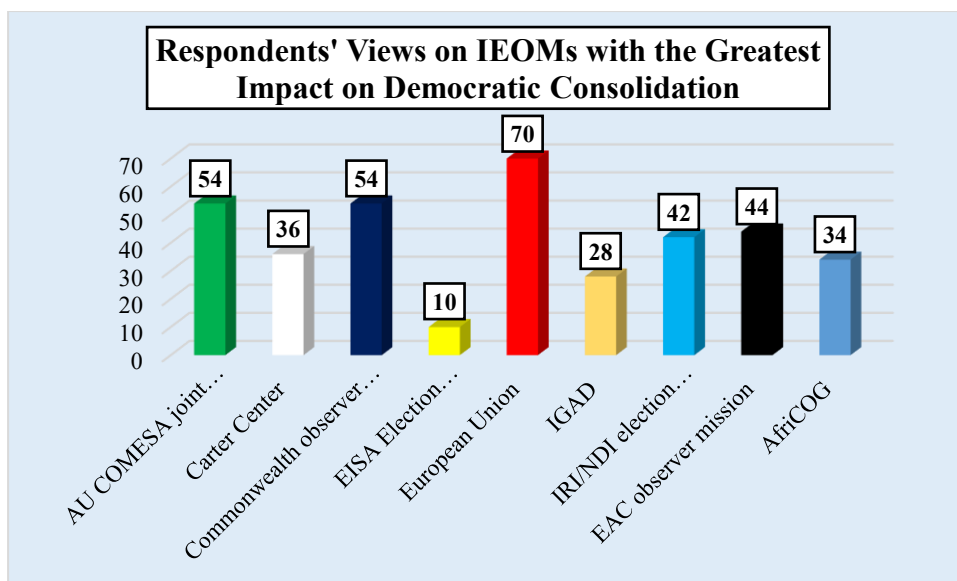


Figure 6.5: Respondents Views on IEOMs with the Greatest Impact on Democratic Consolidation in Kenya since 1992

Source: Field Data (2024)

Table 6.12: Ranking of IEOMs with the Greatest Impact on Democratic Consolidation in Kenya since 1992

International Election Observation Mission	Percentage (Frequency)	Rank
AU-COMESA Joint Observation Mission (Africa)	54%	2
Carter Center Expert Observation Mission (USA)	36%	5
Commonwealth Observer Mission (United Kingdom)	54%	2
EISA Election Observation Mission (South Africa-Johannesburg))	10%	8
European Union Observer Mission (Europe-Belgium)	70%	1
IGAD Observation Mission (Horn of Africa- Djibouti)	28%	7
IRI/NDI Election Observer Mission (USA)	42%	4
EAC Election Observer Mission (Tanzania-Arusha)	44%	3
AfriCOG Observer Mission (Kenya- Nairobi)	34%	6

Source: Field Data (2024)

Based on Table 6.1, it is important to note that the study deliberately introduces the geographical headquarters of the various IEOMs to show their global distribution. This, the study argues could be indicative of global concerns with democratic processes. The study notes with moderate concerns that while Kenya over the last two decades has

escalated her relations with states in the Sino-ASEAN region, there presence in election observation missions was very little yet continues to largely associate herself with the Asian tigers and other Asian democracies in pursuit of her strategic, national, socio-economic and cultural interests. This could be attributable to their adherence on the policy on non-interference. Majority- five of eight were African based IEOMs whereas three of eight were Euro-American based. While the Sino-ASEAN region has a number of notable IEOMs namely: Asian Network for Free Elections (ANFREL); Arab Network for Democratic Elections (ANDE); Organization of Islamic Cooperation (OIC) Observer Missions and Gulf Cooperation Council (GCC) Observer Missions among others, it would be of essence to interrogate their low participation in Kenya's electoral process in pursuit for democratic consolidation since 1992. It could also point to the strategic interests and priorities of Sino-ASEAN nation states in Kenya.

The observation of international affairs in Africa is conducted by a multitude of organizations. The entities in question encompass the Regional Economic Communities (RECs) alongside various regional non-state actors; continental intergovernmental organizations, notably the African Union (AU), in addition to continental non-state actors like the Electoral Institute for Sustainable Democracy in Africa (EISA); as well as international intergovernmental bodies such as the European Union and the Commonwealth, complemented by international non-state actors including the National Democratic Institute (NDI) and the Carter Center. All parties involved have endorsed the 2005 Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers (UN, 2005). These organizations possess distinct norms, values, and standards, along with established codes of conduct for the observation of elections.

Kamencu et al. (2014) contends that election observer missions from regional blocs

lack complete objectivity, as they are intergovernmental entities that represent governments sharing common geopolitical interests. The regional election observer missions exhibit a notable degree of prudence when it comes to the issuance of critical election observation reports, which could potentially be perceived as offensive by incumbent governments. Consequently, they tend to endorse and legitimize the electoral processes in question. In the context of Kenya's 2013 presidential elections, the election observer missions from the AU, EAC, COMESA, and IGAD, being constituted from regional entities, likely employed a diplomatic strategy in their reporting on the election observation. This approach may have been aimed at preserving the diplomatic ties between Kenya and its neighboring states. White (2012) contends that international election observation plays a crucial role in legitimization, as the legitimacy of elections is largely contingent upon international recognition. Consequently, the assessment made by international election observers regarding the extent to which an election and its processes, along with the resulting outcome, align with the desires of the electorate, also plays a crucial role in shaping recognition both domestically and internationally.

6.6 Chapter Summary

This chapter presented and discussed findings for the third specific objective of the study which sought to explore the democratization process in the context of international election observer missions in Kenya since 1992. The chapter presented and discussed findings on key items that were used to respond to the third research question. On respondents' perceptions of internationally observed elections in Kenya, study findings revealed that only two of eight elections observed by IEOMs were

considered to meet the free and fair threshold- that is the 2002 elections, strongly supported at 78% (90) and the 2022 elections supported at 72% (84) with the 2007 elections perceived as the most non free and fair elections, a view that was supported by 82% (95) of respondents. On the question of whether recommendations of IEOMs had informed democratic consolidation in subsequent elections in Kenya since 1992, study findings revealed that IEOM recommendations had improved electoral legal framework and mechanisms for dispute resolution which were strongly supported at 94% (109). The rest of IEOMs recommendations were also largely perceived by respondents as having impacted subsequent elections. On the question of the contribution of IEOMs in strengthening democracy in Kenya since 1992, study findings revealed that IEOMs had encouraged dialogue between stakeholders- supported at 80% (93) and building public confidence- supported at 70% (81). The rest of the contributions were also supported showing IEOMs role in strengthening democracy in Kenya since 1992. On the contribution of IEOMs on facets of democratic consolidation, facets of strengthening electoral dispute resolution, support for citizen observer groups and enhancement of adherence to international standards of democratic elections had the highest level of disagreement yet these are salient areas to the perception of fairness of electoral processes, credibility and consequently democratic consolidation. On the question of IEOMs had the greatest impact on democratic consolidation in Kenya, the European Union Observer Mission was strongly supported by respondents at 70% (81) as having the greatest impact, followed distantly by Commonwealth Observer Mission supported at 54% (63) and AU-COMESA Joint Observer Mission at 54% (63). Secondary data obtained from IEOM reports revealed that some issues such as campaign financing, non-usage of government resources for campaigning, voter registration and the secrecy of the ballot were recurrent in all the eight elections cycles.

Beyond in current constitutional dispensation, issues of youth inclusion, youth financing, women inclusion, the use of technology and social media have also emerged as recurrent issues. This adds to the list of issues that had traditionally dominated IEOM reports. It is also important to note that IEOM reports have been a contributing factor to constitutional reforms in Kenya. One fundamental change is the dispute resolution mechanism for the Presidential elections and the time taken before inauguration of the presidency to allow for the resolution of any disputes arising. The next chapter presents and discusses findings for the fourth specific objective of the study.

CHAPTER SEVEN

CHALLENGES AND OPPORTUNITIES OF DIPLOMACY OF INTERNATIONAL ELECTION OBSERVER MISSIONS IN CONSOLIDATING DEMOCRACY IN KENYA SINCE 1992

This chapter presents and discusses findings for the fourth specific objective of the study which sought to evaluate the challenges and opportunities of diplomacy of international election observation missions in consolidating democracy in Kenya since 1992. The chapter presents and discusses findings on the following two key items that were used to respond to the fourth research question. The chapter covers: challenges of diplomacy of IEOMs in consolidating democracy in Kenya since 1992 and opportunities for diplomacy of IEOMs in consolidating democracy in Kenya. The results are presented and discussed in subsequent sections. The chapter ends with a summary.

7.1 Challenges of Diplomacy of IEOMs in Consolidating Democracy since 1992

The study sought to evaluate the challenges of diplomacy of IEOMs in consolidating democracy in Kenya since 1992, data on the same were collected, analyzed and the results presented in Figure 7.1. Quantitative evidence in Figure 7.1 revealed that majority 72% (84) of respondents indicated accusations of bias, 31% (36) indicated financial challenges to train and deploy, 72% (84) indicated limited geographical scope of coverage by IEOMs, 41% (48) indicated limited collaboration with domestic observers, 62% (72) indicated inability to deploy long-term observers, 19% (22) indicated the dilemma of exposing fraud by IEOMs, 31% (36) indicated the contradiction of election results with court verdicts, 17% (20) indicated accusations that IEOMs lower standards for election in African elections, 47% (55) indicated accusations of interest bias, 21% (24) indicated accusations of dominance over

domestic observer groups, 37% (43) indicated low interest in post-election processes, 19% (22) indicated competition among IEOMs and 18% (21) indicated accusations of political tourism.

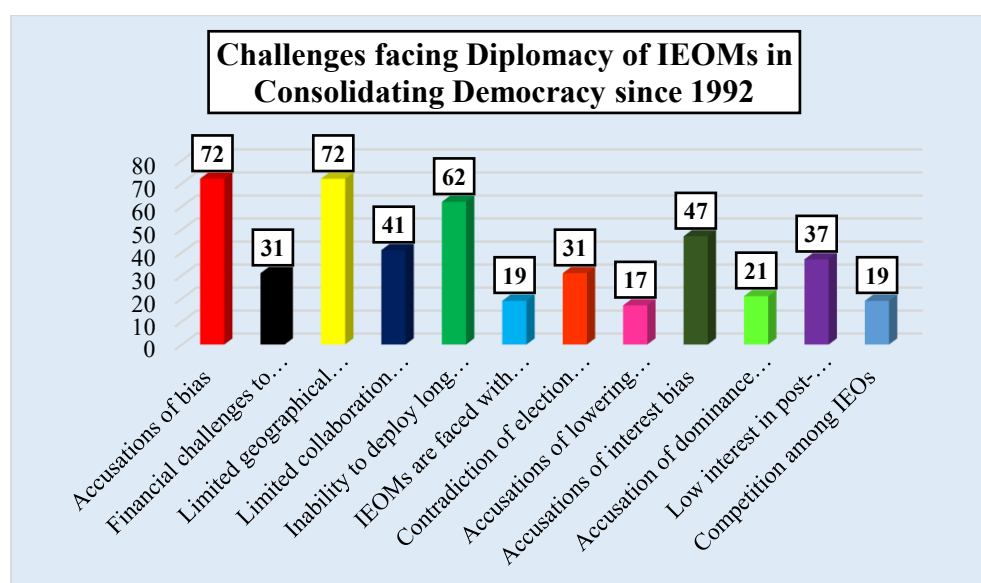


Figure 7.1: Challenges of Diplomacy of IEOMs in Consolidating Democracy since 1992

Source: Field Data (2024)

The ranks of the challenges are presented in Table 7.1 with the highest ranked challenge being accusations of bias and the last ranked challenge was accusations of lowering standards in African elections.

Although not provided for as a questionnaire item, a key informant interview revealed that one of the key challenges facing IEOMs is that of language barrier which may present communication challenges yet, communication is a critical aspect in gathering of relevant data with regards to international election observation.

The challenge of language barrier suffices because a large number of the observers are foreigners, then the challenge of goodwill which is usually not easy to access. I do not think they have a challenge of resources but just the complexity of electoral processes and may be sometimes lack of cooperation with the relevant entities (Interview with member of Kenya Young Parliamentarians Association on July 11, 2024 in Nairobi City County Kenya).

Quantitative data obtained from the KII reveals that many observers are foreigners, which creates communication challenges that can hinder effective observation and interaction with electoral stakeholders. In addition, the mention of "goodwill" suggests that gaining trust and cooperation from local entities may prove difficult, further complicating IEOM's objectives. Therefore, the study finds that language barrier may have significant implications on cooperation and may hinder the effectiveness of missions in Kenya.

Table 7.1: Ranking of Challenges of Diplomacy of IEOMs since 1992

Challenges of Diplomacy of IEOMs since 1992	Rank
Accusations of bias	1
Financial challenges to train and deploy	6
Limited geographical scope of coverage by International election observers	4
Limited collaboration with domestic observers	1
Inability to deploy long term observers	2
IEOMs are faced with the dilemma of exposing fraud	8
Contradiction of election results with court verdicts	6
Accusations of lowering standards for African Election	9
Accusations of interest bias	3
Accusations of dominance over domestic observer groups	7
Low interest in post-election phase	5
Competition among IEOs	10
Accusations of political tourism	9

Source: Field Data (2024)

7.1.1 Accusations of Bias

The study contends that the fact that majority 72% (84) of respondents indicated accusations of bias by IEOMs as a challenge that was strongly supported and supports the view that respondents perceive IEOMs and not being entirely neutral. This perception, the study argues can largely dent the credibility and effective functioning of IEOMs. When electoral stakeholders perceive IEOMs as being influenced largely by interests of their sending organizations or actors, can lead to loss of confidence in their assessment of the process and negatively influence democratic processes. Study

findings on accusations of bias were corroborated with a KII with a former lead international observer.

But you see, sometimes when they observe and make recommendations and say that we saw this and this was contrary to the law and this was wrong, then they are perceived by one group to be favoring the other group and that is where the issues become hot leading sometimes to chaos and violence. (Interview with former Lead International Election Observer in Kakamega County on June 21, 2024).



Plate 7.1: Plate showing the researcher during a key informant interview

Source: Field Data (2024)

Qualitative evidence indeed reveals that when observers point out legal violations or irregularities, their findings can be interpreted as favoring one political group over another. This perception of bias can exacerbate tensions, leading to chaos and violence, as different factions may react defensively to the perceived partiality. This study contends that this fluid nature of issues of partiality indeed further complicates optimal

functioning of IEOMs in Kenya. Similarly, another KII added their voice to the issue of bias.

Another challenge is that they are also very careful. When giving their report, they also want to be very careful so that they do not offend anyone. You know, you might say a very good observation, but may be the ruling party of the government of the day does not resonate very well with that particular statement. And so that fear of intimidation and playing safe, you end up giving non-impactful recommendations. Let me give you an example of myself in an election in 2018. During the election day and days before as well as after announcement of the results, the government of the day had to switch off all the social media platforms. And so when we are writing a report, we sugar-coat because we do not want to be chased away from that country. So when giving the press briefings, we tend to downplay such fundamental things which are actually the rights of these particular people. I think for me, there is more which needs to be done in terms of IEOMs because of the importance that they bring to an election (Interview with the IEBC Youth Coordination Committee Chairperson on July 4, 2024 in Nairobi City County, Kenya).

Qualitative evidence reveals that observers often exercise caution in their reports to avoid offending any political groups, particularly the ruling party. This carefulness, the study argues, can lead to non-impactful recommendations, as crucial observations may be downplayed or "sugar-coated" to prevent backlash or expulsion from the country. The study contends that this tendency to avoid confrontation to maintain presence findings that IEOMs may sometimes produce less critical reports due to fear of intimidation, contributing to perceptions of bias and reducing the effectiveness in democratic consolidation in Kenya.

The initial critique directed towards IEO pertains to the perception that its missions exhibit partisanship. This notion is not novel. In 1991, one of the earliest articles addressing IEO posited that 'the objectivity and independence of (IEO) organizations should not be taken for granted; they, too, possess an agenda' (Jason 1991: 1796). Jason expressed a notable level of scrutiny towards the intergovernmental organizations

engaged in IEO. Due to their reliance on host governments and commitments to member states, she contended, intergovernmental organizations lack the capacity to evaluate elections with the necessary criticality and objectivity. Numerous case studies from various countries regarding IEO have subsequently validated Jason's assertion. Kew (1999), in his examination of the 1999 elections in Nigeria, posits that the majority of IEO missions had largely predetermined their stance, expressing a clear inclination towards an Obasanjo outcome rather than the Abubakar transition (Kew, 1999: 33). In a separate examination of Nigeria, Obi (2008) asserts that while the majority of election observer missions are motivated by the intention to foster free and fair elections as a cornerstone of democracy in Africa, they inevitably face significant challenges posed by influential national, political, and diplomatic interests. Consequently, he contends, their evaluations 'are subordinated to the hegemonic, strategic and economic calculations of the dominant political elites and post-Cold War powers rather expediently' (Obi, 2008: 82). Nginya (2018) asserts that election observers function within an imperfect environment. Their autonomy is significantly limited by substantial pressures from the public, governmental entities, and opposing factions to validate their assertions in relation to the polls (Elklit & Reynolds, 2005). This places election observers in a predicament where they may face condemnation from at least one faction, regardless of the content of their reports. The perception of election observers' impartiality is contingent upon the perspective of the inquirer, whether they align with the victor or the vanquished. Individuals who receive favorable evaluations from the observers often commend the observers for their objectivity. Conversely, those who are not favored will express their discontent by criticizing them for exhibiting a discernible bias. In the second scenario, the dissatisfied party may specifically target the leadership of an

observer mission for reproach, independent of the veracity of the facts presented in their reports. This is presumably the context in which the principal observer possesses a background of a strong association with the party that gains from their evaluation.

The function assumed by the leaders of a specific observer mission has surfaced as a pivotal concern. Typically, prominent figures such as former presidents, cabinet ministers, diplomats, and other senior officials are designated to lead the observer missions. Their considerable expertise in political leadership, elections, and diplomacy could prove invaluable in the face of post-election disputes. Although this bestows a clear benefit upon these leaders, it simultaneously creates a conducive environment for critics to scrutinize their integrity. Following the elections in August 2017, James Orengo, a prominent figure within NASA and a close associate of Odinga, specifically identified John Mahama, the former President of Ghana who chaired the Commonwealth Observer Group (COG), asserting that he had a friendship with Uhuru Kenyatta. He asserted that Mahama held resentment towards Odinga because of his proximity to the Ghanaian president Nana Akufo Addo, who had triumphed over Mahama in 2016 (Olick & Awitch, 2017). Consequently, his position as the leader of the observer mission compromised the perceived neutrality of the COG. The discourse surrounding John Kerry, who spearheaded the Carter Center observer mission, was quite intriguing.

Following his appointment, the opposition lauded Kerry's achievements during his time as a politician and as Secretary of State in the United States. Nevertheless, he faced accusations of partiality for characterizing the elections as predominantly smooth and peaceful, while advocating for the opposition to pursue constitutional avenues to

resolve their grievances (Obwocha, 2017). Comparable allegations were directed at Thabo Mbeki, the leader of the AU-EOM and former president of South Africa.

Nginya's (2018) examination of the controversies regarding election observers in Kenya identifies three scenarios in which allegations of bias have been proposed against these observers. Political leaders scrutinize the function of election observers when they perceive that the conditions are unfavorable for securing success in electoral contests. Kenneth Matiba criticized observers for their inability to thwart Daniel Arap Moi's electoral manipulation in 1992 and his intentions to rig the 1997 elections. Conversely, Moi criticized their efforts to impose political transformation in Kenya (Brown, 2001). In truth, Matiba encountered a formidable challenge in securing victory in the elections, largely due to the disjointed nature of the opposition. In 2017, NASA did not succeed in solidifying its support base, as it permitted affiliate parties to present candidates in overlapping regions, thereby undermining its internal cohesion (Kamau, 2017). It is noteworthy that both Matiba and Odinga ultimately retracted their candidacies from the elections, thereby facilitating an unimpeded route to success for their adversaries. Furthermore, political candidates might propagate claims of partiality regarding international entities as a strategic maneuver designed to galvanize public empathy, thereby shifting the momentum in their favor against their rivals. In 2013, Uhuru and Ruto undertook vigorous attempts to depict diplomats from the United States and the EU as intruders in Kenya's domestic matters, while framing Odinga as a representative of Western interests. Conversely, Odinga capitalized on the West's apprehensions regarding Uhuru's presidency, stemming from the ongoing cases at the International Criminal Court (ICC), to enhance his own candidacy (Mangu, 2015). Following the elections in August 2017, Odinga charged that international observers and Western

diplomats neglected to condemn the electoral irregularities and the severe suppression of protests that ensued post-election. The organization leveraged allegations of a collusive concealment to persuade its adherents to abstain from the subsequent election, resulting in an unprecedented decline in voter participation and unrest in its bastions.

Ultimately, assertions of bias could be leveraged by the opposing faction to bolster their dismissal of the electoral results and to rationalize demonstrations, aiming to compel a re-election or negotiate a political settlement. Following the contentious elections of 2007, the ODM initiated a call for widespread mobilization aimed at compelling Kibaki to resign from his position. This resulted in the loss of life and the forced relocation of individuals on an unparalleled magnitude. The protest concluded following mediation led by Kofi Annan, which resulted in the establishment of a coalition government, appointing Kibaki as president and Odinga as prime minister (Lafargue, 2009). A comparable situation emerged in Zimbabwe following the contentious elections of 2008, during which Robert Mugabe, who won the elections amid considerable controversy, was compelled to establish a government of national unity alongside the opposition leader, Morgan Tsvangirai (Chigora & Guzura, 2011). Following the 2017 elections, NASA initiated protests that persisted until Odinga and Kenyatta came to a consensus, granting Odinga a position to tackle pressing matters including corruption, ethnic strife, and historical injustices. The allegations of bias aimed at International Election Observation Missions (IEOMs) can be contextualized within the framework of Political Realism theory, which underscores the significance of self-interest and power relations in the realm of international affairs. Political realism, as expressed by theorists such as Hans

Morgenthau, posits that states and international actors prioritize their strategic interests and national power above normative ideals like fairness or impartiality. Within the framework of IEOMs, allegations of bias frequently emerge when it is believed that observers are swayed by the interests of dominant states or international entities. Political realism would view this behavior as indicative of the underlying dynamics of power politics, wherein election observation serves as an instrument for dominant states to either legitimize or delegitimize specific political figures, thus shaping political outcomes to align with their strategic objectives. This viewpoint posits that IEOMs, instead of serving as impartial facilitators of democracy, may function in a manner that aligns with the agendas of their sponsors or influential nations, consequently influencing their actions and assessments based on geopolitical considerations.

7.1.2 Financial Challenges to Train & Deploy

On the issue of financial challenges which was supported by 31% (36) of respondents as inhibiting training and deployment of observers. This study contends that findings on financial challenges suggest resources as a factor that inhibits the operational capability of IEOMS. This limitation is a key factor influencing geographical reach by IEOMs resulting to a limited understanding of the electoral process which ultimately impacts the democratic purpose for deployment of IEOMs.

Another challenge I see with IEOMs is that they are not settling in one polling stations so they do not observe exactly what has happened from the opening of the tallying centre to the closing of the tallying centre. Most of them go to polling stations and stay there for a maximum of 5-

10 minutes then disappear when there is a lot of things which happen in a polling station on voting day for instance which the IEOMs do not get to see. They may observe opening of ballot papers in one polling station and observe closing of the ballot box in a different station. So, you find that they observe what they did not see when the process began and so you end up not getting the real picture of what happened in a particular polling station during the entire process (Interview with the IEBC Youth Coordination Committee Chairperson on July 4, 2024 in Nairobi City County, Kenya).

Qualitative evidence from the KII reveals that IEOMs do not stay at one polling station throughout the entire voting process indicates that they often miss significant events that occur before and after their brief visits. By only observing segments of the process at different stations, IEOMs may fail to capture the complete picture of what happens during an election day. The study contends that this sporadic presence undermines their ability to provide a comprehensive and accurate assessment of the electoral process.

The findings are supported by Daxecker & Schneider (2014), who posited that election observation incurs significant costs for both international and citizen observers. The comprehensive observation of the entire electoral process by international observers is virtually unattainable; consequently, they tend to deploy a minimal number, if any, of personnel during the pre-electoral phase. Citizen observers, conversely, are accessible nationwide; nonetheless, their presence may not extend to every aspect of the electoral cycle, including the logistical planning of security and the oversight of budget and funding discussions. Nonetheless, it is guaranteed that their presence is evident during the registration processes of political parties and voters in the pre-electoral phase

(Daxecker & Schneider, 2014: 77).

