ROLE OF ELECTION OBSERVERS ON ELECTORAL PROCESS IN KENYA

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Abstract: Matters of elections attract a lot of attention across the world. This makes stakeholder participation a vital role in any performance of elections especially in Kenya. This study sought to establish the role of stakeholder participation on electoral process in Kenya with a specific objective to determine the role of election observers on electoral process in Kenya. The study adopted descriptive survey design that targeted respondents from various selected institutions participating in electoral process. Regression of coefficient revealed that there was a positive and significant relationship between election observers and electoral process in Kenya ($r=0.240$, $p=0.025$). This was supported by a calculated $t$-statistics of 2.115 that is larger than the critical $t$-statistics of .452. This means that a unitary improvement election observer leads to an improvement in electoral process in Kenya by 0.240 units holding other factor constant. A positive increase in election observer’s participation leads to an increase in electoral process in Kenya. It can therefore be concluded from this study that election observer’s participation was statistically significant in explaining electoral processes in Kenya. The study therefore concludes that policies on effective participation of election observers and their implementation have a moderating role.

Keywords: Constitutional Framework, Election Observers, Electoral Process

1. Significance of the Study

This study will be of importance to various stakeholders including the media, civil society organizations, scholars, observers and citizenry in general as it will assist electoral observers especially in checks and balances against unnecessary political interference during elections. The electoral players such as the human rights and The African Centre for Open Governance understood the issues needed to be addressed in pursuit of an optimal elections and thus this fosters a more expanded democracy in any Country. It also creates a positive value for stakeholders hence enhances the credibility of the elections. The Civil society and media will gain knowledge on how credible elections are managed based on the study variables.

2. Study Background

In the According to United Nations Women Watch Election observation is a valuable tool for improving the quality of elections. Observers help build public confidence in the honesty of electoral management and overall performances. Observation can help promote and protect the civil and political rights of participants in elections (Gilley, 2017).
It can lead to the correction of errors or weak practices, even while an electoral process is still under way. It can deter manipulation and fraud, or expose such problems if they do occur. Susanne (2014) asserts that when observers can issue positive reports, it builds trust in the democratic process and enhances the legitimacy of the governments that emerge from elections. Election observation by domestic groups encourages civic involvement in the political process. Following elections, reports and recommendations by observer groups can lead to changes and improvements in national law and practice (Jinadu, 2014).

Daxecker (2014) argues that politics and Society in Contemporary Africa, trace the birth of civil society as associations which emerged explicitly around associational interests. To them, these organizations were established to secure occupational, social, ideological, leisure, self-improvement and service goals. Civil society organizations according to these scholars initially sprang around the urban areas and were originally connected with the growth of colonial state institutions and official markets. From economic and social groups like occupational groups which include professional groups, trade unions, entrepreneurs to women’s and students’ associations as well as religious ones have played great roles in the pre-independence and post-independence period (Jinadu, 2014).

They gave a good description of each group and how their activities helped in the fight for independence and in the quest to monitor the quality of public life. They gave the motives for the formation of these groups but did not explain how well their activities benefit the state as compared to themselves. Almost all the groups participated in the political process to benefit its members as exemplified by that of the trade unions and women’s and students’ associations. This study will give a good account of civil society groups working together and how their activities during elections can help improve the Electoral process in Kenya as well as increase participation in the process (Susanne, 2014).

Bratton in his report titled Civil Society and Political Transitions in Africa (2013) tries to give evidence of the existence of a nascent civil society in some in Africa countries. To him, one of the greatest legacies of civil society in Africa is the convening of national conferences in almost all the francophone countries during and after the democratization period in the 1990s (African Observer Report, 2014).

Accordingly, there are four types of regime change; pre-transition, liberalization, transition and consolidation. In the transitional phase, civil society groups are supposed to act in a neutral manner by forming domestic observation groups. This is to ensure that the means of transition (commonly elections) is free and fair, educate the public, ensure public communication and prevent electoral fraud (Gilley, 2017).

