

PREPARING FOR KENYA'S 1997 ELECTION

**ELECTORAL ENVIRONMENT, ISSUES
AND STRATEGY**

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EXECUTIVE SUMMARY

This report synthesizes the lessons learned from Kenya's 1992 elections and from other relevant regional experience. It deals with several main issues:

- ◆ the potential for donor impact on the electoral environment and the most productive ways to ensure it, including support for increasing NGO efforts;
- ◆ recent regional electoral experiences and best practices
- ◆ benchmarks for a credible electoral environment;
- ◆ needs and potential for gathering accurate data relevant to the electoral process that can ground substantive, consistent and forthright statements on the part of the US Government in assessing the degree to which the election is in accord with the benchmarks established.

Purpose. The purpose is to produce a preliminary strategy for the US Mission in addressing the 1997 Kenyan elections. These are likely to be even more difficult than the multi-party elections of 1992, which were administered in an environment of considerable acrimony but with a great deal of faith, on all sides, that the will of the electorate was clear and would prevail. Many participants later viewed the outcome as predetermined and fatally flawed, while having held out much hope for triumph despite the tilted playing field during the campaign.

The 1997 electoral environment remains poisoned with the mistrust and allegations of 1992, and by the lack of progress on the "reform agenda" laid out by disaffected parties during the course of the 1992 campaign. There are erratic calls for boycotting these elections, continued fragmentation of the parties, and complete lack of faith in the election machinery on the part of many outside of the ruling government circles.

It behooves the US to develop a clear position on the essentials of a credible electoral environment. The US Mission should devise a strategy: for sending clear and consistent signals to all parties concerned about the US position; for accurate reporting as the process unfolds; and for assisting the relevant Kenyan civil society organizations to monitor and assess the electoral process and to present the electorate with an informed domestic evaluation. American leadership was important in the opening of the Kenyan political system to multi-party politics in 1992. We remain a symbol of practical democracy and plain speaking, both of which can be of significant moral support to the forces pushing for democratization in the Kenyan context on all sides.

Organization. The report is organized in four sections.

Part I deals with the lessons learned from the 1992 election.

Part II discusses recent comparative elections in the region which are felt to have relevance for suggesting improvements in Kenya in 1997. Donor coordination, support to NGO efforts, and elements of the electoral process in which regional comparative lessons may be useful are the main foci.

Part III lays out a preliminary statement of benchmarks which suggest action that is well within the authority of the electoral machinery, or would require at most minor amendment of electoral regulations and/or judicious enforcement or benign neglect with respect to existing law.

Part IV itemizes the data requirements for accurately monitoring and evaluating the electoral process, suggests the type of analysis these types of information would facilitate, and discusses potential sources. Some of the data collection has been begun and preliminary examples are presented in one of the annexes.

Annexes deal with the time considerations that need to be kept in mind; a strategy for resident diplomatic monitoring, which many of the donors interviewed indicated they would be interested in; sample electoral statistics, particularly an indication by region of the size of the eligible voter cohort; and background briefing materials from the US Mission's monitoring effort in Uganda, as an example.

CONCLUSIONS AND RECOMMENDATIONS

The report reaches the following conclusions.

I. Donor impact can be maximized primarily through a consistent, clear statement of consensus on the benchmarks western democracies apply in assessing the credibility and legitimacy of an electoral environment. Coordination of the bilateral donors via the DDDG is useful and the development of such a position is underway. The substance of initial efforts seemed too general to ensure a consistent interpretation and inhibit the use of legalisms in response.

The consultant therefore recommends that the US Mission consider a strategy of participating in the development of a joint position and affirming it, but preferring a more detailed position with additional substance and clarity where necessary. The elements that need to be addressed forthrightly in such a statement include:

1. **Registration.** Registration should be open to all eligible voters on the basis of reasonable proof of eligibility, as the latter is conceived by public sentiment and a consensus of the political leadership. Registration should be administratively competent, and controlled to inhibit any significant degree of fraudulent registration, as well as to facilitate appeals and objections to genuine error, omission, or alleged fraud. The appeals process implies a well-publicized and accessible display of the register over the constitutionally-mandated display period.
2. **Party Registration.** All parties applying for registration should be registered promptly, providing the normal information required under the Societies' Act that gives names of officials and indication of financial responsibility.
3. **Campaign.** Meetings should be automatically permitted, with appropriate notification of the provincial administration being required only to facilitate the provision of security. The provincial administration's main role in the electoral process is to ensure even-handed treatment of contestants in their areas of jurisdiction. It is essential that they demonstrate neutrality with respect to the ruling party, KANU, vis-a-vis rival parties. For this to be the case and be seen to be the case, de-linkage of the provincial administration from KANU is essential.
4. **Candidate selection and nomination.** Party candidate selection processes should be transparent and in accord with party constitutions. Similarly, official candidate nominations should be facilitated by being extended over a two-day period to inhibit manipulation and enhance transparency, permitting candidates to correct technical defects in their papers and eliminating the suspicion that the elections officials act arbitrarily in accepting or rejecting nominations in a foreshortened time period.
5. **Media Access.** Access to the electronic media should be availed on an equal basis, comprising a basic quota of free time and equal access to commercial time. News reporting of the campaign should be neutral from its inception.
6. **Publicity and Information Dissemination.** The specific rules and regulations applicable to each aspect of the campaign and the polling process, which are generally contained in the regulatory schedule appended to the National Assembly and Presidential Elections Act, should be made public and widely disseminated by the Elections Commission. Information on registration, register displays, campaign modalities (including licensing), polling station locations, polling procedures (including the appropriate access and

rights of observers and monitors), and counting and verification procedures are all essential to the ability of the electorate to make a judgment on the credibility of the election.

7. **Polling Day Procedures.** Kenya has well-crafted and widely known polling day procedures. A few anomalies need to be tackled, however, including the method of assistance to illiterate voters (which eliminates secrecy of the ballot and is not very persuasive in terms of neutrality) and the counting of ballots at the polling station, rather than the movement of boxes from the venue with the ballots uncounted. unless the joint position is made considerably more forceful.
8. **Electoral Commission Inclusiveness.** In accord with the recommendations made in the IFES report, the credibility of the Elections Commission is critical. Given its precariousness in the current Kenyan context, the Commission should do all in its power to maximize consultations with political parties, churches and civil society organizations that have relevance to any aspect of the electoral process. It should establish a schedule of regular meetings with these and involve them in setting the agendas for such meetings.

These points need to be made early and often, featuring in the regular speaking opportunities of the Ambassador as well as the relevant official utterances of senior USAID and USIS staff. A press statement at some strategic point -- perhaps at the time of the gazettelement of registration -- would be useful.

II. **Effective electoral administration** remains an open question. The US position precludes assistance to the Commission on the grounds of insufficient commitment to establishing independence and transparency. This seems appropriate. Other donors view the situation differently and may provide assistance if asked, although they too will be evaluating the performance of the Commission in the subsequent stages of the electoral process before committing funds. To the extent possible the US should nonetheless endeavor to maintain a liaison with the Commission, to encourage it to provide substantial and frequent information to the public on the details of electoral procedures in order to minimize disinformation, and continue to make its position on electoral benchmarks heard frequently to the staff of the Commission.

III. **Accurate information** is essential to our ability to keep Washington abreast of the electoral process and avoid unpleasant surprises. It is not easy to obtain but there are several different sources of data which can assist. At least three of these should be pursued from the earliest stage of the electoral

process, which is already underway. These alternative sources of information are:

- ◆ resident diplomatic observation. This will involve several teams from the Embassy, AID and USIS (and other resident diplomatic missions if they express interest and a loose coordinative mechanism can be devised). These should cover all stages of the process, should use as much standardized information collection procedures as possible, should summarize their conclusions systematically, and should supply copies of observation reports that pinpoint problems in the field to the Elections Commission to alert the Commission to issues it needs to address.
- ◆ domestic monitoring efforts. Domestic monitoring should be supported. The organizations undertaking it should be carefully chosen to increase the degree of specialization they bring to the electoral process (they are already in the process of attempting to manage this themselves). Their legitimate needs for longer-term support and capacity building should be given priority. To some extent this means supporting civic and voter education components of their proposed activities in addition to monitoring, although the emphasis should be on the latter. Technical assistance should be considered, if we can supply it through the relevant American NGOs, to help them with strategic planning, developing a clearer perception of the need for and methods for pursuing non-partisanship, and devising effective information capture, synthesis, analysis, and presentation skills. In practical terms, to maximize coverage during this election year, the churches should be given high priority for assistance.
- ◆ data base development. A significant amount of relevant electoral data is available in Kenya which can assist in anticipating and interpreting electoral outcomes. A dozen or more types of such information are discussed and the consultant has begun the process of collecting and systematizing them. Initial output, for example, will be a set of figures for eligible voters, by constituency, which will help us to gauge the credibility of the registration effort when it actually gets underway.

Unresolved Issues. One substantive and one administrative issue remain unaddressed in the report. Taking the latter first, it is important that USAID think about the long-term maintenance of the type of data base outlined in the report. Even if the material is felt to be of principal interest and value to the Embassy and

the decision made that it should be maintained by the Political Section, USAID needs to designate staff or other resources who can participate in maintaining, expanding, and utilizing it. This is not a full-time occupation but rather an additional task that should be added to someone's job description. However, quantitative skills will be necessary to this task. The DG team and Adviser should discuss the possible allocation of this responsibility.

On the substantive side, the report really concludes with a recognition that Kenya is about as far from developing a culture of tolerance, either in the electoral sphere or elsewhere, as it was in 1992. Polarization is extreme. Non-partisanship is not practiced or understood. While the emphasis here is on monitoring for accurate understanding, which can help in maintaining a consistent donor position, monitoring by itself will not likely help build consensus across the yawning political gulf in Kenya. Western democratic practice with respect to non-partisanship, objectivity and neutrality need to be thought through and an effort made to apply them to the Kenyan context. Failing this (and it is highly unlikely anything along these lines can be organized during these elections), the electoral process is likely to increase the polarization and make more difficult USAID's efforts to pursue development and the Embassy's efforts to speak practically about democracy in Kenya.

PREPARATORY STRATEGY FOR KENYA'S 1997/98 ELECTIONS

Introduction

The purpose of this consultancy and report is to explore the most productive role for the US mission in the period leading up to Kenya's forthcoming elections. The elections are only one of the many elements of a democratic transition and are probably not the most important -- as well as being in some ways the most problematic. Elections inevitably raise the political temperature, increase tension, exaggerate social cleavage and conflict. They are, nonetheless, critical to the transfer of political power and its justification and they tend to take over the lion's share of the political arena and discourse when they occur.

It is important for a bilateral donor such as the US to have a well-considered strategy for dealing with the electoral process and the main stakeholders involved in it in such a way as to send a strong and consistent set of signals in an effective way. Lessons from Kenya's 1992 election can contribute to formulating an optimal strategy for 1997. So can the compilation of electoral statistics and the design of an information system to provide accurate documentation through the electoral period.

Indeed, one major lesson from 1992 is that firm and confident judgments on the electoral process are difficult to produce because of the difficulty of confirming the allegations that may be made by one party or another. This induces a caution in public statements and a near-inertia in private action on the part of the bilateral donors that is very nearly the opposite of the firm and consistent stance which would best serve their purpose.

A second major lesson from 1992 is that a consistent, unified public stand by the western democratic donor countries on the nature of a democratic electoral environment can have an important impact on both government and civil society groups, as it did in facilitating the "opening" to multi-party politics in late 1991, although it is certainly not sufficient to the creation of such an environment.

The overall goal is to design a strategy that has a realistic chance of improving the electoral process and environment, starting from the basis of what actually happened in 1992, identifying those aspects of it most critically in need of improvement, determining what is feasible to address and what is infeasible at this point, and what the most productive role of a bilateral donor might be. A set of clear benchmarks on what constitutes a free, fair and democratic election is set out as an important component of such a strategy. A multi-faceted

monitoring strategy covering the whole of the process is suggested as another critical activity for the US, in order to generate adequate information on which to base interim judgments and any statements which might appear useful. A systematic information base and the ways in which it can be constructed is outlined as a third important activity.

Methodology

The report was produced by referring to the documentation from the 1992 election (particularly the monitoring reports of the domestic monitors and the records of bilateral donor group meetings maintained by the coordinating donor, the Canadian High Commission); through interviews with the principal donors participating in the DDDG, as well as a few of the NGOs likely to be actively involved in election monitoring; and through assessment and initial attempts at collection and manipulation of information currently available that can assist evaluation of the electoral process as it unfolds. The latter effort focused heavily on in this initial stage on estimates of eligible voters by constituency and on constituency boundaries and representative equity by region, and is ongoing. A baseline for the discussions came from the IFES preliminary assessment of April, 1996, which set out in considerable detail the political issues animating public discussion of the electoral process at that point and suggesting necessary actions to produce an acceptable election.

The consultant is grateful to the Canadian High Commission, the Embassies of the Netherlands, Germany, Japan, Sweden, and the US; the Church of the Province of Kenya, the Catholic Justice and Peace Commission Secretariat, and the Institute for Education in Democracy (IED) for extended discussions on their perceptions of monitoring needs. The Chairman of the Elections Commission also gave generously of his time answering queries about some aspects of the IFES report. Executive Officers of KANU, DP, FORD-K, and a FORD-A MP, availed party constitutions. The USAID DG adviser, the Program Officer, the DG Officer and other members of the section and the political section of the Embassy provided valuable input and feedback as the strategy was being elaborated.

The report is organized in four main sections and several annexes. The first of the main sections is devoted to a historical assessment of 1992, considering success, failures and the consequent lessons to be applied in 1997 with respect to donor coordination and impact and the support of NGO activities, particularly domestic monitoring efforts. The second section discusses comparative electoral experience from the region and the procedural "best practices" that seem to be evolving with implications for electoral transparency in the context of previous East African electoral experience.

The third deals with the essential and feasible areas of reform and outlines a set of benchmarks -- many of which have already been proposed in the IFES report -- which could assist in presenting donor expectations about the electoral environment clearly and consistently, guiding the public evaluation and in the process assisting centrally in keeping donors substantively coordinated. The final section describes information needed or useful to support such benchmarks and the feasibility of gathering it systematically.

Annexes present a time line/timing considerations; a strategy for resident diplomatic monitoring as a supplement to international observers; a few preliminary tables on electoral statistics which may assist in interpreting and evaluating current positions on the nature of constituency demarcation/representation, as well as setting the stage for assessing the validity of the voter registration effort when it occurs; and some examples of background briefing materials used in the US mission's resident diplomatic monitoring effort in Uganda in 1996. The latter will need adaptation to the Kenyan context but illustrate the kinds of information resident diplomats will find useful in order to monitor an electoral process productively.

PART I - LESSONS FROM 1992 ON DONOR IMPACT, SUPPORT AND COORDINATION

Kenya's 1992 elections were the first multi-party elections since 1966. In essence, a whole generation of Kenyans had never experienced multi-party elections. The amendment of the Constitution to permit multi-party politics, clearly grudgingly done by a Government that felt itself under serious domestic and international pressure, left many loopholes through which the letter of the law could be observed while the spirit was violated, so to speak. Inevitably, there were disappointments and frustrations. Many of these were noted by the bilateral donors. Many were summarized in the reports of the domestic and international observers. In the interests of increasing the potential for a positive donor impact, and the effectiveness of the NGO activities supported in large part by donor funding, the following lessons are extracted.

Negative Elements of the Electoral Process.

Some important criticisms of the electoral process were made and were justified. The most important failings were the following:

- ◆ A series of disastrous "ethnic clashes" that reverberated up the Rift Valley in areas of heavy mixed immigration, and on communal borders of Rift, Nyanza and Western Provinces. It was felt by the bilateral donor

community that these clashes were organized and supported by some leading elements within the state and were politically motivated to discredit and forestall the whole idea of multi-party politics so reluctantly agreed to. They displaced tens of thousands of persons initially, in addition to 2,000-3,000 killed, and ultimately took on a life of their own. Perpetrators have not been identified and brought to book by the Government. Several hundred thousands were ultimately displaced; many remain so.