Geisler (1993) notes that the capacity of international observers to identify fraud is constrained by their restricted coverage. Given the limitations of resources, IEOMs frequently find themselves in a position where they must render their assessments after having observed merely a small subset of a nation's polling stations. Additionally, certain areas may present significant challenges or become entirely inaccessible due to logistical constraints or security concerns. When one contemplates the myriad of issues at play, it becomes rather predictable that a significant amount of fraud remains unobserved.

Chan (2017) articulates that there may be more than 20,000 observers present during elections in Africa. The majority of these individuals will be observers from local civic action groups. While the figure appears substantial, in the context of an election involving, say, 5,000 polling stations, it translates to an average of four observers present at each station simultaneously. If these observers originate from various groups, their observations may also vary significantly, indicating a lack of coordination or a unified consensus on the outcomes.

International observers indeed assume a crucial role in the electoral process by overseeing the election proceedings. Nonetheless, during the 1992 election in Kenya, the presence of foreign observers was limited by their numerical constraints. Only 200 observers were present for the 7,000 polling stations (Gichira, 2003). Consequently, a significant number of the polling stations lacked oversight. It has been observed that numerous observer groups often rendered swift remarks without a comprehensive evaluation and failed to consider the manipulations of the electoral process that occurred throughout the entire electoral period. This diminished their credibility (Foeken & Ton, 2000). The capacity of international observers during the 1992 election

to conduct effective monitoring was significantly hampered by various factors, one of which was their limited ability to cover a sufficient number of polling stations, thereby undermining the validity of their assessments.

7.1.3 Limited Geographical Scope of Coverage by International Election Observers

On the issue of limited geographical scope of coverage by IEOMs which was supported by 72% (84) of respondents implies that IEOMs may be unable to monitor elections in an effort to attain the “voice and face” of Kenya in electoral processes. Limited access may lead to partial assessment of the process which may overlook critical aspects of democratic elections. This finding was corroborated during a KII with the IEBC youth chairperson.

In terms of the number of people, most of the IEOMs usually have a little number of people that observe. For instance, the EU had a team but this team was just stationed per region, not even per county and so their mission was not able to go in each and every of the 47 counties in Kenya and so they end up sampling (Interview with the IEBC Youth Coordination Committee Chairperson on July 4, 2024 in Nairobi City County, Kenya).

The key informant highlights a key limitation faced by International Election Observation Missions (IEOMs) that is their limited human resource capacity in relation to the vast areas they need to cover. In this context, the informant uses the example of

the European Union (EU) observation team in Kenya, which had a small number of observers stationed only at the regional level rather than in every county.

This limited presence means that the mission cannot comprehensively monitor every polling station or capture the nuances of the electoral process across all 47 counties in Kenya. Instead, they have to rely on a sampling method, observing select areas that are meant to represent the overall election environment. This method can lead to a skewed understanding of the election, as sampled regions may not fully reflect the diverse electoral experiences and challenges present in other areas.

The informant's comment underscores the challenge of achieving full coverage and comprehensiveness with a limited number of observers, which can lead to accusations of incomplete reporting or bias. It points to the inherent constraints IEOMs face in terms of resource allocation and logistics, which might affect the accuracy and credibility of their findings.

The findings are supported by Garber's (2020) study, which posits that the foundational premise for integrating a violence prevention element into the observer mission mandate is that the presence of independent observers serves to deter the onset of violence or, at the very least, constrains the extent of any violence that may occur. This indicates that a prolonged and geographically extensive presence is the essential strategy. Nevertheless, in spite of extensive experience accumulated over decades, a standardized formula for ascertaining the scope and scale of an observer mission remains elusive. Such decisions necessitate a thorough examination of the historical and political backdrop surrounding the election, an understanding of the various actors involved in the observation process, and a careful assessment of the costs, risks, and benefits linked to the proposed activities.

When devising an observer mission, the sponsoring organization must take into account various critical factors. Initially, one must consider whether it is prudent to deploy observers at the onset of the election cycle, typically beginning with the voter registration phase, or to wait until the election is officially scheduled, which generally occurs when the responsible electoral management body issues formal invitations for observation. Secondly, ought observers to be positioned randomly throughout the nation, thereby facilitating a comprehensive evaluation of the circumstances at hand, or should they be concentrated in specific hot spots where their capacity for deterrence can be most effectively recognized? These inquiries illustrate a lack of clarity regarding the influence that observers genuinely exert on the process. A recent study posits that to circumvent adverse publicity and repercussions, domestic elites deliberately transfer violent intimidation to the pre-election phase in internationally monitored elections. This strategy leads to heightened violent manipulation prior to the elections, while concurrently resulting in comparatively diminished levels of violence on election day. This presupposes a significant level of forethought and orchestration by domestic entities in managing and influencing the timing and character of the violence. Additionally, one must consider the potential for geographic displacement, wherein electoral violence may migrate from areas with observer presence to those devoid of oversight. A number of national studies included in a research initiative led by Jonas Claes demonstrated a significant relationship between the integration of mapping programs and effective monitoring, correlating with reduced levels of violence. A subsequent comparative analysis by USIP regarding elections in Kenya and Liberia revealed that heightened exposure to election monitoring correlated with enhanced trust

in the electoral process, alongside a prevailing public sentiment that observers could effectively reduce fraud and avert election-related violence.

7.1.4 Inability to Deploy Long Term Observers

Inability to deploy long-term observers was supported by 62% (72) of respondents. The study contends that monitoring the entire length of the election process is crucial for successful mission stays. Neo-realists would argue that lack of sustained structures reduces the strategic need for deployment of IEOMs. Lack of long-term observation over time may limit the ability of IEOMs to inspire positive change in democratic spaces.

The best way to give a depiction of the role of election observers from a historical stand point of Kenya is to investigate their ‘first’ election observation encounter and this was the 1992 election. During the electoral process of Kenya’s 1992 election foreign observers flew into the country from all over the world a few days before the elections and flew out almost immediately after the elections. In reference to the electoral cycle the observers were only present for the second stage, which involves a few campaigning, rallies by political parties, the actual voting day and the announcement of the results. Consequently, international observers did not adequately observe the proceedings primary to Election Day. Ayiamba-Omolo (1996) notes that numerous anomalies, which biased the outcomes of the elections, transpired during the pre-election phase of the electoral cycle and went unnoticed by international observers. The observed irregularities encompassed disruptions of meetings held by opposition parties, obstacles to voter registration in areas predominantly supporting the opposition, and the involvement of civil servants in the campaign activities of the ruling party.

Furthermore, the ruling government, represented by the Kenya African National Union (KANU), exploited state resources, including vehicles, for their electoral campaign. They employed the police to intimidate citizens perceived as supporters of opposition parties and imposed restrictions on these parties' ability to campaign within KANU's stronghold regions. The prevalence of these malpractices significantly skewed the competitive landscape in favor of the ruling party (Foeken & Ton, 2000). The absence of long-term election observers may facilitate strategic manipulation of the electoral process, thereby jeopardizing the integrity of democratic consolidation. Long-term observers are essential in scrutinizing pre-election, election day, and post-election activities, offering an in-depth evaluation of the electoral landscape. Their presence acts as a safeguard against possible electoral misconduct, including voter intimidation, manipulation of voter rolls, and the misuse of state resources.

In the absence of long-term observers, critical elements of the electoral cycle—including the conduct of campaigns, the education of voters, and the coverage by media—remain unexamined, thereby creating opportunities for stakeholders with vested interests to take advantage of these deficiencies. This may result in strategic manipulation, wherein political actors subtly influence the process in ways that might elude detection by those who observe only in the short term, arriving just weeks or days prior to the election. This form of manipulation could encompass swaying the voter registration process, exploiting state resources to advantage particular candidates, and subtly intimidating voters. Such activities have the potential to skew the balance of competition, influence the results of elections, and undermine the trust of the public in the integrity of the electoral system. The erosion of democratic practices in this fashion hinders the

development of credible, transparent, and accountable governance, thereby obstructing the consolidation of democracy in nations such as Kenya.

7.1.5 Dilemma of Exposing Fraud

While 19% (22) of respondents indicated the dilemma of exposing fraud as a challenge, this finding, the study argues is crucial as it exposes the need for IEOMs to balance between exposing potential electoral fraud and the bilateral or multilateral consequences of such revelations. The consequences may largely be pegged on the stability of the host country as well as her international relationships. Study findings on the dilemma of exposing fraud were corroborated during a KII interview with a former lead international observer.

Yes, there are number of things we observed, violence at times, ignoring the law, vote buying at times, and just sometimes open fraud. For example, there was a center gazetted as a center for voting but nobody voted, the presiding officer and other officers conspired and kept out the voters but the results came out because they had pre-marked ballots. We kept this to ourselves for the fear of polarizing the country hence leading to violent conflict. (Interview with former lead international elections observer in Kakamega County on June 21, 2024).

The key informant's statement sheds light on the complexities faced by international election observer missions when dealing with electoral fraud in volatile political environments. Despite witnessing serious irregularities such as vote-buying, violence, and manipulation of results, observers chose to remain silent to avoid exacerbating tensions and triggering conflict. For instance, in the case mentioned, a polling center was gazetted for voting, but voters were deliberately excluded by officials who then submitted falsified results based on pre-marked ballots. Despite being aware of such malpractice, the observers opted not to disclose this information, fearing that it would

polarize the country and potentially incite violence. This cautious approach, however, undermines the role of observer missions in promoting transparency and accountability. By not exposing electoral fraud, these missions inadvertently contribute to the erosion of democratic processes and consolidation, as they fail to hold perpetrators accountable and allow fraudulent actors to manipulate outcomes without consequence. This, in turn, perpetuates a culture of impunity and weakens public trust in democratic institutions.

The study conducted by Daxecker in 2012 demonstrates that critical observer statements significantly elevate the likelihood of post-election violence. In circumstances where there exist credible grounds for concern, such as a previous record of aggression, IEOMs encounter what Willis et al. (2017) refer to as the ‘observers’ dilemma’. In this context, the imperative for precision in reports and statements is juxtaposed with a yearning for stability. Recent findings suggest that the practice of election observation may inadvertently undermine the stability of a nation. The analysis conducted by LTOs prior to the election, which reveals a lack of preparedness within the electoral agency, could provide a foundation for the opposition to contest the election results by referencing these issues (Kelley, 2010). Research indicates that when individuals report instances of electoral fraud, it can escalate political tensions, incite electoral violence, or exacerbate the extent and persistence of post-election protests (Hyde & Marinov 2008). Media reports and observations from certain election monitors regarding significant electoral manipulation during Kenya's 2007 elections played a crucial role in persuading supporters of the Orange Democratic Movement (ODM) that Kibaki had unlawfully appropriated their triumph, thereby escalating tensions. Von Borzyskowski, 2019 Investigations into the realm of international election observation indicate that such oversight diminishes fraudulent activities, fosters greater

civic engagement, and enhances public trust in the electoral process. Nevertheless, this traditional narrative overlooks the detrimental, violence-provoking capacity of critical observation. This study represents the inaugural exploration into the impact of observer criticism on post-election violence. The functioning of democracy hinges on the consent of those who do not prevail, and the readiness of electoral losers to accept the authority of the victors can be shaped by the scrutiny of observers. When esteemed analysts question the integrity of an election, they may prompt those who did not prevail to contest the outcome. The critique from observers fortifies the electoral contender who did not prevail by validating their challenge and acting as a central point for mobilization efforts. Utilizing data on post-election violence across thirty-eight nations in sub-Saharan Africa since 1990, Von Borzyskowski (2019) demonstrates that elections which face international condemnation are more prone to violence compared to those that do not face such condemnation. Simpser and Donno (2012) contend that effective election monitoring, while deterring specific manipulative practices like ballot box stuffing, may inadvertently compel incumbents to adopt more detrimental strategies of election manipulation that adversely affect domestic institutions, governance, and individual freedoms. These strategies encompass manipulating judicial systems and administrative entities, as well as suppressing the press. The study by Daxecker (2012) titled “The Cost of Exposing Cheating” posits that although international electoral missions theoretically have the capacity to reduce the likelihood of violence by discouraging election fraud, the actual efficacy of international observers in identifying such manipulation may paradoxically provoke violent uprisings. Significant irregularities recorded by international observers offer reliable insights into the quality of elections, highlighting the implications of election

results and mitigating the coordination challenges encountered by opposition parties and the broader society. When elections are distorted to obstruct citizens from engaging in peaceful contestation, and international observers bring such distortions to light, it can lead to violent confrontations among incumbents, opposition parties, and the populace. As a result, the author anticipates that elections characterized by fraud and overseen by international organizations will possess a heightened likelihood of ensuing violence. The presence of substantial evidence regarding widespread fraud, as reported by international observers, may consequently heighten the probability of anti-regime protests and civil unrest.

7.1.6 Contradiction of Verdicts of IEOMs by Courts

Contradiction of IEOMs reports by court verdicts was supported by 31% (36) of respondents indicates that confusion may arise especially when elections are overturned by judicial structures in the host country thereby limiting public trust and perceptions on the roles IEOMs. In 2017, Kenya's presidential election brought this issue to the fore. After international observers cautiously endorsed the poll, Kenya's Supreme Court invalidated it on constitutional grounds, ruling that the election process was neither sufficiently transparent nor verifiable. Though the Court did not allege that fraud had taken place, the verdict was highly embarrassing for international observations and called their credibility into doubt (Dodsworth, 2018).

The IEBC announced the final results on 16 August indicating that Uhuru Kenyatta had retained the presidency by clinching 54% of the votes cast. His closest competitor was Raila Odinga who garnered 44% of the votes. The NASA coalition filed a petition in the Supreme Court of Kenya on 15 August challenging the legality of Kenyatta's

election. This move was unexpected because Odinga had earlier pronounced that he had no faith in the Supreme Court because it did not rule in his favor when he filed a similar petition in 2013. Due to the high threshold of evidence required to overturn the outcome of a presidential election, it was widely expected that the Odinga petition would flop. However, in a surprising move, the Supreme Court nullified the presidential elections citing illegalities and irregularities in the transmission of results and ordered fresh presidential elections in 60 days (Jacinto, 2017).

This ruling marked a groundbreaking judicial decision in Africa, surprising many observers who had initially made preliminary statements that failed to emphasize malpractices of a scale sufficient to justify the annulment of presidential results. Moreover, the annulment of Kenyatta's victory indicated that the apprehensions expressed by the opposition were not as unfounded as previously assumed. Furthermore, it has prompted a reevaluation of the functions of election observation within the media and other spheres. It is important to highlight that the Supreme Court ruling did not criticize the voting and tallying process itself, but instead pointed to the lack of transparency in KIEMS and the failure of IEBC to allow for examination. Moreover, the opposition intensified their assaults by targeting specific leaders of observer missions for reproach. During a discussion with local media, John Kerry characterized the elections as 'largely a success' and remarked that the voting process was 'smooth and peaceful'. He urged all involved to practice restraint while the IEBC finalized the results and encouraged those who felt wronged to seek redress through legal channels or to proceed forward. An interview with CNN ensued, during which he characterized the elections as both positive and credible, noting that the IEBC had implemented commendable measures to ensure the integrity of the polls. In an interview with the same television station,

Odinga criticized Kerry for neglecting inquiries regarding the integrity of the results transmission system and for hastily arriving at a conclusion (Heerden & Said-Moorhouse, 2017). The opposition further rejected the assessments of Thabo Mbeki from the AU EOM and John Mahama from COG, arguing that their close friendship with the incumbent precludes them from offering an impartial evaluation. NASA did not hesitate to express its criticisms towards diplomats, especially those representing the United States.

The challenges facing international election observation are evident in the discrepancies between their assessments and judicial decisions regarding electoral disputes. This exemplifies their erroneous concentration on election-day procedures, leading to a near-complete disregard for the pre-voting context and subsequent developments as well. International observers employ check-lists to execute this task. It is clear that the check-lists for election-day activities are significantly more detailed and thorough compared to those addressing pre-voting and post-voting activities. This represents yet another shortcoming in the realm of international election observation. This partially elucidates why, in recent years, the judiciary in Africa has rendered decisions on electoral disputes that have diverged from the assessments of international observers. The latest examples to consider in this context are Kenya (2017) and Malawi (2019). The predominant discussions surrounding electoral violence frequently allude to the 2007 elections in Kenya, during which over 1,000 individuals lost their lives and nearly 700,000 others were forcibly displaced, becoming internally displaced persons or refugees. The specter of this violence has persisted, casting a shadow over the elections of 2013 and 2017 that followed. Although international election observers typically deemed both sets of elections to be legitimate, it was the subsequent events following the 2017 election that provoked scrutiny from analysts and observers alike. This

incident exemplifies the tendency of international observers to prioritize a superficial notion of peace over the fundamental principles of democracy, driven by a fear that accurately assessing the election could lead Kenya into a perilous state of violent conflict.

The primary focus of our examination of the Kenya case study lies in the significant implications of the judiciary's contradiction of the international observers' verdict, which undermined the integrity and credibility of international election observation. The declarations made by the Commonwealth and the African Union, significantly shaped by the concept of 'peaceocracy,' reveal the incongruity between the results of the election observation and the judicial ruling in Kenya. The Commonwealth Observer mission praised Kenyans for the serene and systematic way in which they engaged in the electoral process, observing that voters were afforded the opportunity to cast their ballots without constraint (Commonwealth, 2017: 1). The African Union Election Observer Mission expressed satisfaction in stating that the elections transpired peacefully. The populace was granted the opportunity to cast their votes in accordance with the stipulations established by Kenyan law, which also aligned with the directives of the African Union. (AU, 2017: 4). In Malawi in 2019, the declarations made by the European Union and the Southern African Development Community (SADC) emphasized the tranquility of the process, yet they did not align with the court's ruling in Malawi. The European Union determined that the campaign exhibited a competitive nature, characterized by a robust level of public involvement during rallies and civic education initiatives. Nevertheless, in spite of the prevailing tranquility, there were occurrences and an increase in tension. (European Union, 2019). The SADC Electoral Observation Mission asserted that 'the

pre-election and voting phases of the 2019 Tripartite Elections were carried out in a predominantly peaceful environment' (SADC, 2019: 10). A panel of three judges from the Constitutional Court of Malawi reached a unanimous decision on several critical points: (a) the current president was not legitimately elected, leading to the nullification of the election results; (b) the Malawi Electoral Commission (MEC) demonstrated incompetence in overseeing the electoral process; (c) a new presidential election must occur within 150 days; (d) parliament is tasked with enacting legislation to implement the 50% plus 1 rule for presidential elections; and (e) parliament should investigate the capacity and competency of the MEC. The courts annulled the presidential election, leading to a new poll in June 2020. This election was won by a coalition that included the MCP and UTM, culminating in Chakwera's ascension as the new President of Malawi. The disparity between the assessments of International Election Observation Missions (IEOMs) and the decisions rendered by courts, as exemplified in the instances of Kenya and Malawi, presents a profound challenge for observers. The rejection or scrutiny of findings by courts raises significant concerns regarding the credibility and authority of the observers, which may result in their reluctance to assert definitive conclusions about electoral processes. This apprehension regarding contradiction may inhibit IEOMs from articulating their evaluations or disclosing irregularities, as they might be concerned that their findings could be compromised by judicial rulings.

This dynamic not only diminishes the efficacy of these missions in fostering transparency and accountability but also erodes the overarching democratic structure. The hesitance of observers to articulate concerns or offer critical assessments enables electoral malpractice to continue unabated, thereby undermining public trust in

democratic institutions and processes. Moreover, the absence of stringent oversight may sustain a cycle of electoral deceit and manipulation, ultimately undermining the very foundations of democratic governance. The overall credibility of electoral systems is consequently undermined, significantly jeopardizing the prospects for democratic consolidation.

7.1.7 Perception of Lowering Standards for African Elections

The belief that IEOMs diminish the standards of African elections, as indicated by 17% (20) of respondents, calls into question the significant role of IEOMs in advancing democratic values, norms, and principles. The analysis posits that such a perception may undermine the legitimacy of IEOMs and restrict their primary aim of fostering democratic consolidation.

The article by Dodsworth (2018) demonstrates that Western observers are less inclined to assert that substantial fraud has taken place in elections conducted in sub-Saharan Africa compared to elections of equivalent quality held in other regions, even when potential underlying factors contributing to this disparity are accounted for. Prior to 2002, this discrepancy can be partially elucidated by the concept of “progress bias.” Western observers often chose to disregard imperfections in electoral processes when nations demonstrated a commitment to enhancing the overall quality of their elections. Beginning in 2002, the double standard has become increasingly pronounced and more challenging to elucidate. The evidence suggests that the propensity of Western observers to assert claims of fraud diminishes in the face of potential electoral violence, while it is heightened by the presence of alleged fraud in preceding elections. The evidence suggesting that a desire to safeguard relationships with strategic military allies exerts a comparable influence is less robust, indicating a tendency to dissuade

allegations of fraud during the period from 2002 to 2012. An intriguing rationale for the increasing prominence of the regional double standard over time. One consideration is that electoral fraud may exhibit unique regional characteristics, some of which could prove more challenging to identify or denounce. Vote-buying seems to have emerged as a more prevalent phenomenon in elections across sub-Saharan Africa compared to other regions (Cheeseman & Klaas, 2018). This practice may be more challenging to denounce compared to other types of electoral manipulation, especially when the sums at stake appear modest by Western standards, and when their disbursement is sanctioned by local customs (Cheeseman & Klaas, 2018).

This study, grounded in its findings, suggests that peace and stability have supplanted the demand for democracy in Africa, implying that it is preferable for elections to be compromised than to reveal fraudulent practices. Initially, the most notable deficiency in contemporary international election observation is the shift in focus from the advancement of democratic principles to the prioritization of peace initiatives. Elena Gadjanova refers to this phenomenon as ‘the tyranny of low expectations: low standards are tolerated due to concerns regarding political instability’ (Gadjanova, 2018: 2). She contends that international election observers often disregard irregularities and endorse contests in Africa that would be deemed unacceptable in other contexts due to the ongoing anticipation of violence and political turmoil (Gadjanova, 2018: 2). A multitude of global, continental, and regional frameworks have been established to direct the appropriate methodologies for this endeavor. Recently, it appears that observers have shifted their attention towards prioritizing stability, peace, and order in the contexts surrounding elections, both prior to, during, and following the events. This

inclination diminishes the standards of evaluation from the elevated aspiration of democracy to the more modest aim of mere stability. This elucidates why, in the majority of their statements following elections, observers tend to express greater ease in commenting on the peaceful or violent characteristics of the electoral process rather than assessing its democratic integrity or deficiency. Thus, rather than promoting the process of democratization, election observers have permitted authoritarian regimes to intimidate them into enabling the rise of a 'peaceocracy,' wherein the apprehension of conflict is leveraged to emphasize stability and order, ultimately undermining democratic principles (Lynch et al., 2019: 627). The shift from democracy to 'peaceocracy' illustrates the ongoing democratic regression in contemporary Africa, where authentic democracies are rapidly diminishing and various forms of semi-democracies or electoral autocracies are becoming increasingly common. The predominant classification of governments in Africa reveals a prevalence of grey-zone regimes, which occupy a space that is neither distinctly democratic nor overtly authoritarian. These regimes have adeptly honed the skill of engaging with the international community, including election observers, in a manner that often obscures their true nature. The elections in Kenya and Zimbabwe during 2007 and 2008 serve as pertinent examples where international election observers tolerated flawed electoral processes, apprehensive of the potential for increased political violence. Kelly highlights that in such situations, 'fear of violence has completely immobilized the truth' (Kelly, 2009: 771). In conclusion, the prevailing narrative surrounding peace has increasingly supplanted the discourse on democracy, ultimately undermining the credibility of international election observation. Numerous academics have identified the inconsistency exhibited by international election observers, encapsulated in the concept of 'progress bias', which refers to the

inclination to accept imperfect elections that show improvement over their predecessors. (Dodsworth, 2018a: 382) and path-dependency suggest that a lack of prior detection of fraud in elections may lead to a reluctance to identify it, even in instances where it may have transpired. In light of the prevailing progress bias and path dependency syndrome among observers, Geisler compellingly asserts that ‘African voters have suffered a double deceit: cheated by being prevented from changing their leaders, and cheated by international observers who failed to condemn the seriously flawed elections’ (Geisler, 1993: 616). An illustrative example is the 1992 general elections in Kenya, during which various international election observers, including the Commonwealth Observer Group, fluctuated in their assessments. Ultimately, they concluded that certain elements of the elections were not conducted in a free and fair manner. Nevertheless, the re-election of President Moi, albeit imperfectly, often mirrors the expression of the populace's will. The collective departed the nation the following morning subsequent to the presentation of its findings at a press conference held at Nairobi airport (Geisler, 1993:616). The article by Dodsworth (2018) examined the hypothesis that Western election observers may employ a “double standard” when evaluating elections in sub-Saharan Africa. It illustrates that they indeed do: Throughout the period from 1991 to 2012, Western election observers demonstrated a statistically lower propensity to claim that significant fraud had taken place in elections within sub-Saharan Africa compared to elections of equivalent quality conducted in other regions.