In Africa for instance, the AU had developed a clear and effective framework for election observation. These election observations have allowed for the institutionalization of its mandate and the increased professionalization and standardization of its procedures and methodologies in matters of electoral observation. Since the 1990s, the OAU and then the AU have observed close to 250 elections in a majority of the 54 AU member states. Building on the broad overview of the legal and institutional framework of the AU electoral observation and assistance instruments (African Observer Report, 2014).

Since 2008, following the absence of any invitation to observe the 2007 elections in Kenya, the AU has taken unprecedented steps to observe elections even when not invited. This must be acknowledged as fundamental progress in the AU’s practice of election observation (Mutua, 2014). The decision to observe elections without an invitation to do so from the host country must be seen as an extremely positive development as it underlines a strong commitment by the AU to be the driver of democratic change on the continent. In addition, ensuring the observation of all elections held by its member states reinforces the role of the AU in promoting and protecting the integrity of elections at the regional level.
African Union election observation is presently seen as a mechanism within Africa that can exercise powerful influence for the establishment of democratic governments. Electoral observation and assistance are tangible and visible tools for the implementation of the commitments to democratization. At its creation, commitments that distinguish the AU from its predecessor the OAU, which was often criticized for its weakness in monitoring human rights and good governance. The AU took stock of the failures of the OAU and adopted an increasingly interventionist stance through its legal frameworks and institutions, moving from a noninterventionist stance to an open non-indifference approach (Mutua, 2014). In contrast, the Constitutive Act of the AU proclaimed a paradigmatic shift towards collective responsibility in matters of human and state security.

Across the world, elections are sometimes marred by various types of malfeasance which include electoral fraud. It is estimated that close to 20 percent of elections experiences so much fraud or intimidation that the outcome is affected (Jinadu, 2014). The major problems of election integrity in some countries elections across the world were between 1980 and 2004. Election fraud is common and it is often serious as this affects the stability of a country. The deployment of election observers is one major response meant to enhance the integrity of elections in both developing and developed countries. Support for observer missions is a central aspect of democracy-promotion efforts by international and domestic actors in countries with new or fragile electoral institutions (Jinadu, 2014). It is estimated that approximately 80 percent of elections that took place around the world in 2006 for instance were monitored by observers. The main rationale for their deployment is that they are believed to be able to prevent or reduce electoral irregularities (Democracy and Elections, 2014). Susanne (2014) points out that any election can be enhanced by observation, but comprehensive observation is particularly helpful in countries in which a significant proportion of the population may lack trust in the electoral system.

Post-conflict countries are among the best examples of this, but the same may be true of countries holding their first democratic elections, new democracies that have held very few elections, countries with weak human rights records, or countries with extremely strong executive powers and long-time rulers. African Observer Report (2014) affirms that, it is a good practice for all countries to welcome international and domestic observers. The hypothesis tested here is; observer participation has no role in Electoral process in Kenya.

There has been good accomplishment in efficient election management in Kenya which has been attributed to the competence of the electoral body and the proper engagement of the stakeholders (Rossiter, 2017). These stakeholders include the media, citizens, the legislature, religious church leaders, civil society groups, parliament, and government of the day, International agencies, national voters, the political executive leaders, and opposition political parties (Rose & Heywood, 2013). Kibwana (2014), states that the post-election violence of 2007 led to the overhaul of the performance of elections system in Kenya. The new constitution created the Independent Electoral and Boundaries Commission (IEBC) to replace the Interim electoral and boundaries Commission of Kenya (ECK). The Constitution of Kenya, 2010 (hereinafter, the Constitution), which was promulgated on 27 August 2010, established the Independent Electoral and Boundaries Commission (IEBC) as the responsible agency for conducting or supervising referenda and elections to any elective body or office established by the Constitution, and any other elections as prescribed by an Act of Parliament in Kenya (Kibwana, 2014).