- ◆ "No-go" zones from which rival parties or contestants were barred (Northeastern Province, barred to the entire opposition; several Rift Valley areas, barred to the entire opposition; parts of Nyanza, barred to KANU or at least made impossible for KANU supporters to move and campaign).
- ◆ Harassment of opposition parties and campaigners and denial or rescinding of meeting permits.
- ◆ Violence during the campaign, especially serious in Rift Valley Province, Western Province and Nyanza, where supporters of KANU and opposition parties clashed with increasing frequency and serious casualties (including several deaths) as the campaign came toward an end.
- ◆ Very unequal access to the media.
- ◆ Linkage of KANU and the state, particularly the Provincial Administration, which supported KANU's candidates materially and administratively.
- ◆ Minimal civic or voter education.
- ◆ Individual vote-buying, buying of candidates to stand down, and significant use of money to sway whole communities.
- ◆ Logistics failures on the part of the Elections Commission, primarily in delivery of materials and in instructing presiding officers on the timely opening of polling stations.
- ◆ Lack of effective prosecution of elections offenses (some were prosecuted but the lack of a clear line of responsibility for initiating charges results in lack of any aggressive enforcement drive).

Positive Aspects of the Electoral Process

It would be remiss to neglect the more positive elements of the

process. It cannot be taken for granted that they will automatically recur.

- ◆ Lack of violence on polling day. Apart from some violence (or heated arguments) in/around the counting halls during the count, and one or two isolated stations in the western part of the country, polling day was peaceful, orderly, dignified, and reasonably well attended. This has historically been the case for Kenyan elections.
- ◆ Courtesy, confidence and general competence of the presiding and returning officers. International observers found cordial receptions and correct behavior. Domestic monitors had complaints in regard to 5% or so of the presiding officers, either for incorrect procedures or for obstructing observation, but this was clearly a minority and not the rule.
- ◆ Relatively efficient compilation and release of results, although final results in the Presidential poll took 3-4 days and some parliamentary races were out almost a week. Rapid release of results is critical in the context of a hotly-contested election in which large parts of the electorate have strong fears about rigged polls. Delays in release of results in the region have traditionally been attributed to alteration of the counts.

These are not small accomplishments. The goal for the 1997 election must be to maintain these achievements and to address those listed above as failings. The roles of donors and local civil society organizations in this are subsidiary to that of the Elections Commission, which is responsible overall, but donors and NGOs can assist the Commission in several ways.

Donor Impact.

A central lesson from 1992 with respect to donor impact is that donors **can** have a major impact if they are unified on essentials and are seen to be so. This gives the Government of Kenya clear signals about the tolerable boundaries of electoral procedure and environment. It resulted in 1991 in the decision to open the political arena to partisan competition. In some senses this can be thought of as the externalization of KANU's internal factionalization, but it also widened the scope and access for nominal participation to those previously completely blocked by KANU. It also gives domestic civil society weapons and allies in their efforts to structure a free and fair electoral environment.

The key is to identify **essentials** and to profer these in a manner that is neither too general to produce a standard, comprehensible

interpretation, nor too detailed, such that the overall principles are lost in a welter of procedures. The donors are at present engaged in an effort to develop such a set of benchmarks, an effort which should be encouraged and assisted. The IFES report has recommendations which can contribute to this and lays out a fairly hard-hitting set of conditions. The NGO community has developed its own set of benchmarks, which are even more rigorous and would involve substantial alterations to the electoral environment through legislation, restructuring of the Electoral Commission, and even more general constitutional amendment. The lesson from 1992 is that the more consensus can be reached on this set of benchmarks and expectations, the more seriously they will be taken. The proliferation of competing and individual sets of benchmarks will generate only confusion and a lack of tangible response.

Lessons with respect to Benchmarks.

Perhaps the most important thing that donors can do to affect the current electoral climate in Kenya is to produce and publicize a set of benchmarks as to what constitutes a democratic electoral process. The issue here is to settle on benchmarks which are meaningful and consistent, and at a level of detail that makes clear the spirit as well as the letter of the benchmark -- that is, which facilitates uniform interpretation and inhibits efforts which might be made to manipulate these criteria legalistically or through deliberate misinterpretation. The DDDG is discussing a set of such criteria at the moment. As presented in its meeting of Feb. 27, these seemed to the consultant to be directed toward the right issues but to be overly general. Very general statements will allow varying interpretation of the extent to which they are being met, which will simply cloud the issue and result in internal dissension in the donor community, rather than the consistency which is essential to impact.

A set of benchmarks at the level of detail which seems necessary are presented in the second section of this report. If the DDDG finds it necessary to stick with the more general set, the US position might be to issue a supplementary statement stating its agreement with the unified set but purporting to elaborate these more fully to make them clearer and deter misunderstanding.

Donor Coordination. If the maintenance of a consistent position and set of benchmarks by the donors is critical, some thought needs to be given to its mechanisms. In 1992 there was one overall coordinating vehicle, the precursor to the DDDG. This comprised the western diplomatic missions expanded to include some aid representatives, including the FORD and Rockefeller Foundations and the German stiftungs. Representatives of the NGOs proposing to participate in the electoral process were invited periodically. One or two Government spokesmen or civil

servants were invited when specific information was needed on procedures. This resulted in a two-part format, with the first part of the meeting attended by all, including invitees, and the second part -- generally after a tea/coffee break -- held with only the diplomatic personnel.

This did not always work well. There were frequent needs to rearrange the agenda and/or to introduce during the first part of the meeting political topics which the diplomatic personnel wanted to discuss in camera in the second part. While this was not a serious problem or constraint it caused the meetings to be a bit awkward and, most significantly, made them run on far longer than would have been ideal (we all have too much to do to sit around a whole morning juggling agenda items and peering around to see whether there are "strangers" present).

Presently, the DDDG seems to comprise the diplomatic missions only. This seems a better format. Frank discussion is only likely to take place under these circumstances, and with as small a gathering around the table as possible, especially given the delicate nature of the process of reaching consensus in the sub-groupings (i.e. the EU). And frank discussion is essential to the maintenance of donor consistency throughout what will inevitably be a frustrating electoral exercise.

The UNDP-led forum seems the more appropriate one in which to incorporate the NGO community and the church, as has already been done, and to transact business regarding support for the NGOs and discuss political positions. This would mean the DDDG is the forum in which donor positions are hammered out, and these would be presented with a reasonable degree of unanimity in the UNDP forum when briefing or negotiating with the larger community of actors involved in the elections. It would by no means preclude discussion of the political and legal issues in the electoral process with the NGOs or more publicly, but would mean donors would attempt to reach some consensus first, via the DDDG, and make it known clearly and consistently in the other fora, such that the NGOs, the church and the government representatives present (if any) are not sent conflicting signals.

Liaison with the Elections Commission. The bilateral donors' liaison with the Elections Commission can be a very productive way of influencing the electoral environment, or very unproductive. In 1992, the donors were initially frustrated by a reluctance of the Elections Commission to meet and discuss substantively and in detail aspects of the process which the donors found confusing, unpromising or simply needing clarification. Part of the problem was that the Commission was new, but another part of the problem was that donors had different agendas, made individual appointments, and took up a great deal of the time of the Commission Chairman before he had even had time to set up a functioning organization. Eventually

the DDDG began to serve as the focal point and the EU representative inaugurated a systematic liaison with the Commission, which greatly improved matters.

This is likely to be the most productive way in which to acquire and pool information, with either the EU representative or a small sub-committee of the DDDG of two or three persons, ideally always the same persons, maintaining a systematic liaison with the Commission. It would be especially useful for the donors to establish early on a basic understanding of the distribution of functional responsibilities in the Commission and a rapport with the Commissioners and technical officers concerned, so that information can be sought at the most appropriate level.

It would be especially productive if the donors set up a weekly meeting with relevant officers in the Commission to receive information and provide feedback, as well as ask for clarifications on procedure and rationale. The Commission tends to find this an unproductive approach. It indicates, for example, that while the IFES report's recommendation to institute regular meetings with the parties is acceptable and is actually the practice **when they have something to discuss**, the idea of meeting when there is nothing special to discuss is a non-starter, and the parties are as unlikely to come as the Commission is to want to invite them.

This goes to the heart of a problem the Commission had in 1992 and the Ugandan Elections Commission also had, despite its very good performance in the circumstances: there is no comprehension of the need for a redundancy of information and communication -- for repeating and explaining and systematically disseminating even minor details, such that all major stakeholders are saturated with procedural information. This is the main counter to manipulation and disinformation. For the donors, this is the main counter to the confusions that ultimately lead to divergence of donor position and view. For the donors, an active effort to maintain a systematic briefing schedule will probably be necessary since the Commission is basically passive in its public relations. **The time spent on systematic, even redundant, liaison with the Commission is a small price to pay for maintaining donor consensus.** Further, it can buttress the Commission's perception of donor support for its own independence, which is a continuing issue in the Kenyan electoral situation.

Support for NGO and Church Elections-related Activities.

Both church and civil society organizations attempted to play a significant role in 1992, in providing civic and voter education and in monitoring the polls. To do so they requested significant donor funding. Another of the functions of the DDDG precursor

was to share information around about both the reputations of the groups and the individual funding decisions donors made. There were problems in this coordination effort from which we should draw some lessons.

Many donors were receiving the same proposals, not surprisingly, since the NGOs were canvassing support from a variety of sources in hopes of finding adequate total funding. However, several donors had had experience with duplicate funding of activities in other fields because of this search for support from several potential donors, and wished to avoid it. The general view (which was incorrect in the writer's view) was that it was deliberate and that it provided considerable scope for corrupt use of donor funding. The DDGG thus established a data base on NGO activity proposals related to the election, and shared information both on what they were and were not funding as well as on what they knew about the capability and integrity of the groups. A substantial amount of information was generated this way, although not in time to avoid the embarrassment of the large-scale misappropriation of an initial DANIDA grant to the NCKK, which misappropriation then prevented DANIDA from being able to fund much of anything else until the issue, after much acrimony, was resolved.

There was a downside to this coordinative mechanism vis-a-vis the NGO community, however. Because the DDGG was comprised principally of political officers from the diplomatic missions, and since many of these were fairly skeptical of the NGO community's integrity from the beginning (despite sharing similar political takes on the electoral environment with them), the "coordination" tended to turn into fairly negative discussions of weak or inadequate proposals which were then tossed back to the organization seeking funding, with donors egging each other on to see which could be more stinging in its criticisms. While many of the criticisms may have been justified, if the purpose was to elicit acceptable proposals to do civic education and monitoring activities that the donors could fund, the critical feedback left a lot to be desired from the point of view of the donors' own needs.

Specifically, the donors complained incessantly about the fact that little or no civic education was actually underway, but then refused to fund the NCKK-led umbrella organization, NECEP, to do the work, arguing that the proposals weren't sufficiently clear on the organizational mechanisms for the exercise or on overall accountability. These were and are legitimate concerns. However, little attempt was made to assist the NGOs, either by suggesting alternative drafting or at least clarifying what particular issues needed to be spelled out and in what degree of detail.

A significant amount of time was lost because of this lack of

willingness of the donors to help fledgling NGOs address the administrative and financial side of a set of new activities that none of them had had much, if any, previous experience with. The subsequent complaints of the bilateral donors about the lack of adequate civic education from the NGOs can be themselves faulted since the failure was partly self-inflicted.

Finally, the Canadians hired an additional consultant to assist with the maintenance of the data base on donor funding to the Commission and to the NGOs, and she then worked with the NGOs to improve the proposals that were submitted to the group (or its bilateral members.) She tended to be easily discouraged by Kenyan "games" and not to be particularly pro-active about this task, so little headway was made until the umbrella group itself hired a consultant to push the paperwork forward.

Lesson: Donor coordination around the issue of NGO funding proposals is complicated and frustrating, but absolutely essential if the domestic voter education and poll observation activities are to be sustained, and if the donors wish to contribute anything in the way of capacity building to the NGO efforts. The UNDP-led forum appears to be the appropriate one for this function, on the basis of input from the "small, like-minded donors" group. All donors have different requirements for proposal drafting and submission, accountability mechanisms, legitimate funding targets (e.g., some can fund staff/salaries, others not). They all have a different set of NGOs with whom they have worked closely, and others with whom they have had bad experiences with or don't trust. The UNDP-coordinated NGO/donor forum should find a participant who is willing to take on the onerous task of maintaining an information base on the NGO activities and proposals, and of providing assistance to groups in tailoring proposals to meet the needs of individual bilaterals or the group as a whole.

NGO umbrella vis-a-vis donor support. Another issue that became quite important both in Kenya and Uganda was the understandable donor drive to have the NGOs interested in civic education and election monitoring come under an umbrella organization so as to facilitate funding. This did not work well in either country. Similar problems were experienced in Zambia in 1990 and no doubt elsewhere. While an umbrella may seem bureaucratically rational and cost-efficient, it actually promotes conflict between constituent organizations over the channeling of funds, the allocation of leadership positions, the allocation of geographical responsibilities, and the all-important accounting and accountability procedures. USAID in Uganda found it more productive during the 1996 general elections to fund its traditional NGO partners separately rather than under the "umbrella" that had been forced on them. Our support reached them on a more timely basis this way.

In Kenya, NEMU in 1992 provided the overall umbrella and experienced many of these same problems. There is unlikely to be a NEMU-equivalent this time. The NGOs have taken to coordinating themselves informally and have already begun parcelling out tasks and designating lead organizations. This seems like it will be an adequate type of coordination, although it is not clear whether there is anyone in the driver's seat. IED and the NGO Council are the two bodies who might serve in this capacity. If NDI (or another elections-oriented NGO) were to provide some minimal assistance for this effort, primarily by assisting in setting up an "information center"/data base on both civic education and monitoring plans, and helping the NGOs to develop this more flexible approach (which they are in the process of elaborating anyway, through the network initiatives under the NGO Council), we might take a giant stride forward on the issue of flexibility and pluralism in the cost-effective funding of NGO election-related efforts.

Specialization. Another area in which it could be useful to innovate, and which would further assist in "coordinating" donor-funded NGO efforts informally, is the effort to fund the NGOs to specialize in areas of their comparative advantage. Some have considerable experience now in civic education -- e.g. the churches. Others, such as IED, have developed a real capacity for election monitoring. There are several other activities which we might consider special interest areas. Monitoring the campaign for violence, adequacy of security measures, meeting permits and the like should clearly be done by a combination of the legal rights NGOs (KHRC, LSK, ICJ, etc.) and the political parties themselves. Monitoring the use of and access to the media should be undertaken by media-related NGOs, if such there be. Monitoring the prevalence of vote-buying and other elements of the use of money in the campaign should be a logical extension of the activities of the nascent organizations interested in corruption and transparency. If the donors make clear that they are interested in funding efforts that will produce some real capacity and expertise, this sort of specialization should emerge fairly automatically and it in turn will simplify the coordination efforts.

The main issue with respect to NGO coordination is neither a unified funding channel (which is counter-productive) nor a complete division of labor, either functionally or territorially: a reasonable degree of redundancy can be a good thing. What is critical is the pooling of information, the development of an information system which captures as much data from the field as possible, analyzes it quickly and produces some useful output in a timely fashion. This is the target the donors should keep in front of them as they make funding decisions during this electoral process. For the US, this means pointing the US NGOs interested in being involved in the direction of developing such

capacity in the NGO community, the churches and the political parties.

PART II: COMPARATIVE REGIONAL ELECTORAL EXPERIENCE AND LESSONS

Much has been learned in the region over the past six years in terms of electoral administration and environment. Four areas stand out. These are:

- ◆ the logistical difficulties of mounting technically competent multi-party elections, the high political cost of administrative incompetence (which is perceived as "rigging") and the value of technical assistance;
- ◆ the critical importance of domestic monitors -- both partisan and non-partisan -- and their training needs and costs;
- ◆ the utility of resident diplomatic observers rather than international observers; and,
- ◆ the set of regionally-relevant electoral procedures which can have positive impact in reducing intercommunal suspicion and distrust.

Administrative competence, logistics and technical assistance.

Logistical competence in the administration of elections in the region is a sensitive issue. The fact that some nations have held regular elections (e.g. Kenya and Tanzania), which should give them considerable experience, does not necessarily translate into relevant experience since these elections have been held under a one-party system in which an independent electoral administration was not necessary, and for which the provincial administration therefore served as the implementing agent. Since the provincial administration can commandeer all necessary resources at whatever cost, it has not been clear what the cost of previous elections really may have been; nor have standardization and uniformity of procedures been critical to credibility.