7.1.8 Accusations of Interest Bias

The study findings indicated that 47% (55) of respondents reported accusations of interest bias by IEOMs, suggesting a perception among respondents that these missions

may be swayed by external national and political interests. The results correspond with the principles of realism, indicating that power dynamics and national interests are pivotal in shaping international relations. Consequently, IEOMs might be viewed as prioritizing the interests of their sponsoring entities rather than exclusively concentrating on the democratic processes within the host nation. The analysis posits that this viewpoint diminishes the efficacy of IEOMs. Despite the initial reluctance of Western donors and advocates of democracy to recognize the Jubilee government in 2013, the Westgate attack subsequently bolstered the Kenyan leadership's position in its dealings with Western nations. The United States and other Western donors have prioritized Kenyan security cooperation, thereby reinforcing the country's leadership in its campaign against the ICC and diminishing Western backing for the ICC process. Indeed, for numerous benefactors, Kenya's advantageous positioning, economic prospects, and ideological connections hold greater significance than conventional aid initiatives. Kenya remains the economic hub of East Africa, serving as the conduit to both the surrounding region and Central Africa. Amid emerging investment prospects in the oil sector and a consistent, albeit moderate, growth trajectory, benefactors recognize the expanding commercial opportunities within the region. The United Kingdom stands as Kenya's foremost foreign investor, with total trade between the two nations surpassing £1 billion, as reported by the UK Department of Trade and Investment in 2013. A number of benefactors are seeking to enhance their commercial opportunities, especially within the extractive sectors. It was always clear that investors would not withdraw from Kenya in the wake of a Jubilee victory, and even if arrest warrants were to be issued, the likelihood of future economic sanctions remains minimal. In 2013, the imperatives of peace, security, and stability overshadowed the foundational

principles of justice and accountability. None of the benefactors sought to disrupt the stability of the nation. Furthermore, nations providing aid, particularly those with commercial interests in Kenya, expressed growing apprehension regarding competition from India and China, both of which exhibited no hesitation in engaging with a country whose leaders faced indictments from the ICC. Western donors found themselves in a precarious position, unable to retract earlier assertions regarding vital engagement and repercussions without compromising their credibility. However, they could persist in their dealings with Kenya, thereby revealing their genuine priorities.

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Nevertheless, the factors contributing to bias that affect international observers have also been brought to attention. These can be classified into two principal categories. Initially, as illustrated by Kelly (2010), there may exist biases connected to the economic and geopolitical interests of the entities that provide funding (Kelley, 2010). It is essential to acknowledge that the promotion of democracy constitutes merely one facet of the myriad foreign policy objectives pursued by Western states, and it does not invariably take precedence. Cheeseman and Klaas (2018) contend that this creates a scenario in which leaders from nations shielded from political scrutiny—whether due to their economic and political affiliations with Western powers or their inherent resources and geographical positioning—are most adept at evading accountability for fraudulent elections. Kelley (2010) demonstrates that this group comprises nations that are significant recipients of aid, as this enhances the likelihood of their elections receiving endorsement.

The observation of international elections increasingly reveals the influence of various interests that extend beyond a mere commitment to democratization itself. Such interests invite scrutiny regarding potential double standards, bias, and a lack of

integrity in the observation process. Dodsworth (2018) suggests that the inclination of certain international election observers to exercise restraint is linked to the intentions of Western donors to safeguard development initiatives from potential disturbances. There are accounts of Western aid officials exerting pressure on observers to moderate their reports to avoid potential suspensions or reductions. The strategic considerations of Western nations may also influence the situation. The inclination to preserve favorable relations with governments that oversee essential natural resources, serve as significant partners in the fight against terrorism, or contribute meaningfully to peacekeeping efforts is frequently referenced as a rationale when analysts seem to disregard instances of electoral fraud (Dodsworth, 2018a: 385-386). Judith Kelly posits that election observers occasionally endorse elections to safeguard the interests of their member states or benefactors, or to align with other significant yet peripheral organizational norms. Occasionally, these additional elements coincide with the fundamental aims of the observers in evaluating the quality of the election; conversely, there are instances where observers encounter a conflict between reconciling these elements and conducting an honest assessment of the election (Kelly, 2009: 766-767).

The study by Roth (2009) posits that nearly all governments aspire to project an image of democracy; however, many are reluctant to embrace the fundamental human rights that would render democracy substantive, as this could threaten their hold on power. Rather, authorities employ an array of stratagems to manipulate or subvert the electoral process. Their endeavor is aided by the absence of a widely recognized definition of 'democracy' comparable to the intricate regulations of international human rights law. However, a significant portion of the issue stems from the tendency of the world's established democracies to overlook electoral manipulation due to commercial or

strategic interests, thereby facilitating the masquerade of sham democrats as legitimate representatives.

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Nginya (2018) notes that it is customary for the host government to extend invitations and grant accreditation to international observers. Consequently, while observers strive to generate impartial evaluations of the elections, they remain cautious about crafting reports that may inadvertently undermine their own interests (Cheeseman, 2017). Numerous intergovernmental organizations monitor elections in member states, driven by interests that extend beyond the electoral process itself, as they seek to maintain political and economic stability within their respective regions. For example, in the context of the East African Region, Kenya is regarded as a pivotal element in fostering regional peace and stability, owing to its status as the foremost economic and political authority in the area (Kelley, 2009). Consequently, the political instability in Kenya has the potential to extend its effects to neighboring countries within the region. For example, during the 1990s, observers hesitated to critique Moi's regime due to concerns that such actions might incite chaos and disrupt regional stability (Simpser & Donno, 2012). Consequently, observers navigate a delicate balance between the ethical imperative to unveil deceit and the practical consideration of minimizing harm for the overarching benefit. Observers tend to exercise caution in alleging fraud when they lack the evidence to substantiate their claims, as doing so may provoke the host government and heighten the risk of exclusion from future electoral processes (Cheeseman, 2017). Due to the government's role in accrediting observers, autocratic regimes tend to exclude those they perceive as antagonistic. In certain instances, nations like Zimbabwe declined to grant accreditation to observers from the EU and US, asserting that these entities harbored a predetermined bias. In 2002, the government of Mugabe declined to

grant accreditation to the EU EOM, NDI, and TCC on the grounds that these organizations originated from nations deemed unfriendly. Conversely, Kelley (2009) notes that observer missions from regional organizations in Africa often exhibit a lenient approach in their evaluations of elections within other African nations, largely due to a reluctance to face criticism for meddling in the internal matters of a member state. The fragility of democratic culture in Africa leads many regional organizations to exercise caution in enforcing standards that they themselves may struggle to meet in their own electoral processes. It is important to recognize that for many years, the principle of non-interference served as a foundational element of the now-defunct Organization of African Unity (OAU). Cheeseman et al. (2016) contend that the leniency observed in elections across African nations extends to the observer missions originating from outside the continent. This is attributed to the belief that critical evaluations may provoke political instability in delicate democracies or incite violence following elections. This assertion is further supported by Kelley (2010), who notes that in 2007, observers chose to withhold a critical report regarding Kenya's electoral process due to concerns that its release could incite violence in a key state of significance for US interests in the region. Dorman (2005) highlights this in her examination of IEO in Zimbabwe. She contends that 'the true scandal of election monitoring in Africa ... lies not in the discrepancies among competing reports on the Zimbabwe elections, but in the disparity of attention afforded to observers' reports in Zimbabwe relative to those in other nations' (Dorman, 2005: 170). The condemnation of the 2000 and 2002 elections in Zimbabwe by IEO missions led to the imposition of sanctions by the EU, while the Commonwealth suspended Zimbabwe's membership due to concerns regarding human rights violations.

In the wake of the IEO missions' condemnation of the 2001 elections in Zambia, both the EU and the Commonwealth remained notably inactive.

7.1.9 Accusations of Dominance of Domestic Observer Groups

Accusations regarding the dominance exerted over domestic observer groups were substantiated as a challenge by 21% (24) of respondents, underscoring potential power dynamics while indicating a constrained tension between international and domestic observer missions. The analysis posits that this dynamic could diminish with the resolve of domestic observer missions to engage with International Election Observation Missions, consequently undermining the shortcomings of observer missions. The artificial separation between international observers and domestic citizen observer groups represents yet another facet that defines the current crisis in election observation. Nevitte and Canton (1997) assert that 'internationally driven election observations enjoy huge advantages over domestically driven ones in the areas of funding, training, and logistics' (Nevitte & Canton, 1997: 49). Nevertheless, the importance of domestic observers in the process of democratization in Africa is undeniable. Civil society organizations assume a pivotal function in the realm of election observation. These represent social structures that exist independently of the state within nations that conduct elections. These individuals belong to these nations. In contrast to the aforementioned collection of IGOs and INGOs, these CSOs maintain a permanent presence within the country. They possess a profound understanding of the socio-cultural and politico-economic context, as well as the ramifications of elections. They grasp the intricate language, unspoken gestures, and subtle nuances surrounding the elections. As citizens and voters in these nations, their interests are significantly heightened. This category of election observers plays a crucial role by introducing a

novel methodology that prioritizes a grassroots perspective, placing citizens at the forefront, in contrast to the top-down and elitist approaches often employed by IGOs and INGOs, both in form and substance. Their analysis is notably more comprehensive, as it encompasses the pre-voting, voting, and post-voting phases, deliberately avoiding the biases that international observers may exhibit on Election Day. Carothers (1997) aptly concludes that domestic observers, as citizens, embody the essential notion that the society in question must assume primary responsibility for enhancing its own political processes. The practice of domestic monitoring frequently necessitates the formation and cultivation of significant local organizations that persist beyond the electoral process, applying their newly acquired expertise towards civic education and various pro-democratic initiatives, which stands in stark contrast to the transient presence of foreign observers. Domestic monitors can provide significantly greater value compared to foreign groups, as their travel, accommodation, and other logistical expenses are considerably reduced (Carothers, 1997: 23-24).

According to Geisler (1993), citizen observer groups encompass the entirety of the democratic process in which they participate, thus their involvement extends beyond the electoral phase. Their coverage is significantly more extensive: a substantial number of local poll-watchers have managed to oversee a greater number of voting and counting stations through a more sustained effort than what international observers could realistically accomplish (Geisler, 1993: 634). In their examination of the Coalition of Domestic Election Observers (CODEO) in Ghana, Sakyi and Oduro (2002) contend that domestic election observation presents a significant opportunity for civil society organizations to engage directly in the democratization process, thereby enhancing public ownership and acceptance of the election outcomes (Sakyi & Oduro, 2002: 56).

Evidence suggests that the active participation of citizens plays a crucial role in upholding accountability and transparency within electoral processes managed by state institutions and election authorities. A compelling examination of the involvement of Ushahidi in collaboration with ReclaimNaija during the 2011 general election in Nigeria is presented by Bailard & Livingstone (2014). The authors discovered that an effective collective action initiative can be realized by leveraging crowdsourced election observation, utilizing citizen-generated reports facilitated by contemporary digital technologies. The achievement of such success relies on two critical factors: (a) the mobilization of the community and (b) the presence of responsive state institutions, which encompass the election management bodies (EMBs) (Bailard & Livingstone, 2014). In the future, alongside enhancing the significance of the parallel vote tabulation, citizen election observation must significantly invest in crowdsourcing and crowd mapping to augment traditional election observation methodologies. Consequently, it is imperative that these citizen observer groups receive greater empowerment and formal recognition through legal provisions, not merely as election observers, but as election monitors, thereby granting them the necessary authority to effect meaningful oversight.

7.1.10 Low Interest in the Post-Election Phase

A mere 37% (43) of respondents indicated a lack of interest in post-election processes, suggesting that IEOMs may prioritize election day activities while overlooking critical pre- and post-election functions, such as dispute resolution and the implementation of proposed reforms, ultimately hindering the consolidation of democratic advancements. A significant shortcoming of international election observers lies in their apparent disinterest in the post-election process. As Clark articulated, “Currently, the

observation of elections is excessively concentrated on the pre-election and election phases, neglecting the post-election period.” Eric Bjornlund, as cited by Clark, made a comparable observation: “International election monitoring frequently disintegrates post-election day, once the substantial delegations have left and the international media shifts its focus.” The influence it exerts on the democratization process within the host nations is notably constrained and ephemeral. In certain instances, the caliber of international election monitors raises concerns, as observed by Benjamin Reilly. He remarked, “In numerous instances..... international election observers are not trained professionals but instead politicians or bureaucrats hailing from Western nations.”

The aforementioned issue is closely associated with the perceived lack of engagement from the IEOs throughout the entirety of the electoral cycle; rather, their attention appears to be predominantly directed towards activities occurring on election day. It is essential to recognize that an election transcends mere activity; it constitutes a systematic process that unfolds from the pre-election phase through to the post-election period. Nevertheless, the engagement of the IEOs in Nigeria's electoral process has revealed that their reports predominantly stem from activities observed on election day. The post-election period, which is crucial to the overall electioneering process, often does not receive the attention it warrants, save for a few notable exceptions. This issue partially elucidates the discrepancies and conflicting initial findings presented by the IEOs, which are evident in their detailed reports. The involvement of IEOs in Nigeria's elections since 1999 has certainly been characterized by a dichotomy between short-term and long-term perspectives. The notable consequences of brief engagements are that there is a diminished likelihood of follow-up on initial reports, or a thorough evaluation of each election as they progress with varying dynamics. The situation

regarding the European Union's involvement in Nigeria's 1999 and 2003 elections was characterized by reports that exhibited a deficiency in logical structure and coherence (Adesina, 2012).

The absence of engagement in the post-election period can profoundly jeopardize the process of democratic consolidation. For example, neglecting to oversee the transition period following elections could enable incumbents to engage in acts of impunity, circumventing accountability measures and eroding the rule of law. In the absence of oversight, elected officials may become emboldened to operate without consideration for democratic principles or the rights of those they represent. Furthermore, the management of electoral disputes and grievances necessitates vigilant oversight by International Election Observation Missions (IEOMs). In numerous instances, leaders elected through democratic processes may encounter unjust decisions or obstacles stemming from deficiencies within the judiciary, which can be vulnerable to political influence. In the absence of vigilant scrutiny from observers, there exists a significant risk that these leaders may face unwarranted challenges or displacement, thereby further diminishing public confidence in the electoral process and the institutions established to safeguard it. Therefore, thorough post-election monitoring is crucial to guarantee that transitions occur seamlessly, that incumbents are held responsible, and that the judiciary functions with fairness and independence. By sustaining a presence during this pivotal period, IEOMs can contribute to the preservation of democratic integrity and promote a culture that values democratic norms and processes.

7.1.12 Competing Interests Between IEOMs

The challenge regarding competition between and among IEOMs received support at a rate of 19% (22). Despite their low ratings, these findings suggest that competition among IEOMs may adversely affect their overall impact. The analysis argues that rivalry among IEOMs could jeopardize the observation process and result in fragmentation, consequently weakening the electoral process. One explanation for the seeming inactivity of donors in exerting pressure on the Kenyan government lies in their inconsistent alignment of interests and priorities. Scandinavian nations maintained a dedication to more conventional aid initiatives while simultaneously supporting a range of peace-building and democracy-enhancing endeavors. In contrast, mid-level donors like Japan, France, and Canada showed a strong interest in expanding their economic prospects within the country, increasingly directing their aid towards infrastructure and business development efforts. The UK sustained significant political and economic interests while simultaneously placing increased emphasis on its commercial endeavors. The United States maintained its significant support for Kenya. The expansion of American interests and support for the nation paralleled its increasing concerns regarding insecurity and terrorism. Indeed, while all donors recognized the significance of collaboration to promote peace and stability in East Africa, the United States distinctly emphasized these issues above all others.

With the international donor landscape increasingly gravitating towards the ICC, certain entities, particularly those from Scandinavia, advocated for enhanced accountability. However, their relatively modest scale limited their influence in this arena (Brown & Raddatz, 2013). The discord among donors consequently served as a

barrier to exerting influence. For example, the US Ambassador exhibited considerable forthrightness, yet the Americans often preferred unilateral action over pursuing a consensus among donors. In certain circumstances, one might even describe a competitive dynamic, particularly with China, which has engaged in substantial investment without imposing demands for accountability. Additionally, countering financial pressures was the necessity to allocate aid budgets, particularly for the United States, the UK, and France (Brown & Raddatz, 2013). Throughout this interval, the focus of Western scrutiny was directed towards the process of constitutional review and the foundational preparations for the forthcoming general elections. Advancements in those two domains were widely recognized as crucial for the sustained backing of donors – additional reforms could and would follow subsequently. Nonetheless, these stipulations were somewhat expansive and functioned more as a diffuse guideline than as a unifying objective, particularly in comparison to earlier demands such as the cessation of the 2007–08 political violence or the prosecution of those accountable. As the transition occurred from a state of crisis to routine operations, donors found themselves in a state of confusion, meandering without direction, and lacking decisiveness. Nevertheless, the situation did not entirely conform to the standard operational norms. Certain donors, notably the UK but excluding France, have redirected a significant portion of their assistance towards the non-governmental organization (NGO) sector. This strategy serves to maintain the flow of aid while avoiding direct support for a government they find untrustworthy (Brown & Raddatz, 2013).

In mid-2012, when donors expressed concerns regarding accountability within the Kenyan government, they underscored the importance of ongoing collaboration with

the ICC concerning the charges brought against six Kenyans in September 2011, as opposed to pursuing domestic or hybrid national/international prosecutions. In the context of al-Shabaab's incursions into Kenyan territory and Kenya's subsequent military operations in Somalia, numerous donors, notably the United States, have concentrated their attention on Kenya's strategic geographical position from a security standpoint. "Upon examining the situation in Somalia, alongside the elements of piracy, oil, and drones, one comes to appreciate the significant strategic implications that Kenya embodies," remarked an aid official. "This elucidates the general apathy surrounding the ICC." Furthermore, given the government's commitment to full cooperation, the topic of accountability was not addressed. Donors held the view that public declarations might prove counterproductive, potentially provoking a backlash against perceived donor interference or encroachment on national sovereignty (Brown & Raddatz, 2013).

The divergent interests of International Election Observation Missions (IEOMs) resonate profoundly with Hans Morgenthau's political realism, which underscores the premise that political entities, encompassing both states and organizations, are fundamentally driven by self-interest and the quest for power. Within the framework of IEOMs, each mission is generally backed by a particular state or a coalition of states, which frequently introduces unique political agendas, priorities, and expectations. The diverse interests at play can foster competition among IEOMs, as each mission may endeavor to advance its own narrative, sway electoral results, or align with specific political factions within the host nation, as previously elucidated. The presence of competition may undermine the credibility and efficacy of IEOMs, as observers could be viewed as partial or swayed by the political aims of their respective sending states. Morgenthau suggests that the quest for power frequently results in

conflicting interests, potentially compromising the objectivity and integrity of international endeavors. Thus, the diverse interests among IEOMs not only illustrate the fundamental principles of political realism but also present obstacles to the strengthening of democracy, as conflicting narratives may engender confusion and skepticism regarding the electoral process.

7.1.13 Accusations of Political Tourism

Study findings on accusations of political tourism were supported by 18% (21) of respondents. The study contends that observers may be interested in just being part of missions as opposed to genuinely contributing to democratic processes. Genuine engagement in election observation processes is crucial for the outcomes of election observation missions.

Overall, study findings reveal that the most important results seem to be the challenges of accusations of bias- supported by 72% (84) of respondents, limited geographical scope of coverage by IEOMs- supported by 72% (84) of respondents and the inability to deploy LTOs supported at 62% (72).

Geisler (1993) critiques the observer missions, likening them to a group of tourists who merely visit polling stations, indulge in fine dining, compose reports on their observations, and assert their role in promoting democracy. The Ghana elections of 1992 were referenced. The primary contention presented revolves around the lack of depth in the monitoring process, as it appears to focus solely on the events occurring on the day of voting (Kelley, 2012; Geisler, 1993). It is noted that there exists a significant likelihood that the elections may have been manipulated prior to the casting and counting of votes. In this regard, Geisler characterized election observation as, at

best, an imperfect art (Geisler, 1993).

In the context of the 1992 presidential elections in Ghana, a journalist remarked that when international observers become aware of elections occurring 'anywhere,' they tend to 'pack bag and baggage... merely to dine and wine, visit polling stations on polling day, and subsequently compose a report, believing they are contributing to the promotion of democracy.' Members of Ford-Kenya expressed skepticism regarding the integrity of election observers following their defeat in December 1992, implying that their previous silence on allegations of fraud rendered them 'nothing more than a bunch of tourists.'

The essence of these remarks suggests a critique of international missions, positing that their focus has predominantly been on the electoral process itself, particularly on the day voters cast their ballots. This perspective highlights a perceived neglect of the critical phases preceding the election, such as the registration of voters, the nomination of candidates, and the overall management of the electoral campaign. This suggests the potential, as claimed in both Kenya and Ghana, that the elections may have been 'rigged' prior to the casting and counting of votes. While one might attribute the superficiality exhibited by observers to logistical challenges and funding constraints, it ultimately indicates that the nations and organizations involved prioritize voting procedures over the underlying standards and values of the parties and electoral systems. International observers have demonstrated limited efficacy in identifying instances of fraud through various methods. During the 1990s, the situation was fundamentally rudimentary, with the personnel of IEOMs characterized as lacking competence and seemingly more focused on tourism than on the integrity of elections (Carothers, 1997). While the prominent observer groups (Kelley, 2010) have subsequently allocated additional resources towards the training of observers, lingering concerns persist

regarding their capacity to identify irregularities effectively. A prevalent critique regarding their qualifications is that individual observers frequently exhibit a deficiency in cultural comprehension of the nations in which they operate (Chan, 2019). Consequently, observers may fail to notice specific forms of manipulation, such as non-violent types of voter intimidation, due to an inability to discern nuanced cultural indicators. International observers have frequently minimized or overlooked the wider political context surrounding the electoral process. As Jon Abbink observes, outsiders frequently tend to overlook the intricate and prolonged political strategies or tactics employed by those in positions of authority. (Abbink, 2000).

This brings forth an important critique of IEOMs: their excessive emphasis on the day of the election. The issue was initially brought to light in the 1990s, as various commentators contended that observers were not adequately focusing on the methods of election rigging that transpire during the pre-election phase, including the manipulation of voter rolls, voter intimidation, and assaults on press freedoms (Carothers, 1997).

The situation has been intensified by the increasing presence of so-called ‘fake’ and ‘friendly’ observer groups. Their participation in elections serves primarily to lend support, thereby complicating the discourse should the process face scrutiny from more reputable organizations (Geisler, 1993).

Chan (2017) articulates that, in reality, the number of participants in observation often exceeds expectations. This is particularly true for countries with substantial aid programs directed towards the nation in question, as they tend to send numerous volunteers from their civic action, think tank, and advocacy organizations. Although these individuals may not hold official observer status, they frequently accompany

chosen local observer groups. These will report to their respective embassy, where the political officers will undoubtedly be analyzing the observed results with meticulous attention to detail. Thus, in the background, both the election and its observation will undergo a concurrent evaluation and analysis. The findings are not meant for public dissemination; rather, they are intended for communication with governmental entities in the home country.

7.2 Opportunities for Diplomacy of IEOMs in Consolidating Democracy in Kenya

The study also sought to establish what opportunities existed for IEOMs in consolidating democracy in Kenya. Data on the same were collected, analyzed and presented in Figure 7.2. Quantitative evidence in Figure 7.2 revealed that 62% (72) of respondents indicated the need to invest in more international observers, 64% (74) indicated early engagement and deployment of IEOMs, 25% (29) indicated professionalizing IEOMs, 25% (29) indicated expansion of IEOMs capacity, 31% (36) indicated improving uptake on the use of technology, 73% (85) indicated long-term engagement/Extension of Mission stays and 55% (64) indicated networking and collaboration with Domestic observers.