The Kenyan experience as articulated by (Lumumba & Franceschi, 2014) is an excellent example of what can be achieved where there is sufficient consultation beforehand. Lumumba and Franceschi (2014) further argues that experience suggests that for many electoral Bodies, last minute changes are typical election management
practices, and timely consultations are the exception rather than the rule, but that is why modernization of election bodies must focus on these aspects of election administration which are so often overlooked. Oloo (2015), the 1963 Constitution established the Electoral Commission of Kenya as an autonomous body mandated to administer and supervise the elections. The Constitution was however not operationalized effectively leaving the Supervisor of Elections, a unit under the Office of the Attorney General with the powers to conduct elections. In this period, the electoral body was disused that it had been relegated to only one of its constitutional mandates: the determination of constituency boundaries (Van Ham & Staffan, 2015).


There are credible questions in the 2007 Kenya’s General elections. Accordingly, following the violence that shadowed the disputed presidential elections in that year, the Kenya National Dialogue and Reconciliation process and the two principals agreed inter alia to establish an Independent Review Committee (IREC) to investigate all aspects of the 2007 presidential election and make findings and the Committee chaired by Justice Johann Krieger submitted its report, which contained the most authoritative legal, policy and institutional recommendations on electoral reform (Lumumba & Franceschi, 2014).

The Kriegler Commission Report of 2008 found fundamental weaknesses in the Kenyan political culture, institutional breakdown performance of elections framework and made strong recommendations respecting review of the legal and constitutional framework on electoral procedures, the operational procedures, funding modalities, functional efficiency amongst others (Oloo, 2016). The report recommended a total overhaul of the ECK, its replacement by a lean policy commission interacting with a professional secretariat. In the interim period, through Constitutional Amendment Act No. 10 of 2008, the ECK is replaced by the Interim Independent Electoral Commission (IIEC) and Interim Independent Boundaries Review Commission (IIBRC) charged with management of elections and boundary delimitation mandates respectively ((Van Ham & Staffan, 2015).

The IIEC made considerable incremental administrative reforms and generally contributed to increased confidence of Kenyans in the management and performance of elections (Kerr, 2013). The report of the IIBRC is not published and therefore did not take effect in accordance with art 89 of the Constitution.

From the report made by the Election Observation Groups (ELOG, 2013), which have been deployed throughout the region when invited to do so by performance of elections Bodies, Governments or other competent authority, there is much confidence for the most part in performance of elections Bodies in the Region. Other issues such as Stakeholder participation in performance of elections, campaign financing will be raised as they have been raised in other regional electoral jurisdictions where Electoral Observer Missions have been deployed and have held discussions with stakeholders (Putnam, 2013).

3. Research Hypotheses

The following hypotheses were used in an attempt to determine the role of stakeholder participation on electoral process in Kenya.

i. $H_01$ Election observers have no significant role on electoral process in Kenya.
ii. **H1** Election observers have a significant role on electoral process in Kenya

### 4. Research Design

The study adopts a quantitative approach of both descriptive and correlation design. The design suits the study since they enable the researcher to examine the role of performance of elections on the political stability in Kenya. In addition, the design provides an insight of electoral processes with without altering the research context and at the same time ensure that the data collection procedures are fairly explicit in terms of adequately addressing the study objectives. Quantitative data was captured through the use of a questionnaire. The variables were measured with numbers and analyzed with statistical procedures so as to determine whether the prognostic overviews hold true. Target population for the study comprised of 519 officials from the main election stakeholders in Kenya. This included 69 IEBC, 37 staff from three Media, 225 Kenyan Voters, 63 Election observers, 114 Civil society organization members (NGOs) and 11 Legal officers who were interviewed.

### 5. Descriptive Results

This section required respondents to state the role of election observers on electoral process in Kenya. Election observers are the people who monitor an election either as single or more independent parties. They can be from another country or if internal as a non-governmental organization (African Observer Report, 2014). Election observers are important as they are fundamentally meant to assess the conduct of an election process on the basis of national legislation and international election standards (Jinadu, 2014). Election observers improve the quality of elections, they help build public confidence in the honesty of electoral processes, they can also help promote and protect the civil and political rights of election participants. Election observation can lead to the correction of errors or weak practices, even while an election process is still under way. It can stop election manipulation and fraud, or expose such problems if they do occur. When election observers issue positive reports on an election, it builds trust in the democratic process and enhances the legitimacy of the governments that emerge from elections (Susanne, 2014).