The provision of technical assistance is one way to bridge the gap between "command and control" electoral administration as practiced hitherto and the requirements of independent, non-partisan electoral bodies operating independently of the government machinery. Advisory assistance was clearly useful in the South African and Ugandan elections in recent years, and despite this there were considerable logistics difficulties, especially in South Africa. Kenya's Election Commission profited from the provision of technical assistance in the development of

a training plan for elections officials in 1992. There were, however, considerable problems of logistics in terms of the misdelivery of materials and the consequent late opening of polling stations in that election, not to mention the allegations of maladministration in the voter registration and register display tasks.

A credible electoral administration requires competent logistics, but they are not sufficient. Independence, neutrality and non-partisanship are also key. These are the subject of the IFES report, which sets out the degree to which these are prior to any administrative capacity in setting up a credible electoral environment, and indeed recommends tying any assistance to the electoral administration to the prior demonstration of these elements of political commitment.

Since Kenya has not shown any evidence of the latter in the activities involving the Commission since the IFES report was completed, the US is not likely to provide any technical assistance to the Commission itself. Other donors may. Unless they do so, the Commission is likely to be overwhelmed and to confront at least as large a logistics nightmare as it did in 1992 and the administrative failures will without any doubt be chalked up to deliberate manipulation and "rigging". Even the computerization of the voters' register, which the Commission Chairman insists will be implemented for this election, will not in fact eliminate the totality of the problems of the register, since some of these are in fact likely to result from rejection of voters who are eligible but who have not acquired new ID cards.

In fact, computerization is likely to introduce a few problems while solving others. Uganda's computerized register can now produce a printed register very rapidly, but the register remains inflated up to around 5%, which has allowed scope for fraudulent voting and subsequent charges of "rigging", not entirely without justification in terms of local manipulation during register compilation.

Most of the other donors canvassed indicated that they would in fact be likely to provide assistance if the Commission requested it, and if the electoral environment met certain standards of fair play. If so, the areas that could benefit most from the provision of technical assistance are the overall strategic planning of the movement and security of materials; training of presiding officers; development of an information capture and processing capacity by the Commission; development of an information dissemination/public relations capacity which sets out in detail all the relevant electoral procedures; and a financial planning and accounting system which facilitates the estimation of costs and cash flow needs (especially to keep the Commission's vehicles fueled at the critical points of materials

delivery) and allows the Commission to track expenditure, especially of donor funding (if any).

Uganda's three recent elections, in 1994 and 1996, benefited significantly from the provision of technical assistance, especially in the form of a chief technical adviser who oversaw the whole process and was able to impress upon the Ugandan staff the need to have many things happening and under control simultaneously, including the packing, checking and dispatching of military quantities of materials all at the same time. In 1992 in Kenya, the British provided assistance in the form of ballots and boxes, but the far more significant contribution they made was the first cut at a deployment and training plan for the polling officials. Indeed, the argument for commodities assistance seems dubious while that for technical assistance, especially in the cause of establishing an independence from the government machinery, seems persuasive. Subsequent to the completion of the preliminary draft of this report it became clearer that the Elections Commission is unpersuaded of the need for assistance and is not seeking any. Logistics glitches and their interpretation might be an important issue for both resident diplomatic observers and Kenyan domestic monitors.

Domestic Monitoring.

Domestic monitoring of elections has taken off all over the region. This is no doubt partly a function of the availability of donor funding. However, the donor funding has proved unreliable, inadequate, and untimely. Most of the domestic monitoring efforts that have been mounted have relied to a significant extent on volunteerism by default. This may not be such a bad thing. The voluntary spirit is a critical part of the development of a democratic culture. To the extent possible domestic monitors should be of and from the community where they are monitoring the electoral process, rather than a cadre recruited because of the chance of a salary and allowances.

That said, comparative regional experience with domestic monitoring efforts points up some unaddressed issues as well as an unmet need for specific types of assistance. These include the need to increase capacity for systematic information capture, analysis and presentation; training of monitors on some methods for monitoring the whole electoral process, as opposed to the simpler polling day monitoring they have so far done; and development of specialized activities based on areas of comparative advantage, rather than competitive all-inclusive monitoring. These lessons of recent elections in the region suggest strongly the need for a flexible coordinating method rather than the cumbersome "umbrella" approach hitherto pursued. In Kenya, a need evident in 1992 but unaddressed to date is for emphasis on the development of an ethos of non-partisanship, in

an environment which is heavily stacked against it. There is also a need for attention to the very thorny issues of donor funding and of realistic funding levels in light of sustainability on the one hand and the high costs of the "saturation" approach on the other.

Information Capture, Analysis and Presentation. The high costs of monitoring, especially of the saturation variety thus far practiced in East Africa, (i.e. a monitor in every polling station -- or perhaps two, or four ...) cannot be justified on the basis of the meagre amount of systematic, analytic output it has produced thus far, and the cost of the effort. (The development of a true culture of "voluntarism" would be a somewhat different story, in limiting costs significantly and producing real movement toward local "ownership" of the electoral process). The comprehensive coverage on polling day is in fact self-defeating in producing masses of data -- generally summarized on several sheets of detailed polls observation questionnaires, some of these even being "open-ended" narratives -- for each polling station monitored. The data do not find their way expeditiously back to the parent organization in time for any synthesis to be done on a timely basis.

Thus, the "information" that is produced is primarily of historical value rather than the timely evaluation of the electoral process as it unfolds. The types of information generated are so narrative and qualitative, and the organizations' capacity to manipulate it quantitatively so limited, that synthesis is difficult and analysis almost impossible. (A very important partial exception to this is the IED by-election reports, which do a reasonable job of introducing some quantitative analysis.) Technical assistance in improving the capacity to capture, systematize, analyze and present information on a timely basis should be a top priority in our efforts to increase capacity of domestic monitoring groups, which in turn will greatly increase the breadth of the information base on which we can base informed and reliable judgment.

Monitoring the Whole Process: New Skills and Training Needs. All the domestic monitoring efforts in the region have locked onto the need to monitor the whole campaign, not just polling day. To do this they are using the same grassroots personnel and asking them to report, frequently in terms of letters or narratives, based on a narrative description of the things to watch for. This may produce much useful information but it also may miss some of the key issues. Some technical assistance to design appropriate monitoring methodologies for the very different activities involved (i.e., monitoring the media; the use of money in the campaigns; campaign violence, harassment, and meeting permit denials; register displays and objections; and internal party nominations processes) could be very useful. It may well be that the American party NGOs have some useful skills they

could transfer here. In addition to the NGOs, the parties need to be doing this same job of monitoring, and they too need substantial improvements in skills for the job. Not least among these skills is that of devising a strategy for presenting the results -- i.e., public information dissemination skills.

Specialization of function and flexible coordination. A main problem in the region over the past six years has been the proliferation of organizations all wanting to cover the waterfront in terms of monitoring, and thus competing with rather than complementing each other. Kenya is a partial exception to this, with an incipient specialization of function that was demonstrated even in 1992 and which has emerged in the more general human rights monitoring arena over the past 2-3 years. The donor response to this duplication of intent and funding proposals has been to impose on the monitoring bodies an "umbrella" coordination mechanism of some sort. (Other motivations for the "umbrella" phenomenon relating to regime desires to influence and control, to insinuate its own NGOs into the process, or to influence the direction of funding have also been advanced for Uganda.) The "umbrella" mechanism has proved unwieldy and unwise, since it proliferates administrative overhead and internalized conflict rather than decreasing these.

Another method for more effectively coordinating on a flexible basis flows logically from the nascent specialization we see currently in the Kenyan case. The NGOs themselves have indicated no desire to see an overarching coordinative body, but have been meeting regularly to chart a course through the electoral process, which involves the numerous stages mentioned above, by assigning "lead" organizations to provide overall leadership for each particular component. This seems eminently sensible. We should do what we can to encourage the continuation of this flexible coordination, once again focusing on the possible gaps in information resources that would allow it to be as effective as possible. The greater the degree of specialization of function among the interested parties, the easier and more flexible the coordination job should be and the more comprehensive and systematic the output.

For this to succeed, we should be looking for incipient specializations that are emerging, and considering significant funding for information processing capacity, both equipment and technical assistance. We should also be finding ways to work with the church organizations, since these are the ones that are able to mount a monitoring effort with credible coverage. The ideal, of course, would be to have the church providing a basic civic education and monitoring network, while the NGOs provided the special skills, training, information inputs, and information analysis, output and presentation that complement the basic, grassroots network. This will, however, be erratic and

geographically selective in Kenya because of the strong politicization of the churches as well as of the NGOs.

Non-partisanship. The issue of non-partisanship in the monitoring effort is difficult. There is no real reason why monitors must be non-partisan. Indeed, the parties should be monitoring carefully on behalf of their own interests, and they are by definition not non-partisan. However, a major political problem that stands in the way of constructing a democratic political culture in Kenya -- one which tolerates major differences of political perspective and approach -- is the yawning political gulf between opposing political camps which permits no neutral position to exist. A first step toward bridging this gulf must be the development of institutions perceived as having no political axe to grind, whose evaluations have some chance of being perceived as "objective". (This is the role that international observers were meant to provide, of course, but they, too, are rejected on all sides because their conclusions do not accord with the partisan perceptions of each of these polarized rivals; they are not generally perceived as "partisan" but as "stupid", i.e. culturally unaware.)

The NGO community is not in this position in Kenya. It is perceived as the stalking horse of the "opposition" by the regime, as is the church. Some NGOs, however, have put more effort into establishing their bona fides as "neutrals" than others, and this is an issue we should stress very heavily. In Uganda, the church has been seen over the years as heavily partisan -- indeed the groundspring of partisan politics -- and yet it has in the recent elections been able to steer a course that makes a convincing case for objectivity. The human rights NGOs, similarly, were initially perceived as rabidly "opposition" supporters by the regime -- not neutral at all -- but this perception has diminished over time.

This is not to suggest that they are now perceived on all sides as objective -- indeed, elements of the pro-party opposition now perceives the NGOs to have "sold out" to the regime. Nonetheless, some potential for objectivity is asserting itself, slowly but surely. The main reason is the very careful job the relevant organizations have done of using neutral language, in public and in private, in their press statements and their workshops, and in stressing over and over to their field personnel that they must be non-partisan or leave the task to those who can be. They stress further that those with partisan interests are completely legitimate -- just not as members of civic education or monitoring organizations that call themselves non-partisan.

The emphasis on non-partisanship in Kenya is not visible and its lack is extremely disturbing. IED appears to be stressing something akin to it, as do a few individuals. The churches do

not. It is obvious that there are provocations from the government, but to an outside observer the lack of effort at establishing a non-partisan stance, and the seeming lack of understanding of the need and reason to do so, are striking. To oversimplify, election monitoring is meant to produce objectively verifiable and verified information on which to base an assessment of the credibility of an election. If the monitors themselves are not credible, because perceived as partisan from the outset, then no purpose whatever is served -- indeed, the tension and intercommunal mistrust may be heightened.

USAID needs to be in the forefront of the effort to sell the idea and the actuality of non-partisanship, and should make it a strong point and condition of the assistance to the NGO community, including the church. This is not an easy or short-term task and will no doubt be highly unsatisfactory throughout this election campaign. But the experience of Uganda demonstrates that a start can be made even in highly politically unfavorable and charged conditions.

Funding Exigencies. In Kenya, the main NGOs relevant to election monitoring have expressed the desire to receive donor funding only if it is focused on their long-term programs rather than as a "crash" infusion of funds that simply attract a lot of otherwise unmotivated individuals and promote inter-organizational conflict. This seems a positive development and there are currently some proposals with us along these lines. Most of these are proposals for modest funding containing a significant degree of "capacity building", including the vexed item of staff salaries. It is likely that more ambitious proposals will emerge as the electoral process gets truly underway. These may well be requests for the large amounts of funding that can serve to provide training workshops, subsistence allowances and the like for the traditional "saturation monitoring" effort on election day.

This is not what is needed this time. What is needed is more strategic monitoring of the entire process. Even on polling day, it is not clear what the value is of having multiple monitors in every polling station, as opposed to a strategically chosen sample of polling stations. There is little understanding of the value of sampling in Kenya; there is an underlying presupposition that one can make accurate statements only when one has information from each and every individual (e.g. polling station). But the information is not transmitted, synthesized, manipulated, analyzed and presented on a timely basis because it is so overwhelming. Along with the emphasis on greater specialization in the monitoring effort, we should encourage more strategic monitoring, including the development of a monitoring plan that generates realistic and statistically considered quantities of information. We assisted in 1992 with the identification of some key constituencies to monitor in the

parliamentary polls, and could probably do an even better job of this with some judicious input from the DG adviser this time.

This may well mean the funding requirements will be a little less shocking than was the case for the massive coverage on election day in both Kenya in 1992 and Uganda more recently. The domestic monitoring effort can be invaluable to the donor information needs, and to establishing electoral credibility in Kenya, if it takes the longer view -- which is what many of the NGOs are now pressing for themselves. We should take them up on this. They will need technical assistance, as indicated, in developing data capture, analysis and dissemination skills, perhaps in training monitors for elements of the electoral process they have not paid much attention to previously, and in developing a more strategic approach to election day monitoring that avoids the costs, the logistical nightmares **and the lack of timely output** of "saturation" polling day monitoring.

Political Party Monitors. There are some skills that both domestic monitors and party agents might usefully acquire from the American political NGOs. They include the ways to systematically monitor the tallying stage of the polling process (and why it is important), the mounting of a parallel vote count effort for the presidential poll, effective use of the existing legal machinery for lodging objections to election violations, and possibly others. Straightforward monitoring of the campaign by the political parties for violations of electoral procedures and rights has not been systematized, either, and the American political NGOs might find this of interest. The parties have not expressed much interest in the kind of organizational assistance that the American NGOs are willing and able to provide, arguing that their needs are material, not technical; that they are obstructed from effective organization, not unaware of it.

It is true that the political context is very different, and that the American NGOs have little background in the exigencies of African patrimonial politics, but this is not to say that they have **none**. American parties have gone through patrimonial eras as well, and it could well be that senior US party organizers might be able effectively to address some of the problems of the parties in Kenya. However, in the near term the Kenyan parties are focused not on long-term organizational issues but on short-term resource mobilization and efforts to level the playing field. Any assistance they could be provided in forcing the latter into the public arena, through the legal system or otherwise, would be a way to establish rapport that might permit assistance of the longer-term variety to evolve.

Resident Diplomatic Monitoring.

The resident diplomats have all more or less agreed that international observation is not high on their list of

priorities. They will attempt to discourage it, generating a resident diplomatic monitoring effort in its place. This worked well in Uganda, partly in default of the type of international observer presence seen elsewhere in the region, for unexplained reasons. It is something that the diplomatic missions do in isolation in any case, to the extent of their resources. Resident diplomats have a contextual knowledge that international observers do not. They follow the electoral process from its inception through the media, they have local contacts through whom to filter and get assistance in interpreting controversies, they know very well that things are not always as they appear on the surface and thus are less likely to jump to hasty conclusions. They tend not to issue evaluative statements on the elections as a whole, but deal throughout the process with the positive and negative aspects.

Objections to international observers come from both local sources and the foreign governments involved, particularly in a case such as Kenya. Locally, domestic political forces are sufficiently polarized that they perceive international observers as "naive" and uninformed when their evaluations differ with those of the polarized local sides. They take the sometimes highly critical statements issued by these observers -- a good example being the statements issued after Kenya's 1992 elections, which pointed to major flaws and shortcomings -- and either inadvertently or deliberately misrepresent these, summarizing them as having certified the elections as "free and fair". They do not accept the effort to provide a nuanced evaluation as genuine, nor the idea that different tolerances and criteria for overall evaluation may well produce different conclusions than their own.

The western democracies are similarly growing increasingly reticent about international observation on the very different grounds that the mere presence of the international observers implies some confirmation of the legitimacy of the election, which may be a message they specifically wish not to convey. Especially in the American case, where international observation has been the preserve of the "private sector" in the form of the party-affiliated NGOs, and where these have maintained their independence from the official community and their right to speak out as they see fit, there is considerable room for conflicting messages and signals. Teams of resident diplomats, on the other hand, collaborating with each other and with the domestic monitors can provide more useful, systematic, contextually-rich information without generating such confusion. This is the direction in which we should push in the region. A proposal to mount such an effort has been discussed during the course of this consultancy, with the preliminary statement appended below.