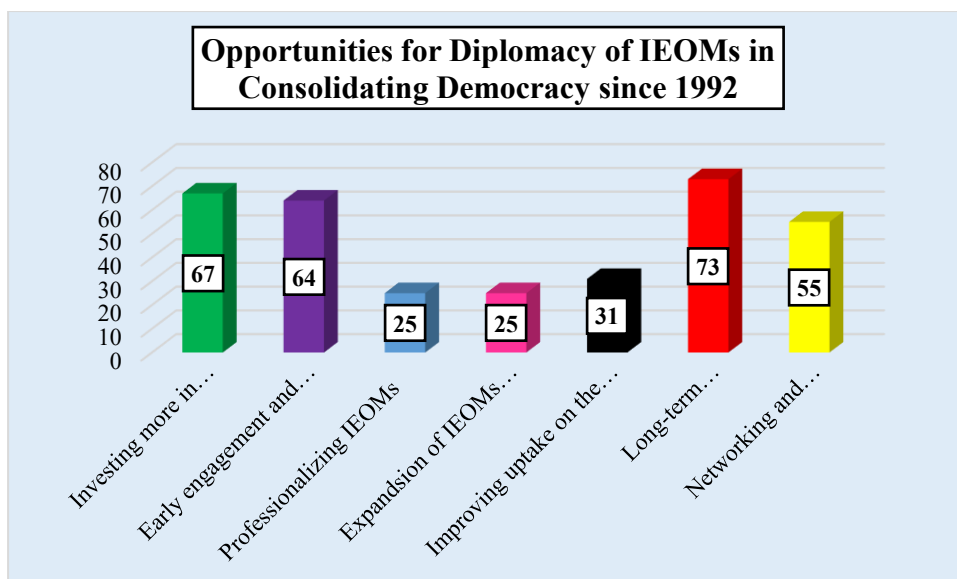


Figure 7.2: Opportunities for Diplomacy of IEOMs in Consolidating Democracy in Kenya

Source: Field Data (2024)

The people who are supposed to be beneficiaries of these processes rarely understand the contribution of these missions. You know, you just see so many foreigners in a particular polling station, you do not understand what they are doing because you cannot tell whether they are media. Therefore, in our context, election observation is usually reduced to the candidates and party agents. Lack of awareness on the role of IEOMs. This is an area that requires a lot of awareness at all levels (Interview with member of Kenya Youth Parliamentary Association on July 11, 2024 in Nairobi City County Kenya).

On the need to invest in more international observers, a perspective supported by 62% (72) of respondents, the findings suggest that increasing the number of election observers can indeed enhance the efficiency of IEOMs to comprehensively observe electoral processes in Kenya. More observers also translate to more detailed reports which can improve reliability of election observation.

On early engagement and deployment by IEOMs, a perspective supported by 64% (74) of respondents, the study contends that deployment of IEOMs way before election days may allow IEOMs to have a better understanding of the electoral context, help in identification of potential issues earlier on and give timely recommendations. These

findings demonstrate that IEOMs can have impacts on the behavior of states in support for long-term democratic consolidation.

7.2.1 Professionalizing IEOMs

On the item professionalizing IEOMs, study findings indicated 25% (29) support for this factor. Professionalizing IEOMs, this study contends involves enhancing the standards and skills of observers to ensure that they deliver on their mandate of election observation effectively.

Lynge-Mangueira (2012) This paper has examined the critiques directed at IEO and the subsequent measures taken by IEO organizations to enhance the professionalism of their missions. Although the professionalization of IEO missions has markedly enhanced the quality of election observation, this paper posits that such professionalization alone may be insufficient to guarantee effective election oversight. In an era characterized by diminishing IEO budgets, organizations involved in IEOs ought to seek out economical alternatives to the costly IEO missions. The document outlines three potential strategies for IEO organizations to contemplate: increasing investment in domestic election observation; leveraging modern information and communication technology, such as crowdsourcing; and engaging public perceptions in the realm of election observation, exemplified by the creation of an elections perceptions index. At comparatively modest expenses, such measures could greatly enhance IEO missions in particular and election observation as a whole. It is important to emphasize that this document serves as a discussion paper rather than an academic treatise, with the intention of fostering further dialogue rather than delivering definitive scholarly conclusions.

The professionalization of International Election Observation Missions (IEOMs) is essential for enhancing the quality and efficacy of election observation, which in turn

contributes to the strengthening of democratic processes. A variety of essential strategies may be utilized to attain this objective. Initially, it is imperative to implement improved training programs for election observers. Thorough training that encompasses multiple dimensions of the electoral process—including legal frameworks, conflict resolution, and cultural sensitivity—can greatly enhance the skills and competencies of observers. Skilled observers will possess enhanced capabilities to discern anomalies and evaluate the integrity of elections, thereby augmenting the credibility of their conclusions. Furthermore, the establishment of permanent IEOMs can enhance comprehension of the political dynamics within the host nation. In contrast to temporary missions, which frequently function within constrained timeframes, permanent missions facilitate ongoing observation of the electoral landscape. The sustained engagement allows observers to cultivate relationships with local stakeholders, thereby augmenting their credibility and efficacy in the endeavor. Engaging long-term observers represents a crucial approach. Through the engagement of observers capable of overseeing the electoral process from its preparatory stages to the post-election period, IEOMs can enhance their ability to discern and rectify strategic manipulation and electoral malpractices. Long-term observers offer essential perspectives on the overarching landscape of electoral dynamics, promoting accountability and enhancing public trust. Furthermore, a more systematic approach to election observation has the potential to significantly mitigate strategic manipulation. By guaranteeing the presence of observers at critical junctures of the electoral process—such as the scrutiny of voter registration, the oversight of campaign activities, and the administration of disputes and

grievances—IEOMs can dissuade possible malfeasance and bolster the credibility of the electoral framework.

By concentrating on these strategies, IEOMs can improve their efficacy, cultivate public confidence in electoral processes, and play a pivotal role in the strengthening of democracy. An effective election observation framework guarantees the integrity of elections while fostering accountability and sound governance, both of which are fundamental to the endurance of democratic institutions.

7.2.2 Expansion of Capacity of IEOMs

On expansion of the capacity of IEOMs, a view that was supported by 25% (29) of respondents, this study contends that increasing resources, human capital, and enhancing technology can help IEOMs to conduct a thorough observation process. Increasing the capacity of IEOMs may allow for a more comprehensive monitoring and allow for democratic consolidation.

In future elections observers should be well population should be well equipped with devices that can electronically record incidences for evidence and also instruments to transmit results to their consolidated tallying center. (Interview with former Electoral Commissioner in Kakamega County on June 21, 2024).

The statement highlights a crucial advancement in the effectiveness of International Election Observation Missions (IEOMs) and their role in consolidating democracy

during future elections. Equipping observers with electronic devices to record incidents in real-time and instruments for transmitting results directly to a consolidated tallying center presents several significant opportunities.

To begin with, the implementation of technology significantly improves the transparency and credibility of the electoral process. Through the electronic documentation of occurrences—such as voter intimidation, irregularities, or fraud—observers are able to establish a dependable and verifiable account of events that can be utilized in subsequent analyses or disputes following the election. This integration of technology guarantees the precise and prompt capture of evidence, thereby reducing the likelihood of tampering or manipulation. Moreover, the immediate transmission of results to a centralized location enhances the speed and precision of reporting. By optimizing the dissemination of information, IEOMs can address any emerging issues with alacrity, thereby improving their ability to oversee the electoral process with precision. This forward-thinking strategy facilitates prompt actions when required, thereby upholding the integrity of the electoral process.

Furthermore, the utilization of electronic devices has the potential to enhance public confidence in the electoral framework. The presence of observers capable of documenting and reporting irregularities in real time can enhance citizens' confidence in the transparency of the electoral process. The enhancement of trust is crucial for cultivating a culture of accountability, an element that is indispensable for the consolidation of democracy. Ultimately, the utilization of technology can enhance cooperation among IEOMs, local electoral authorities, civil society organizations, and various other stakeholders. The dissemination of data and findings in real time fosters a more nuanced comprehension

of the electoral landscape, facilitating a synchronized approach to address any emerging challenges. This partnership enhances the foundational democratic structure and fosters a more robust electoral system. Carothers (1997) and Anglin (1998) issued early cautions regarding the formidable challenges that lie ahead for election observation globally, particularly in emerging democracies such as those found in Africa. The recent commentary by Cheeseman and Klaas (2018) serves as a poignant reminder of the paradox facing international observers: the simultaneous rise of elections alongside the deterioration of democratic principles. The authors effectively illustrate their argument by meticulously outlining the elaborate six-course 'menu of manipulation' (Schedler, 2002) that characterizes elections in Africa, which encompasses (a) gerrymandering, (b) vote buying, (c) repression, (d) electronic hacking, (e) ballot box stuffing, and (f) engaging with the international community (Cheeseman & Klaas, 2018: 6-7). International election observers frequently struggle to identify and prevent this array of manipulative tactics. This deficiency, in part, exacerbates the current predicament of international election observation. Chan has arrived at a conclusion that is, in a sense, quite humble: 'electoral observation, while not without value, possesses limited significance' (Chan, 2019: 2).

7.2.3 Uptake of Technology

On improving uptake of technology as an opportunity, study findings were supported by 31% (36) of respondents. These findings advance that using technology can enhance the accuracy of election monitoring.

Election observers acknowledge the inherent challenges in achieving a flawless electoral process. Consequently, they evaluate both the magnitude and the

characteristics of the malpractices, rather than simply the existence of malpractice, and assess whether those deficiencies have been sufficiently significant to alter the results of the elections (Ruth Rauff, 2017). The efficacy of the observers is likewise influenced by the conditions under which they function. In recent times, the swift progression of election technology has rendered the technological expertise of observer missions a crucial factor in assessing their efficacy (Cheeseman, 2017). Consequently, there is a growing imperative for observers to engage data analysts and IT specialists to navigate the evolving landscape of election technology. Certainly, the foremost rationale behind NASA's dismissal of the electoral results following the August elections was the assertion that the KIEMS had been compromised, leading to a manipulation of the outcomes to benefit Jubilee. The primary rationale behind NASA's condemnation of the observers was their inability to adequately address this concern. The failure of the IEBC to address significant inquiries regarding the integrity of the KIEMS was a fundamental reason for the Supreme Court's decision to annul the presidential results. In order to circumvent strategic manipulation, Simpser & Donno (2012) express concern regarding the tendency of incumbents who are determined to cheat. These individuals frequently adjust their tactics in response to monitoring, redirecting their efforts from fraud on election day to pre-election manipulation, which proves to be more challenging to detect and penalize. Consequently, the necessity for LTOs arises. This article highlights the implications of this strategic adaptation on the quality of domestic institutions and governance. Unlike ballot fraud and various forms of manipulation on election day, we contend that numerous prevalent types of pre-election manipulation yield detrimental effects that extend beyond the electoral sphere, eroding the rule of law, diminishing administrative efficacy, and compromising media freedom. Consequently, by encouraging incumbents to amplify their engagement in pre-election

manipulation, international election monitoring may yield unforeseen repercussions for governance. This assertion may initially appear paradoxical, yet substantial evidence exists to substantiate it. An analysis of electoral politics across various contexts, such as Peru, Armenia, and Zimbabwe, reveals the detrimental impacts of pre-election manipulation on the independence of the judiciary and legislature, as well as on the accountability of government institutions. Through the analysis of a panel dataset encompassing 144 countries over an 18-year period, our findings indicate a significant correlation between high-quality international election monitoring and adverse developments in the rule of law, administrative effectiveness, and media freedom.

IEO organizations have unveiled innovative methodologies. For instance, numerous IEO initiatives currently conduct reciprocal examinations of the voter registry. These audits serve to assist IEO missions in uncovering 'ghost voters', recognizing individuals who are registered yet unaware of their status, confirming the registration of those who faced challenges during the process, and assessing the percentage of the population that has successfully registered. Initially, a straightforward random sample is drawn from the voter registry, and the data is verified through direct, in-person interviews, facilitating a comparison between the list and the voters. Secondly, a straightforward random sample is obtained via in-person interviews conducted among all eligible voters, subsequently verified against the voter registry through a comparison of voters to the list. Instances exist where two-way audits have been employed to identify discrepancies in the voter registration process and the voter registry. An audit conducted before the 2004 general elections in Malaysia revealed numerous discrepancies in the voter registry. Notably, there was an instance where 142 voters were registered at the same address—a wooden shack selling knick-knacks—and another case where 156

voters were listed at a fictitious ‘ghost’ address (Szu-Mae 2004). Two-way audits are, nonetheless, costly and require significant time investment, which is why they are predominantly conducted by large IEO missions. In a comparable manner, certain IEO missions currently engage in parallel vote tabulations (PVT). PVTs serve as a valuable tool for IEO missions to authenticate the accuracy of electoral result tabulations and the results themselves. A straightforward random sample of electoral outcomes is gathered from polling stations or counting centers, contingent upon the electoral administration protocols, and is employed to approximate the electoral results. Similar to the two-way audits, PVTs possess the potential for effectiveness; however, they are also costly and require significant time investment, which is why they are typically conducted solely by large IEO missions. Furthermore, PVTs necessitate the public disclosure of electoral results at the level of polling stations or counting centers, a practice that is not consistently adhered to. The study, however, raises concerns about the implications of having two conflicting results disseminated in the public sphere, particularly regarding the potential to incite electoral violence. The analysis further posits that this could encroach upon state sovereignty, thereby posing a challenge to the integrity of established institutions responsible for the processes of vote counting, transmission, and communication of electoral outcomes.

Numerous instances exist where PVTs have been employed to identify electoral discrepancies or to aid in the transition of authority from an incumbent president to a legitimately elected opposition candidate. An illustrative instance is the 1991 presidential elections in Zambia, during which the Carter Center and NDI were at the forefront of implementing PVTs in IEO. The sitting president, Kenneth Kaunda, held a firm belief in his electoral victory and had permitted the PVT. He urged all Zambians

to support the observer groups in every possible manner to facilitate their tasks in the most effective way they are capable of (Bjornlund, 2004: 87). Nonetheless, on the evening of the election, the PVT indicated that the opposition candidate, Frederick Chiluba, was poised for a significant triumph. Concerned that Kaunda might reject the outcome, the leader of the collaborative Carter Center and NDI mission, former US president Jimmy Carter, sought a meeting with the sitting president on the morning following the election. In the course of the meeting, Carter adeptly persuaded Kaunda to acknowledge the electoral outcome and facilitate the transition of power to Chiluba. The outcome of the PVT remained undisclosed and, as such, was not utilized to contest the official electoral results. Nonetheless, it enabled Carter to react swiftly and potentially avert an electoral crisis (Bjornlund, 2004: 88). Additional instances of elections in which PVTs have been employed to identify electoral discrepancies or to aid in the transition of authority from an incumbent president to a legitimately elected opposition candidate encompass the 1986 elections in the Philippines, the 1988 elections in Chile, the 1989 elections in Panama, the 1990 elections in Nicaragua, the 2000 elections in Serbia, and the 2003 elections in Georgia (Bjornlund, 2004; Garber 1993; Hyde, 2008).

A novel challenge that arises as a drawback of technological advancement and is part of the crisis in international observation is posed by social media and its detrimental impacts on electoral integrity in Africa. Cheeseman et al. (2020) insightfully note in their examination of social media and politics in Nigeria that the impact of social media on democratization in Africa can be perceived as either beneficial or detrimental, contingent upon the specific context and manner of its utilization. The latter school of thought is notably exemplified by Odote and Kanyinga (2020), who assert with conviction that technology emerged as a detrimental force during Kenya's 2013 and

2017 elections. It has evolved into an enigmatic entity, the workings of which remain elusive to most participants in the electoral process, given their limited technical expertise. The political parties vie to manipulate the enigmatic black box, as the entity that secures its control could leverage it to their benefit and emerge victorious in an election (Odote & Kanyinga, 2020: 12).

The challenges that social media presents to democracy and electoral integrity are multifaceted: disinformation has the potential to distort and undermine democratic processes, particularly during elections; the platform fosters polarization, which may create conditions conducive to democratic regression; it plays a role in diminishing the quality of information available to citizens, hindering their ability to make informed decisions; a weakened media landscape erodes the mechanisms that hold government accountable, thereby enabling unaccountable and corrupt practices; furthermore, social media can serve as an instrument to bolster authoritarianism, populism, narrow nationalism, and xenophobia (IDEA, 2019).

The Kenyan writer, analyst, and activist Nanjala Nyabola has characterized a prevailing trend as ‘digital colonialism’ (Ekdale & Tully, 2020). This notion is substantiated by evidence indicating the participation of Cambridge Analytica in the 2015 general elections in Nigeria and the 2017 general elections in Kenya, thereby amplifying concerns regarding the potential for digital manipulation of electoral processes across Africa. This trend exposes African elections to external influences and interests, which can have detrimental effects on the process of democratization overall. They undermine the integrity of multi-party elections across the continent. In early 2020, Kenya and Nigeria enacted the Data Protection Bill and the Data Protection Regulation, respectively (Ekdale & Tully, 2020).

In Kenya, Cambridge Analytica significantly influenced the elections of 2013 and 2017, providing support for President Uhuru Kenyatta. Kenyatta emerged victorious in both electoral contests against Raila Odinga. Cambridge Analytica crafted the Manifesto for Kenyatta's Jubilee Party, developed campaign speeches for Kenyatta, and executed two surveys involving 50,000 individuals in both elections to gauge the electorate's needs, aspirations, and concerns, along with their favored channels of information. The findings of the survey extended their influence beyond the realm of social media campaigns, manifesting in traditional media formats such as radio broadcasts, television advertisements, billboards, and print articles (Moore, 2018). Voters' Facebook data was exploited and made available to political parties, government entities, and the electoral commission without their awareness or consent, primarily focusing on young individuals.

The integration of technology offers a distinctive avenue for Independent Election Observation Missions (IEOMs) to enhance the foundations of electoral democracy in Kenya. As election technology advances, exemplified by innovations like the Kenya Integrated Elections Management System (KIEWS) kits, electronic result transmission, and biometric voter registration, it is essential for election observers to incorporate technology into their methodologies as well. Through the adoption of digital tools, IEOMs can significantly improve their ability to audit voter registers, collect extensive data during election observation, and confirm the real-time transmission of election results.

The application of technology will enhance the precision, transparency, and reliability of election observations, while also enabling the prompt communication of results to the public and relevant stakeholders. This methodology has the potential to identify anomalies, ensure adherence to legal standards, and furnish recommendations grounded

in empirical evidence for electoral authorities. Moreover, utilizing data analytics and digital platforms allows observers to systematically document, analyze, and report on electoral activities with greater efficiency, thus fostering an informed electorate and enhancing the robustness of the democratic process. Through the adoption of technological innovations, IEOMs can significantly contribute to the strengthening of electoral democracy in Kenya, guaranteeing that the electoral process is characterized by transparency, accountability, and a true representation of the populace's desires.

7.2.4 Long-term Engagement and Extension of Mission Stays

On long-term engagement and extension of mission stays, a view supported by 73% (85) of respondents presented the most significant opportunity. The findings reveal a strong preference on the need to involve IEOMs throughout. This way, it allows IEOMs to provide support, monitor implementation and contribute to overall credibility of the process therefore consolidation democratic practices.

A significant concern that has pervaded the discourse surrounding election observation is its lack of comprehensiveness. This occurs due to the fact that, in practice, most election observers participate in short-term observation rather than long-term observation.

This prompts significant questions regarding the credibility of their reports. In light of the aforementioned, Elklit & Reynolds (2005) argue that elections should be regarded as an ongoing process that commences with voter registration, progresses through party nominations, the establishment of a voter register, campaigning, voting, the counting of ballots, and ultimately culminates in the announcement of the victor. Elections

represent a complex process that begins with the act of voting and culminates in the declaration of results. Upon the conclusion of the elections, the electoral agency initiates the process anew in anticipation of the forthcoming elections. Electoral fraud has the potential to manifest at any phase of the process. Schmitter and Karl (1991) have illustrated that a prevalent method involves the manipulation of the voter register or the employment of clandestine strategies to guarantee that significant numbers of voters in areas of opposition strength remain unregistered. Incumbents strategically implement reward systems and allocate public resources to enhance their prospects for re-election.

STOs might struggle to identify these abuses as they occur during the initial phases of the electoral cycle.

Considering the aforementioned points, global entities are progressively allocating resources towards extensive monitoring, which involves deploying election observers several months in advance of the electoral process. Furthermore, the missions of observers enlist specialists who aid in comprehending and evaluating the influence of historical elements on the electoral process (Aubyn, 2012). This approach enables a comprehensive understanding of the mechanisms of rigging within that nation, facilitating the formulation of strategies to identify such occurrences should they arise. The European Union exemplifies an organization that has established a practice of deploying long-term observers who commence their activities several months prior to the designated election date. In 2017, LTOs from the EU commenced their activities in Kenya as early as June (EU, 2018). The African Union and the East African Community similarly dispatched Long-Term Observers, who arrived during the months of June and July. Reports produced by extended missions hold significant importance as they pinpoint areas necessitating enhancement in forthcoming elections. Local civil society

organizations (CSOs) further enhance the initiatives undertaken by these foreign long-term observers (LTOs). Their established presence within the nation affords them a profound comprehension of its political history and the nuances that may be leveraged to enable electoral malfeasance (Beaulieu & Hyde 2009). The collaboration between international observers and civil society organizations allows the short-term observers to leverage their comprehensive understanding of the local political landscape.

The opposing perspective posits that election observers do not significantly influence the integrity of the electoral process, supported by various arguments that elucidate this stance. Simpser & Donno (2012) contend that the predominantly short-term nature of observer missions limits their capacity to make well-informed evaluations of elections, as these events unfold over a brief period and are inherently complex in nature. The foundation of this argument lies in the observation that the extensive preparation and execution period of elections allows for the potential occurrence of fraud at various stages, thereby evading the scrutiny of those who may only be observing in the short term.

In several instances, opposition parties have dismissed the results of elections overseen by observers or have completely withdrawn from the electoral process. In 1997, Kenneth Matiba, the leader of FORD-Asili and a prominent opposition figure in Kenya, opted to withdraw from the presidential elections, citing the existence of unjust polling regulations and intentions by Moi to manipulate the electoral process. Moi proceeded to secure victory in the elections as Matiba gradually slipped into the shadows of political irrelevance (Kamau, 2017). In 2017, Raila Odinga of the NASA coalition similarly retracted his candidacy from the repeat election, presenting analogous accusations. This occurred notwithstanding his successful challenge of the electoral

outcomes in the Supreme Court (Kamau, 2017). Similar to Moi, Kenyatta navigated effortlessly to triumph, even in the face of diminished voter participation. In both instances, the elections garnered a significant presence of esteemed election observers, a circumstance typically regarded as augmenting the transparency of the polling process. In other regions of Africa, there was a notable withdrawal of opposition in Sudan in 2010 and in Zimbabwe in 2008. The cessation of opposition is viewed as a critique of the capacity of observers to improve the transparency and integrity of the electoral process.

Initially, IEO organizations have broadened and enhanced their objectives. In the nascent phase of IEO, the missions primarily involved the strategic placement of a limited number of election observers on the day of the elections. The election observers frequently possessed minimal understanding of both the principles of election observation and the specific context of the country in which they were deployed, having received no prior training before their assignment. As a result, IEO missions found themselves unable to monitor the electoral process both prior to and following election day, and infrequently ventured beyond the capital and significant urban centers on that day.

Currently, IEO missions encompass a range of activities, beginning with election assessment missions that are dispatched several months prior to election day to evaluate the political landscape and negotiate potential terms with the host government. Long-term observers are then deployed in the lead-up to election day to monitor voter and candidate registration, evaluate electoral legislation, and scrutinize the election campaign. On election day, a significant number of short-term observers are present to witness the final days of campaigning, oversee the voting process, and monitor the

counting and tabulation of votes. Additionally, a core team remains in the country post-election to observe the validation of electoral results, manage electoral complaints, and oversee the inauguration of newly elected officials (Carothers, 1997; Hyde, 2008). Contemporary IEO missions extend over several months and often encompass upwards of 100 election observers. Certain IEO organizations may even implement semi-permanent observation missions in nations experiencing particularly sensitive electoral processes. The Carter Center, for instance, established a semi-permanent mission in Nepal subsequent to the 2008 constituent assembly elections. Although the Carter Center currently designates its initiative in Nepal as a peace observation mission, it seems to represent the most prolonged election observation endeavor in the annals of IEO.

It was introduced in 2007.

Garber's study (2020) indicates that observer missions compile an extensive final report, encompassing a comprehensive array of recommendations directed towards the various electoral actors within the host country. The reports are typically disseminated several months subsequent to the completion of the final phase of a particular election cycle, offering a thoughtful framework for ensuing discussions within the legislature or the Electoral Management Body. The concluding report may not garner the same level of public scrutiny as the announcement made right after election day; however, it remains an integral component of the electoral cycle framework preferred by election officials and external analysts. The process initiates shortly after the conclusion of the prior election through a thorough after-action review, transitions into deliberations among election officials and relevant stakeholders concerning the necessity for legislative and administrative reforms, and advances with the formulation of an operational plan alongside the acquisition of essential election materials, all of which

may transpire two or three years prior to the subsequent election. Nonetheless, sustaining progress in electoral reform presents a formidable challenge worldwide.