**Table 1: Role of Election Observers**

<table>
<thead>
<tr>
<th>Statements</th>
<th>Mean</th>
<th>Standard deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Election observers involvement in electoral matters is paramount in</td>
<td>3.422</td>
<td>.78576</td>
</tr>
<tr>
<td>enhancing election credibility</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Successful elections in Kenya is open to external observers and monitors</td>
<td>3.4277</td>
<td>1.1675</td>
</tr>
<tr>
<td>Access to polling stations and tallying results enhances election credibility</td>
<td>2.9306</td>
<td>.89951</td>
</tr>
<tr>
<td>Both local and international observer teams contribute to the success in</td>
<td>3.8960</td>
<td>.72388</td>
</tr>
<tr>
<td>enhancing credible elections</td>
<td></td>
<td></td>
</tr>
<tr>
<td>The International development partners acceptance to elections is</td>
<td>3.0116</td>
<td>1.52494</td>
</tr>
<tr>
<td>guided by the verdict offered by observers and monitors</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Fundamental freedom to observers is a key tenet in enhancing collaboration by stakeholders in performance of elections

<table>
<thead>
<tr>
<th>Statement</th>
<th>Mean</th>
<th>Standard Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fundamental freedom to observers is a key tenet in enhancing collaboration by stakeholders in performance of elections</td>
<td>3.3988</td>
<td>1.30625</td>
</tr>
<tr>
<td>Credible electoral outcome is dependent on how communication, reporting and feedback is managed during performance of elections</td>
<td>3.1329</td>
<td>1.53627</td>
</tr>
<tr>
<td>Satisfaction of other stakeholders in electoral outcome is directly related to observer final verdict</td>
<td>3.7688</td>
<td>1.21222</td>
</tr>
<tr>
<td>Unlimited access to voting centers and voter tallying by observers contributes to fundamental right to access to information for all</td>
<td>4.0694</td>
<td>1.01491</td>
</tr>
<tr>
<td>Denial to fundamental right to access of information is a recipe for incredibility in electoral outcome</td>
<td>3.9827</td>
<td>.92431</td>
</tr>
</tbody>
</table>

The results as tabulated in table 1 on the role of election observer’s intention to determine the vibrancy of observers in the electoral process in Kenya, the researcher intendent to get the respondents views on whether election observer’s involvement in electoral matters is paramount in enhancing election credibility. The items of data analysis were measured on a five point Likert-Type scale ranging 5-1; where 5 = very high extent; 4 = high extent; 3 = moderate extent; 2 = low extent and 1 = very low extent.

A mean response rate of 3.4220 with a recorded standard deviation of .78576 was recorded. The results of the study as shown in table 1 indicated that majority of the respondents were in agreement with the statements that election observer’s involvement in electoral matters is paramount in enhancing election credibility. The study concluded that election observer’s involvement in electoral matters is paramount in enhancing election credibility in Kenya.

Respondents were also required to provide their views on whether successful elections in Kenya is open to external observers. A mean response of 3.4277 with a standard deviation of 1.1675 was recorded. The results of the study as shown in table 1 indicated that majority of the respondents were in agreement with the statements that successful elections in Kenya is open to external observers. The study concluded that successful elections in Kenya is open to external observers in Kenya.

In this part the researcher inquired from the respondents if access to polling stations and tallying results enhances election credibility. A mean response of 2.9306 with a mean response rate of .89951 was recorded. The results of the study as shown in table 1 indicated that majority of the respondents were in agreement with the statements that access to polling stations and tallying results enhances election credibility. The study concluded that free access to polling stations and tallying results enhances election credibility in Kenya.

