

Africa Programme Meeting Summary

Kenya's 2022 elections: Dialogue on participatory and procedural challenges

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Introduction

Kenya goes to the polls on 9 August 2022 to elect a new president and national lawmakers, as well as the governors and assemblies of its 47 counties. While much pre-election emphasis has centred on the shifting allegiances and rival coalitions of major political figures and their core support bases, wider challenges have persisted. Among these is the faltering registration of newly eligible voters, which has fallen dramatically below anticipated targets. It also points to questions over the political apathy of Kenya's youthful population, amid lasting concerns around corruption, unemployment, debt management and the administration of past elections.

This roundtable event in Nairobi sought to provide a platform for dialogue and informed debate among civil society representatives, academics and policymakers on issues relating to the preparations for and participation in the August elections. These included the status of voter registration, the engagement of marginalized groups, the roles of civil society organizations and the media, and the impact and drivers of voter apathy. This event marked the third in a series examining Kenya's 2022 elections and political developments and was held in partnership with the Westminster Foundation for Democracy.

Opening Remarks

Fredrick Lumiti, Assistant Director, National Gender and Equality Commission

Fredrick Lumiti outlined the role of the National Gender and Equality Commission (NGEC) as promoting gender equality and freedom from discrimination, with a focus on special interest groups such as women, children, the youth and the disabled. The commission has published a framework for the realization of the two-thirds gender principle for selecting electoral candidates and had a meeting with representatives of political parties to encourage commitment to the principle. The speaker stated that elections present the best opportunity for marginalized groups to express their concerns, have them addressed and make sure their political contributions to peace and democracy are maximized. The NGEC aims to enhance the extent to which the 2022 Kenyan elections adhere to the principles of equality and inclusion, in light of the recent High Court ruling against the Independent Electoral and Boundaries Commission's (IEBC) requirement that registered political parties observe the two-thirds gender principle in candidate lists. He called on roundtable participants to suggest practical solutions for achieving gender parity in political participation.

Beatrice Kizi Nzovu, Team Leader, Africa Country Programmes, Life & Peace Institute

Beatrice Kizi Nzovu spoke on the topic of voter apathy and the symptoms of this phenomenon in Kenya. She reflected that 'voter exhaustion' may be a more accurate depiction of the reality than apathy: citizens do not lack interest in

political affairs, but do not see the merits of voting. One contributing factor is the perceived 'Godfather' system of political patronage, whereby when a major politician suggests another person as their successor, that person is seen as almost certain to win. A further issue is the dominance of the political party, which implies that the merits of the individual candidates become less significant. Many of the systemic political issues have economic origins. There are often issues concerning vote-buying, bribery, the purchase of people's identification cards and the provision of hand-outs around election time that exploit the financial hardship experienced by many eligible voters. There are cases of personalized politics in which citizens receive gifts from political leaders with the intention to 'pay them back' through voting. As a result, members of the Kenyan public, particularly young people, are losing trust in the system: there is a widespread sentiment that the person voting does not matter, but it is the person counting the votes that has the power to enact political change. Fears around election fraud and vote-rigging reduce the public's trust in the power of their vote. Related to this is the perception that politicians make a lot of policy promises in their manifestos that are not fulfilled. Issues of corruption, high living costs, poor sanitation and regular water shortages have continued to afflict Kenyans for years, creating a lack of trust in the abilities of incoming leaders to create change. As a result, the speaker argued that Kenyans are in a state of 'democratic mirage' with a population that feels disconnected from a government that they feel does not represent their interests.

Ruth Kulundu, Deputy Commission Secretary for Operations, Independent Electoral and Boundaries Commission (IEBC)

Ruth Kulundu outlined her view on how the IEBC has made efforts to strengthen the Kenyan electoral process. The IEBC draws its mandate from the Kenyan constitution and grants all adult Kenyans – including citizens in the diaspora – the ability to register to vote. The principal voter register must be prepared by the commission and include the polling station register, the ward register, the constitution register and the diaspora register. This principal register is essential for carrying out elections but is also required for use in biometric data verification. The IEBC's responsibilities include inspecting the register and updating it when people have passed away or their details have changed. The speaker stated that the process must be accurate, comprehensive, complete and fast, as the IEBC is expected to make the voters register available to the public at least 60 days before the vote. The IEBC has multiple other ongoing and upcoming activities including dispute resolution, performing simulations of voting technology, recruiting and training election officials, distributing materials, deploying election officials, and beginning the electoral process on election day.

David Omwoyo, Chief Executive Officer, Media Council of Kenya

David Omwoyo presented an overview of the main challenges faced by the media sector in Kenya and their role in political affairs. He informed participants that two years ago the media council often received complaints from the government, which thought that other parties were receiving too much positive coverage in the media. Those type of complaints have not changed since

then – all that has changed is the complainant. As a result, the media council have commissioned monthly reviews measuring the percentage of coverage that different politicians and political parties receive, to check if claims that certain groups have more coverage are supported by evidence. One of the key roles of the media council is to make sure that the media reporting is factual. With the rise in traditional media companies using social media, journalists need tools to verify the information that they use. As social media can often be an unregulated environment, when used by the media it raises questions around information integrity. Political complaints about the media have increased the fear of political violence among journalists, which the media council tries to minimize. The media council are also concerned with the rise of propaganda, whereby reliable and established editors are 'conscripted' into producing propaganda on behalf of politicians. Given the significance of trust in media among the Kenyan public, it is important that media information literacy is introduced to ensure the population have access to accurate information and understand how to question the information they are given. It remains the collaborative role of civil society, the media council and media organizations to detach themselves from propagandists and re-establish the media as a legitimate source of information.