The essence of the recommendations provided by election observer missions holds significant weight, especially in the context of elections overshadowed by violence. Through the meticulous documentation of particular instances and the application of comparative analyses, analysts can direct scrutiny towards critical matters concerning the involvement of security forces in the electoral process, whether their impact is deemed beneficial or detrimental. This includes the imperative of holding accountable those who incite electoral violence, the necessity for initiatives such as peace commissions and peace messaging throughout the electoral timeline, and the proactive measures that media organizations can adopt to prevent exacerbating tensions. It is imperative for observer groups to bolster their recommendations by maintaining ongoing, direct engagement with the pertinent stakeholders, as well as implementing assistance programs that rectify the shortcomings highlighted in the observer mission's final report.

7.2.5 Collaboration with Domestic Observers

On networking and collaboration with domestic observers, this view was supported by 55% (64) of respondents- findings which demonstrate the significance of synergy between domestic and IEOMs. This finding was corroborated during a key informant interview.

When they come like the EU observers for instance, they also serve as tools of learning where they exchange ideas with the local observation teams so that they all can have a common way of operating. Nowadays, IEOMs in countries have formed a kind of association for example, in

Africa there is the Association of Election Observation Groups so that when there is an election in South Africa for instance, they know and have a way of coordinating with each other so the local observation teams can go and learn new tactics (Interview with a Representative-Association of Election Observers in Africa on July 4, 2024 in Nairobi City County, Kenya).

The quote emphasizes the collaborative nature of election observation missions, particularly highlighting how international observers like those from the European Union (EU) not only provide oversight but also facilitate mutual learning opportunities. When these observers participate in elections, they engage in knowledge exchange with local observation teams, sharing best practices, methodologies, and innovations. This ensures that both international and local teams can operate in a harmonized manner, upholding high standards of election observation.

The establishment of entities such as the Association of Election Observation Groups in Africa enhances this cooperative methodology. These associations establish a framework for IEOMs throughout the continent to synchronize their initiatives, exchange resources, and formulate uniform protocols for the observation of elections. For instance, during an election in a nation such as South Africa, these associations facilitate smooth collaboration, permitting local teams from various African countries to engage and acquire innovative strategies. The dissemination of knowledge and methodologies guarantees that local observers are perpetually enhancing their capabilities and remaining informed about the most recent techniques, thereby fostering more resilient and trustworthy election observation processes throughout the region. In summary, the study findings indicate that the most significant outcomes pertain to long-term engagement and support for extended mission stays at 73% (85), early engagement and deployment of IEOMs at 64% (74), and the importance of networking and collaboration with domestic observers at 55% (64). The results substantiate the

significance of global institutions in fostering collaboration and bolstering democratic governance.

Domestic observers enhance the efforts of international election observer missions. Numerous benefits and advantages are linked to the presence of domestic observers. It is widely acknowledged that enduring democratic reform tends to emerge from internal processes (Cheeseman & Klaas, 2018). Domestic observers serve as a crucial mechanism for fostering enduring reforms by offering scrutiny of the electoral process, pinpointing shortcomings, and presenting evidence-driven recommendations to guide future improvements. Furthermore, domestic observers, as integral local stakeholders, have the capacity to foster transparency and cultivate a profound sense of ownership regarding the electoral process. This could enhance the legitimacy of the election result. Third, domestic observers possess an intricate understanding of the local political culture, languages, and the geographical landscape. This may facilitate their ability to perceive and comprehend numerous aspects that might elude the attention of international election observers. Fourth, owing to their familiarity with the local context and established networks, domestic observers possess the capability to mobilize substantial numbers of observers with remarkable promptness (Carothers, 1997). Ultimately, domestic observers are ideally positioned to undertake supplementary activities such as PVTs (Kaawa et al., 2022). Obi (2008) posited that in an increasingly globalized context, the universal adoption of electoral democracy must inevitably reconcile with local particularities. This would require a significantly extended duration of interaction with the diverse regional, national, and local stakeholders, rather than merely the presence of observers on the eve of elections and their subsequent exit following the publication of their reports. In addition to comprehending governmental and political institutions along with the

formations of political elites, it is essential for observers to interact with local communities and their organizations. Furthermore, it is imperative to heed and engage with the socio-economic dialogues that frequently form the foundation of the democratic struggles across Africa. The global community ought to prioritize the enhancement of local engagement, the affirmation of citizenship rights, and the promotion of inclusion as fundamental elements of its policies aimed at supporting democracy. It is essential to acknowledge that the international community's involvement in the democratization of Africa can only be supportive, as the onus for democratic transformation ultimately lies with the citizens of African nations.

If the professionalization of International Election Observation is insufficient to guarantee effective election monitoring, what additional measures can be implemented to enhance IEO missions? Lynge-Mangueira (2012) advocates for the investment in domestic election observation. Organizations focused on international election observation might contemplate allocating additional resources towards domestic election monitoring, despite the considerable investments made in international efforts in recent years. The significance of domestic election observation is gaining heightened acknowledgment. Domestic election observation missions tend to face reduced scrutiny regarding allegations of partisanship, as there exists a diminished expectation for these missions to achieve complete impartiality. In numerous nations, a variety of domestic election observation organizations exist, each possessing its distinct political affiliation. The organizations are not wholly dominated by political influences; however, they frequently embody the interests of specific political factions in an indirect manner. However, this may not necessarily pose the issue it appears to be, as the various platforms of the organizations tend to counterbalance one another effectively.

Moreover, irrespective of their political affiliations, numerous domestic election observation missions may exhibit greater accuracy than certain international election observation missions. This is attributable to the reduced costs associated with deploying each election observer, enabling them to deploy a significantly larger number of observers compared to international missions, even in the face of limited financial resources. In certain nations, local election monitoring entities assign over 10,000 observers on election days, in stark contrast to the mere few hundred international observers present.

Ultimately, domestic election observation missions possess the capacity to enhance their effectiveness in identifying and mitigating electoral irregularities. This is due to their understanding of the specific types of irregularities to monitor, as well as their proficiency in disseminating their findings should they encounter such discrepancies. Nonetheless, Bjornlund (2004) observes that ‘bilateral and multilateral donors have occasionally allocated funds for domestic election monitoring without adequate consideration of objectives and outcomes, even as they frequently neglect to maintain support for civil society initiatives following transition elections’ (Bjornlund, 2004: 305). He contends that ‘moral support is at least as significant as material support, and that donors and international democracy advocates ought to reflect on the long-term consequences of their initiatives’ (Bjornlund, 2004: 308-09).

7.3 Chapter Summary

This chapter presented and discussed findings for the fourth specific objective of the study which sought to evaluate the challenges and opportunities of diplomacy of international election observation missions in consolidating democracy in Kenya since 1992. The chapter presented and discussed findings on the following two key items that

were used to respond to the fourth research question. The chapter covers: challenges of diplomacy of IEOMs in consolidating democracy in Kenya since 1992 and opportunities for diplomacy of IEOMs in consolidating democracy in Kenya. On the challenges facing diplomacy of IEOMs, most important results seem to be the challenges of accusations of bias- supported by majority 72% (84) of respondents, limited geographical scope of coverage by IEOMs- supported by majority 72% (84) of respondents and the inability to deploy LTOs supported at 62% (72). On opportunities, study findings reveal that the most critical results were long-term engagement and support for extended mission stays at 73% (85), early engagement and deployment of IEOMs supported at 64% (74) and networking and collaborating with domestic observers supported at 55% (64). The findings support the role of international institutions in enhancing cooperation and supporting democracies. The next chapter presents the summary, conclusions and recommendations arising from the study.

CHAPTER EIGHT

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

8.1 Introduction

This chapter presents the summary of findings, conclusions, policy recommendations and suggestions for further research with regards to the research problem on Diplomacy of International Election Observer Missions in Consolidating Democracy in Kenya Since 1992

8.2 Summary of Findings

The general objective of the study was to investigate the diplomacy of International Election Observer Missions in consolidating democracy in Kenya since 1992. The specific objectives of the study were to:

- i. Examine the nature and extent of diplomacy of International Election Observer Missions in consolidating democracy in Kenya since 1992
- ii. Assess the efficacy of diplomacy of International Election Observer Missions in consolidating democracy in Kenya since 1992
- iii. Explore the democratization process in the context of International Election Observer Missions in Kenya since 1992
- iv. Evaluate the challenges and opportunities of diplomacy of International Election Observer Missions in consolidating democracy in Kenya since 1992

The summary of findings is presented based on the specific objectives, philosophical parameters and theories that guided this study. These are presented in subsequent sections.

8.2.1 Nature and Extent of Diplomacy of International Election Observer Missions in Consolidating Democracy in Kenya Since 1992

On the first specific objective which sought to examine the nature and extent of diplomacy of international election observer missions in consolidating democracy in

Kenya since 1992. The objective was divided into two sections namely: socio-demographic characteristics of respondents and extent of diplomacy of international election observer missions in consolidating democracy in Kenya since 1992. On socio-demographic variables of respondents, study findings revealed that majority 64% (74) of respondents were male, 100% (116) of respondents had attained tertiary education and that a majority 54% (63) of respondents had experience working in internationally observed elections. In addition, majority 82% (95) of respondents belonged to domestic observer groups whereas 18% (21) belonged to international observer missions. On type of election observation mission, study findings established that a higher 45% (52) proportion of respondents belonged to short term observer mission, 18% (21) belonged to long-term observer missions and 31% (36) of observer missions were either long- or short-term observer missions.

On the nature of and extent of diplomacy of IEOMs in consolidating democracy in Kenya, study findings revealed that 44% (51) of respondents had observed one of the eight elections held in Kenya since 1992 indicating a high turnover of election observers. Majority 82% (95) of respondents had also not observed elections outside Kenya. On the primary role of IEOMs in Kenya since 1992, monitoring and assessment of electoral integrity supported at 64% (74), promotion of accountability and transparency of elections was supported at 66% (77). On the motivations for deployment of IEOMs, strengthening diplomatic relations of host country and the international community was supported at 76% (88) and promotion of peace, security and stability was supported at 74% (86). On the scope of election observation by IEOMs, the presidential elections received the highest support at 46% (53) with the rest of the elections evenly supported at between 28% (32) - 30% (35). On the phases observed by IEOMs during elections in Kenya since 1992, the election phase was the

highest supported at 45% (52) with de-escalation of IEOM activities supported at 30% (35) for the pre-election phase and 23% (27) for the post-election phase. In the pre-election phase, adherence to human rights was of the highest priority to IEOMs and supported at 76% (88). In the election phase, voting process at 90% (104) and verification of results at 86% (100) had the highest support. In the post-election phase, declaration of results was strongly supported at 78% (90). The results are also in tandem and anchored on the tenets of power, functionalism and democratic peace theories that guide this study.

8.2.2 Efficacy of Diplomacy of International Election Observer Missions in Consolidating Democracy in Kenya Since 1992

On the second specific objective of the study which sought to assess the efficacy of diplomacy of international election observer missions in consolidating democracy in Kenya since 1992. The objective assessed a number of items that cumulatively sought to respond to the research question. On the question of preference of diplomatic tools used by IEOMs to consolidate democracy in Kenya since 1992, detailed reports by IEOMs were strongly preferred at 76% (88), diplomatic negotiations and stakeholder engagement was supported at 68% (79). Use of conditional support was the least preferred at 34% (39) showing the fading role of hard power diplomatic tools in pursuing international interest. On IEOMs engagement with key stakeholders, study findings revealed that engagement with parties, FBOs and citizen observer groups particularly stood out as particularly significant. On the effectiveness of IEOMs in consolidating democracy, 56% (65) and 8% (9) of respondents indicated support that IEOMs as being effective. On the extent of IEOMs influence of the behavior of stakeholders, study findings revealed that IEOMs had the highest influence on the behavior of CSOs and the media. Study findings also revealed a moderate influence of

IEOMs on the behavior of political parties and citizen observer groups with the least influence on the legislature and the judiciary.

On the question of cooperation between IEOMs and key stakeholders, study findings revealed high cooperation between IEOMs and CSOs as well as the media, moderate cooperation between IEOMs and political parties as well as citizen observer groups and limited cooperation between IEOMs and the legislature as well as the judiciary. On the factors influencing the effectiveness of IEOMs, cooperation with the host government was strongly supported at 78% (90). Lastly, 66% (77) of respondents indicated that IEOMs had led to electoral reforms in Kenya since 1992. The results are also in tandem and anchored on the tenets of power, functionalism and democratic peace theories that guide this study.

8.2.3 Democratization Process in The Context of International Election Observer Missions in Kenya Since 1992

On the third specific objective of the study which sought to explore the democratization process in the context of international election observer missions in Kenya since 1992. The objective presented and discussed findings on key items that were used to respond to the third research question. On respondents' perceptions of internationally observed elections in Kenya, study findings revealed that only two of eight elections observed by IEOMs were considered to meet the free and fair threshold- that is the 2002 elections, strongly supported at 78% (90) and the 2022 elections supported at 72% (84) with the 2007 elections perceived as the most non free and fair elections, a view that was supported by 82% (95) of respondents. On the question of whether recommendations of IEOMs had informed democratic consolidation in subsequent elections in Kenya since 1992, study findings revealed that IEOM recommendations had improved electoral legal framework and mechanisms for dispute resolution which were strongly supported at 94% (109). The rest of IEOMs recommendations were also largely

perceived by respondents as having impacted subsequent elections. On the question of the contribution of IEOMs in strengthening democracy in Kenya since 1992, study findings revealed that IEOMs had encouraged dialogue between stakeholders- supported at 80% (93) and building public confidence- supported at 70% (81). The rest of the contributions were also supported showing IEOMs role in strengthening democracy in Kenya since 1992. On the contribution of IEOMs on facets of democratic consolidation, facets of strengthening electoral dispute resolution, support for citizen observer groups and enhancement of adherence to international standards of democratic elections had the highest level of disagreement yet these are salient areas to the perception of fairness of electoral processes, credibility and consequently democratic consolidation. On the question of IEOMs had the greatest impact on democratic consolidation in Kenya, the European Union Observer Mission was strongly supported by respondents at 70% (81) as having the greatest impact, followed distantly by Commonwealth Observer Mission supported at 54% (63) and AU-COMESA Joint Observer Mission at 54% (63). Secondary data obtained from IEOM reports revealed that some issues such as campaign financing, non-usage of government resources for campaigning, voter registration and the secrecy of the ballot were recurrent in all the eight elections cycles. Beyond in current constitutional dispensation, issues of youth inclusion, youth financing, women inclusion, the use of technology and social media have also emerged as recurrent issues. This adds to the list of issues that had traditionally dominated IEOM reports. It is also important to note that IEOM reports have been a contributing factor to constitutional reforms in Kenya. One fundamental change is the dispute resolution mechanism for the Presidential elections and the time taken before inauguration of the presidency to allow for the resolution of any disputes arising.

8.2.4 Challenges and Opportunities of Diplomacy of International Election Observer Missions in Consolidating Democracy in Kenya Since 1992

On the fourth specific objective of the study which sought to evaluate the challenges and opportunities of diplomacy of international election observation missions in consolidating democracy in Kenya since 1992. The objective presented and discussed findings on the following two key items that were used to respond to the fourth research question. On the challenges facing diplomacy of IEOMs, most important results seem to be the challenges of accusations of bias- supported by majority 72% (84) of respondents, limited geographical scope of coverage by IEOMs- supported by majority 72% (84) of respondents and the inability to deploy LTOs supported at 62% (72). On opportunities, study findings reveal that the most critical results were long-term engagement and support for extended mission stays at 73% (85), early engagement and deployment of IEOMs supported at 64% (74) and networking and collaborating with domestic observers supported at 55% (64). The findings support the role of international institutions in enhancing cooperation and supporting democracies.

8.3 Conclusions

Arising from the findings of the study, this section presents conclusions based on the four specific objectives. This section also provides the overall conclusion that reflects the problem under study- to investigate the diplomacy of International Election Observer Missions in consolidating democracy in Kenya since 1992. It also presents the specific conclusions.

In the first specific objective, arising from the findings, the study concludes that with more focus on presidential elections by IEOMs posted on short term and quasi-short (what they refer to as long term) term observation mission, the extent of the observation may not adequately and accurately capture issues to do with strategic manipulation that are not easy for observers to judge across the phases of the observation mission

therefore presenting limitations on their impact on democratic consolidation in Kenya since 1992.

In the second specific objective and arising from findings, the study concludes that IEOMs have been effective in especially using detailed election reports as tools for diplomacy and communicating recommendations to various election stakeholders in Kenya since 1992, thereby presenting aspects of consolidation- gender inclusion, youth inclusion, peaceful transfer of power and at best constitutional reforms which are all manifestations of growth in Kenya's democratic space. Study findings also conclude that the use of conditional support or sanctions was the least preferred tool of diplomacy by IEOMs. This low preference indicates a shift from hard power to soft power and cooperative measures in 21st-century diplomacy, affirming a preference for soft diplomatic approaches over coercive or "stick" diplomacy.

In the third specific objective and arising from the findings, the study notes with concern that only two of eight elections were perceived as having met the threshold "free and fair." With further interrogation revealing that even the two that met this threshold did not almost match the international standards of a free and fair elections. On this objective, the study makes the conclusion that the implementation of IEOMs recommendations has been sluggish at best with marginal recommendations selected and taken up for implementation in an effort to inform subsequent elections thereby in a limited manner leading to meaningful democratic consolidation in Kenya since 1992.

In the fourth specific objective, study findings reveal that IEOMs face a number of challenges including accusations of bias, interest bias, progress bias, dilemma of exposing fraud and the resort to peaceocracy emerge as key challenges that speak to foundational tenets of Realism and Power Theory- one of the theories that informed

this study. Therefore, the study makes the conclusion that tenets of classical realism- especially state interest continue to define and modify the behavior of the observer and the observed. As such for IEOMs, more often than not- this has continued to be the overriding factor therefore inhibiting democratic the pace of democratic consolidation in Kenya since 1992.

Overall, based on the findings, the study concludes diplomacy of IEOMs has had limited (with only an estimated 20% of IEOM recommendations fully implemented since 1992) success in consolidating democracy in Kenya since 1992 majorly because of the “observer-observed” dilemma on balance of strategic interests and the resort to peaceocracy, therefore accounting for cyclic cases of violence, electoral irregularities and state intimidation in Kenya’s elections since 1992. For Kenya, IEOMs present the incentive for “fake” democratization as Kenya continuously oscillate the ambiguous space between democracy and autocracy making Kenya a flawed democracy and/or anocracy. The fluid nature that this dilemma presents will continue to inform diplomacy of IEOMs in democratic consolidation in future elections in Kenya as elections will continue to be habitually manipulated, violence will continue being dispersed and civil societies suppressed. Notably, the overall conclusion align with the pragmatic philosophy- *realpolitik* used to guide this study in addition to dominance of the Power theory as a driving force behind IEOMs and the state being observed.

8.4 Recommendations

Based on the conclusions made, the study makes the following policy recommendations.

In view of conclusion for the first specific objective, the study makes the recommendation that the Government of Kenya, bringing together the IEOMs, domestic observer groups, civil society organizations work on a unitary and if possible

“omnipresent” entity to replace quasi-short-term observers with the view of observing the post-election phase which in Kenya lasts around four years in an effort to prevent the risk and flag strategic manipulation by election stakeholders.

In view of the conclusion arising from the second specific objective, to enhance the efficacy of IEOMs in consolidating democracy in Kenya, it is essential to foster stronger multi-stakeholder engagement and collaboration. This can be achieved by institutionalizing regular and structured dialogues between IEOMs and key stakeholders such as civil society organizations, media, political parties, citizen observer groups, the legislature, and the judiciary. These dialogues should aim to build trust, address concerns, and develop joint strategies for improving the electoral process. Additionally, targeted capacity-building programs should be provided to stakeholders, especially political parties, citizen observer groups, the legislature, and the judiciary, to enhance their understanding of the electoral process and the importance of cooperation with IEOMs. Inclusive reporting by IEOMs, incorporating inputs from a broad range of stakeholders, will foster a more comprehensive understanding of the electoral environment and increase the legitimacy of findings and recommendations. A formal framework for cooperation should be developed, outlining roles, responsibilities, and mechanisms for collaboration, ensuring a coordinated approach to electoral observation and reform. Lastly, stronger support and cooperation from host governments should be advocated to facilitate the work of IEOMs, ensuring their presence and activities are not hindered by political or bureaucratic obstacles.

In view of conclusion for the third specific objective, the study makes the recommendation Government of Kenya to fast track through independent bodies to review and implement outstanding IEOM recommendations- key among them, reinforcing independence of the judiciary, inclusion of youths now emerging as a

critical area, campaign financing, use of state resources for campaigns and media bias among others that emerged from the reports.

International election observation organizations should prioritize building stronger partnerships with domestic observer groups to ensure comprehensive coverage and credibility. Investing in the early engagement and deployment of observers, extending mission durations, and leveraging technology will enhance the effectiveness of election observations. Furthermore, professionalizing the roles within IEOMs and expanding their capacity will address current financial and logistical challenges, ensuring more robust and reliable election monitoring.

8.5 Suggestions for Further Research

This section provides suggestions for further research that emerged from the study. The suggestions are derived for the four specific objectives.

The first specific objective raises questions on with regards to the reliance of short and long-term observers who are actually quasi-short term observers as their presence in the country only lasts the period between a few months to elections and depart shortly after presenting their final reports. The study notes with concern that the lack of long-term observers “proper” put Kenya at the risk of strategic manipulation. Therefore, the need for further studies to examine manifestations of strategic manipulation in the context of IEOMs in Kenya and emerging democracies.

In the second specific objective, it emerged writ large that IEOM reports were the most preferred diplomatic tool of engagement for IEOMs in Kenya since 1992. With Kenya holding a total of eight internationally observed elections since 1992, it is hypothesized that these reports come with “sticks” or “carrots”. Therefore, there is need to examine

the impact of the diplomatic tool “IEOM Reports” on Electoral Democracy in Kenya since 1992

In the third specific objective, it emerged that only two of eight elections held in Kenya since 1992 were perceived as being free and fair, yet it also emerged that the two that were classified as free and fair also did not meet the international threshold of “free and fair” elections with a number of outstanding IEOM recommendations yet to be implemented- some being recurrent since 1992 and having been captured in all the reports. However, from the 2017 report, issues of youth inclusion emerged as a fresh issue albeit peripherally in the IEOM reports yet over eighty percent of Kenya’s population are youthful. There is need for sanctioned discourse on inclusive governance with specific reference to youthful populations who remain the pillars of democratic peace in Kenya.

Lastly, there is need to track the influence “progress bias” on diplomatic consolidation in Kenya. This necessary because, it emerged from the findings of the study that IEOMs in a number of occasions overlooked irregularities if they believed that the election observed had improved when compared to previous elections. However, the study argues that this was not true for elections that had shown “lack of progress bias” which was evident in Kenya’s elections. For instance, the 2002- 2007 elections and the 2013- 2017 elections are typical cases of “lack of progress” bias. The study therefore argues for the need to consider the “progress bias” as two sides of the same coin.

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Appendix I: Introductory Letter

Dear Respondent,

I am conducting a study entitled "**Diplomacy of International Election Observer Missions in Consolidating Democracy in Kenya since 1992**", and I am inviting you to participate in a questionnaire survey. Your experience and insights as someone who has participated in election observation will greatly contribute to the study's objectives.

The survey aims to:

- Examine the nature and extent of diplomacy of International Election Observer Missions in consolidating democracy in Kenya since 1992.
- Assess the efficacy of diplomacy of International Election Observer Missions in consolidating democracy in Kenya since 1992.
- Explore the democratization process in the context of International Election Observer Missions in Kenya since 1992.
- Evaluate the challenges and opportunities of diplomacy of International Election Observer Missions in consolidating democracy in Kenya since 1992.

Ethical Guidelines for Participation:

- Your participation is **voluntary**, and you may withdraw at any time.
- All information provided will be kept **confidential**, and your responses will remain **anonymous**.
- The questionnaire will take approximately **12-15 minutes to complete**.
- The information obtained will be used solely for **academic purposes**.
- There are no guarantees that policy recommendations arising from this study will be implemented.

Your participation is highly valued, and will contribute significantly to the study's findings. Thank you for volunteering to take part in this important research.

Research License No: NACOSTI/P/24/33658

Sincerely,

ALFRED MAKOTSI

Student Registration Number: **CDR/H/01-70292/2021**

Appendix II: Questionnaire for IEOMs Secretariat

SECTION A: SOCIO-DEMOGRAPHIC CHARACTERISTICS OF RESPONDENTS

Gender of Respondents

Female	
Male	
Transgender	
Prefer not to say	

Education level of Respondents

Primary	
Secondary	
University/College/Tertiary	

Years of experience working in internationally observed elections

0-3	4-7	8-11	12-15	16+

SECTION B: NATURE AND EXTENT OF DIPLOMACY OF INTERNATIONAL ELECTION OBSERVER MISSIONS IN CONSOLIDATING DEMOCRACY IN KENYA SINCE 1992

Number of elections observed in Kenya since 1992

1	2	3	4	5	6	7	8

How many Kenyan Elections you have participated in as an observer?