Regional electoral "best practices": lessons learned.

A few comparative lessons learned could productively inform the 1997 Kenyan elections on specific issues of procedure and are outlined here. These are all based on Ugandan experience and the difficulties confronted in Kenya in 1992.

1. **Registration.** Voter registration in 1992 was undertaken in July. Complaints about eligible new voters being rejected for lack of ID cards -- in the context of an alleged "go-slow" in the ID issuing process -- were numerous. At the same time, the opposition parties decided that the electoral environment was distorted sufficiently for them to boycott the projected election, so they urged supporters to boycott voter registration. Registration was extended a further ten days at the end, with the opposition rescinding its boycott calls, and a flurry of activity produced a final registration total of around 7,907,100 voters, which amounted to between 73% and 77% of those eligible, depending on whether those who turned 18 in 1992 were considered eligible in toto, or alternatively only half of them were accepted as eligible (i.e., those whose birthdays occurred in the first six months of the year, before the close of voter registration.) While there were many cases of youths refused for lack of ID cards, the overall registration rate is not very different from historical Kenyan trends, and indeed was considerably higher than the registration rate in 1988, the "queue-ing" election.

The same issues are already prominent this time. IDs are in the process of being renewed for all Kenyans, and there are major fears that the reason for this reissue has to do with manipulating the registration process, which was one of the main elements of the "unlevel playing field" in 1992. There are complaints of slowness and massive, petty bribery connected with the ID exercise. The President's overruling of the Election Commission Chairman, who said both old and new IDs would be acceptable for voter registration, fuels suspicion, both of the regime's motivations and of the Election Commission's lack of autonomy. There will no doubt be some eligible voters who are unable to obtain IDs and thus unable to register to vote; whether the information on the IDs is used to manipulate the location in which a voter may register remains to be seen.

The legal sector NGOs argue that IDs are not required for voter registration. They are correct in stating that there is no constitutional or legislative reference to IDs as a required basis for voter registration. However, the Constitution basically says the Elections Commission is responsible for determining eligibility of voters and establishing and maintaining registers, which clearly means it is the decision of the Commission what to require in registering voters.

Uganda. Voter registration in Uganda took place on the basis of other forms of identification, including the local level recognition by the equivalent of area chiefs. Uganda has no national IDs (ironically, many Ugandans wish to introduce this, just as Kenyans are struggling to remove it as a colonial vestige.) The registration process there, for the Constituent Assembly, also had its imperfections, in having been undertaken in a short period of time with inadequate information to the public on the venues and procedures. Nonetheless, after an extension of time of around three weeks, Uganda's Elections Commission registered around 90% of eligible voters, an almost improbably high rate. For last year's general elections, the rate of registration reached 95% or higher, which suggests inflation of the register. Indeed, the register is probably inflated by around 5-10%, the result of a combination of deliberate manipulation and confusion of many voters about whether they needed to re-register when the computerized register was updated in January, 1995. The Ugandan register still needs a major purge to rectify the errors in it.

A statistical estimation of the expected eligible electorate and the realistic percentage of registration will assist in assessing the legitimacy of registration and the complaints that may be raised about it. A separate document details the provincial distribution of the eligible electorate, which is around 13.3-13.8 million overall, as compared with 10.4-10.8 million in 1992. Voter registration rates of 80% are not uncommon in east and southern Africa, and 85% would not be totally improbable, especially in Central Province and core Kalenjin areas; anything much above that would be grounds for skepticism.

Lesson: Computerization of the voters' register, which is a time-consuming process (took about 10 months in Uganda), neither eliminates error nor reduces the scope for manipulation very much, if the Ugandan case is typical. These require supplementary attention to procedures, redundant cross-checks on data entry, substantial training of registration officials down to the grassroots, and political commitment to a "clean" register. What computerization can do is permit a much more continuous registration process, which could continue until two months or so before an election, and eliminate the need to re-register everyone each time an election is held. It is a good idea, but can easily increase the confusion and suspicion in an environment of mistrust, which clearly characterizes the Kenyan electoral arena. It could not be done competently in time to be satisfactory for the forthcoming election, in the consultant's view, even if started by the beginning of March.

The real issue will be the requirement to produce new IDs for the registration exercise. They should not be required. Government (more to the point, the Elections Commission) has not made any convincing case for their necessity. Voter eligibility should be

flexibly demonstrable through birth and baptismal certificates, affidavits from chiefs or other local officials, passports, school leaving certificates, and the other forms of permissible identification that are normally used in issuing IDs. Even if citizenship is the issue, as the Commission argues, the documents used to apply for IDs in the first place should be adequate.

2. Display of the Registers. Once registration is completed the registers should be displayed for voters to inspect in order to verify their registrations. There are several important functions of the display of the register, which has always been done in a seemingly inadequate amount of time and with totally inadequate publicity and logistics in East Africa.

- ◆ Individuals who have evidence that they have registered (i.e. voter's cards issued during the exercise), but who have been omitted on the register, can appeal
- ◆ Voters whose names are incorrectly spelled or whose register entries contain incorrect numbers or other information can appeal to have it corrected, since incorrect information can be used to deny a voter a ballot
- ◆ Candidates agents or other interested parties can challenge the inclusion of voters whom they feel do not qualify to register, either in that location or at all (e.g., the under-age, or persons not known to have any of the locational qualifications enumerated in the constitution)
- ◆ Election officials can verify the registration status of candidates, their proposers and their supporters, who are all supposed to be registered voters
- ◆ Statistical information on registration can be independently calculated by those monitoring or observing the electoral process, rather than relying wholly on information issued by the Elections Commission
- ◆ Logistical problems with respect to numbers of voters at a particular polling station, or accessibility of the station to those registered at it, can be discovered well in advance of polling, if the registration centers are basically the polling stations (this was the case in Uganda but may not have been in Kenya)

Despite all these good things, the experience in the region is that the register display is not very encouraging. It usually is confined to a 14-day period and begins with little or no fanfare. Few know it is underway. As the word gets out, other problems

surface. In 1992, international observers estimated that the registers simply were not "displayed" or even available in any commonsense meaning of the word in up to two-thirds of the registration areas. It was not clear whether the display took place at the same time in all parts of the country or not. There was further confusion over where they were to be displayed -- at polling stations? in assistant chiefs' headquarters? in district headquarters? In most cases the display, where it did take place, was in an official's office at divisional or district headquarters. This is intimidating to a good portion of the electorate.

Further, the electorate was not informed in any meaningful way that the display was occurring, or what the purpose of it was. Nor were there any clear indications of the procedures for making objections to a register, although these have been standardized in Kenya over the course of thirty years of post-independence elections. Finally, in the Kenyan case the Elections Commission did take the creative step of permitting those who wanted to peruse a register -- and who had the knowledge and stamina to find the one(s) they were after -- to photocopy the information at a cost of KSh 2/= per page. Some monitors, primarily from the political parties, made use of this provision, which is a good one. The NGOs maintain the cost is too high for them to acquire whole registers.

In the Ugandan case, the register display was equally as dismal in 1994 for the CA elections. It was done in the typical 14-day period, but on a "rolling" basis -- i.e., first in some districts and then in others, with totally insufficient information to the public about the scheduling. The result was almost no correction of the register, which contributed to the serious embarrassment on election day, with between 5% and 10% of the electorate not finding their names on the register in the stations they attempted to vote at, and being told to try other nearby stations. Before noon the Elections Commissioner was forced to announce that anyone who had a voter's card indicating registration in the constituency and station could vote when he turned up, whether or not his name appeared on the register. A competent register display would have winkled this problem out before polling day.

The subsequent 1996 display of Uganda's computerized register was a very different affair, with a 21-day rather than 14-day period. This is really necessary given the paperwork involved in the corrections, especially when the system is undergoing the transformation from a manual to a computerized system. It was standardized throughout the country. There were still difficulties with the display. Many local officials felt that members of the public did not have the right to peruse the entire register -- only to look at their own names, which the officials "helped" them find. This violates the public nature of the

display. The Elections Commission made the appropriate announcement, but far too late for the display to have been considered an unqualified success. The US mission observer/monitor teams found many discrepancies in the knowledge of the local registration/ display officials, although they did not add up to any feeling of manipulation, but rather one of administrative inadequacy.

The turnout for the register display was a bit equivocal. Information was insufficient. Voters were also complacent and assumed that, since they had received voters' cards, they were registered. The political parties were not organized about targeting areas where they thought registration fraud was likely to have taken place, and perusing those registers for evidence.

Lesson: Display of the registers is generally undervalued and thus not planned adequately by either the electoral administration or the monitoring organizations. Voters do not know the importance of the exercise (but in all fairness, are very frequently frustrated after making heroic efforts to view the registers) and parties or candidates' agents seem also unaware.

Perhaps the easiest way to make an impact in this area is for the resident diplomatic missions to devise a strategy for travelling to a representative sample of regions to view register displays, informing the Elections Commission both about the intent, the schedule and the reasons for doing this. They should stress the ways in which this exercise can point up difficulties that can be turned to good advantage by the Commission itself, in ironing out the wrinkles with respect to polling day register anomalies. This same message should be passed to domestic monitoring organizations and political parties, who should be encouraged to undertake a systematic monitoring of the register display and to pool information on the outcome. This is a stage in the process which, if handled sensitively, can facilitate the building of dialogue between an Elections Commission and the other interested parties, with the latter supplying valuable information to the Commission and potentially building credibility with it.

Registers should be displayed simultaneously and for as long a period as legally possible (and the legislation should not be difficult to change) in order to permit the display to fulfill all the functions outlined above. The Commission should be strongly encouraged to publicize the exercise well in advance, in detail, and to devise a mechanism for accepting feedback from well-intended monitors as well as the Commission's own field staff. This can be a critical stage in heading off serious logistical errors, which critics will be quick to point to as deliberate if they are allowed to emerge on polling day. It can also be a practical exercise around which to build dialog and trust among the various main actors in the electoral process

early on, which can help carry them through the rough patches that inevitably surface close to polling day.

3. Official candidate nominations. The procedures for official nominations of candidates in Kenya inspire fear in the hearts of even the proverbial strong men, let alone anyone else wishing to stand for office. Official nominations are done by Returning Officers at district headquarters, generally over a four or five hour period between 8:00 am and noon or 1:00 pm on one gazetted day. There have been numerous cases over the years of potential candidates being prevented from reaching the venue for nomination, or obstructed long enough to miss the deadline. There have been many cases of invalidation of papers on the basis of technical faults of no consequence in the papers, sometimes even completely bogus ones. There have been cases once or twice of Returning Officers simply, inexplicably, refusing to accept the papers from a candidate that party headquarters absolutely refused to countenance as a potential office-holder. (Recalling that the nominations until 1992 were for rivals under a single party, which therefore contained within itself the factions that invited central party manipulation for control.)

The official nominations procedures seem designed to afford the maximum opportunity for confusion, frustration of novices, and manipulation. They ought to be revised. Uganda's nominating procedure is far more transparent, comprising a two-day period during which candidates can present their papers to the Returning Officers (at district level) between the hours of 10:00 am and 4:00 pm, and thereby permitting any whose papers are rejected on technical grounds the first day to reappear with their materials in proper order the second. The two-day time period makes the obstruction of candidates from reaching the venue more difficult; in cases of kidnap (which have happened in Kenya, although some have been staged by candidates not wishing it to be obvious to all that they have been bought off to stand down) the police can be notified and measures taken to institute legal proceedings against the nominations if necessary.

The nominations in 1992 were manipulated in some areas, particularly in the Rift Valley, where 17 seats were unopposed and awarded to KANU at the close of the exercise, after major intimidation in some of the constituencies. (The fact that all these constituencies would have been won by KANU anyway led the conspiracy theorists among the observers to assume that there was an ulterior motive -- freeing up that portion of the electorate to move to other areas on polling day to inflate the vote in those constituencies where KANU faced stiff competition.) The nominations were not systematically observed. This was a mistake.

Lesson: The official nominations were a further extension of the

manipulation by administrative officials, at least in some critical areas. They are almost bound to produce frustration if they continue to be held under the same procedures, especially the truncated time period. The donor community should strongly urge the Commission to consider extending the nominations exercise to a two or even three-day affair, and both the resident diplomatic missions and the domestic observer groups should monitor these closely and systematically. This might be an example of an electoral activity which some organization could "specialize" in monitoring, although some redundancy would also be useful.

4. Assistance to Illiterate Voters. This is a main bone of contention from 1992. Not only are there a high number of illiterate voters in the rural areas, albeit regionally variant, there are also a lot of voters who are intimidated into declaring themselves illiterate in order to be able to request assistance and thus to demonstrate to whoever that they were delivering the vote they had promised -- and been paid for! Further, there are those -- women -- who are forced to "become illiterate" in order to allow husbands to command the two votes, whether they like it or not. In 1992, illiterate voters were "assisted" by Presiding Officers, who called the party agents over and had them observe while the PO asked the voter for his/her preference and marked it on the ballot. The secrecy of the ballot was thereby destroyed, although this theoretically prevents the PO from deviating from the voter's choice. The regulations which are a subsidiary part of the National Assembly and Presidential Elections Act specifies this as the legal form of assistance, and this is therefore an area in which parliamentary action is required in order to make the appropriate changes.

Best Practice: The only assistance that is legitimate is for a voter who requires such assistance to bring along a member of the family or trusted friend who can provide it. Further, no person designated by such a voter should be allowed to help two or more voters. No Presiding Officers or assistants, polling clerks, party or candidate's, observers, monitors or civic educators should be allowed to assist voters (except to the extent they are the designated person in a single case), and especially not on a systematic basis. The Kenyan practice of having Presiding Officers assist and party agents observe destroys secrecy of the ballot and plays into the hands of those who use bogus declarations of illiteracy as a way of confirming that voters deliver "bought" votes.

5. Counting at Polling Stations. Transparency of the count is paramount in establishing credibility of elections in the region, which have been manipulated at the counting stage in the past. Counting and reconciliation at the polling station prior to the sealing and movement of any materials is the best practice in the region. The latter is done first, with the box emptied and the

total number of ballots counted and cross-checked against the number of ballots issued, and the number of voters names checked off in the register. Any discrepancies that can't be reconciled through recounting are noted.

Only then does the actual counting take place, preferably in the full view of all the interested parties, including that portion of the electorate that has stayed around to watch. The Ugandan experience involved a quite spontaneous reference by the Presiding Officers in many stations to the electorate to adjudicate spoilt ballots. This sometimes produced odd results but also total ownership of the effort, which was essential in Uganda to re-establish the legitimacy of the electoral process. It would probably run contrary to Kenyan legislation for the assembled electorate to participate, but there is no reason why they should not be able to observe.

Results should then be filled out in multiple copies, preferably on carbon-backed forms that reduce the room for conflicting copies. After that the ballots, a copy of the results, the unused ballots, and the other accountable materials that should stay with the ballots are resealed in the box. Rival party agents witness and attest in writing to the correctness of the procedure. Only then are the boxes moved. A copy of the results remains at the polling station, preferably posted in a public place; another copy is carried to the Returning Officer for the tallying of stations into a constituency total; a copy is sent on to the national headquarters where the final count, announcement and certification of results is done. Finally, copies should be made available to the observers and to party agents, although they might be required to photocopy and share since it becomes unwieldy to produce more than about six copies of a results form.

Best Practice: Counting is done at the polling station and the results are sealed into the box before it moves in addition to being posted locally and forwarded to the Returning Officer under separate cover.

PART III: ESSENTIAL AND FEASIBLE AREAS OF REFORM, AND BENCHMARKS FOR A CREDIBLE ELECTORAL ENVIRONMENT

With the detailed historical background and lessons from it and from other recent regional experience presented above, we can extract key areas in which reform is essential and feasible. These can be set out in the form of benchmarks for a credible electoral environment in the US perspective. The idea is to develop a comprehensive list of these and to make them sufficiently detailed that the Government of Kenya will have a good idea of the degree to which it is meeting these benchmarks

or not. It is advisable that this set of benchmarks be complete and somewhat detailed, rather than adding to it periodically and being too vague and general to be interpreted correctly from the beginning. Additions and recastings during the process give rise to the appearance of inconsistency and confusion, leading the Kenyan government to perceive that we are being disingenuous, disorganized, and/or not very serious.

