

Preliminary Statement of the IGAD Election Observation Mission to the 9 August 2022 General Elections in Kenya

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I. Introduction of IGAD EOM:

At the invitation of the Independent Electoral and Boundaries Commission (IEBC) of the Republic of Kenya, the Executive Secretary of the Intergovernmental Authority on Development (IGAD), H.E. Dr. Workneh Gebeyehu, authorized the deployment of the IGAD Election Observation Mission (IGAD-EOM) to observe the 9 August 2022 General Elections in the Republic of Kenya.

I led a 31-person mission. The mission is comprised of seven core team members and 24 short term observers (STOs) drawn from six IGAD Member States, Djibouti, Ethiopia, Somalia, South Sudan, Sudan and Uganda. The 24 STOs, out of which 11 are women, represent election management bodies as well as public and diplomatic service. STOs were deployed to 19 constituencies across 10 counties, Nairobi, Nakuru, Nyeri, Uasin Gishu, Kajido, Kisumu, Kisii, Kakamega, Machakos and Mombasa.

Since my arrival in Kenya on 2 August 2022, I held wide ranging engagements with national stakeholders and senior officials including the Cabinet Secretary of Foreign Affairs, the Chairperson and Commissioners of the IEBC, the two front-runner presidential candidates, domestic observer group representatives as well as heads of other regional, continental and international election observation missions.

In all my engagements, I underlined IGAD's keen interest to see the will of the Kenyan people fully realized through a credible and peaceful election process. I also underscored the positive implications of a peaceful transfer of power in Kenya for the wider stability and democratic transitions across the IGAD region.

There were regular consultations and unity of voice among the various African international missions, namely the African Union, COMESA, EAC and IGAD, I would like state my satisfaction with the level of collaboration and express my hope that this commendable practice will be sustained in similar future missions.

IGAD-EOM's assessment of the 2022 General Elections in Kenya is based on the principles and standards for the conduct of democratic elections as enshrined in relevant regional and continental instruments.

Given that the IGAD Election Observation Mission is a short-term mission, the scope of its mandate is mainly limited to observing election day activities pertaining to polling, counting and tallying procedures. The observers were equipped with a two-day orientation on Political context of the election; relevant national and international legal frameworks guiding election administration as well as IGAD Guideline and Code of Conduct for election observers. They were also the election observation checklists to gather and transmit their findings to the mission's secretariat.

The mission is grateful for the warm welcome and cooperation it received from all Kenyan institutions and citizens including election officials, candidates and domestic observer groups.

II. General Remarks

Based on information obtained from IEBC, we noted that there are 22,120,458 registered voters and 16,098 candidates participated in the 9 August 2022 General Elections. They are vying for a total of 1,822 seats for six categories of elective positions. These are: Presidential, members of the National Assembly, women representatives in the National Assembly, members of the Senate, governors and members of County Assemblies.

The 2022 General Election is widely considered as significant as it entails the transfer of presidential power. This coupled with the legacy of past electoral processes adds to its importance. This is evident through the relatively high number of national and international election observer missions.

We have taken note of key legal frameworks governing elections in Kenya including the 2010 Constitution and IGAD-EOM has attended several briefing sessions organised by IEBC and was able to appreciate the Commission's level of preparedness.

III. Regarding Pre-election observation:

IGAD short-term election observers covered 213 polling stations across 19 constituencies located in the 10 counties where the IGAD observer mission was deployed.

On 8 August, the day before the elections, our short-term observers had all reached the various deployment locations, identified polling stations and engaged with polling officials and other stakeholders in order to ascertain the level of preparations.

A notable disruption recorded concerning preparations on 8 August was the IEBC's announcement of two gubernatorial elections in Mombasa and Kakamega due to erroneous ballots. The statement by IEBC on the cancellation caused anxiety and uncertainty around to electoral process in these two counties.

IV. Regarding Election day observation: On poll opening:

– Most of the polling stations where IGAD STOs were able to observe opening procedures across the 10 counties, opened on time.

On Secrecy of the ballot:

– Secrecy of the ballot was adhered to in most polling stations observed by IGAD STOs. However, there were some instances when the positioning of the booth could have compromised the secrecy of the ballot.

On voter turnout:

– In most of the polling stations visited, voter turnout was noticeably low and recorded at around 55 per cent.

On Polling Stations and Election Day materials:

- The IGAD-EOM notes that in all polling stations visited, requisite polling materials were available throughout the day. In some polling stations, the observers noted that limited number of polling booths slowed down the voting process.
- All polling stations with few exceptions observed were accessible to all voters including persons with disabilities. Special consideration was also given to the elderly, lactating mothers and pregnant women.

On Polling staff, independent observers and party agents:

– The STOs observed that in most polling stations visited, polling officials performed their duties diligently in accordance with the laws and electoral regulations of Kenya. There was also commendable level of representation of women as IEBC officials in most polling stations

visited. Most of these are within the youth category which signifies youth participation in election management.

- The representation of women among party agents and domestic observers was significantly high and noticeable.
- The IGAD-EOM observers noted the presence of domestic and international observers in most Polling Stations visited.

On security around polling stations:

– The presence of security officials around polling stations provided a secure environment for the elections to be conducted in an orderly and peaceful manner. Women security officials were also visibly present in all polling stations visited. There were no cases of harassment and intimidation was observed.

On Closing of the poll:

V. IGAD-EOM observed that IEBC officials complied with the closing procedures adequately. Most of the polling stations observed closed on time. However, in few polling stations closing time was extended to allow voters in the queue to cast their votes.

In polling stations, where IGAD EOM observed closing, they also observed the counting procedures and processes.

CONCLUSION:

The IGAD-EOM was deployed as a short-term mission with its focus largely around the conduct of the electoral process on the election day. We note that as we release the preliminary report, IEBC is yet to announce official results.

The IGAD-EOM commends the Kenyan people for the patience and commitment they have shown in participating in the 9 August 2022 General elections in a peaceful, open and orderly manner.

Overall, IEBC's preparation was visibly strong and its election management performance by all measure has been commendable. For example, we noted the functionality and robust nature of technology to manage voter verification and transmission of results has been an area of concern in previous elections. In this election, voter verification and transmission of results and use of the KIEMS kit has largely been effective. The representation of women and youth as poll officials was also particularly commendable.

Some of the areas of improvement we have noted that we intend to reflect in our final report are: improvements in the set-up of polling stations and positioning of booths to ensure secrecy of the ballot as well as the need for provisions for adequate booths in stations to avoid long lines and risk of voters marking the ballot before they have a chance to access the booths.

We have also noted the need to strengthen due diligence measures in ensuring polling material production and delivery is done accurately to avoid the kind of disruption that was witnessed in some polling stations.

The judiciary's role was visible in handling election management-related cases and boosting public confidence up until election day. One of the cases we observed was the case regarding use of manual register. We consider the public trust that the Kenyan Judiciary commands as a concrete achievement in terms of the consolidation of democracy in the Republic of Kenya.

I thank you!

Nairobi, 11 August 2022