2022	2017 b)	2017 a)	2013	2007	2002	1997	1992

Have you been previously involved in Election Observation outside Kenya?

Yes	No

Type of Election Observation Mission

Domestic/Citizen Election Observer Mission	
International Election Observer Mission	
Other	

In your opinion, show your level of agreement with the following as the primary role of international observer missions in Kenya since 1992

Primary role of IEOMs	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree
Monitoring and assessing electoral integrity					

Promoting accountability and transparency of elections					
Facilitating dialogue between election stakeholders					
Enhancement of democracy					

In your opinion, which of the following constitutes the motivations for deployment of IEOMs in the general elections? (*Respondent can select more than one motivation*)

Motivations for Deployment of IEOMs in Kenya	Agree	Neutral	Disagree
Strengthening of host country and international community diplomatic relations			
Vested interests in the host country by the observer mission			
Obligation by the international community			
Commitment to entrench democratic principles and values			
Provision of technical support to civil society organizations			
Promotion of peace, security and stability			
Invitation by the host country			
An institutional mandate			

What type of observer mission would you classify your organization as?

Short term observer missions	
Long term Observer Missions	
All of The Above	
None of the Above	

What is the scope of observation missions during elections in Kenya?

Presidential elections	
Gubernatorial	
Senatorial	
Member of National Assembly	
Member of County Assembly	

What election phase do you usually observe?

Pre-election phase	
Election phase	
Post-election phase	

What are the priority activities for IEOMs during the "Pre- election" phase to determine the credibility of elections?

Priority Activities of IEOMs during the pre-election phase	Low priority	Medium priority	High priority
Voter Education			

Adherence to Human Rights			
Media Landscape			
Relationship between Election Stakeholders			
Technology or System Deployment for Election Management			
Examination of Legal Framework Guiding the Process			

What are the priority activities for IEOMs during the "Election" phase to determine the credibility of elections?

Priority Activities of IEOMs during the election phase	Low priority	Medium priority	High priority
Voting process			
Verification of results			
Transmission of results			
Media engagement			
Adherence to human rights and the rule of law			

What are the priority activities for IEOMs during the "post-election" phase to determine the credibility of elections?

Priority Activities of IEOMs during the post-election phase	Low priority	Medium priority	High priority
Post-election complaints and dispute resolution			
Adherence to the rule of law			
Follow-up on implementation of the mission's recommendations			
Declaration of election results			
Transition of power			

SECTION C: EFFICACY OF DIPLOMACY OF INTERNATIONAL ELECTION OBSERVER MISSIONS IN CONSOLIDATING DEMOCRACY IN KENYA SINCE 1992

Which of the following is mostly preferred by IEOM as a tool of diplomacy in election observation missions in Kenya? (*Respondents can select more than one item*)

Diplomatic Tools used by IEOMs for Democratic Consolidation in Kenya	Dispreferred	Neutral	Preferred
Diplomatic negotiations and engagement with stakeholders			
Press releases and conferences			
On-the ground presence			
Technical assistance and capacity building			
Collaboration with domestic observation missions to educate voters and conduct other activities			
Use of conditional support or sanctions (Tying diplomatic support to grants and aid)			
Detailed reports and recommendations on elections and electoral processes			

To what extent do International Election Observer Missions engage with the following key stakeholders during their missions in Kenya?

Stakeholder type	Not at all	Small extent	Moderate extent	Large extent	Very large extent
Security agencies					
Civil society organizations					
Faith based organizations					
Political parties					
Legislature					
Media					
Citizen observer groups					
The executive					

In your opinion, have the following International Election Observer Mission recommendations informed democratic consolidation in subsequent elections in Kenya since 1992?

Recommendations of IEOMs	Yes	No
Recommendations to improve fraud detection		
Recommendations to improve electoral legal framework		
Recommendations to improve electoral dispute resolutions		
Recommendations to enhance respect for human rights		
Recommendations to improve vote transmission		
Recommendations to enhance peaceful transfer of power		
Recommendation to enhance capacity of electoral bodies		
Recommendations to improve electoral pluralism		
Recommendation to have improved electoral reforms		

How would you assess the overall effectiveness of International Election Observer Missions in consolidating democracy in Kenya?

Very inefficient	
Ineffective	
Neutral	
Effective	
Very Effective	

To what extent do International Election Observer Missions influence the behavior the following electoral stakeholders?

Level of Cooperation between IEOMs and key stakeholders	Not at all	Small extent	Moderate extent	Large extent	Very large extent
Legislature					
Civil society organizations					
Media					
Political parties					
Citizen observer groups					
National security organs					
Judiciary					

How would you rate the level of cooperation between IEOMs and the following key stakeholders in the democratic consolidation in Kenya?

Level of Cooperation between IEOMs and key stakeholders	Very low	Low	Moderate	High	Very High
Legislature					
Civil society organizations					
Media					
Political parties					
Citizen observer groups					
National security organs					
Judiciary					

DEMOCRATIZATION PROCESS IN THE CONTEXT OF INTERNATIONAL ELECTION OBSERVER MISSIONS IN KENYA SINCE 1992

How would you classify the various elections in Kenya as since 1992?

Elections since 1992	Not free and fair	Free and fair
2022		
2017 b		
2017 a		
2013		
2007		
2002		
1997		
1992		

Show your level of agreement with the following as factors contributing to the effectiveness of International Election Observer Missions in consolidating democracy in Kenya since 1992

Factors Influencing Effectiveness of IEOMs in Consolidating Democracy Since 1992	Agree	Neutral	Disagree	Rank
Cooperation with host government				
Political will of key stakeholders				
Credibility and independence of observer missions				
Financial and non-financial resources				
Implementation of previous recommendations				
Political environment (peaceful or hostile)				

Have you observed any instances where International Election Observer Missions have influenced electoral reforms or changes in Kenya's electoral laws or procedures?

Yes	
No	

Show your level of agreement on how international Election Observer Missions contribute to strengthening democratic institutions in Kenya?

	Agree	Neutral	Disagree
Building Capacity of Election management Bodies			
Enhancing legal and regulatory frameworks			
Promotion civic education and voter awareness			
Building Public Confidence			
Encouraging dialogue and cooperation between stakeholders			
Encouraging democratic values			

From IEOMs reports, show your level of agreement with the following facets of democratic consolidation

IEOMs contribution to facets of democratic consolidation	Strongly agree	Agree	Neutral	Disagree	Strongly disagree
IEOMs recommendations have facilitated the regulation of campaign finance					
IEOMs recommendations have enhanced gender inclusion					
IEOMs recommendations have promoted minority inclusion					
IEOMs recommendation have enhanced engagement between parties and candidates					
IEOMs recommendations have strengthened electoral authorities					
IEOMs recommendations have ensured transparency during voting process and vote count and result transmission					
IEOMs recommendations have streamlined electoral laws and procedures					
IEOMs recommendations have enhanced voter registration and voter education					
IEOMs recommendations have strengthened dispute resolution mechanisms					

IEOMs recommendations have strengthened support for citizen/domestic observer groups					
IEOMs recommendations have enhanced fair media coverage					
IEOMs recommendations have enhanced security and safety during elections					
IEOMs recommendations have enhanced adherence International standards and norms					

In your opinion, which of the following international election observer mission has had the greatest impact on democratic consolidation in Kenya? (*Respondents may select up to 5 options*)

AU COMESA joint observation Mission	
Carter Center Expert Mission	
Commonwealth Observer Group	
EISA Election Observation Mission	
EU Election Observer Mission	
IGAD election Observer Mission	
IRI/NDI election Observer Mission	
EAC election Observer Mission	
AfriCoG Observer Mission	

SECTION E: CHALLENGES AND OPPORTUNITIES OF DIPLOMACY OF INTERNATIONAL ELECTION OBSERVER MISSIONS IN CONSOLIDATING DEMOCRACY IN KENYA SINCE 1992

In your opinion, which of the following constitutes the core challenges faced by IEOMs? (*Respondents can select more than one item BUT ONLY up to 5 items they consider core challenges*)

Accusation of Bias	
Financial challenges to train and deploy	
Limited geographical scope of coverage by International election observers	
Limited collaboration with domestic observers	
Inability to deploy long term observers	
IEOMs are faced with the dilemma of exposing fraud	
Contradiction of election results with court verdicts	
Accusations of lowering standards for African Election	
Accusations of interest bias	

Accusation of dominance over citizen observer groups	
Low interest in post-election phase	
Competition among IEO	
Accusation of political tourism	

In your opinion, which of the following constitutes the opportunities to be explored by IEOM? (Respondents *can select more than one item BUT ONLY up to 3 items they consider core opportunities*)

Investing more in domestic observer groups	
Early engagement and assessment	
Professionalizing of IEOMs	
Expansion of staff capacity	
Improving uptake on the use of technology	
Long-term engagement/Extension of Mission stays	
Networking and collaboration with Domestic observers	

Appendix III: Interview schedule for (IOM, IEBC and election experts)

Interview schedule for international observer mission officials

- I. Could you please describe your role and experience in international observer missions or in the field of democratization process in Kenya?
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.....
.....
.....
- II. What role do international observer missions play in democracy processing Kenya?
.....
.....
.....
.....
- III. What, in your opinion, are the primary goals of international observer missions throughout democracy processes in Kenya?
.....
.....
.....
.....
- IV. Could you perhaps explain on the actions that international observer missions normally do to analyze and monitor the democracy process in Kenya?
.....
.....
.....
.....
- V. How do international observer missions decide the scope and scale of their actions during a country's democratic transition?
.....
.....
.....
.....
- VI. What considerations influence the choice to send international observers to specific nations in the process of democratization?
.....
.....
.....
.....
- VII. During their missions, how do international observer missions work with local institutions, governments, and civil society organizations in Kenya?

- VIII. What are the primary tools and methods used by international observer teams to monitor and analyze democratization process in Kenya?
.....
.....
.....
.....
- IX. What, if any, difficulties have you witnessed or encountered in the cooperation of international observer missions and local stakeholders in Kenya?
.....
.....
.....
.....
- X. What are some instances of the good impact that international observer missions have had on the democracy process in your experience?
.....
.....
.....
.....
- XI. Can you provide examples of times when international observer missions encountered difficulties in attaining their objectives in Kenya? What were the causes of these difficulties?
.....
.....
.....
.....
- XII. How can the efficacy of international observer missions in advancing democratic values and practices be measured or assessed in Kenya?
.....
.....
.....
.....

Appendix IV: Extracts from IRI 1992 IEOM Report

TABLE OF CONTENTS

Introduction	2
CHAPTER I: POLITICAL BACKGROUND	2
The Kenyatta Era	2
The Moi Era	3
CHAPTER II: THE PRE-ELECTION ENVIRONMENT	8
Introduction	8
The Electoral Framework	9
Administrative Structure	9
The Electoral Commission	10
Voter Registration	11
Availability of Registration Lists for Public Review	13
Selection and Training of Election Personnel	14
Nomination of Civic and Parliamentary Candidates	14
Nomination of Presidential Candidates	16
Procurement and Distribution of Voting Materials	17
Conclusions: The Electoral Framework	18
CHAPTER III: THE CAMPAIGN PLAYING FIELD	22
Political Parties	22
The Democratic Party	23
Forum for the Restoration of Democracy-Asili (FORD Asili)	23
Forum for the Restoration of Democracy-Kenya (FORD Kenya)	23
Kenya African National Union (KANU)	24
Access to Resources	24
The Role of Money	25
Allegations of Currency Infusions	25
Cash Handouts to Build Party Support	27
Party Defections	28
Freedom of Assembly and Movement	29
Transportation Ban	31
Violence and Intimidation	31
Access to the Media	32
Radio and Television	32
Daily Newspapers	33
Opinion Weeklies	34
The Role of Local Non-governmental Organizations	35
Domestic Election Monitoring	35
Religious Organizations	36
Voter Education	36

Conclusions: The Campaign Playing Field	37
Political Parties	37
Access to Resources	38
Freedom of Assembly and Movement	39
Access to the Media	40
The Role Of NGOs	40
CHAPTER FOUR: ELECTION DAY	41
Introduction	41
Returning Officers	42
Presiding Officers	43
General Voting Procedures	43
Summary List of Election Day Irregularities	45
Late Delivery of Voting Material	45
Late Opening of Polling Stations	45
Boycott by polling clerk	46
Insufficient voting material	46
Errors on ballot papers	46
Confusion regarding documents necessary to vote	47
Voters' names missing from registration lists	47
"Imported voters	47
Lack of secret ballot for illiterate voters	47
Case Analysis: Starehe 26, Nairobi	48
Counting Procedures	50
Case Analysis: Meru, North Imenti Constituency	51
Conclusions: Election Day	51
CHAPTER V: POST-ELECTION UPDATE AND RECOMMENDATIONS	53
Post-Election Update	53
Recommendations	54
Introduction	54
The Electoral Law	54
The Campaign Playing Field	56
Political Parties	56
Access to Resources	56
Freedom of Assembly and Movement	56
Access to the Media	56
Election Day	57

INTRODUCTION

From October 29 through November 6, 1992, a six-person team including International Republican Institute staff and election experts conducted its first comprehensive analysis of the pre-election environment and the feasibility of organizing an international election observation mission in Kenya. The findings were released publicly in late November. From December 4-16, 1992, the IRI deployed several teams of campaign, media, academic, and election law experts throughout the country. The findings of this 20-person assessment team were released in a press conference held on December 16, 1992 in Nairobi. From December 16-28, 1992, the IRI sent small teams to areas of special concern throughout the country. On election day (December 29), the IRI deployed 54 people nationwide to observe the voting and counting. This Final Report synthesizes the findings of these survey teams and covers the period from late October 1992 through early January 1993.

Chapter I is a brief political background of Kenya. Chapter II focuses on the pre-election environment. Chapter III addresses the campaign playing field. Chapter IV covers election day issues. Chapter V includes an update of events after the election and offers recommendations for improvements in the administration of future elections.

**INTERNATIONAL REPUBLICAN INSTITUTE
KENYA ELECTION OBSERVATION MISSION
*December 29, 1992***

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RECOMMENDATIONS

Introduction

The December 1992 elections moved Kenya in the direction of multi-party democracy. With the exception of the Constitution, however, few institutions of governance in Kenya have been transformed into multi-party entities. Kenya has made steps toward representative government but has not yet achieved it. The following recommendations address important areas of reform necessary before truly transparent and representative elections are possible in Kenya.

The recommendations below are offered in the hope that Kenyans of all political persuasions will **work** together to build an electoral system which will produce future representative **governments**, and will stand as a model of multi-party democracy for transitional societies across **Africa** and the world.

The Electoral Law

The new **Parliament**, scheduled to convene in March 1993, will confront the challenges of a pluralistic political system in Kenya. Among these challenges will be electoral law reform. The new **Parliament** should undertake a comprehensive review of the Presidential and Parliamentary Elections Act. While the March 1992 amendments moved Kenya's laws toward a multi-party **framework**, the current code remains vague in some areas and inappropriate in others.

1. The composition of the Electoral Commission should reflect the new multi-party character of the Constitution.
2. Given the problems with civil service bias in favor of KANU during the campaign, the civil **service**, especially the Provincial Administration, should be subject to greater supervision from Parliament in order to insure that all parties are treated equally.
3. Voter registration responsibilities must lie with the Electoral Commission until the civil service is sufficiently de-politicized. Oversight of the registration process should be multi-partisan.
4. An on-going voter registration process is necessary. The IRI strongly urges that a new voter registration process be conducted well before the next election.
5. Under-age voting must be eliminated. Standards for eligibility to register and to vote should be understood by those responsible for the registration process.
6. Voter rolls must be published in a timely manner. The process of correcting voter rolls needs to be reviewed.

7. Intermediate and final registration totals for public viewing should be published by province, district and polling station.
8. Voters must vote either where they live or where they work. Other options, though important, open the process to manipulation and abuse. Coordinating registration with place of residence is the most preferable means, since it can ease the technical administration of preparing voter lists.
9. A clearer Electoral Code (in regard to political party formation) will lead to coalition-building and less factionalism. Minimum requirements should be specified in order for a party to be officially registered.
10. New and efficient procedures need to be designed that will safeguard the transparency of election day procedures without introducing confusing and time-consuming redundancies.
11. Timely dispute resolution of all alleged electoral offenses is essential. Parliament should consider the creation of an independent mechanism whereby election-related cases are heard both before and after elections.
12. Increased campaign time between nomination and election day is essential. Citizens need access to information; the Electoral Commission needs time for planning and organization; political parties need time to disseminate their messages; suppliers of voting materials need time to make their deliveries; and those alleging pre-election irregularities need time for resolution and redress of grievances.
13. Rather than three separate ballots, one ballot with all election races listed together will simplify the counting process.
14. The authority to issue rally permits must be reconsidered by the Parliament as a result of recent problems with District Commissioners.
15. Specific standards are needed for challenging ballots at the counting stations.
16. Revised counting methods, in an effort to streamline the process, would save time and could add safeguards against fraud.
17. Revised campaign finance regulations are needed to ensure a more level playing field and to discourage exorbitant or illegal use of funds. The Parliament could take many different approaches to these issues, but it is important that an equitable solution involving all the parties in Parliament be chosen. The Parliament should codify these decisions to ensure implementation.
18. A system for absentee balloting should be considered.

The Campaign Playing Field

Political Parties

1. KANU should make a significant effort to separate its identity from that of the government.
2. KANU should reconfigure its youth organizations in order to offer genuine opportunities for leadership training.
3. Pressure groups intending to become political parties need to develop the organizational infrastructure, established leadership, trained cadre, and the discipline required of Parliamentary parties in order to function effectively.
4. The international community should support various democratic development programs including leadership training, policy research and development, coalition building, grassroots communications methods, campaign strategy and general organizational development.

Access to Resources

1. Allegations regarding the infusion of unbacked currency into the Kenyan monetary system for election-related purposes should be investigated immediately.

Freedom of Assembly and Movement

1. Responsibility for granting rally permits should be transferred to a more independent body until the civil service is de-politicized.
2. Civil servants should be made aware and should communicate to citizens that intimidation and harassment of persons stating political beliefs is unacceptable behavior in a society that guarantees freedom of movement and assembly.
3. There should be a complete end to politically-motivated violence. The security apparatus is in a unique position to assist in implementing this critical reform.

Access to the Media

1. As Kenyan society moves in the direction of multi-partyism, laws should ensure a non-partisan broadcast media.
2. The new electoral law should provide specific allocations of time on electronic media for each registered political party.

3. Fundamental changes in sedition and treason laws should be considered by the new Parliament.

ELECTION DAY

1. Voter materials must be distributed more effectively.
2. When using numbered ballots, the elector's identity card number should not be recorded on the ballot stub.
3. The polling station clerk selection process must be standardized to avoid partisan polling station staff.
4. The roles and responsibilities of each local election official should be redefined, and the decision-making hierarchy among poll-workers clarified.
5. A limit on the number of voters allowed inside the immediate polling area should be established.
6. A ballot counting form must be designed and utilized. The form (in duplicate and triplicate) would record the ballots received at the beginning of the day, their serial numbers, and their status at the end of the day (i.e., "x" left over, "x" spoiled, "x" deposited). Recorded on the same form should be the serial numbers of the ballot boxes and seals. The form should be signed by poll-workers, delegates and domestic monitors. The Presiding Officer would carry this sheet, along with the boxes, to the counting center. He would keep one copy and give the original to the counting center supervisor.
7. Standards should be developed for the mobile polling stations. The implementation of mobile stations could be based on population density, registration figures or areas of recent population movement. Their locations and routes should be communicated to the general public, observers and to all political parties.

Appendix V: Extracts from NDI 1997 IEOM Report

NDI STATEMENT ON THE DECEMBER 29, 1997 ELECTIONS IN KENYA

In the period leading up to the December 1997 elections in Kenya, NDI worked with domestic civil society groups, assisting them in their efforts to monitor the elections. The three main groups were: the Institute for Education in Democracy (IED); the National Council of Churches of Kenya (NCCK); and the Catholic Justice and Peace Commission (CJPC). Following the elections, these groups issued a joint statement outlining their assessment of the electoral process:

Final Statement

This is the final statement of IED, CJPC and NCCK, which have jointly undertaken the observation of the 1997 Kenyan elections. This statement supplements the preliminary findings reported to the media on 31 December.

This statement is based upon reports from our 840 campaign and nomination process monitors, the 28,126 poll watchers, who worked in teams of two in all of the 210 electoral constituencies, and the three-person teams present at all of the country's count centers. Over 10,000 reports have been received and analyzed from all parts of the country, covering all aspects of the process.

As part of our on-going task to analyze these elections we will produce a final report within two months, which will make a more in-depth assessment of all aspects of the electoral process.

Election Observation

The purpose of non-partisan election observation is two fold: Firstly to deter fraud through the presence of observers inside the polling stations and count centers, and secondly to make an assessment of all aspects of the electoral process. By doing this we hope to contribute towards the integrity of the process, and thus towards the further democratic development of the Republic of Kenya. This has been the aim of the three organizations cooperating on this project. It has also been the aim of the 29,600 nonpartisan campaign monitors, poll watchers and count certifiers, who we would like to thank for dedicating so much of their time and energy in contributing to the further democratic development of their country.

Registration of Voters

A total of 9,063,390 voters were registered for the elections. We believe that this figure should have been higher for this election and should be further increased for future elections, given adequate and more timely and coherent administrative reforms to the registration process.

There was a political consensus that a number of significant problems were prevalent during the voter registration, most noticeably the confusion as to which identity cards were acceptable and the slow issuance of identity cards to persons turning 18 years of age. These

administrative problems were compounded by the fact that voter registration is not permanent but only for a designated period. The existing registration should now be built upon in order to establish a levels of apathy among some sections of the population, as well as the burning of voters cards by some persons, resulted in low registration levels in some areas.

Given the fact that there existed widespread dissatisfaction with the registration process, it is regrettable that the Electoral Commission did not act to allay fears and did not make public the numerous objections and claims made.

It is also regrettable that more publicity was not given to encouraging registered voters to check the voters registers prior to the election.

This would have cut out a number of the problems some voters faced on election day.

Delineation of Electoral Constituencies

The existing structure of the country's electoral constituencies continues to be a cause of great concern. The significant variation in demographic size of many constituencies violates the principle of equality of the vote. To take the extremes of constituency sizes, Embakasi in Nairobi has some 114,000 registered voters whilst Iljara in Garissa District has just 7,500.

Likewise, Nairobi with some 726,000 registered voters has just 8 constituencies whilst the Rift Valley with some 2,156,000 registered voters has 49 constituencies, Central Province with some 1,346,000 has 29 constituencies North Eastern Province with some 172,000 registered voters has 11 constituencies. Thus on average it takes 91,000 voters to elect a member of parliament in Nairobi, 44,000 in the Rift Valley, 46,000 in Central Province and 15,600 in North

Eastern Province.

These anomalies result in an obvious over-representation for particular provinces in the parliament, and an imbalance to the weight of each vote.

Whilst the variances in population density between various areas in Kenya will result in some differentiation in constituency size there needs to be an adherence to the principle that all votes are equal.

The addition of a further 22 constituencies prior to the election served to exacerbate the perception that the decisions for delineating constituency boundaries were made for political gain. Constituency boundaries need to be readdressed prior to the next election.

Legal, Constitutional and Administrative Reforms

The introduction of some legal, constitutional and administrative reforms to diffuse the political unrest at the end of last year was a welcome response from the authorities. Changes allowing for an increase in the period for nominations, the introduction of a Code of Conduct for Political Parties, the increase of opposition representation on the Electoral Commission, were welcomed.

The amendment of the Public Order Act, negating the requirement for a license for the holding of political meetings was welcomed, as was the introduction of a provision in the Kenyan Broadcasting Corporation Act allocating equal air time for all registered political parties.

However, the fact that these changes were introduced so late meant that they had a limited benefit with regards the conduct of these elections. Further, in the case of the amendments to the Public Order Act and the new provisions regarding equality of media time, they were not, in practice, fully implemented or adhered to.

There is also a need for a further series of such reforms, including bringing in regulations regarding campaign spending and allowing independent candidates.

The Electoral Commission

The Electoral Commission conducted its affairs in a more open manner than in 1992. There were regular press briefings and meetings with political parties, the media and election observer groups. However, there is continuing concern regarding the method for appointing the Chairman of the Commission and the inability of the Commission to enforce a number of election regulations

The Chairman of the Commission should not be a political appointment, as this serves to decrease public and political confidence in the neutrality of the incumbent. The Electoral Commission is the ultimate electoral body and needs to enjoy the full confidence of voters and parties alike.