Another critical issue is how to present these. It may be complicated by the fact that the donors as a group are attempting to reach consensus on such a set of benchmarks, and the idea is for the group to present them jointly and without individual deviation. The Embassy will have to ponder the most useful course of action when the donor set of benchmarks is finalized. The utility of maintaining consensus in this extended group of western donor nations is clear and was one of the main reasons for impact in 1991/92. However, whether consensus will be reached at all, or maintained over an increasingly conflict ridden electoral process, remains a question, especially given the differing interests of some important bilateral donors and the Bretton Woods institutions, with their macroeconomic focus.

It may therefore be the case that donor unanimity cannot be reached or maintained at the level of specificity that would facilitate clear and consistent messages and interpretation. The US needs to have a strategy for taking a clear, consistent and forceful position on the electoral environment as early in the process as possible, without prejudicing the current efforts at developing consensus. One likely strategy would be to issue a press statement on the electoral process at the time of the gazettelement of voter registration, containing the items below (or whatever amended list of benchmarks was felt appropriate), simply making the point that these are important elements in a democratic electoral environment.

This could be followed up through periodic reference to the individual items in public statements by the Ambassador during the normal course of her official functions and invitations to speak, taking care not to vary the points. The consistency of the message is at least as important of the content, although the content also must be thought through sufficiently to prevent us setting out a set of benchmarks so general that the GOK can manufacture loopholes and use them to their advantage.

The following benchmarks are accordingly offered as those most critical to the electoral process in Kenya. They will not please everyone, especially in not referring to several of the elements of the process which constitute water already under the bridge, so to speak -- the composition of the Commission and its independence; and the transparency (or lack thereof) of the demarcation of the 22 new constituencies. These remain strong elements of the NGO position. However, they are not

realistically feasible areas for reform any longer in this electoral cycle, although they clearly should have been addressed and were not, as the IFES report points out. For our purposes, it might be reasonable to continue to allude to the need for an independent Electoral Commission, and to the need for greater transparency in the criteria actually used for particular constituencies newly demarcated, in a democratic electoral process, and simply to indicate that these were not satisfactory.

1. **Registration of voters.** Registration should be open to all eligible voters on the basis of reasonable proof of eligibility, as the latter is conceived by public sentiment and a consensus of the political leadership. Registration should be administratively competent, and controlled to inhibit any significant degree of fraudulent registration, as well as to facilitate appeals and objections to genuine error, omission, or alleged fraud. The appeals process implies a well-publicized and accessible display of the register over the constitutionally-mandated display period.
2. **Registration of parties.** All parties wishing to register to participate in the electoral process should be able to do so and should be required only to comply with the normal requirements of the Societies' Act, i.e. giving names of officials that pinpoint financial responsibility.
3. **Campaign.** Meetings should be automatically permitted, with appropriate notification of the provincial administration being required only to facilitate the provision of security. The provincial administration's main role in the electoral process is to ensure even-handed treatment of contestants in their areas of jurisdiction. It is essential that they demonstrate neutrality with respect to the ruling party, KANU, vis-a-vis rival parties. For this to be the case and be seen to be the case, de-linkage of the provincial administration from KANU is essential.
4. **Candidate selection and nomination.** Party candidate selection processes should be transparent and in accord with party constitutions. Similarly, official candidate nominations should be facilitated by being extended over a two-day period to inhibit manipulation and enhance transparency, permitting candidates to correct technical defects in their papers and eliminating the suspicion that the elections officials act arbitrarily in accepting or rejecting nominations in a foreshortened time period.
5. **Media Access.** Access to the electronic media should be availed on an equal basis, comprising a basic quota of free time and equal access to commercial time. Equal access should be available from the time the campaign really opens,

which is six weeks prior to election day, rather than the three weeks designated as the "official campaign period". News reporting of the campaign should be neutral from its inception, which is considerably before the official campaign period starts.

6. **Publicity and Information Dissemination.** The specific rules and regulations applicable to each aspect of the campaign and the polling process, which are generally contained in the regulatory schedule appended to the National Assembly and Presidential Elections Act, should be made public and widely disseminated by the Elections Commission. Information on registration, register displays, campaign modalities (including licensing), polling station locations, polling procedures (including the appropriate access and rights of observers and monitors), and counting and verification procedures are all essential to the ability of the electorate to make a judgment on the credibility of the election.
7. **Polling Day Procedures.** Kenya has well-crafted and widely known polling day procedures. A few anomalies need to be tackled, however, including the method of assistance to illiterate voters (which eliminates secrecy of the ballot and is not very persuasive in terms of neutrality) and the counting of ballots at the polling station, rather than the movement of boxes from the venue with the ballots uncounted.

It should be clear that the mounting of a credible and competent election in accord with these benchmarks is an effort requiring good faith from many sides. The Elections Commission is critical and must take a forceful role in creating the conditions for a level playing field. Other main actors in the process are the provincial administration, which takes its direction from the Office of the President and ultimately from the President, since it serves as his representatives in the field; the political parties; the Ministry of Information and the electronic media; and observer and monitor groups. The Elections Commission cannot do its job effectively without cooperation and input from each of these.

American Electoral Environment and Practice.

There is one other issue apart from the establishment and public dissemination of a consistent set of electoral benchmarks that we need to consider. That is the need to disseminate information about the American electoral system and procedures, emphasizing both strengths and weaknesses. A typical reaction to donor statements has been to point fingers back at the "offenders" and criticize the flaws in our own systems. The Chairman of the Kenyan Elections Commission did just this in today's newspaper

(March 8, 1997). In some cases the criticisms are accurate and we need to acknowledge that our own systems are less than perfect. In some cases the criticisms are wildly incorrect and we need to correct the factual record. In all cases, it seems to me that a response that is courteous, factual, and indeed even enthusiastic about describing our own systems and the reasons for doing things as we do can further underscore the points we are trying to make about the establishment of a credible electoral environment.

In addition, it might be possible for USIS to bring some expertise on board through a lecture series on election practices in the US, both positive and negative (and I don't think we should shy away from the negative -- for example, the fact that there are probably upwards of a million fraudulent voters on the rolls in California, see attached newspaper clipping -- since American candor is one of our biggest assets in the eyes of ordinary citizens, however it may be perceived by the leadership), as well as our experience with electoral reform.

PART IV: DATA REQUIREMENTS FOR MONITORING THE ELECTORAL PROCESS

A central requirement for useful evaluation of the Kenyan electoral environment is an accurate grounding in fact. Over the past ten years the electoral process has been surrounded by acrimony, rumor, conspiracy theory, innuendo, disinformation and misinformation -- the latter based on ignorance and the former on manipulation. It is unfortunate that this is the environment in which the diplomatic representatives of Kenya's major bilateral donors must make assessments about the legitimacy or otherwise of elections, informing their evaluation of the trend of political liberalisation more broadly and ultimately affecting decisions about development support.

A main criticism of recent efforts at monitoring elections, especially on the part of international observers, has been their lack of historical and regional context. We can only make constructive contributions to improving the electoral environment when we know not just whether it is acceptable or not according to international standards (which is important), but also whether it is improving or deteriorating in terms of previous elections and in comparison with the neighbors who share similar logistical and political problems.

One method for dealing with the need for clear benchmarks and accurate information is to establish a data base containing whatever "hard data" is available. The following material outlines such a data base, the information it would contain, sources of such information, and the types of evaluation that such data would assist in making. The main components are

summarized here. Examples of some of the data that would emerge are included as an Annex.

1. Population figures by constituency.

2. Constituency boundaries and their relationship to administrative units and to the previous boundaries.

3. Voter registrations and electoral out-turns for Kenya's previous elections, by constituency.

From these three types of information we can derive **eligible voter cohort, by constituency -- those 18 or over**. In theory, accurate constituency-level population statistics would allow us to derive the eligible voter cohort. This is a critical issue in establishing the fairness of the election overall. Both domestic and international observers pointed to some evidence that many individuals eligible to register had not been able to do so, in 1992, and it was the major allegation by the opposition that led them to judge the elections as fatally flawed.

However, there has been only fairly unpersuasive evidence presented by those alleging massive disenfranchisement in 1992, and no clear indication of whether the disenfranchisement was selective or systematic. Many argue it was selective, limited to the areas of opposition strength of inter-ethnic political rivalry, ie. the Rift Valley, while other say it was systematic; that is, was fairly widespread and targeted primarily at 18-22 year olds -- those who would not have had a chance to register on turning 18, the last voter registration having been done for the 1988 election -- because they are perceived as largely anti-government. There is no real evidence for this last contention either.

The political parties opposing KANU did present the argument that registration rates were fairly low, and that this could be presumed to be a function of deliberate disenfranchisement. No statistics are or were available as to who was registered and who not, however, so it is not possible on the basis of aggregate statistics to test the thesis that youths were targeted. With respect to selectivity by region, data are available for Kenya's previous elections and indicate some quite low registrations in 1992 compared with the past, but these are at least as frequent in "KANU zones" as in areas of opposition party strength. The overall patterns of registration are remarkably similar throughout Kenya's electoral history.

In interpreting calculations for the eligible voter cohort such as those presented in the data annexes, it has to be kept in mind that voters can register in any one of four places, so there is

no necessary one-to-one correlation between eligible voter cohort and registered voters. However, in those cases where there is a major degree of over-registration, or the reverse -- or where the registration rate varies significantly from historical patterns -- this information provides us with a clue to the areas where there may be fraudulent registrations or obstruction of eligible voters, and which are therefore most in need of attention in election monitoring. This is how the calculations were used in 1992. Adding the historical registration patterns will increase the power of this index of credibility.

From a careful consideration of the alterations in constituency boundaries, taken together with the population estimate per constituency, we can also make some judgments about the degree to which constituencies appear to have been manipulated to create "safe" seats for parties or individuals, or to dilute the strength of historical voting blocs. Gerrymandering is a peculiarly American phenomenon and has characterised American elections far more than African ones. There are major allegations that Kenya's constituency boundaries have been manipulated to serve the interests of the governing party, however.

To evaluate this allegation we would need data on the present constituency boundaries (including the newly-created constituencies and those amended in order to create them) related on a one-to-one basis with administrative boundaries and census enumeration units. From such data we can determine whether the old constituencies have been significantly altered to remove areas that voted differently from the areas that are retained, as well as whether the newly-created constituencies are concentrated in areas known to be favorable to one or more of the parties rather than equitably distributed. [The Kenyan DG adviser has already done a preliminary analysis along these lines.] Some evidence on the variance in representative strength across the provinces, as well as the impact of the new constituencies, is presented in the annex. A fuller exploration of the issue with respect to the 22 new constituencies will be done from the data and calculations now available in the database subsequent to the submission of this final report.

4. KANU nominations procedures in previous elections, and the nominations procedures of the other parties which emerged with the advent of multi-party politics in 1992.

5. Evaluations of previous nominations processes, both technical and political.

From this information we can assess the transparency of party nominations. Democratic elections require not just fair electoral procedures but clear and open candidate selection procedures in which the electorate has a major role. Party candidate selections were a real shambles in 1992. They are

likely to be so again for several of the parties, although FORD-K and KANU are presently trying to get their houses in order so as to be able to implement more creditable nominations processes than they did previously. Historically, KANU nominations have been manipulated by the central party apparatus in those constituencies whose incumbents were considered crucial to the regime's coalition-maintenance strategy. FORD-K's nominations in 1992 were characterised by some of the same manipulations. DP's were also not particularly transparent. Only FORD-A made an effort at accountability in candidate selection, which may have contributed to the surprising strength of FORD-A in areas which other parties were thought to have considerable strength. The contribution of multi-party politics and elections to democratization rests at least in part on the degree to which candidate selection processes are at least transparent, and ideally are democratic. In this respect, the entire exercise of "multi-party" politics in 1992 went badly off the track on this critical issue.

One of the valuable by-products of even so flawed a "multi-party" electoral environment as Kenya produced in 1992 is that the potential for opposition victories pushes the ruling party to manage its nominating process more responsibly, more "democratically" -- i.e., needing to choose the strongest, most popular nominee to carry the day should increase the leverage of the party rank and file and decrease the role of party headquarters. That is, competition between parties, even where it is between unequals with one party likely to capture the lion's share of the seats -- as may well be the case with KANU in 1997 -- enforces some degree of accountability on the majority party and forces it to take greater account of popular opinion in candidate selection. For this tendency to emerge in any significant degree, the "opposition" needs to behave responsibly as well, with maximum collaboration to pose a serious competitive challenge, rather than with inter-party squabbles that push the ruling party to rely on Machiavellian manipulation, which in turn tends to create dissension and factionalism in the ruling party branches.

There was some evidence of both tendencies in 1992, varying by region and salience to KANU's electoral strategy. This issue deserves much closer attention in 1997 to provide a more nuanced evaluation of the impact of multi-party politics on democratization. It will be very difficult to get the information we need, since the party constitutions are mostly in the process of being revised specifically in the matter of candidate selection processes. This is an area to which the media will devote considerable attention which we might supplement through any contacts the American party-affiliate NGOs establish.

6. Legislation controlling the electoral process.

7. Functions, resources, strategies and constraints of the Elections Commission.

These pieces of information are critical in assessing the credibility of the electoral administration, which in turn becomes an issue when errors become the subject of allegations of rigging. The defense made is frequently that the errors are part of the legal code, which the Commission has no control over. Having a thorough grounding in the relevant legislation, and in the structure and modus operandi of the Commission will permit us to gauge the degree to which the election legislation, rules, regulations and the composition and functioning of the Electoral Commission permit or obstruct a "level playing field". There is considerable opinion on the legal environment surrounding elections in Kenya, to the effect that it permits, although it does not necessitate, administrative action that tilts the playing field decisively in favor of the ruling party and against other parties.

The main issues in this area are: the composition of the Electoral Commission -- specifically its appointment by the President, who is the leader of the ruling party, and who also controls the composition of any appeals tribunal called in case he desires to repeal an appointment to the Commission; the use of the Public Order act, requiring the licensing by the provincial administration of public meetings, in discriminatory fashion; the use of the Outlying Districts and Protected Areas Acts to prohibit national party representatives from visiting strategic areas to campaign; and the locus of the initiative for sanctions in case of violation of the regulations of the National Assembly and Presidential Elections Act, which prohibits the use of government resources for campaigning -- a major issue in 1992 and one which clearly brought out the Electoral Commission's very narrow, passive construction of its mandate.

Electoral legislation is relatively easy to acquire. Much of it is in hand, although it is not always easy to determine what is the most recent version of these:

- the Constitution (Sections 32, 41, 42, 42A and 43);
- the Registration of Persons Act (Cap. 107); 1988
- the National Assembly and Presidential Elections Act (Cap. 7); have 1983 version, need to acquire 1992
- the Election Offences Act (not acquired yet)
- the Public Order Act (Cap. 56); revisions after 1972?
- the Chief's Authority Act (Cap. 128); 1988
- the Preservation of Public Security Act (Cap. 57); 1987
- the Outlying Districts Act (Cap. 104); revisions after 1980?
- the Special Districts (Administration) Act (Cap. 105);

- 1980; further revisions?
- the Books and Newspapers Act (Cap. 111); 1980; revisions?
 - the Keya Broadcasting Corporation Act (Cap.
 - the Protected Areas Act (Cap. 204); 1980
 - the Societies Act (Cap. 108); there are numerous amendments and revisions after 1970, culminating in the NGO Act (1992)

Ideally, in addition to the legislation and regulations on all aspects of the electoral process, the data base should contain information on historic court cases and judgments which serve as precedent in case of challenges. Further, the legislative environment and legal precedents need to be put through the filter of popular views of the "level playing field".

It was the consultant's opinion that there were significant differences in perspective between the donor community and the Kenyan electorate over what the critical aspects of a level playing field were in 1992. For donors the biases in media access were critical; less so for Kenyans, who get their information from other sources than the media. For Kenyans, on the other hand, the profligate use of money to buy votes and candidates were completely outrageous and de-legitimizing, as was the fact of KANU's capitalizing on the advantages of incumbency in organizing campaign functions; while for westerners the use of money, and the advantages of incumbency, are among the least appealing but realistically most inevitable elements of elections.