In another item the researcher wanted to get the views of the respondent on whether both local and international observer teams contribute to the success in enhancing credible elections. A mean response rate of 3.8960 with a standard deviation of .72388 was recorded. The results of the study as shown in table 1 indicated that majority of the respondents were in agreement with the statements that both local and international observer teams contribute to the success in enhancing credible elections. The study concluded that both local and international observer teams contribute to the success in enhancing credible elections in Kenya.

Respondents were also required to state if the international development partner’s acceptance to elections is guided by the verdict offered by observers. A mean response of 3.0116 with a standard deviation of 1.52494
was again recorded here. The results of the study as shown in table 1 indicated that majority of the respondents were in agreement with the statements that the international development partner’s acceptance to elections is guided by the verdict offered by observers. The study concluded that the international development partner’s acceptance to elections is guided by the verdict offered by observers in Kenya.

This section required respondents to provide their views on fundamental freedom to observers is a key tenet in enhancing collaboration by stakeholders in electoral process. Another mean response of 3.3988 with a standard deviation of 1.30625 was recorded. The results of the study as shown in table 1 indicated that majority of the respondents were in agreement with the statements that fundamental freedom to observers is a key tenet in enhancing collaboration by stakeholders in electoral process. The study concluded that fundamental freedom to observers is a key tenet in enhancing collaboration by stakeholders in electoral process in Kenya.

In this part the researcher inquired from the respondents if credible electoral outcome is dependent on how communication, reporting and feedback is managed during electoral process. A mean response of 3.1329 with a standard deviation of 1.53622 was recorded. The results of the study as shown in table 1 indicated that majority of the respondents were in agreement with the statements that credible electoral outcome is dependent on how communication, reporting and feedback is managed during electoral process. The study concluded that credible electoral outcome is dependent on how communication, reporting and feedback is managed during electoral process in Kenya.

The study in this sub section intended to get the respondent’s views on if satisfaction of other stakeholders in electoral outcome is directly related to observer’s final verdict. A mean response of 3.7688 with a standard deviation of 1.21222 was recorded. The results of the study as shown in table 1 indicated that majority of the respondents were in agreement with the statements that satisfaction of other stakeholders in electoral outcome is directly related to observer’s final verdict. The study concluded that satisfaction of other stakeholders in electoral outcome is directly related to observer’s final verdict in Kenya.

This section again required respondent’s views on if unlimited access to voting centers and voter tallying by observers contributes to fundamental right to access to information for all. A mean response of 4.0694 with a standard deviation of 1.01491 was recorded. The results of the study as shown in table 1 indicated that majority of the respondents were in agreement with the statements that unlimited access to voting centers and voter tallying by observers contributes to fundamental right to access to information for all. The study concluded that unlimited access to voting centers and voter tallying by observers contributes to fundamental right to access to information for all in Kenya.

This part intended to gather views from the respondents on whether denial to fundamental right to access of information is a recipe for incredibility in electoral outcome. A mean response of 3.9827 with a standard deviation of .92431 was recorded. The results of the study as shown in table 1 indicated that majority of the respondents were in agreement with the statements that denial to fundamental right to access of information is a recipe for incredibility in electoral outcome. The study concluded that denial to fundamental right to access of information is a recipe for incredibility in electoral outcome in Kenya.
6. Regression Analysis

The research sought to establish the intensity and direction of the election observer’s influence on electoral process in Kenya using hypothesis:


The regression results for election observers show that electoral process in Kenya were provided as shown in table 2 – 3.

Table 2: Model Summary for Election Observers

<table>
<thead>
<tr>
<th>Model</th>
<th>R</th>
<th>R Square</th>
<th>Adjusted R Square</th>
<th>Std. Error of the Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>.420</td>
<td>.176</td>
<td>.169</td>
<td>.60951</td>
</tr>
</tbody>
</table>

Table 3: ANNOVA for Election Observers

<table>
<thead>
<tr>
<th>Model</th>
<th>Sum of Squares</th>
<th>df</th>
<th>Mean Square</th>
<th>F</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Regression</td>
<td>8.971</td>
<td>1</td>
<td>8.971</td>
<td>24.148</td>
</tr>
<tr>
<td></td>
<td>Residual</td>
<td>41.980</td>
<td>113</td>
<td>.372</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>50.951</td>
<td>114</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 4: Coefficients for Election Observers