The expansion of the Commission to include 10 representatives of opposition parties was also positive. But the fact that this came so late, along with the late appointment of a new chairman may in the end have served to weaken the functional capacity of the commission, particularly as the structure of the body means it does not appear to have senior permanent staff able to carry some of the burden.

There needs to be a stronger legal basis for dealing with electoral complaints, particularly those of a criminal nature, rather than being solely based upon a Code of Conduct. In addition, the Electoral Commission must ensure that regulations pertaining to the elections, such as the supposed allocation of campaign media time, are fully enforced. This will prevent the state media from being a tool of the party in power.

With regards the formation of electoral bodies throughout the country, it was reported to observers that in some isolated cases Kanu election candidates were involved in the selection and recruitment of some electoral personnel at the polling station level. This was reported to have occurred in Kiambaa, Mathioya, Samburu West, Mogotio. This, of course, should not be allowed to occur.

Media Coverage

A comprehensive qualitative and quantitative study of media coverage has been undertaken by the Kenyan Human Rights Commission (KHRC).

Following the agreement of IPPG recommendations the Kenyan Broadcasting Act was amended to include: "The Corporation shall keep a fair balance in all respects in allocation of broadcasting hours as between different political viewpoints. Following this the situation in which the media was heavily biased in favor of Kanu improved to the extent that by the fourth week in November, the combined opposition during which time the combined opposition received 29% of coverage.

However from 19 December until the elections took place, KBC TV and radio reverted to a heavy bias in favor of Kanu. During this period, Kanu received 85% of KBC TV and radio news airtime in contrast to 10% received by the opposition. The remaining 5% went to other news items. The reversion to this bias should not have occurred, and violated the new regulations.

The provision of equitable access and coverage to all political parties by state media is an essential aspect of any election. It is therefore of great concern that despite a legal requirement for this to happen, the drawing up of guidelines by the Electoral Commission which were agreed by all parties, and an initial improvement in the situation, state media remained heavily biased in favor of Kanu. Such a situation should not have occurred at this elections and must not be repeated at future elections.

Candidate Nominations and the Political Campaign

Whilst violence continued to be a feature of the campaign and nomination processes it was noticeably decreased from 1992.

It was welcome that the nomination process was extended from one to two days. It was also welcome that there were no reports of abductions as occurred in 1992. However some isolated attempts to intimidate and prevent prospective candidates from presenting their papers for candidature were reported in Baringo Central, Eldama Ravine, Mt. Elgon and Turkana South.

During both the nomination and campaign processes a significant number of violent incidents occurred. Such incidents have no place in a democratic society. It was noticeable that much of the violence was intra-party rather than inter-party, particularly in areas where a party enjoyed overwhelming support.

It was observed that the ruling party was particularly guilty of such a practice, particularly in Tinderet, Cherangani, Shinyalu. It was observed that violence occurred in the DP party nomination process in Mathira, Tertu, and in the NDP nomination process in Nyakach.

It was also observed that bribery and vote buying continue to be a feature of the electoral process. Such practices can not be part of a democracy. During the campaign it was primarily the ruling party which employed such tactics, and particularly in Sirisia and Bumula in Western Province; in Kitui, Makweni, Machakos and Meru in Eastern Province; and, in Mathioya in Central Province.

A further worrying factor during the campaign was the involvement of public employees, such as District Commissioners, District Officers and Chiefs, and state resources on behalf of the ruling party, particularly in Eldama Ravine and Mogotio, Samburu and Turkana in Rift Valley Province; Moyale in Eastern Province; and Mt. Elgon in Western Province. It was also noted that a Permanent Secretary and a Parastatal Chief used their positions to openly campaign on behalf of one presidential candidate.

The state exists to serve all the people and should not be used by one party to gain a benefit over others. administrative mess that served to not only cause serious disruptions to the voting and counting processes but to also decrease public and political confidence in the process and increase suspicion towards it. It is clear that this assessment regarding the organization of the election stands, and an investigation into responsibility should be undertaken.

Poll Watchers reported that in 48% of polling stations voting materials, such as ballot boxes, ballot papers and voters registers, were not available at 6 a.m. on election day. Poll Watchers also reported that in 50% of cases election officials were not present at the allotted time to start the opening procedures.

As a result of these shortcomings, poll watchers reported that at least 56% of polling stations failed to open on time.

The Electoral Commission's instruction for voting to take place for a second day was not consistently communicated to all parts of the country. There were also contradictory statements from the Electoral Commission, as they later said that an extra polling day should only occur where it was not completed on day one. This caused confusion and uncertainty. In a limited number of cases some polling stations did not open on the second day as instructed, thus effectively disenfranchising those persons not able to vote on day one.

However, it is clear in the vast majority of cases that although seriously delayed, polling materials were eventually available, enabling voting to take place, often due to the tenacity of election officials at the local level and due to the patience of the voting public.

Based on figures so far available, the vote turnout is estimated at some 65%, with the lowest turnout being approximately 40% in Coast Province and the highest being approximately 75% in Rift Valley Province.

Once voting did commence, 98% of poll watchers rated the actual voting process as being acceptable.

A further positive aspect of the voting process is that 92% of poll watchers reported that security personnel behaved in an appropriate manner.

The large number of incidents of bribery which took place during the campaign were also prevalent on election day. Whilst many parties were guilty of this, it was noted that Kanu were particularly so. This remains of great concern to all who want to see Kenya further enhance its democracy. Such a practice should not be a feature of our political life.

On a technical level, there was some concern among poll watchers as to the secrecy of the ballot and at 6% of polling stations it was reported that polling booths were either not to be found or did not afford voters proper secrecy. There was also concern regarding the provisions for aiding voters who could not read, whereby party agents closely observe the Presiding Officer who physically helps the voter. Such participation by party-affiliated persons is not appropriate as it not only violates the secrecy of the ballot but might also be construed organization of the election, and some isolated incidents around the country, the voting process does appear to have eventually been undertaken in a serious and largely satisfactory manner.

The Vote Count

The extension of voting meant that the count was seriously delayed, resulting in fatigue and tension in the count centers, and confusion as to what arrangements should be made for the security of ballot boxes. However, it was reported that in the majority of cases observers and party agents were able to accompany ballot boxes.

The counting process has been laboriously slow, and there have been a few disturbances. However, the overall picture is one of election officials, party agents and poll watchers continuing with the task under very difficult circumstances.

Whilst acknowledging some problems in the organization and conduct of the count, 85% of count certifiers rated the general counting process as being satisfactory. Some complaints from poll watchers have been received from various areas of the country, and whilst these may need to be looked into, it is not felt that they would affect the overall result in any material way.

Conclusions

As stated, we have covered all aspects of the electoral process, including analyzing the electoral framework, voter registration, the nominations process, the political campaign, the role of the media, and the voting and counting processes.

From our analysis of these vital factors it is clear that a level playing field does not currently exist in Kenyan politics. The institutional bias in favor of Kanu, such as domination of the state media and unfair delineation of electoral constituencies, needs to be seriously addressed.

It is also clear that the logistical and administrative organization of the elections was characterized by chaos and inefficiency, which served to increase tensions around the country and decrease confidence in the process.

However, notwithstanding these problems, it should be acknowledged that a large number of voters did turn out to vote and were, in the vast majority of cases, able to do so. The voting process was generally handled well by polling station officials, and closely scrutinized by party agents and poll watchers. The vote count, whilst quite chaotic and slow, was also closely scrutinized by party agents and observers, and appears to have been largely carried out satisfactorily. As a result, the organizations conducting the observation of the elections have to conclude that the results do on the whole reflect the wishes of the Kenyan voters.

If there is any dispute over the official published results we trust that the vote tabulation will be transparent enough to enable a clear and satisfactory resolution of the problem.

The dignity and determination of the Kenyan voters in participating in country.

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Appendix VI: Extracts from The Carter Center Report of 2002

SPECIAL REPORT SERIES

THE
CARTER CENTER



OBSERVING THE 2002 KENYA ELECTIONS

TABLE OF CONTENTS

Kenya General Elections Delegation and Staff.....	4
Terms and Abbreviations.....	6
Foreword.....	8
Executive Summary.....	10
Acknowledgments.....	14
Background.....	15
July-August 2002: Exploratory Assessment.....	17
December 2002: Pre-election Observation.....	20
December 2002: Carter Center Observer Mission.....	25
Delegate Briefings, Observation Methodology, and Deployment	
Leadership Meetings	
Dec. 27 Electoral Process	
Observer Reports and the Dec. 29 Statement	
Announcement of Official Results	
January 2003: Postelection Observation.....	37
Transfer of Power	
Women's Participation	
Election Petitions	
Conclusions and Recommendations.....	41
Appendices.....	48
The Carter Center at a Glance.....	68

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Ms. Warda Rajab (Uganda), Economics Research Fellow, Center for Disease Control and Prevention (CDC), Atlanta, Ga., USA
Mr. Nhamo Sithole* (Zimbabwe)
Ms. Chris Stevenson (USA), Independent Consultant, Denver, Colo., USA
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DECEMBER 2002: PRE-ELECTION OBSERVATION

Center staff and an advance team of seven medium-term observers (MTOs) arrived in Kenya on Dec. 17, 10 days before the elections. While the Atlanta staff began to prepare for the arrival of the main delegation, the MTOs were deployed throughout Kenya.

BRIEFING AND OBSERVATION METHODOLOGY

Prior to deployment, the MTOs received a briefing on the current state of campaigns and election preparations from Dr. Karuti Kanyinga of the Donor Information Center for Elections in Kenya (DICE-K). They also received instructions on logistics and reporting procedures during their pre-election deployment.

The MTOs were deployed in two-person teams to

the following areas: Mombassa, Eldoret, Kakamega, Kisumu, Meru, and Embu. The purpose of the MTO deployment was twofold. Firstly, the MTOs observed the final days of the election campaigns, met with local election officials, representatives from political parties and civil society, and other domestic and international election observers. Secondly, the MTOs provided advance reconnaissance on deployment logistics for the main delegation. Liaison with domestic observers from the Kenya Domestic Observation Programme (K-DOP) was particularly important in this regard.

Daily reports from the MTOs, as well as their debriefing upon their return to Nairobi on Dec. 23, assisted with the final preparations for observation of the elections themselves. The MTOs conducted more than 50 interviews with election officials, candidates

and representatives from political parties, civil society groups, and others. Their observations covered electoral preparations, campaign funding issues, campaign activities and violence, and media coverage.

The report's conclusion was that the campaign and electoral process were



DAVID PETER

CONCLUSIONS AND RECOMMENDATIONS

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key challenge of democratization in Kenya is to balance the ongoing need for political reconciliation and accommodation with the divisive tendencies of electoral competition. The 2002 elections were an important benchmark in Kenya's political history, and the country showed positive signs of a maturing political system. These elections were the first time that a united opposition mounted a successful campaign in support of a single presidential candidate. Although there were problems during the campaign period, the political parties campaigned widely, and largely peacefully. The elections were also generally well-conducted, and with voter turnout of 57 percent, the majority of Kenyans demonstrated their confidence in the process through their participation.

Although Center observers did not report any major systematic irregularities, there were technical problems with preparations for the elections, including confusion over the regulations for the voter registration requirements on election day. Election day itself was peaceful and orderly.

The Center was also impressed with the efforts of the domestic observers, particularly the Kenya Domestic Observers Programme (K-DOP) that deployed 19,000 observers, enough to cover all 18,000 stations. K-DOP was able to assign three observers per constituency in the months before the elections and maintained these observers in the postelection period. K-DOP was an impressive faith-based and NGO effort, calling on Catholic and Protestant churches and Muslim and Hindu associations. The presence

international interest in and support for Kenya's democratic process.

While there were concerns about how the transfer of power would be handled, as Kenya had never had to do so before, in the end there was no crisis and all government activities were handed over smoothly. Despite this relatively smooth succession, there are many challenging issues facing President Kibaki and his new government. The Center's MTOs were alerted to some of the following concerns:

Constitutional reform. The constitutional review process was stalled by the dissolution of Parliament prior to the elections. The NARC government has pledged to continue the constitutional review process, chaired by Professor Yash Pal Ghai of the

Constitution of Kenya Review Commission (CKRC). However, the review process was plagued by controversy and frequent infighting among the commissioners, and it now must be handled by a new coalition government.

Election promises. The new government must also find the means to satisfy the raised expectations of Kenyans that the election promises of free primary education, judicial reform, and tough anti-corruption legislation will be enacted. Although NARC delivered on its education promises immediately in January 2003, paying for them over the long run will require the committed reform of the public service and receiver of revenue. With many members of the former ruling KANU now in the new NARC government, it may

*The people of Kenya clearly voted
for change in 2002.*

previous KANU administration. A change of electoral system from the current single-member constituency to a multimember proportional system has been proposed by the CKRC. Whatever the choice of electoral system, it is the responsibility of the government of Kenya and the electoral authorities to communicate adequately this system and its operation to the people of Kenya.

DEMARCATION

The constitution of Kenya has set the minimum number of constituencies between 188 and 210. A common concern expressed during Kenya's 2002 constitutional review process is that constituencies are excessively varied in size and population, often to the advantage of the then ruling party. Moreover, the current constituency demarcation has tended to exacerbate the politics of region and ethnicity, such that the political parties now seek to mobilize voters in these terms. The ECK, in coordination with other relevant government agencies, should initiate a thorough review of the legislative basis for demarcation and establish the appropriate structures for a reassessment of Kenya's current electoral boundaries.

INDEPENDENCE OF ECK

Many Kenyans felt that the ECK performed its responsibilities in a more nonpartisan manner than in previous elections. However, some feel that with more than 20 members the ECK is too large and that not all of the members behaved in a nonpartisan manner. At present, the system of presidential appointment to the ECK leaves out key stakeholders in the election process, such as members of civil society and the private sector. The terms of appointment should be clarified, and a consultative mechanism that enables Parliament to play a meaningful role in the nomination process should be considered.

ECK administrative independence would be

administration relies on the district commissioner offices to manage its finances at the district level rather than the offices of its own returning officers. It is particularly worrisome to have such an arrangement in a country where public administrators at the provincial and district levels are appointees of the president and commonly involved in partisan activities favoring the president's political party. ECK capacity should be built to ensure that the commission may fulfill its constitutional mandate in an impartial and independent manner.

TIMING OF ELECTIONS

Many Kenyans expressed the view that December is inappropriate for holding elections since the country experiences one of its rainy seasons at this time. The rains present logistical challenges to the ECK, limit accessibility to remote areas, and may negatively affect voter turnout.

A number of alternatives may be considered. The mandate to determine the date for polling could rest with the ECK or be incorporated in the constitution. In any case, the election date should be outside the rainy season.

RECRUITMENT AND TRAINING OF ELECTION OFFICIALS

The recruitment of poll workers is the responsibility of district-level ECK personnel. The Center heard reports from across the country alleging that in some districts the recruitment was seriously affected by bribery and corruption to the extent that trained officials in some cases were dropped in favor of those who bribed those conducting the recruitment.

The ECK is commended for the training manuals it produced for the elections. However, the training of presiding officers and their deputies at the district level was reportedly a cause for concern. The training rooms

OBSERVING THE 2002 KENYA ELECTIONS

Furthermore, following the elections there were complaints by many ad hoc staff of late payment or nonpayment of their wages for work completed before, during, and after election day. Most election officials worked many long and hard hours, often under difficult circumstances, and are to be congratulated for their efforts. The ECK should review its arrangements to ensure efficient disbursement of payments to ad hoc officials.

The ECK should review its recruitment and training procedures to ensure that its staff is recruited through a transparent, accountable, and nonpartisan process and that they receive timely and adequate training. Special consideration should be given to ensuring that women are adequately represented as election officials.

CANDIDATE NOMINATIONS

The Center heard several reports about the often chaotic, and sometimes conflictive, nature of the party primaries. The process was also characterized by party defections and double nominations. While the Center recognizes the unique character of aspects of Kenya's 2002 elections, particularly the challenges posed by the formation of a multiparty coalition, the principles of intraparty democracy must also be maintained. All parties should review their internal candidate nomination procedures to ensure maximum opportunity for competitive and fair intraparty democracy.

VOTER REGISTRATION

The Center is encouraged that the electoral law has been amended to allow for continuous registration of voters. In order to facilitate this process, the government of Kenya must ensure that all Kenyan citizens are able to acquire a national identity card. Moreover, the ECK must be adequately funded in order to implement continuous voter registration.

VOTER EDUCATION

The ECK should be properly funded in order to implement voter education. Where possible, ECK should examine how it may work in partnership with civil society organizations and political parties interested in undertaking voter education.

WOMEN'S PARTICIPATION

The participation of women in all aspects of the polling process is an important goal of all democracies. Some countries have introduced special thresholds or quotas to encourage more women candidates to come forward or to raise the overall number of women in elected office. The current level of women's participation in Kenya's electoral process is poor, and measures should be taken to build on the efforts of those women who have succeeded in winning elected office.

These measures should include provision of campaign training to aspiring and elected women; inclusion of gender dynamics in general civic education to raise awareness of the barriers to women's participation and the means to overcome them; creation of a women's caucus in Parliament to raise awareness of women's issues among elected members; encouragement of media institutions to raise the profile of women's issues during elections; and increased reporting on women candidates and their platforms.

CORRUPTION IN THE ELECTORAL PROCESS

The Center heard many reports of the misuse of state resources during the election campaigns as well as the general use of money to solicit votes and/or to purchase voter cards. While the electoral law currently prohibits these and other forms of electoral misconduct, all parties and candidates must comply with the

At present, political parties do not receive public funding nor is party finance in general subject to regulation. As in other countries, regulation of party finance through clearly articulated regulations on campaign spending limits, disclosure of campaign contributions, and proper accounting of party and candidate expenditure helps to build confidence in the integrity of political parties and the electoral process. Kenya should undertake a legislative review to redress these inadequacies.

MEDIA REFORM

Balanced media coverage and equitable access for political party advertisements are important aspects of a level playing field during election campaigns. Media monitor reports indicate that news coverage was strongly biased in favor of the ruling KANU. Although current regulations seek to balance the coverage of contesting parties on the public electronic media such as the Kenya Broadcasting Corporation, the ECK is unable to adequately rule on the content of news broadcasts that may be of a partisan nature. A thorough review of the broadcast regulations during elections as well as the introduction of an independent broadcast authority would lay the foundation for more equitable and nonpartisan election coverage.

CONFLICT MANAGEMENT

The Carter Center was pleased to note that for the first time the ECK enforced a code of conduct for the political parties during the 2002 elections. Several candidates from the ruling party and the opposition were publicly reprimanded, and fines were handed down for violations of the electoral law. This experience should serve as the basis for more systematic and earlier monitoring and intervention by ECK in future elections.

The Center also commends the ECK's introduction

beginning and they should be introduced nationwide in subsequent elections. There is growing experience in several African countries with similar bodies comprised of trained representatives from the electoral authorities, civil society, police, and political parties who serve to enhance communication and conflict management.

The ECK should also improve liaison and communication with political parties, police, and civil society through the establishment of committees that meet regularly at the national, provincial, and district levels during the election period.

OBSERVERS AND PARTY AGENTS

The Center commends the efforts of all Kenyan civil society organizations that participated in the 2002 elections. In particular, the Center was impressed by the level of effort and organization of those groups involved in the Kenya Domestic Observers Programme (K-DOP). This capacity should be sustained so that civil society may continue to play an active role in Kenyan political life.

The recruitment and training of party agents to monitor the polls are the responsibility of political parties and candidates. However, the uneven caliber of those deployed to conduct this most important job undermines the ability of parties to make a comprehensive assessment of polling day. Political parties should take advantage of the opportunity to identify and train agents well in advance of the elections and ensure that they have the appropriate reference materials on hand. While the parties should retain the responsibility to recruit their agents, the ECK should assist parties to train the agents and provide them with reference materials.

VOTING PROCESS

Ballot paper design – The differently colored ballot

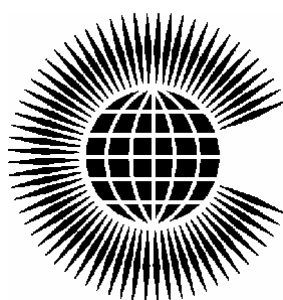
Appendix VII: Extracts from the 2007 Commonwealth Group Observer Report

Kenya General Election

27 December

2007 The

Report of the
Commonwealth Observer Group



Commonwealth Secretariat

Chapter Eight

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

The December 27 elections were the ninth general elections in independent Kenya and the fourth after the restoration of multi-party democracy in 1992. They were the most competitive in the country's history with a record number of contestants - 9 presidential candidates, 2,548 parliamentary candidates and 15,332 civic (council) nominees sponsored by an equally record number of 117 political parties. The 2002 general elections attracted 5 presidential, 1,033 parliamentary and 7,009 civic candidates.

The election was also significant considering the scale of logistical and operational challenges that the Electoral Commission of Kenya (ECK) had to put in place for the polls. We had in our Interim Statement commended the professionalism and commitment of the ECK. As stated in our Interim Statement, we formed the view that up until the conclusion of Election Day, we considered the process credible.

However, since polling day it has become obvious that there is a need to have in place much improved measures to ensure the timely release of election results and the need to considerably improve the system of communication between the ECK headquarters and the field.

The events that unfolded since polling day have eroded the confidence of the people of Kenya. The manner in which the results were announced has raised suspicion and caused widespread mistrust. It is therefore our view that the election process following the closing of the polls fell short of acceptable international standards.

We applaud the people of Kenya for their enthusiasm, determination and resolve to perform their civic responsibility by turning out in large numbers to exercise their constitutional rights. Indeed, we note that this election registered the highest turn out of voters in the country's history with an increase from 57 percent voter turnout in 2002 to some 65 per cent in the 2007 elections.

We regret the disturbing incidence of political violence in some parts of the country which resulted in several deaths, and the destruction of property including burning of vehicles. We were saddened to note that, in some cases, the violence was directed at women. We also note that, for the first time in the country's history, more than 100 women candidates contested parliamentary seats. We would encourage the Government and political parties to initiate measures aimed at increasing women's participation in the political process, in order to strengthen their representation at all levels.

We were informed that these elections would, to a large extent, be overshadowed by ethnic considerations. Our analysis of election results has corroborated that assertion. We believe that this is a dangerous trend that must be addressed to ensure national cohesion.

RECOMMENDATIONS

Recommendations Arising from Observations of the 2007 General Election

We have, in line with our Terms of Reference, compared our observations of the 2007 Kenyan General Elections, and would like to make the following

recommendations directed towards further strengthening the democratic culture of the country, and which support an electoral process that would enable the conduct of elections that meet acceptable international standards.

Electoral Commission of Kenya

In order to strengthen the independence of the ECK and further insulate the institution from possible political interference, it is recommended that the process for appointing ECK Commissioners be subject to screening and confirmation by Parliament.

The ECK should as a matter of priority review the processes for the transmission and announcement of results.

Polling day procedures and operational arrangements should incorporate the following:

Introduction of transparent ballot boxes.

Clearly marked ballot boxes with distinguishing colours.

Requirement for polling staff to issue all three ballot papers at once to a voter.

Strengthen the capacity to manage polling stations.

Ensure that all polling staff are aware that Deputy Presiding Officers are empowered to conduct the count.

Task Returning Officers or the ECK to determine equal splits of voter numbers between streams in multiple polling stations.

Ensure that there are better layout and clearer directions in polling centres for voters to access the correct polling stations.

Ensure greater care with the authentication of ballot papers so that this procedure is carried out one ballot at a time and not authenticated in bulk beforehand.

Ensure strict adherence to the procedure for the calling out of voters' names as they are marked off the register.

Provision of conspicuous identification of all ECK officials at polling stations.

Encourage the establishment of polling stations in remote locations to allow all voters to exercise their franchise.

Provision of adequate lighting for all polling centres.

Issuance of letters of appointment to all Presiding Officers and polling staff well in advance, setting out clearly the terms & conditions of service.

Provision of clearer guidelines to presiding officers to determine a valid vote when the intention of the voter is clear.

Voter Registration

Implementation of a better system for updating the register of voters.

Implementation of a better for the provision of voters' identification cards.

Political Parties Act of 2007

Bring to immediate effect this Act, which was assented to in October 2007.

The Media

- Place a limit on the amount of expenditure that can be incurred during the campaign.
- Require all advertisements to carry some form of identification.
- Provide clear guidelines with regard to disallowing advertising with inappropriate content.
- Provide increased training for all media on political reporting.

Training of Domestic Observers

- A need for more effective and consistent training for all domestic observers.

Post Election Disputes

- To amend the law to require rulings on election petitions within a specified time period.
- To reduce the period for lodging legal challenges.
- That it be a requirement for nomination to political office that candidates pledge to abide by the Electoral Code of Conduct¹⁹.