While it is certainly legitimate for us to use a different calculus in evaluating the levelness of the playing field, we need to be aware of the grounds on which domestic evaluations will be made. Overall, the tendency was for the Kenyan electorate, and especially the majority of it that voted for "opposition" candidates, to consider the requirements for a free and fair election as far more stringent than western donor representatives felt was realistic, even with respect to our own electoral systems.

8. Campaign modalities -- ie., what is permitted and not permitted, as well as evaluations of previous campaigns.

The National Assembly and Presidential Elections Act in its most current form is the source of much of this, together with the domestic monitors' assessments of the 1992 campaigns and more recent by-elections. We need to know what is actually legally mandated or prohibited before judging whether the process is being fairly administered, enforced, or manipulated. Knowing the accepted procedures will allow us to judge the degree of bias in the enforcement and the degree to which clear violations are

occurring. The more difficult job will be devising an adequate systematic monitoring of the campaign once underway, but it certainly cannot be done without fairly detailed understanding of what is permitted.

9. Party recruitment and support patterns -- areas of strength and weakness, distribution of parliamentary and civic seats held, and party membership figures, distribution of party offices.

10. By-elections in the recent five-year period -- causes, outcomes, evaluation of observers.

The outturn of the 1992 elections and the subsequent by-elections should permit a more detailed assessment of the likely outturn in 1997. One of the most discouraging aspects of the 1992 exercise was the almost complete lack of realistic ability on the part of the electorate to predict the outcome, which led to the shock and disappointment experienced by much of it, and the wholesale rejection of the results as "rigged" without much attention to reality. (I am referring to strong feelings about election-day rigging via ballot manipulation and not the tilting of the playing field throughout the campaign, which all observers pointed to as having biased the results.)

Donors were equally unaware. Several analysts provided political background data which suggested the rough outlines of the eventual outcome. These were roundly discounted by major elements of the opposition political elite and those donors who were most committed to this elite. There is significantly more realism on the part of the thinking portion of the opposition leadership at present, although it may well evaporate in the heat of the moment when the campaigns get underway.

However, in addition to the outturn of the 1992 election, which is quite accessible both in raw form and in several analytic formats, the historical patterns of Kenyan electoral politics would provide useful context in which to predict and interpret this one. It was clear that the 1992 out-turn was not so terribly discrepant from previous contests, albeit the latter took place within the single party rather than across party lines -- but with many, many of the same faces contesting the essentially the same seats they'd contested and sat in under the one-party regime. Accurate prediction is essential to sensible interpretation of the significance of the results. The consultant has much of the previous electoral data and will supply it and systematize it during the next phase of this consulting task.

11. Funding of the electoral process, both in terms of administration and of campaign expenses.

This information would help in addressing an issue which took the

donor community by surprise in 1992, i.e. the massive and irregular expenditure on the campaign by the government, outside the actual expenditure on electoral administration. Information on financing would assist us in assessing the degree to which aspects of the electoral process are being manipulated by expenditure of funds which are not transparent, serve to delegitimize the process, or ultimately to contribute to macro-economic destabilization. The wholesale inflation that occurred immediately after the 1992 election and the subsequent surfacing of the Goldenberg saga are one of the sorriest aspects of Kenyan electoral history.

Kenyan voters feelings about politics and money are complex, with a "love-hate" relationship on the role of money in electoral contests. This is an issue that is very close to the bone in respect of the degree to which the electorate sees elections as legitimate or fraudulent. We need to be able to follow the potential sources of illicit campaign finance, as well as the incidence of local level vote-buying and selling. One aspect of the latter in 1992 was the sale of voters' cards, with the general principle being that cards were sold for money and then destroyed (not used by impersonators, although that could also have occurred in some areas). The overall effect was to reduce support for candidates and reduce the overall turnout.

The Elections Commission Chairman attempted to deal with this by permitting new voters' cards to be issued if the individual could present a convincing case about having lost it, had it stolen, had it destroyed in some domestic accident, etc. The idea was to wink a bit at these justifications and let those who had sold the things apply for new ones, permitting the Commission to tell those who had "bought" them that they had wasted their money, since the same voters were being facilitated to regain their voting rights. Nonetheless, in areas where turnouts were significantly below historical levels (and this will be part of the subsequent data analysis) the phenomenon of selling of voters' cards is probably a major contributor.

Other resource-related aspects of the campaign are also important, particularly the degree to which the national budget allocation process is "bent" to the purposes of the ruling party, and the degree to which famine relief food and its distribution is manipulated (or disinformation about it is circulated, which also occurred in some cases in 1992.)

12. Voter awareness of electoral procedures and of the wider context of electoral politics in Kenya.

13. Regional (or even constituency-level) statistics with respect to spoiled ballots.

Information on voter awareness, including surveys of knowledge on

polling procedures, together with information on the distribution of rejected ballots from 1992, will help indicate the degree of voter understanding of electoral procedures, need for assistance, and scope for manipulation through lack of voter education. This can be very roughly indicated in part by spoiled ballot data, but the issue of assistance to illiterates is also a critical one. Voter education was little and late in 1992 and there were allegations of serious manipulation of illiterate voters.

This is a vexed issue, which has been significant in Uganda as well. One problem is that it is not just illiteracy and ignorance that are at play here. Illiterates were manipulated in 1992 by the legal regulation in the Elections Act requiring that all the assembled candidates' agents witness the marking of the ballot by the Presiding Officer, nominally to prevent their being taken advantage of. This destroys secrecy of the ballot. In Uganda, after there were numerous complaints along these lines during the CA election (1994), the Electoral Commission decided that individuals would only be allowed to be assisted by a relative or person of their choice -- no officials were allowed to be involved.

Even here there are difficult issues, however. This means that women are most often required to choose their husbands to assist. Given the significant divergence in political opinion in Uganda across the gender divide (women being considerably more pro-NRM than men in areas of opposition strength), it could have had significant impact on the results. Since women are a slight majority of the electorate (albeit we do not have gender-disaggregated statistics on turnout, to my knowledge), and since rural women are significantly more likely to be illiterate, this makes them a target group for manipulation -- and therefore a target group for voter education so that as many as possible can resist the pressure to present themselves as illiterate.

14. Legislation pertaining to the media in its relationship to the electoral process, as well as an assessment of the performance of the media in previous elections.

We need to have a clear understanding of the jurisdiction of the various parties, especially in government, with respect to the granting of media time and coverage, the authority to exercise or delegate editorial control, the realistic costs of commercial space in both the electronic and the print media. We have worked with one NGO which might be useful here, AFIP, and USIS is clearly the lead organization in-house on media issues, which are not as simple and straightforward as the typical statement about "equal access to the media" leads one to believe. The Elections Commission's authority in this area is particularly murky and is likely to be constrained by the legal framework, which makes it doubly important that we understand the law and the relevant

recent interpretations of it.

15. Electoral procedures with respect to ballots, boxes, observation, the counting and verification processes, and announcement of results.

16. Numbers and grounds for election petitions in the post-election period, as well as judgments.

This information, which the Political Section in the Embassy already has a fairly extensive working knowledge of from the observation of recent by-elections, is essential in being able to gauge the transparency of polling day activities. There are a myriad of procedures and details that contribute to the credibility of polling. In order to evaluate the exercise we need to have a systematic understanding of what is supposed to transpire with respect to:

- Security of materials before, during and after polling
- Security of the polling stations
- Layout of the polling stations, particularly with respect to the siting and operation of observers, the protection of secrecy of the ballot marking process, and the security of the boxes -- i.e. the way in which accountability for their movement is maintained
- Assistance to illiterate and disabled voters
- Opening and closing procedures
- Control of the issuance of ballots
- Movement of boxes to counting centers and counting and reconciliation of ballots (it is strongly recommended that ballots be counted at the polling station. Kenya's Electoral Commission resists this on the grounds that there is a potential for violence and for the hijacking of ballot boxes during or after the count, particularly in Nyanza.)
- Announcement of results
- Petition process in case of disputed counts or complaints of irregularity during the campaigning or polling

While these details relate primarily to election day, which should be viewed as only the final stage of the process, it has been argued above that the competence or incompetence of the administration of the election will inevitably be incorporated into the perceptions of the Kenyan electorate of its fairness. Maladministration is widely perceived as deliberate; just as illness is widely perceived as caused by witchcraft or moral transgression. The Elections Commission will not be given the benefit of the doubt. In order to reach a balanced view of whether errors are manipulative or a matter of inadequate logistics or training, we need to understand precisely what it is

that is supposed to happen, and then to capture as much on polling day from both the resident diplomatic observers and the domestic monitors as we can.

SUMMARY

The US Mission is in a position to contribute to the development of a more accurate and realistic assessment of the electoral process in Kenya. By moving away from an election-day emphasis and the simplistic "free and fair" appellation, toward a nuanced evaluation of the entire electoral process and environment, we can assist the Kenyan electorate to develop its own more realistic expectations and evaluation. This is essential to Kenya in moving away from the current unproductive bipolar political context, the "we" vs. "they" atmosphere that poisons efforts to build tolerance, consensus on basics, and ultimately legitimate, democratic, peaceful transfer of power.

The US can only do this effectively if it draws whatever lessons can be learned from the 1992 experience, particularly with respect to maintaining a consistent donor position; develops a fairly comprehensive set of benchmarks that really convey, in the Kenyan context, what the US believes to be essential to a credible and democratic election; and systematically gathers the information during the whole course of the campaign that will permit a balanced, confident and forthright bilateral position to be maintained. The latter requires a monitoring effort, which should involve collaboration with other donors and with the domestic monitoring bodies (whom we should consider assisting with funding), which is further discussed in an annex to this report. It also requires the systematic collection and maintenance of electoral data such as is outlined above, which the consultant has begun.

Pursuing this strategy will facilitate accurate reporting back to Washington, which is critical in an election period. It will facilitate the maintenance of donor consensus and consistency, lacking which the donor community has little chance of making much of an impact on Kenya's electoral environment. Finally, it will facilitate a consistent, factually-grounded statement of position that can inform the domestic civil society organizations. Where our positions agree with theirs, they will have the moral support they traditionally seek from the western democracies. Where our positions diverge from theirs, if they are consistent and well-considered they may provide food for thought in the monumental task of reducing the polarization which so bedevils Kenya's politics.

ANNEX ONE

TIME LINE/TIMING ISSUES

Election Schedule

It is advantageous if we can anticipate the electoral schedule so as to plan monitoring activities sufficiently in advance to do a systematic job of collecting and using the information we want. It will also help us to get an idea of what the NGOs can realistically manage so that we can tailor our support accordingly. The following timing considerations are presented for this reason. They should not be taken as a substitute for periodic liaison with the Electoral Commission to try and gauge the real timetable as it emerges. It is also probably counterproductive to try and fine-tune this estimation much beyond this. A great deal of time went into the preliminary time-line development by the donors in 1992, but it missed critical elements with respect to things that could go on simultaneously while over-complicating the interpretation of legal requirements, and so served little or no purpose.

Main Components.

The main components of the elections schedule are the registration process, the dissolution and gazettelement of dates for nominations for the presidential and parliamentary elections, the nominations themselves, the gazettelement of election date(s), and the elections themselves. These are all controlled by the National Assembly and Presidential Elections Act and/or the Constitution, and fairly accurate time projections can be made from these. The one complication is the possible computerization of the voters' register, which would significantly lengthen the time needed to prepare the register beyond the statutory minimum.

Registration. Preparation of a register by the standard manual method should take approximately 2 & 1/2 months, i.e. about 11 weeks. The legislation specifies that the registration period must be no less than thirty days. This has routinely been interpreted to mean that the registration period should be thirty days. In 1992 it was extended ten days because of the low turnout (a function in part of an opposition boycott that was called off) but all appeals to extend it further fell on deaf ears. A thirty day period can be assumed even if the decision to computerize the register is made, since the initial stage will be basically the same activity in either case.

There then follows a period for display, a period for objection and appeal in case of errors detected during inspection of the display, and a period for correction of the register based on the decisions on appeals. These are each compressed into around two weeks, making around six in total. Adding in a week of slippage, the total for the whole of the registration effort works out to about 11 weeks, at a minimum -- and in the past this has been roughly accurate.

Computerizing the register complicates and lengthens the schedule. The IFES document seems to suggest that 3 months might be the minimum time needed for data entry for a preliminary register. The Ugandan computerization effort took closer to ten months, although the bulk of the initial work extended over around six months. If we assume that

the preparation of the computerized roll could begin simultaneously with the field phase of registration, lagged by about two weeks, then the estimate realistically becomes between 3½ and 6½ months for the register preparation. Only if the Commission decides that the time is not enough to permit computerization and that this should be shelved for after these elections can we realistically anticipate a shorter time than this, reverting to the 2½ months estimate that has been standard for manual preparation.

Dissolution of parliament/gazettement of nominations. Legally the date for nominations for parliamentary contests cannot be less than 21 days after the date of gazettement. Because the nominations require that candidates be eligible voters and demonstrably eligible voters support each candidature, it is not possible for the nominations to precede the finalization of registration. It would, in theory, be possible for the nominations to take place immediately -- i.e., a day or two -- after the finalization of the register, and thus for the gazettement to be done about 18 days before the close of registration, if foreshortening the time was felt to be essential. In practice this is not done and it is safe to assume that the nominations could be, at the earliest, 21 days after the finalization of the register.

Campaign period. Campaigning is mandated legislatively to last no less than a further 21 days. This too has in practice been interpreted as the normal period rather than as an extendable minimum. Three weeks, it should be noted, is a very short period, only about half of what was available for the parliamentary campaigns in Uganda. It seems inadequate, but since it favors incumbents it is quite likely to remain the rule.

We thus have two 21 day periods which must run consecutively, and which are not in practice allowed to overlap the end of the registration period. This gives a further 42 days, or six weeks, to add to the estimation of the registration period. To recapitulate the latter, it is either 2½ months minimum if manual (plus 6 weeks, for a total of 17-18 weeks); 3½ months minimum if we assume heroic productivity on a computerized register (plus 6 weeks, for a total of 21-22 weeks); or up to around 6½ months assuming a more normal level of productivity for a computerization (plus 6 weeks, for a total of around 34 weeks).

Implications for the timing of Election Day. Given that we are now half way through March with no sign of voter registration beginning, April 1 seems like the earliest that could happen. With a manual registration beginning on April 1, election day could happen no earlier than around August 1. (August 1 is an inauspicious time to hold any national event because of the lingering ghosts of the abortive coup attempt in 1982.) September would be the earliest an election based on a computerized register could occur (and that only under extremely unrealistic assumptions.) Sometime between mid-October and mid-December are far more reasonable estimates for an election date on the basis of a computerized register (and even that in my opinion is wildly optimistic -- which means that I think the decision to revert to a manual register may have to be made, which would then put us back into the position of a potentially earlier

election.) Further speculation on the date is simply unwarranted by the facts at hand and should await progress on the acquisition of technical assistance for a computerization, a decision not to computerize for this election, or amendment of the electoral legislation with respect to the timing issues between dissolution, nominations, and election day.

One other issue, which has turned into a non-issue, is the budget. There is no possibility of an election taking place before the budget is presented, which is supposed to be mid-June. However, that would clearly be logistically and legally impossible anyway given the time implications of the registration process. Further, funding for the election must be adequate and approved by parliament, which suggests that it will be in the FY 97/98 budget. Parliament will then be discussing and approving the budget in July (and generally into August?), so Parliament cannot be dissolved until sometime after that point. But that was looking like a foregone conclusion anyway.

Implications for Monitoring.

If this is an accurate estimation of the time range within which an election could realistically be mounted, it has implications for our strategy to observe and to support domestic monitoring.

1. Registration will be a relatively reasonable time period and will afford opportunity for observation along the lines we have been discussing. After that time, everything begins to be telescoped into a very short time period, such that it will be difficult to stay on top of all the things we might want to unless we do the same sort of in-house specialization I was suggesting that we support among the NGOs.

2. Party nominations. E.g., the party nominations process will take place in a rush near the time of the official nomination day, unless the parties are very much more organized than I am aware. We need to plan now for some level of observation of those, probably by focusing on the four or five main parties, establishing a sub-group on party relations, and having them establish rapport with the party officials responsible for nominating procedures.