<table>
<thead>
<tr>
<th>Coefficientsa</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Model</td>
<td>Unstandardized Coefficients</td>
<td>Standardized Coefficients</td>
<td>t</td>
<td>Sig.</td>
</tr>
<tr>
<td>(Constant)</td>
<td>B</td>
<td>Std. Error</td>
<td>Beta</td>
<td>6.057</td>
</tr>
<tr>
<td>CS</td>
<td>.452</td>
<td>.092</td>
<td>.420</td>
<td>4.914</td>
</tr>
</tbody>
</table>

The regression results in table 2 - 4 show that the effect of election observers on electoral process in Kenya was significant (F (1, 171) = 24.148, p=0.000<0.05). With R =0.420 and R² = 0.176, the model implies that about 42% of electoral process in Kenya changes were accounted for by election observers, while a variation of 17.6% in electoral process in Kenya was brought about by election observers.

The F test was significant with a p value =0.000 which was less than the standard p value of 0.05 and this meant that the model was significant. From ANOVA, since p value p=0.000 and was lower than p=0.05 (p value 0.000<0.05), then the contribution of election observers to electoral process in Kenya was significant, and the conclusion is that election observers’ has caused electoral process in Kenya to increase.

The coefficient for election observers’ (β) was also significant (β = 0.452, t = 4.914, p = 0.000<0.05) indicating that election observer’s s increased electoral process in Kenya by about 0.452 units. Since p-value =0.000<
0.05, the null hypothesis was rejected and concluded that there was a statistically significant relationship between election observer’s s and electoral process in Kenya.

**Summary of Hypothesis**

The summary results of the hypotheses were presented in table 5

<table>
<thead>
<tr>
<th>Objective</th>
<th>Hypothesis</th>
<th>Results p-value</th>
</tr>
</thead>
</table>
| To determine the role of election observers on electoral process in Kenya | **H03** Election observers have no significant role on electoral process in Kenya. | Do not p<0.05 reject, if p-value is <0.05. The alternative hypothesis was not rejected. Election observers have a significant role on electoral process in Kenya.

7. Summary of Findings

The objective was to determine the role of election observers on electoral process in Kenya. From this objective, it was hypothesized that there is no significant relationship between election observers and electoral process in Kenya. The results of this study showed a positive statistically significant relationship between role of election observers and electoral process in Kenya. The results on the beta coefficient of the resulting model indicated that that constant $\alpha = 2.115$ is significantly different from 0, since the $p = 0.000$ meaning it was less than 0.05. The coefficient $\beta = .452$ was also significantly different from 0 with a $p$ value = 0.00 which is less than 0.05. This implies that the null hypothesis $\beta_1 = 0$ is rejected and the alternative hypothesis $\beta_3 \neq 0$ is taken to hold implying that the model is significantly fit.

This therefore means that the hypothesis **H01**: There is no significant relationship between election observers and electoral process in Kenya was rejected and the study concluded that there is a significant relationship between election observers and electoral process in Kenya. It is not able that the relationship at this stage was not as strong as expected. This confirmed that there is a positive linear relationship between election observers and electoral process in Kenya. In other words, 25% of election observers will bring more than 60% change in electoral process in Kenya.

8. Conclusion

The findings confirm that there is a statistically significant relationship between election observers and electoral process in Kenya. A positive increase in election observer’s participation leads to an increase in electoral process in Kenya. It can therefore be concluded from this study that election observer’s participation was statistically significant in explaining electoral processes in Kenya. The study therefore concludes that policies on effective participation of election observers and their implementation have a moderating role. In addition, the study concludes that policies and stakeholders control electoral process. Policies on voting equality and their implementation have a moderating role. Finally, the study concludes that there is no need to harmonize the implementation of existing laws and regulations on the use of state resources.
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