Discussion

One participant expressed concern over the ability of citizens to determine the accuracy of public statements and asked how the media could be made more objective. In response, David Omwoyo highlighted that the liberalization of Kenyan media has led to a sharp increase in radio stations. Many of these stations do not pay adequate journalist salaries, as the economy cannot sustain the volume of radio stations. In addition, the media job market has led to the replacement of a lot of higher paid, more experienced journalists with younger and less costly staff members. He argued that there is a need to provide additional training to journalists as a result. Arms of government and sections of the media that have trust from the public require continuous support and monitoring to retain objectivity, and this support should not only arrive in the last 90 days before a national election.

Another participant raised questions about the technology that will be used in the elections and the safeguards that will be put in place with respect to the general electoral process. They highlighted concerns around access and usability of the technology employed to transmit the results of the election. In response, Ruth Kulundu noted that the IEBC has brought on a new technology contractor and agreed a new contract. However, the previous vendor was not able to handover until February 2022, and so there is a team currently working on the technology's ability to transmit the results accurately. She stated that the IEBC will walk the public through the new technology and the public will have the opportunity to report on outstanding issues. Further to this, the IEBC is working with KPMG to audit and ensure the utility of this new technology.

KPMG is also aiding the IEBC in auditing the voter register and correcting the issue of missing voters on the register.

There was some debate among participants on the issue of voter apathy. Some highlighted that voter apathy is not only a problem among young Kenyans but applies across age groups: pointing to systemic issues in the electoral process such as having parties based on ethnicity rather than merit, a lack of perceived value in voting and the role that money plays in determining election results. Other participants, however, disputed the impact of voter apathy with claims that this phenomenon is not reflected in opinion polls, which show more undecided voters as opposed to non-voters. Other participants raised the need to place more focus on the issue of voter suppression, as another method through which eligible voters are disenfranchised.

It was variously argued that there is an overemphasis on the value of elections and participation in elections, particularly when discussing voter apathy, and a need to encourage actual participation in governance in the five years between elections. Ruth Kulundu also added that the public should hold the government to task during their term, as it is also the responsibility of citizens to make them accountable and ensure that they honour their manifestos during their five years in power, which may also inform their vote in the next election.

Participants argued that media outlets could set up their own tallying systems and provide their results as a secondary verification of the IEBC's results and asked if the media council will be facilitating that process. David Omwoyo responded that it was not the role of the media council to tally up elections, and that this role lies with local polling stations. In his view, relying on the media to provide accurate results for the elections is unpredictable as local polling stations may submit false results and so the media's incorrect tally may betray the trust of the public. In response, a participant stated that larger media houses already keep their own tallies of electoral results, albeit without access to every polling station individually – but are not encouraged to publish these tallies to the public. They argued that it would be helpful for building trust if the media could continue this tally and release their results publicly.

The IEBC was asked by participants to outline and publicize the changes that had been made to the electoral process in response to the annulment of the 2017 Kenyan presidential election. They were also urged to publicize the actions they had taken in response to the problems they encountered with procurement, cost and data governance of the technology provided by their previous vendor. Ruth Kulundu responded that they have undertaken rigorous training to avoid anomalies and the technology simulation exercise is an indication of how serious the IEBC takes legitimate elections. However, she recognized that the IEBC has previously not done enough to ensure effective communication and that this creates a barrier for building trust with the public.

Several participants posed questions on the accessibility of the elections for special interest groups, such as persons with disabilities or the incarcerated. It was also highlighted that there is a need to focus on the intersectionality of

marginalized groups and understand the way in which young women, for example, face specific challenges of participation compared to the broad category of 'youth' as a whole. Ruth Kulundu stated that registration officers have been going into prison to register voters and the IEBC have made efforts to involve people with disabilities in all stages of the planning process. They have also ensured that every citizen has a polling station no more than three kilometres from where they live. Election officers have been trained on dealing with discrimination and in practical skills such as putting up temporary ramps. The IEBC are currently working on providing braille and having sign language interpreters when providing voter education information. Other participants also emphasized that those in the LGBTQI+ community must be included in the definition of marginalized people and that work which makes political participation more inclusive should occur earlier in the electoral process.

An additional issue was raised regarding the participation of international election observers. A meeting participant stated their view that observers have been partisan in the past, and that this continues to affect their credibility. There is a need for observer missions to reflect on previous challenges and successes and to consider re-evaluating their composition. Observers should also spend additional time in the pre-election period to better understand the political and electoral dynamics in the country.