



Focus on Elections Preparedness for Peaceful, Free Fair and Credible 2022 Elections

PRESS STATEMENT

Introduction

The Advisory and Peace Panel of the Elections Observation Group has met here to review the electoral status of nation as well as provide policy guidance to electoral observation and monitoring in the country. The APP is the highest policy-level organ of ELOG and comprises of the chairpersons of the member institutions of ELOG. It is scheduled to meet once every three months. The APP meeting now wishes to make the following recommendations to the nation.

1. Speed Up Electoral Reforms

For more than three years now, ELOG and other stakeholders in the electoral sector have called upon Parliament to speed up the crucial electoral reforms. This call has been ignored, and if this trend continues, then the next electoral cycle will be chaotic and possibly tragic for this nation. We once again reiterate the urgency in processing and passing of:

- (i) Political Party Primaries Bill
- (ii) Referendum Bill
- (iii) Campaign Finance (Amendment) Bill
- (iv) Representation of Special Interest Groups Bill
- (v) Gender Parity Bill

We further urge all Kenyans to remember the advice given by Judge Johannes Kriegler that electoral reforms should not be undertaken less than one year to the General Elections.

The urgency of completing electoral reforms was emphasized last week during the seven by-elections held in different parts of the nation. The Preliminary Statement issued by ELOG last week detailed that our observers documented incidents of voter bribery, electoral violence, intimidation and possible electoral malpractices with allegations of pre-marked ballot papers being stored near a polling station. In addition, media footage of electoral officials being harassed emerged.

This prevailing electoral environment, coupled with the slow rate of reforms, is worrying as it is likely to get worse as the expected referendum and 2022 general elections get closer.

In this regard, we urge Parliament, the Independent Electoral and Boundaries Commission, the Office of the Registrar of Political Parties, the Political Parties Dispute Tribunal and other stakeholders to consultatively speed up the necessary electoral reforms to safeguard the 2022 General Elections.

2. Make Electoral Institutions Truly Functional

Tenets of democracy require that electoral management bodies be adequately provisioned in terms of human and financial resources to enable them execute their mandates and be independent. This will enable them adopt an electoral cycle approach. These institutions include the Independent Electoral and Boundaries Commission (IEBC), the Judiciary, the Political Parties Dispute Tribunal (PPDT) and the Office of the Registrar of Political Parties (ORPP). We are therefore concerned that these institutions continue to be starved of funding and personnel to effectively implement their programmes. There has also been witnessed a growing level of disrespect and disparaging of these institutions with many political leaders and civil servants issuing public statements that discredit their independence and cause a negative perception. We warn Kenyans that a similar trend was witnessed in the 2006 – 2007 period, leading to the chaos and violence witnessed in 2007.

To avert a repeat of the same, we strongly call for:

- a. Parliament to create independent funding mechanisms for these institutions similar to the Political Parties Fund contained in the PPA (2011), such as an IEBC Fund and PPDT Fund.
- b. The President and concerned institutions to urgently fill the vacant positions in the Supreme Court of Kenya and the entire Judiciary and the IEBC.
- c. The Acting Chief Justice to consider appointing *ad hoc* members who would enhance the capacity of PPDT to hear and determine cases at the regional levels even as we move towards the next general elections.
- d. The Ombudsman to independently initiate investigations and prosecution for any person who expresses or promotes disrespect of the electoral institutions regardless of their positions or political persuasion.

3. End Impunity

Further to the documentation of incidences of voter bribery, violence, harassment and intimidation of electoral officials, the country has witnessed continuous involvement of state officers and public servants in political spheres and in some cases, openly showing their persuasions. We are also concerned about the apparent partiality of some actors within the security and administrative organs who seem to actively push specific political agenda. This demonstrates the highest level of impunity and this cannot be tolerated in any mature democracy. We in ELOG call for:

- a. Strict adherence to the electoral code of conduct as well as strict enforcement of election offence law to preserve the integrity of electoral processes.
- b. Culprits that break the electoral code of conduct and commit these offences to be speedily apprehended and justice served.
- c. Security agents should execute their mandates impartially so that justice is achieved for all Kenyans
- d. State officers and public servants ought to refrain from involving themselves in political campaigns and where they must, then they should offer their resignation before involving themselves in political contests.

- e. Need for continuous voter and political education to be up-scaled, and ensure that it is also targeted to address specific needs of a youth, women, elderly and ethnic minorities.
- f. Close collaboration between agencies that are responsible for keeping law and order as well as those who enforce adherence to electoral laws and code of conduct.

4. Early Campaigns

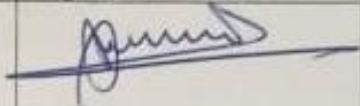

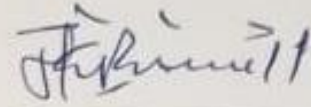


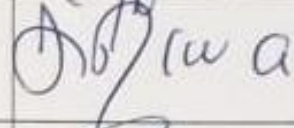
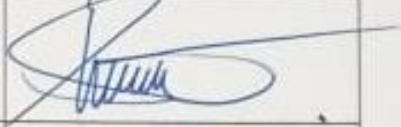
The country has witnessed a significant rise in early campaigns with different political outfits being formed and divisive narratives being propagated including drums of war being played, leading to loss of lives as was in seen Murang'a. Today, Kenyans are being balkanized into perceived political camps that are supposedly mutually exclusive, which include that one is either 'Kieleweke or Tanga Tanga' or either a 'dynasty or hustler'. ELOG is concerned that such narratives deeply affront national cohesion and integrity. To avert possible violence during the referendum and elections, we urge that:

- a. All actors adhere with the electoral legal framework which is clear on the timelines for political campaigns. Any activity outside this framework should be discontinued and action taken on violators.
- b. Leaders to exercise political restraint and civic responsibility in their public utterances and meetings.
- c. All members of the public and political leaders to adhere to the laid down Covid-19 containment protocols. Those found to be violating and flouting these guidelines should be held accountable and necessary action taken against them.

Conclusion

Elections are a celebration of fundamental human rights. For every right, there is a corresponding responsibility towards its realization. ELOG holds the view that for every vote to count, those charged with the responsibility for promoting, protecting and fulfilling the right to vote must discharge such responsibilities with utmost dedication and with strict adherence to the laid down laws and procedures. We therefore call upon all Kenyans to maintain the peace, sobriety and discharge their civic responsibility with dedication. Let us all be committed to a Peaceful, Free, Fair and Credible Election in 2022 and the anticipated referendum.

Signed on this 8th day of March 2021 at Double Tree Hotel by the members of the Advisory and Peace Panel of ELOG.

No	Institution	Name	Signature
1.	National Council of Churches of Kenya	Rev Canon Chris Kinyanjui	
2.	Kenya Conference of Catholic Bishops	Very Rev Fr Ferdinand Lugonzo	
3.	United Disabled Persons of Kenya	Joseph Rono	
4.	Federation of Women Lawyers in Kenya	Nancy Ikinu	
5.	Constitution Reform Education Consortium	Cornelius Oduor	
6.	Institute for Education and Democracy	Joyce Miguda Majiwa	
7.	Supreme Council of Kenya Muslims	Hassan Ole Naado	
8.	Youth Agenda	Philippe Sadjah	