3. Official nominations. This will be notified in time to make a plan but the fact that it is likely to be a one-day affair means we need to be thinking about a coverage strategy as soon as practicable. The criteria that will guide us in choosing targets for observation include: largest constituencies/districts; regional balance; "hot spots" on the basis of the incidents logged during the registration effort, including anomalies in the registration rate (high and low); "no-go" zones where candidatures are expected to be obstructed (Rift Valley and Nyanza are obvious, but parts of Western could also feature).

4. Campaign period. If the campaign is three weeks, one trip per team is all we're going to be able to mount. Having a defensible strategy will be equally important here as for the nominations, although the

teams can be staggered over the three weeks. Equally important might be a media monitoring effort, a detailed news summary and analysis, and an intensive effort at liaison with party spokespersons.

Assisting the NGO/church Monitoring Effort

It will be doubly important, if the time periods for the actual campaign are as anticipated, for the NGOs wishing to do monitoring -- and on whom we will rely for the comprehensive side of coverage -- to understand the implications of the timeline. This is difficult. They have little experience in detailed logistical planning. On the other hand, since they tend to plan on an exaggeratedly "ad hoc" manner, it is perhaps not going to be so different from their norm. However, we assisted last time in giving them some clues about how to prioritize areas to monitor (geographically). If we could also supply some technical assistance via an American NGO on the logistical side of mounting comprehensive data capture, analysis, and presentation, this would be very useful, both to them and to us.

ANNEX TWO

**A STRATEGY FOR
RESIDENT DIPLOMATIC OBSERVATION**

Observing Kenya's 1997/8 Elections

I. Introduction

Elections observation in the "newly liberalising" world became a growth industry in the early 1990s. International observers began to be *de riguer* in the explosion of elections that heralded the demise of the eastern bloc, the cold war, and the detente that had allowed authoritarian regimes to survive for over three decades. Many of these were individuals with some experience of elections in western democracies, either as elections officials with technical skills or politicians who had vied for office. Many of them, on the other hand, were neither. Most were fairly naive about the political environment in which they were called to observe a snapshot in time, a national election.

Considerable disquiet developed as international observers were seen to focus unduly on the final stage of the electoral process rather than the whole of it. Observers, for their part, came under serious pressure to declare an electoral event either "free and fair" or not, despite their own inclinations to convey a far more nuanced evaluation. The combination of inadequate time and of statements truncated both by time pressure and by the effects of newspaper space virtually guaranteed that many of the evaluations were superficial, in some cases missing major elements of either the campaign or the post-election period that would have put a significantly different coloring on the outcome. Yet frequently a significant amount of foreign assistance was riding on these assessments.

The present consensus is that a more comprehensive assessment of the elections which have such impact on aid levels requires a sustained effort over the months preceding each election. The emphasis is increasingly on the continuity and depth of the observation rather than the numbers of observers. The era of the flotilla approach to observation has ended. A combination of resident diplomatic mission observers and domestic monitoring efforts appears to offer a more productive approach. Resident diplomatic observers are important since the reliability of domestic monitors is not fully established and the criteria they employ may not be completely consistent with western values. However, domestic monitors are also increasingly important for the comprehensiveness they can supply once reliable organizational skills are developed.

Uganda offers an example of a cost-effective observation effort based on these two components. This paper summarizes the resident US diplomatic observation mounted in 1996 for the presidential and parliamentary elections.

II. Genesis of the Idea

Constituent Assembly Elections. Uganda's US mission observation effort derives from several different precedents. USAID saw these Ugandan elections to the Constituent Assembly (CA) that would formulate a new constitution to be a critical event in the evolution of a democratic political culture. The then-DG officer had been using informal field surveys to test popular political opinion for two years prior to the launching of the electoral effort, and decided to continue it on a more systematic basis and to involve others in the Mission. Consequently, four or five teams were composed from those who expressed interest, primarily among the American direct hire staff complemented by drivers. The teams attempted to make three or four trips out to their designated areas in the months prior to the CA election. The purpose was to observe electoral events but also to get a sense of what people thought about it -- what was the ordinary Ugandan citizen's view of the process.

This effort culminated in the observation of the CA election itself, by both the US teams and other resident diplomatic mission teams, loosely and informally coordinated by the US DG officer. The diplomatic observer group refrained from full participation in the International Observer group coordinated by the UN, although it pooled information with it. The idea was that there was a valid reason for maintaining some distance between the resident diplomats, with their prejudgments (based on having observed the whole period of the campaign), and the 50-60 International Observers who came to the polling day observation with no Ugandan political baggage, so to speak, but hopefully with some technical expertise on elections.

Kenya's 1992 Elections. Another component of the Ugandan elections observation in 1996 was the Kenyan electoral experience in 1992 and the posting of the new US Ambassador, Michael Southwick, to Uganda in mid-1994, shortly after the CA election. Southwick had been DCM in Kenya during the turmoil of the 1992 election here. Then-Ambassador Smith Hempstone had insisted on mounting a resident diplomatic observer effort from the combined forces of the Embassy and AID. Southwick brought this experience to Uganda. In both this effort and the Ugandan CA election, however, the observer teams were almost wholly Americans. FSNs were not actively sought, except where a team decided that it wanted some local expertise, and then we primarily sought a driver from the area. The 1992 Kenyan effort was almost wholly directed at polling day itself, although the teams were encouraged to travel out to their areas once prior to the election to familiarize themselves with the terrain and the political issues.

The 1996 US mission effort in Uganda started off with these two precedents and an Ambassador who felt strongly, along with

the growing view in the professional field of elections monitoring, that more in-depth coverage by those with some real understanding of the local political situation was essential to providing an accurate reading of the significance of the election.

In part, the US DG adviser felt this was essential since there were so many more uncertainties and ambiguities in the Ugandan case -- the politics were much less well-understood by the mission, no election had been held since 1980 (whereas Kenya has them like clockwork, whether they're credible or not), civil society groups and other Ugandan "partners" were fewer and farther between than was the case for Kenya. Ultimately, the US mission constructed its observer teams from both American and interested FSN staff, with the latter providing about 3/4 of the participants. The recruitment, deployment and problems encountered are discussed further below.

III. Other Resident Diplomatic Observers and the International Observers.

A brief word about the overall resident diplomatic observation and the inevitable international observers is in order. No mission can cover the country. While the largest missions, like the US and the High Commission, can generally get to many of the "hot spots" and a few other areas randomly, the smaller diplomatic missions generally want to combine elections observation efforts with their other interests, primarily aid projects. The coordination of resident missions through an informal sharing of information about deployment of observers is useful.

Sharing the information gathered is also important. In Kenya in 1992 it was one of the functions of the DDDG. In Uganda it was accomplished easily through a few meetings of the interested missions, although this involved only the polling day efforts.

International observation also complicated the situation. There was a quite small international observer effort in Uganda in both 1994 and 1996, compared with Kenya, Malawi, Tanzania, or especially South Africa in recent years. The resident diplomats therefore provided a valuable complement to the efforts of these international observers, of whom 13-16 were Americans in both cases (e.g., around 25%). However, the coordination of the international observers, which is generally done by the UN -- either the UNEAU seconding elections experts to the country, or by the resident UNDP mission -- also presents some issues. In Uganda, the UN coordination team was quite appalled at the idea that Ugandans would be participating in the international observation debriefing, and ultimately refused permission for Ugandans to attend the session. Since the US mission efforts

relied heavily on mixed teams, this resulted in a separate debriefing in the mission.

The American resident diplomats were able to attend the international observer session and to serve as a link between the in-house generated information and the direction in which the international observer teams were going in their post-election conclusions. Ultimately, it became clear that the politics of international observer teams and the fact that they have been "burned" so many times recently means that their final statements are a resort to the lowest common denominator, which is fairly unpersuasive. The resident US mission evaluation was more nuanced and detailed and served US reporting needs far better than the joint international observer group.

IV. Approach to the 1996 Elections

The approach to observing the 1996 elections in Uganda provides a fairly comprehensive and systematic template for a similar effort for Kenya's forthcoming elections. The following activities and principles are recommended.

1. Above all, it is important to monitor all significant elements of the process. These are discussed below. For Kenya the boundaries demarcation, which is a significant issue, is already accomplished fact. The process of issuing new IDs, while not strictly a component of the electoral process, promises to be equally significant. If at all possible the mission should deploy a handful of teams to observe the ID issuance process, although this will require consideration of the permissions that might have to be sought since the ID process is under the control of the Registrar of Persons through the Provincial Administration. Elements of the electoral process per se should require only information to the Foreign Ministry and the Electoral Commission to acquire appropriate credentials, which should be begun immediately.
2. Use of FSNs to the maximum degree feasible is recommended, in the areas from which they come, in order to capture both language and political background advantages. The original intent in Uganda was to involve only very senior FSNs and always to send them with an American as team leader. However it became clear that there was both massive interest in the whole exercise on the part of the FSNs and a lack of willing and available Americans to travel out on a systematic basis. Consequently, two or three teams ultimately were composed with a senior Ugandan professional as team leader. No negative repercussions of this decision are known to the consultant and it did permit fuller coverage than we would otherwise have had.

3. Send people back consistently to the same areas where possible, unless some comparative experience is clearly important. (The point of the debriefings is to provide the comparative experience; there is a real value to having teams who begin to know the local administration, the local candidates, the local monitors, the local newspaper stringers, etc.) There is an inevitable set of "development tourism" issues here. The Americans all want to visit several different areas -- places they haven't been before, (and generally know little about), preferably with some attractive tourist destination attached, allowing them to travel on the weekend and combine business with pleasure. Despite my misgivings, this was the only way we could get any observer teams in Karamoja.

As for the FSNs, they like the trips out for many reasons, including financial. In Uganda they were also interested to see parts of the country they had never been to -- thereby negating the whole point, which was to have them as sources of local language skills and political expertise. Almost without exception we resisted this latter request, with the sole exception to my knowledge of one young woman who managed to convince the writer that she was from the eastern part of the country without actually saying so, and who was thus invited to join the eastern team. In the final analysis, she proved to be an extremely intelligent, thoughtful and observant team member, a real asset.

4. Develop a pre-trip briefing for each of the significant elements of the process so that everyone knows what to look for. **This is very important** if a systematic picture, possibly even quantifiable, is to be generated. In Uganda we put together between three and five pages of briefing material for each significant event in the electoral process and held a one and a half hour session to run through the material and to give people an overall sense of what the purpose of the trip was. Sometimes the trip was meant to serve more than one purpose -- providing information for Embassy reporting, providing feedback to the domestic monitoring groups about their field efforts and needs, and briefing the Elections Commission on any problems we saw and possible ways of addressing them. Briefing materials are discussed further below and the Ugandan materials appear as Annex Four.
5. Do a post-event de-briefing after those discreet events for which it makes sense, i.e. the display of the registers, the nominations, polling day. If possible, at least once the Ambassador should attend and every team should report. We discovered that this had a strong value in convincing the teams of the importance of what they were doing, although we also discovered the need to brief the FSNs (and many of the

Americans!) on how to present concisely in in a thematic rather than a chronological manner.

6. Generate a **simple** polling day format consisting of one page and do a simple, clear statistical summary from these in order to capture quantitative data, which is more persuasive than simple narrative. Considerable experience over the past five years suggests that a one page format of the multiple choice/check off variety, with no more than one or two items requiring narrative responses, is the only thing that: 1) is possible to manipulate statistically and turn into a quantification in the period of time relevant to most electoral events 2) will be filled out by most observers with any degree of reliability. More than **two pages** will simply not be completed or summarized in any useful fashion.

V. Recruitment of Participants

Kenya's mission may be similar to Uganda's, having fewer Americans than Kenyans who are interested in participating in observation, or the configuration may be very different. One constant is the number of vehicles that can be made available for trips to observe electoral events. The coordinator of the effort -- whether the DG Adviser in USAID or the Political Office in the Embassy -- might first establish a baseline in terms of the maximum number of vehicles that could be out at any one time. It is not the case that most of the events require simultaneous observation -- only polling day and the nominations do -- but the pressure that will be put on the motorpool needs to be thought through and a clear understanding reached about who in the motorpool will take charge of assigning vehicles and drivers to specific teams and areas.

The observation effort should rely on volunteers from both the American staff and FSNs but it may be useful to "advertise" it in as attractive terms as possible at first in order to attract enough people. Most important is to field teams in all the major areas -- and not just the hot spots, although these are obviously important for the purposes of gathering information needed for cables. Ugandan teams ultimately were comprised of: one American (occasionally two); one senior Ugandan FSN, generally a professional; one junior Ugandan, from the clerical or secretarial staff; and a driver.

A major issue arose over the need to send the same drivers as members of the "team" over and over again. This violates the rotations normally used in providing drivers with field trip opportunity. It was felt important to have the teams stable; further, the drivers who chose to participate were all madly enthusiastic about the exercise and took pains to attend the briefings, understand the procedures, and be active observers in the field. In one case, a driver was sent out to be "team

leader" for a full day immediately after coming off a night shift "duty driver" rotation because he was the only FSN available that particular day who had had experience with the particular electoral event being observed. This made for a 24-hour day for him (actually, probably more like 36), for which he was paid overtime. Of course, the drivers also provided us with some invaluable political context and background, since almost no one in Uganda is divorced from the political process entirely.

The motorpool supervisor proved willing to accommodate us partly because he had the pick of areas and assignments for himself and partly because we went through the process of getting accreditation letters as domestic monitors from the Elections Commission for our drivers. In the Ugandan case the atmosphere was fairly constructive throughout and no efforts were made to reject or harass monitors. This was not completely the case in Kenya in 1992, although the Elections Commission did not obstruct them.

Accreditation is an essential step in observation. In 1992 there were confusions over the procedure, which led to suspicions that domestic monitors would not get credentials in time or in the appropriate format and would be turned away. This did not happen, but it is important to communicate with the Commission about this whole diplomatic observer effort, its purpose, and to acquire all the necessary documentation before attempting to go out to the field. The teams then need to check in with the Returning Officers and/or District Commissioners when they first arrive at an observation site, i.e. travelling first to district headquarters and only then to the field.

Accreditation of FSNs may differ from Americans. In Uganda, the electoral legislation barred any Ugandan from being an observer -- they were all required to be accredited as monitors, who have a broader scope of responsibilities than do observers. Monitors are empowered to give advice to elections officials while observers are expected not to do so unless requested by the officials directly. In 1992 in Kenya, only the US mission sent out any substantial number of observers, and in the pre-polling day period their diplomatic accreditation (and the CD plates on the vehicles) were sufficient, as long as they made the appropriate stops to inform relevant officials of their presence. On polling day, the question arose about whether accreditations similar to those issued to the international observers would be required.

Since the Embassy had not sought them and it became clear that some form of accreditation was likely to be demanded by the presiding officers at polling stations, the Embassy made up a set of impressive but completely unofficial documents with gold seals and red ribbons and flowery language. These served most of the teams well, but the team to which the writer was attached was

required -- correctly, in legal terms -- to find a magistrate and swear an oath of confidentiality (swearing to protect any information on a voter's actual marking of the ballot) before being allowed to proceed through its itinerary in Machakos. The matter of accreditation should be taken up immediately with the Elections Commission, perhaps as a separate issue from the coordinated donor/NGO liaison meeting being planned.

Accreditation is not a bad idea or a manipulative form of regulation. The idea is that it is possible for electoral officials to determine who is a genuine observer/monitor, and who might by contrast be motivated for other purposes -- misinformation, disinformation, confusion. The accreditation process involves the agreement by genuine observers to abide by a code of conduct the violation of which entails possible sanctions, as well as a briefing by the Commission on the background information and procedures the observers intend to view, such that the information collected is based in objective "fact" to the extent possible. In both the Kenyan and Ugandan cases in recent elections the behavior of elections officials has been commendable with only a handful of exceptions in Kenya -- courteous, informative, hospitable, professional. The writer would warn that very nearly the opposite is likely to be the case if observers launch out without proper accreditation, and that there may well be some less-positive experiences early on in the exercise in Kenya, which will sort themselves out by election day if the past is anything to judge by.