Inauguration Process

- Consider a requirement that any legal challenge to the election result must be concluded against a set deadline before the inauguration of newly-elected officials.
- Introduce a legal process that would ensure that election disputes are concluded before inauguration of newly-elected officials.

Women

- Separate funding to be made available to female candidates, considering their low social and economic status.
- Enforce laws to protect candidates, particularly women, from violent attacks.
- Government and political parties to foster an environment that is conducive to women's active participation in politics.

Youth

- Provide adequate funding to ensure that young people are able to genuinely compete when nominating for election.

Follow-up on Recommendations from the 2002 Election COG Observer Report

Elections remain the corner stone of a democratic process and as such, they must continue to undergo improvements in the light of experience. Thus, in its report on the 2002 General Election, the Commonwealth Observer Group made a number of recommendations to the Government of Kenya. We are pleased to note that some of the recommendations have been implemented. For instance, it has:

- increased ECK budget and approving extra – budgetary requests;
- introduced regulations on party funding in the 2007 Political Parties Act;
- discontinued the practice of charging international and domestic observers accreditation fees;
- amended the procedures for Assisted Voters; and
- Promoted the use of local peace committees.

Appendix VIII: Extracts from the 2013 Commonwealth Observer Group Report

Conclusion

The Commonwealth Observer Group was generally satisfied with the way the domestic media covered the 2013 elections and the role it played in informing the voters about the issues in the election and the contribution media made to the quality of the process. Media is to be commended for calling for patience and calm during the whole election process, particularly during the counting, tallying and announcement of results.

Recommendations

- ◊The National Cohesion and Integration Commission, the Media Council of Kenya and the Communications Commission of Kenya should be adequately financed and equipped to efficiently and effectively fulfil their respective mandates.
- ◊Adherence to guidelines for responsible and ethical coverage of elections should be maintained and strengthened in the period after the elections.
- ◊The Group also recommends training programmes on how media can cover the newly-created elective institutions.



REPUBLIC OF KENYA

European Union Election Observation Mission

FINAL REPORT

General Elections 2017

January 2018

EXECUTIVE SUMMARY AND PRIORITY RECOMMENDATIONS

The 2017 general elections were characterised by a protracted and damaging presidential race that cost lives and weakened Kenya's democratic functioning. Following the Supreme Court's landmark annulment of the 8 August presidential result, the Independent Electoral and Boundaries Commission (IEBC) struggled, but ultimately the results process for the fresh presidential election was improved, with higher levels of transparency. However, the political environment deteriorated, with an increase in violence and ethnic divisions as well as extreme polarisation. This culminated in an opposition boycott and sometimes violent obstruction of the election process. The courts and the IEBC came under attack, as did civil society, and excessive police force was sometimes fatal and exacerbated tensions. Extensive reform is needed to address societal divisions and deep-rooted exclusion issues, as well as recurrent electoral problems. A number of structural problems need to be addressed to prevent future elections from being divisive, problematic and dangerous.

In August, Kenyans voted in **six elections** for the presidency, the parliament, governors and county assemblies. The 2017 elections were the second under the 2010 Constitution, but since the return of multi-party democracy the presidency has only been held by representatives of the Kikuyu and Kalenjin communities. Traditionally, Kenyans have voted predominantly along ethnic lines and the 2017 elections were no exception, contested by the same two broad ethno-regional alliances as in 2013. Incumbent President Uhuru Kenyatta and his Deputy William Ruto, for the Jubilee Party, contested for a second and final term. For the opposition National Super Alliance (NASA), Raila Odinga vied, with Kalonzo Musyoka as his running mate.

Prior to the 2017 elections an **electoral reform process** was undertaken extremely close to election day. This resulted in a compressed timeframe that put extremely high levels of operational pressure on the new IEBC commissioners, including in regards to the adoption and use of election technology. This was particularly difficult in a highly politicised environment. Of the 22 recommendations made by the 2013 EU election observation mission (EOM), it appears that only 2 have been fully implemented.

The **legal framework** for elections generally complies with international standards for elections, with a progressive Constitution adopted in 2010. Kenya has ratified the major international instruments covering electoral rights, although the African Charter on Democracy, Elections and Governance has only been signed, but not ratified. However, some criteria for candidates overly exclude citizens from running for office, and subjective integrity requirements risk weak and inconsistent implementation. After the August election, the ruling party made controversial changes to the electoral laws during the process and without consensus (contrary to recognized good practice). This escalated tensions to dangerous levels and caused legal uncertainty over applicability of the changes.

Electoral dispute resolution mechanisms were used extensively during the election process, with adjudications having a profound impact on the course of the election. The judiciary received over 845 pre-election cases, a significant increase on the few lodged in 2013. This resulted in an environment of procedural uncertainty before the election. The Supreme Court ultimately decided on the validity of the results for both presidential elections.

The 1 September **landmark Supreme Court decision** annulling the August presidential election demonstrated the ability of the judiciary to adjudicate independently of government. The court's strong emphasis on process, including results transparency and verifiability not just for candidates but also for citizens, appears to have contributed to increased integrity in the electoral process. However, there was a dangerous escalation of tension during the fresh presidential election that furthered political and ethnic divisions. In

November, the Supreme Court unanimously upheld the election of President Kenyatta. NASA immediately responded by stating that the decision was taken under duress and refused to recognize the government.

Throughout the electoral process, the **judiciary was subject to intimidation**. Negative commentary about the judiciary and/or justices was voiced by some politicians at the highest level. The Chief Justice made several public statements underlining the need for politicians to respect the independence of the courts and to refrain from intimidation. After the annulment of the presidential elections, there were demonstrations against the judiciary, complaints were lodged, and the driver of the Deputy Chief Justice was shot and injured two days before the fresh presidential election. The following day, the Supreme Court did not have the necessary quorum to hear a petition for a delay to the poll. This is highly unusual and raised serious questions among Kenyan

stakeholders, including whether this was the result of political interference. The failure to hear the case *de facto* cut off the path for legal remedy before the election.

Despite improvements, there is a persistent lack of trust in the **IEBC**, showing a need for enhanced independence and accountability. Given the tensions between political camps, the IEBC needed to be above suspicion and to be transparent and trusted by all. The IEBC did not sufficiently consult stakeholders and despite some efforts public communication lacked sufficient structure, consistency and depth. The Supreme Court's annulment of the presidential election put the IEBC under intense pressure and some internal IEBC divisions became very apparent. Nevertheless, the IEBC made significant technical improvements that were evident on the 26 October election day. Following NASA's decision to withdraw its candidates, there were regular demonstrations against the IEBC outside its offices, and some NASA supporters violently disrupted electoral preparations in some parts of the country. These violent and illegal actions put the IEBC and its staff in a difficult and dangerous position.

While some hoped that the use of more **technology** would prevent fraud, reliance on technologies did not remove mistrust and led to specific new concerns. These became very evident with the torture and murder of Chris Msando, a prominent IEBC ICT manager, at the end of July. After the general elections, NASA made claims that the displayed keyed-in presidential results were "*computer-generated*", despite the availability of paper and scanned results forms substantiating the declared results. There was improved use of ICT in the fresh presidential election, with enhanced voter identification and results transmission with data made available promptly. Overall capacity and security testing of technology was late and insufficient. Institutional ownership of ICT by the IEBC remained limited and implementation challenges arose from its dependence on contracted private sector service providers and limited knowledge transfer. The contracting of technology companies also significantly increased the cost of the elections.

The **voter register** was comprised of 19,611,423 voters, which is estimated to be approximately 82% of all adult citizens based on population projections. However, the real percentage is likely to be lower given the possibility, according to an independent KPMG audit, of one million deceased persons still included in the register. Biometric voter identification in polling stations provided a safeguard against people voting in the name of deceased voters (in October 96.2% of voters were biometrically identified). Jubilee argued that NASA sought a delay in the election so the voter register could be re-opened and the opposition could more effectively register its supporters. Delays in obtaining ID cards for 18-year-olds, and reportedly for some minority groups, can reduce the opportunity to register and therefore vote. A stronger inter-agency framework is warranted for future development and maintenance of the voter register, including possible integration of

national databases.

The **primaries** were overall competitive, with an increased number of incumbents losing their nominations, including governors and MPs from both Jubilee and NASA. However, selective interference by party leaderships, a lack of party membership lists and inadequate procedures were reported to an advance team of EU experts. The IEBC nomination process was controversial, with accusations of insufficient exclusion of candidates on grounds of legally-established ethics and integrity criteria. There were a total of 14,523 candidates competing for 1,882 elective seats in the August general elections, an average of nearly 8 candidates per seat.

The six races were competitive and generally candidates could **campaign freely before the August elections**. However, there were problems with the misuse of state positions and resources by both camps, but more to the benefit of the national incumbent. There were also some cases of violence-inciting language and violent incidents as well as a growing climate of fear, resulting in the internal displacement and consequent disenfranchisement of minority groups in some areas. Both sides accused the other of election sabotage and there were increasing verbal attacks on institutions.

The **8 August election day** went well, with voting and counting proceeding with few complaints or incidents. The EU EOM did not receive reports from either camp of manipulations or of agents being unable to work, and there appeared to be an overall commitment to the process. Generally, the electronic identification of voters proceeded smoothly, although there was a lack of consistent accountability procedures in cases where voters could not be biometrically identified. On election day, the EU EOM observed 663 polling stations in 147 constituencies across 35 counties (out of 47).

The **August tallying and results process** was marred by extensive problems with results transmission and delays in the IEBC's publication of results forms. These aroused suspicions of interference and weakened the ability of

parties and others to prepare petitions. EU EOM analysis of over 1,550 publicly available forms showed transparency shortcomings, some mathematical errors and some procedural gaps. This did not appear to consistently advantage one candidate, and problems appeared across both strongholds and in swing constituencies. However, in a closer race, such problems could have a decisive impact on the outcome. A lack of IEBC explanation or acknowledgement of errors and omissions undermined confidence in the results process and in the institution and also fuelled allegations of manipulations and fraud.

The declared **August results** showed that overall a high proportion of incumbents were voted out and that Jubilee made gains across the races. Kenyatta received 8,203,290 votes (54.27%), giving him an official margin of victory of 1,441,066 votes over Odinga's 6,762,224 (44.74%). While the country stayed generally calm, post-election violence erupted in some counties, with some looting also taking place. The Kenya National Commission for Human Rights (KNCHR) recorded 37 people killed, mainly through disproportionate police responses, including two children. Sexual violence was also documented, reportedly mainly perpetrated by police officers. Following the 1 September Supreme Court ruling, NASA supporters were jubilant with some seeing it as an affirmation of their claims of electoral victory, though the annulment was based on shortcomings in the process rather than the declared results. In contrast, Jubilee supporters referred to the court "*stealing*" their victory.

There was a disturbing escalation of tension, hostility and national uncertainty during the **second campaign period** before the 26 October fresh presidential election. Public calls for dialogue between the two political sides remained unanswered, campaign narratives

became more extreme and hostilities intensified, culminating in NASA boycotting the process and supporters obstructing it in some areas. There were violent conflicts between the police and protesters as well as criminal elements, with some excessive use of force and live fire by security agencies that led to deaths and injuries.

NASA's boycott of the **26 October polling** had an obvious effect on turnout. Going to the polls or not became a political statement, and there were reports of intimidation of supporters of both camps when people were checked to see if they had indelible ink on their fingers from voting. In Nyanza there were severe obstructions and violence, resulting in the IEBC declaring indefinite postponement of polling in 25 constituencies (out of a national total of 290). From what was seen by EU EOM observers, technical improvements from August were apparent, including the marking off of each voter on the voter register. However, despite a range of safeguards, the lack of agents from competing parties weakened checks and balances and left the process vulnerable to abuse.

The **October tallying and results process** was considerably improved, with greater standardization of results forms, enhanced transparency through the projection of tallying at constituency centres, and extensive electronic transmission and display of results forms. On election night, the scanned results forms of virtually all polling stations that opened were made immediately available online. However, further information and explanation was not provided regarding evident discrepancies between different levels of results forms. Positively, the IEBC granted read-only access to the back-end of the Kenya Integrated Elections Management System (KIEMS) and published full KIEMS data. This revealed some apparent irregularities at a local level, in particular in Garissa county.

On 30 October, the IEBC **declared the presidential results** and a turnout of 7,653,930 voters, which was announced to be 42.36% of voters in the parts of the country where voting took place, and 38.84% of all registered voters. This was a sharp reduction from the 77.48% turnout in the August elections. President Kenyatta was declared the winner with 98.27% of the votes.

Immediately after the October election there was further violence and reports of excessive police actions resulting in injuries and deaths. On 17 November, when Odinga returned to Kenya from abroad, the government's clampdown on public assembly restricted people's rights and further fuelled frustrations, resulting in running street battles lasting over 10 hours around Nairobi. The police claimed no live ammunition was used during the disturbances, but others reported dozens of police shootings and fatal beatings. NASA accused Jubilee of ethnic profiling and genocide in Nyanza, vowed to declare Odinga President, and called for an interim government. There were various public calls from Kenyan stakeholders to address structural problems of exclusion, Kenya's "*winner-takes-all*" politics, the lack of rotation in the presidency beyond two ethnic groups, and the overreach of the government. It was argued that without reforms, elections will continue to be a point of conflict. As before, there was a lack of dialogue between the two camps.

Kenya has a vibrant **media** landscape, but self-censorship is widely reported and journalists in several counties were threatened or harassed in connection with political or election-related matters. During the disturbances in November, the Communications Authority of Kenya directed the media to immediately cease live coverage of political events. However, this was without legal basis and some media houses immediately refused to follow the direction. Positively, news media provided increasing scrutiny of the election process, including of the tallying. State media gave equitable news coverage, although they favoured Jubilee in some programmes. Private vernacular radio stations monitored by the EU EOM favoured one or other political camp. An extensive paid media campaign promoting government achievements raised concerns about incumbent advantage and was suspended in a High Court ruling on 19 October.

Disinformation distributed on **social media** heightened uncertainty in an already volatile environment. Such materials, including forged statements in the name of international organisations, were often attributed to political camps aiming to delegitimise genuine stories and/or confuse voters. The lack of data protection regulations and applicable campaign finance legislation leaves the use of data mining as well as political advertisements unregulated, insufficiently transparent and difficult to assess.

During the election, seven **civil society** organisations (CSOs) and networks were subject to intimidating actions by the NGOs Coordination Board just before each of the two deadlines for lodging presidential petitions (in August and November). Without a clear legal basis, the Board issued letters to them that demanded *inter alia* that they cease all political operations, including all electoral-related programmes. While accountability is appropriate, the organisations concerned denied the allegations against them and in some cases pointed out that they are limited companies and therefore do not fall under the Board's oversight. The Board's actions go against the commitments Kenya has made in regard to creating a conducive environment for civil society. The government has been criticised for failing to implement the Public Benefits Organisations Act 2013.

Up to the 31 October, there were only 15 successful convictions for **electoral offences** and no prominent person had been charged. While new efforts have been made in regard to prosecutions, the difficulties in gathering evidence and the timeframes involved in criminal proceedings risk perpetuating a culture of impunity. The lack of any requirement for public updates on the status of investigations and prosecutions diminishes public accountability on respective institutional responsibilities and progress.

Kenya's lack of applicable **campaign finance** legislation and regulation undermines equality of opportunity and transparency in the election process. The current legal framework provides only for political party finance regulation without regulating individual candidates. Arrangements for parties do not appear to be fully effective, with limited transparency and enforcement. EU EOM long-term observers (LTOs) observed the distribution of money (also referred to as a "*transportation refund*") at campaign events and noted a common expectation of payments or other hand-outs such as food or drink.

Women were elected in greater numbers than in 2013, including for the first time to governor seats. However, the National Assembly and Senate do not meet the constitutional two-thirds gender requirement. Only 9.4% of all candidates were women. In 12 county assemblies not a single woman was elected. Advocacy groups, media organisations and EU EOM observers reported cases of women aspirants and candidates being harassed, attacked or discriminated against during the primaries and/or campaign period.

Kenya has ratified the Convention on the Rights of Persons with Disabilities and its Constitution reserves special seats in Parliament and county assemblies for **persons with disabilities** (PWDs). Despite various legislative and regulatory measures being adopted over the last year, PWDs continue to be marginalised in public life, representing 0.74% of all registered voters and 0.2% of candidates for elective positions. Only seven PWDs were directly elected to office. Positively, media coverage of campaign and other election events included the use of sign language.

During nearly six months of EU EOM observation, the mission issued 13 public statements, including preliminary statements after each election day and recommendations for remaining parts of the process. The EU EOM offers 29 recommendations for future election reform based on observations, analysis and extensive discussion with a range of stakeholders. Priority recommendations include:

1. **Actions be taken to strengthen the resilience of constitutionally independent institutions involved in elections**, to preserve checks and balances in the electoral process.
2. **The parliament undertake a process of electoral legal reform on a cross-party basis well in advance of the next elections**, involving consultation with the IEBC, stakeholders and experts. The IEBC could support this process by initiating and facilitating inter-institutional working-groups for the development of electoral reform recommendations.
3. **The IEBC's independence and accountability be strengthened** through greater financial autonomy and the appointment of future chairpersons and commissioners through a merit-based, multi-stakeholder selection committee. The quorum for commissioners' meetings, as well as the decision-making majority, be increased to promote institutional cohesiveness and consistency. Plenary meeting decisions be required to be immediately publicly available.
4. **The IEBC have ICT arrangements that are tried and tested, secure and publicly accountable.** Advance feasibility studies be undertaken, and simulations be conducted well ahead of general elections. Procurement be based on transparent criteria ensuring maximal safeguards for public interest, accountability and oversight. Technology be periodically reviewed independently, considering security, sustainability, institutional ownership and effectiveness. Stakeholders be consulted throughout and have controlled access. Public explanation be given on system and data integrity measures.
5. **Legal requirements be made for a comprehensive results transmission framework.** To include prompt publication of disaggregated results and polling station result forms for all elections, as well as clear provisions for electronic and manual results transmission, so as to enable consistent application and confidence in the declared outcomes.
6. **The Parliament promptly review the electoral system and its impact on the political participation of women and inclusivity in a broader sense, and reform as appropriate**, for compliance with the constitutional two-thirds gender principle for elective positions.

Appendix X: Extracts from the 2022 EU EOM Report

I. Implementation of Previous EOM Recommendations

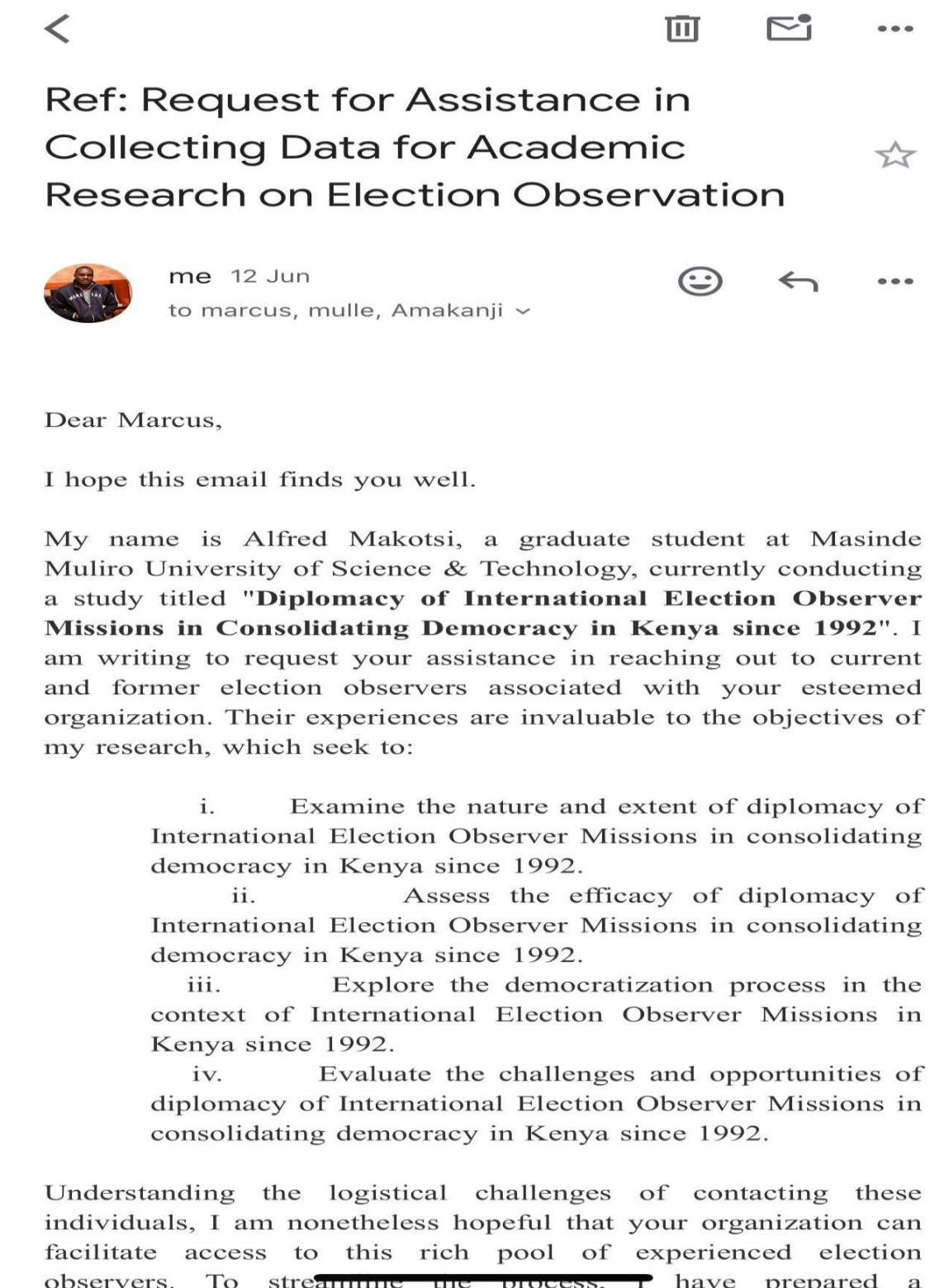
The EU EOM 2017 offered 29 recommendations for the consideration of the national parliament, the IEBC, the Office of the Registrar of Political Parties (ORPP), and other stakeholders. These encompassed law reform and practical measures, ranging from changes to voter and candidate registration to the conduct of the campaign, the administration of the election and the adjudication of electoral disputes.

Issues of conflict with the international commitments of Kenya were raised in several recommendations in 2017, recommendations which have been reiterated in substance in the recommendations in this report. These include the removal of unreasonable restrictions on the right to stand for election; narrowing the definition of hate speech; implementing the law on the regulation of campaign finance; and improving political participation of women and persons with disabilities.

Areas where recommendations have been implemented include the enactment of the Data Protection Act in 2019 and the subsequent appointment of the Data Protection Commissioner, thereby protecting the right to privacy. Amendments to the Political Parties Act in 2022 (although less than a year to the election) introduced new rules for the conduct of party primaries, which greatly reduced violence during this electoral cycle. The IEBC also made significant efforts to implement the constitutional provisions on the advancement of women, persons with disabilities and other minority groups during candidate registration. Rules on the enforcement of the IEBC Electoral Code of Conduct changed, due to a court ruling, leading to renewed cooperation between the IEBC and the ODPP in this domain. The ODPP also pursued the prosecution of electoral offences with great expedition, with the most serious electoral offences charged within days of commission.

Many of the previous recommendations in the space of electoral administration and political finance, campaign environment and media remain to be implemented and have been reiterated, where appropriate in context of these elections in the recommendations table at the end of the report.

Appendix XI: Request for Data Collection via Email to Election Observer Group



Appendix XII: Request for Data Collection via Email to KNHRC



Anne Okutoyi 20 Jun



📧 to Bernard, me, Amakanji ▾

Dear Alfred,

This request has been well received.

I have shared the link with 5 of our election observers.

Kind Regards,

Anne Okutoyi - Muchimuti

Director:

Research, Advocacy & Outreach

Kenya National Commission on Human Rights

HAKI KWA WOTE, KILA WAKATI



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Appendix XIII: Research Permit from NACOSTI

 REPUBLIC OF KENYA	 NATIONAL COMMISSION FOR SCIENCE, TECHNOLOGY & INNOVATION
Ref No: 975140	Date of Issue: 06/March/2024
RESEARCH LICENSE	
	
This is to Certify that Mr. ALFRED MAKOTSI MAKOTSI of Masinde Muliro University of Science and Technology, has been licensed to conduct research as per the provision of the Science, Technology and Innovation Act, 2013 (Rev.2014) in Nairobi on the topic: DIPLOMACY OF INTERNATIONAL ELECTION OBSERVER MISSIONS IN CONSOLIDATING DEMOCRACY IN KENYA SINCE 1992 for the period ending : 06/March/2025.	
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