VI. Significant events

The significant events in the electoral process are the following:

- (Boundary adjudication exercise)
- Registration
- Display of registers
- Party candidate selection
- Official candidate nominations
- Civic/voter education sessions
- Campaign rallies
- Polling day; both the polling and the subsequent count

These are discussed in detail in a separate piece outlining the lessons learned (from 1992 and recent Ugandan experience) and "best practices". What follows is a brief summary of the salient issues. Procedurally, one person should be in charge of coordinating all of the effort and keeping a time-line that serves to alert both the teams and the motorpool in ample time to make travel plans, including requesting advances, servicing vehicles, and getting critical pieces of work finished or covered.

Boundary adjudication/demarcation. This has already been done over a lengthy period and produced 22 new constituencies, the most that could be created without exceptional parliamentary action. Criticisms of the non-transparency of the process and suspicions about the political motivation of the configuration of new constituencies abound among the opposition. The main point in terms of establishing a factual basis on which to comment about the demarcation is to do some statistical analysis on the impact on representational equity (outlined separately), to attempt to get the Commission's justifications for the particular constituencies chosen, and to assess the political significance of the new constituencies (already done by the political adviser).

Registration. Registration cannot start until after the ID process is completed, assuming the Commission intends to abide by the Presidential announcement (contradicting the Commission's Chairman) that voter registration would require the new IDs. Since registration is something Kenyans have done often, it could probably start within two or three months after the ID process finishes, although this will depend on the decision whether to attempt to computerize the register for this election, or in tandem with a manual registration for this election. Whichever, the mission's in-house effort should be organized in good time to catch the registration process and should involve observation in all eight provinces with each team spending perhaps three days out and visiting at least two separate constituencies or districts, if possible. At each of the two sites at least five or six registration centers should be visited. The consultant will provide a set of exemplary background briefing material, as discussed below.

Register Display. This one will require careful attention to scheduling. Most Kenyans missed the display of registers that occurred in 1992 and argue vociferously that it did not occur. The international observers feel it took place in around 33% of the constituencies, but in a virtual information vacuum. The teams should ascertain during their first trip where the registers are likely to be displayed (this from the Returning Officer or the DC). The display is likely to take place fairly soon after the close of registration so the teams need to be prepared to make a second trip within a month. Information on the display can be obtained from the Commission but will also be contained in the Kenya Gazette, which no doubt is available in Political on a weekly basis. This activity should also take about three days in the field, covering all eight provinces and at least two field sites (with 10-12 register displays examined, preferably at some remove from each other). Register display background material and issues to watch for are provided in Annex Four.

Party Candidate Selection. Party candidate selection will

present an entirely different set of issues. Parties may deny observers access to their processes. What might make most sense would be for the mission to construct six to eight teams and assign them to a specific party for this issue, using FSNs who have contacts in the parties to the extent possible. The ideal situation would be for the teams to be allowed to watch the process in two or more of the party's nominating sessions (they will differ so there is no standard method). Alternatively, the team needs to elicit from the party officials a clear statement of the relevant procedures; chose a few constituencies where there are "hot contests" for the party's nomination and talk to the contestants before and after the selection process about whether it followed the rules, and whether there were elements the contestants felt were "unfair" about it, if possible; and follow the overall summaries in the news media.

Official Candidate Nominations. While nominations refers to the exercise in which parties choose their candidates in the west, in Kenya (and other African countries) it refers to the "official" nominations of candidates, which requires a further bureaucratic procedure whereby candidates present their papers to a Returning Officer. These are received, scrutinised, and either accepted or rejected. Nominations in Uganda tended to be colorful, ceremonial occasions where the candidates mounted a first showing of strength through the numbers of supporters they carried to the venue with them, and who sang praise songs, did traditional dancing and drumming, and carried the candidate shoulder high after his nomination. The FSNs on our teams found them an unexpected treat.

The nominations have been a time for serious manipulation in Kenya in the past. This exercise should be observed in as many places as possible. Emphasis should be put on the venues in which it is felt that foul play may occur, either to disadvantage opposition parties or because of unresolved conflicts in KANU branches. At least ten and preferably twelve teams should observe nominations and they should plan on arriving the day before the exercise, interviewing candidates and party agents, and remaining at least until after the announcement by the Returning Officer of the officially nominated candidates, doing some further interviews for a day after the exercise closes, if at all possible. Depending on the time allotted to nominations (for which Uganda's two-day exercise, or even three days, is a better practice than Kenya's previous) this would mean maximum strain on both the mission staffs and the motorpool for between two and four days.

Civic/voter Education. Uganda's NGOs carried out the voter education in 1996. Funding was so late that little was underway until exactly three weeks before the election. In Kenya, voter education was spotty and mostly church-based in 1992. Assuming donors are requested for significant funding by NGOs (and

assuming the NGOs are permitted to carry out voter education), this should be observed in action. It will require liaison with the NGOs, or the Elections Commission if the latter provides any coordination or voter education itself. This might be an activity which three or four "specialist teams" (similar to those doing party candidate selection monitoring) took a week (or ideally two, one early and one very late in the effort) and travelled out to observe the efforts on the ground. If the sessions are organized to permit questions -- which is generally the case -- very interesting information on the issues really animating the campaigns, as well as the electorate's political cosmology, come out of these observations.

Campaign meetings, rallies, tours. This was a negative highlight of Kenya's 1992 election. There was considerable harassment, denial of meeting permits, and police intervention, especially in the early stages of the campaign. In addition there was considerable violence, increasing toward the end in a few areas and a real concern from the point of view of safety of observers. A strategy is required to balance coverage geographically and politically, and specific observation plans made by actively seeking out party officials and candidates and finding out about their meeting schedules -- unless by some chance the Election Commission hits on the Ugandan practice of asking for and circulating itineraries, as it did with the Ugandan presidential campaign.

Given the time pressures and logistical dilemmas this is likely to pose, as many teams as possible should be involved, but probably staggered over the three weeks of the campaign, with three or four teams travelling in any one week. A strategic plan should be developed first, then party assistance and recommendations sought in Nairobi, with the team leader actually speaking to the candidates if they are available. The trip itself should be a two-day affair, hopefully involving one public meeting or more, but also an intensive discussion with as many of the candidates in their headquarters as possible, eliciting information on the campaign atmosphere.

For this one, a set of safety rules and regs should be developed and everyone should understand it very clearly before travelling. It is also important to get the views of more than one candidate in any constituency on the way in which the provincial administration is handling it, the police/security effort, the degree to which the relevant information is flowing from the Elections Commissions, and the degree to which campaign rules are being followed by rival candidates.

Polling Day and the Count. As many teams as possible should be involved on polling day, but probably not people who have not been interested or involved in any previous phase. Further, the issue of the FSNs needing to vote arises, including the drivers,

which is another reason why it is best to construct the teams by putting the FSNs in their own home areas. They can thus initiate the polling day observation by voting; the team watches the opening of the station of an FSN team member or driver, then moves out on an itinerary worked out the day before taking into consideration two items: 1) the deployment of other resident diplo observers or international observers, to attempt optimal coverage; 2) the information gathered on previous trips about potential trouble spots, especially where candidates have requested the observers to turn up on election day.

Not only do the teams need to appear the day before voting, so that they can be at the opening of a station (the lateness of which was a major embarrassment in 1992), but they need to stay to watch the closing of a station -- possibly the one they saw open, but more practically one in the town in which the Returning Officer is found and where the counting will take place. The count is the critical event and must be observed as completely as possible, even if this means -- as it did in Uganda -- that the team takes a break mid-day and sleeps in the afternoon, in order to be able to get through the whole night if necessary.

There are some probable issues on polling day, such as the availability of materials, the degree of cooperation party agents get from presiding officers, and the assistance to illiterate voters. These will generally be clear by mid-day and not very much of additional value will be gained by visiting more than about ten polling stations unless there are serious problems with the flow of voters, security, or clear incompetence. None of these is at all likely, whereas problems and allegations around the count are quite likely. We slipped up to some degree in 1992 on this final, critical stage, which is where African (and particularly Kenyan and Ugandan) elections are reputedly stolen.

VII. Scheduling

The main scheduling issue is the need to constantly be aware of what events are coming up, informing the teams of this and asking them to try to schedule travel. One person needs to coordinate this. There needs to be a procedure for getting permission from work supervisors that the FSNs involved can travel; some attention to alerting the motorpool a week in advance when a "crunch" is going to be inevitable (e.g., nominations and polling days), and some attention to alerting the Controller when there may be a significant level of request for cash advances -- i.e., if twelve teams are travelling out and want to move on a Sunday, they have to process the paper before the end of the preceding week, which requires starting it, and making sure the cash will be available, several days earlier.

VIII. Pre-Event Briefings and Background Materials

In order to make this a learning experience and capture reliable and systematic information (which is the whole point), many of these events should be preceded by a briefing of the teams and the provision of basic background material on the event. The material should address:

- relevant legislation
- what is supposed to take place
- what could go wrong; what went wrong last time
- problems with procedures, problems raised by elections officials
- variance in procedures, creative solutions
- role of observers and monitors; advice and feedback to the Elections Commission

The materials used in the Uganda observation effort are appended as Annex Four. These are simply illustrative and would have to be adapted to the Kenyan context, but many of the same items will be relevant to watch for in respect of the competence of elections officials and procedures.

IX. Purposes

In summary, the overall purposes of resident diplomatic observation are as follows.

1. Objective observation by well-briefed participants with a reasonable geographic and political coverage: provide quantitative and factual data for Embassy reporting.
2. Feedback to the Elections Commission in the course of the process in order to assist in addressing problems.
3. Gather information and compare it with that collected by domestic monitors to assess strengths and weaknesses of latter, especially important since the domestic monitors are likely to have a more critical "take" on the entire process and to stress a somewhat different configuration of "level playing field" issues and a much different definition of "rigging" , a term they throw around with great abandon.
4. Institutional bonus: this effort will develop much better and deeper and more nuanced political understanding in the mission and will be a very constructive morale booster, however well or badly the elections themselves go.

ANNEX THREE

DATA BASE:

PRELIMINARY CALCULATIONS AND TABLES

NAIROBI PROVINCE

	REGVOTERS 1988	REGVOTERS 1992	% Inc	POP '92 (REV. EST)	POP 18+ '9 (REV. EST) (Half 18yrs)	REG % ELIG (REV. EST)	POP '97 (EST)	POP. 18+ '9 (All 18yr olds)	POP. 18+ '9 (Half 18yr olds)	Reg.Voters 1997	Reg.Voters As % Elig.
Dagoretti	30,648	70,656	130.5	178,819	111,027	63.6	219,480	143,922	142,230		
Embakasi	23,223	91,688	294.8	198,807	123,437	74.3	244,013	160,009	158,129		
Kamukunji	45,516	74,466	63.6	181,214	112,514	66.2	222,419	145,849	144,135		
Langata	39,339	102,840	161.4	277,220	172,123	59.7	340,255	223,119	220,497		
Makadara	37,464	85,344	127.8	193,028	119,849	71.2	236,919	155,357	153,532		
Mathare	51,155	116,630	128.0	364,234	226,149	51.6	447,055	293,151	289,707		
Starehe	23,213	84,180	262.6	92,140	57,209	147.1	113,091	74,158	73,287		
Westlands	41,395	48,760	17.8	150,539	93,468	52.2	184,769	121,160	119,737		
TOTAL	297,953	674,564		1,636,000	1,015,777	66.4	2,008,000	1,316,725	1,301,253		

CENTRAL PROVINCE

	REGVOTERS 1988	REGVOTERS 1992	% Inc	POP '92 (Rev.Est.)	POP 18 + ' (Rev.Est.)	1992		POP		POP '97 (Est./Proj.)	POP 18 + (97) (All 18yr olds)	POP 18 + (97) (Half 18yr olds)	REGVOTERS 1997	REG % ELIG 1997
						Reg % Elig (Rev.Est.)	New Dist/Co As Per '89	POP '97 (Est./Proj.)	POP 18 + (97) (All 18yr olds)					
KIAMBU	257,548	390,825	51.7	1,021,880	420,398	93.0	575,969	717,620			346,691	338,184		
Gatundu	50,981	69,908	37.1	210,747	86,700	80.6								
Githunguri	38,707	52,351	42.6	131,600	54,140	96.7	117,760	146,721			70,883	69,144		
Juja	45,707	74,408	62.8	167,474	68,898	108.0								
Kiambaa	40,980	60,298	47.1	152,394	62,694	96.2	136,367	169,904			82,083	80,069		
Kikuyu/Kabete	38,607	62,083	60.8	161,078	66,267	93.7	144,138	179,587			86,760	84,632		
Lari	22,019	32,621	48.1	97,753	40,215	81.1	87,473	108,986			52,652	51,360		
Limuru	22,547	39,156	73.7	100,836	41,483	94.4	90,231	112,422			54,312	52,980		
THIKA							474,438	591,117			285,576	278,568		
Gatanga							135,992	169,437			81,857	79,849		
Juja							149,861	186,717			90,205	87,992		
Gatundu North							103,636	129,124			62,381	60,851		
Gatundu South							84,947	105,838			51,132	49,877		
KIRINYAGA	109,126	144,719	32.6	437,530	198,089	73.1	391,326	469,000			226,580	221,020		
Gichugu	35,827	43,072	20.2	120,539	54,573	78.9	107,862	134,389			64,925	63,332		
Mwea	27,705	36,248	30.8	121,606	55,056	65.8	108,817	135,579			65,500	63,893		
Ndia	45,594	65,399	43.4	195,173	88,363	74.0	81,991	102,155			49,353	48,142		
Kerugoya/Kutus							92,656	115,443			55,772	54,404		
MURANG'A	243,740	301,353	23.6	958,909	433,116	69.6	349,612	435,594			210,441	205,277		
Gatanga	29,609	34,115	15.2	101,583	45,883	74.4								
Kandara	39,063	50,883	30.3	170,851	77,169	65.9								
Kangema	60,226	60,843	1.0	191,240	86,379	70.4	96,873	120,698			58,310	56,880		
Kigumo	40,313	60,188	49.3	201,600	91,058	66.1								
Kiharu	54,203	68,272	26.0	199,461	90,092	75.8	178,484	222,380			107,434	104,798		
Makuyu /Maragw	20,326	27,052	33.1	94,174	42,536	63.6								
Mathioya							74,255	92,517			44,696	43,599		
MARAGWA							363,363	452,727			218,718	213,351		
Kigumo							112,788	140,527			67,890	66,224		
Makuyu/Maragwa							97,692	121,718			58,803	57,361		
Kandara							152,883	190,482			92,024	89,766		
NYANDARUA	87,083	124,637	43.1	386,016	179,206	69.5	330,515	417,000			201,458	196,514		
Kinangop	29,496	39,721	34.7	123,862	57,502	69.1	95,931	119,524			57,743	56,327		
Kipipiri	31,751	46,513	46.5	141,264	65,581	70.9	59,959	74,705			36,091	35,205		
Ndaragwa	25,836	38,403	48.6	120,890	56,122	68.4	65,730	81,895			39,565	38,594		
Ol Kalou							108,895	135,676			65,547	63,938		
NYERI	198,964	247,520	24.4	678,665	297,391	83.2	606,432	735,000			355,087	346,374		
Kieni	29,917	40,090	34.0	126,526	55,444	72.3	113,220	141,065			68,150	66,478		
Mathira	49,917	62,189	24.6	162,938	71,399	87.1	115,024	143,312			69,236	67,537		
Mukurweini	31,115	31,688	1.8	99,279	43,504	72.8	119,616	149,034			72,000	70,233		
Nyeri Town	30,082	44,630	48.4	102,297	44,827	99.6	91,539	114,052			55,100	53,748		
Othaya	28,351	35,210	24.2	95,147	41,694	84.4	85,141	106,080			51,249	49,991		
Tetu	29,278	33,713	15.1	90,957	39,857	84.6	81,391	101,408			48,991	47,789		
TOTAL:	896,461	1,209,054	34.9	3,483,000	1,528,200	79.1	3,091,653	3,818,058			1,844,550	1,799,289		

COAST PROVINCE

	REGVOTERS 1988	REGVOTERS 1992	POP '92 (Rev.Est.)	POP 18+ '92 (Rev.Est.) (Half 18yr olds)	REG % ELIG (Rev.Est.)	POP '97 (RevCensus)	POP 18+ '97 (All 18yr olds)	POP 18+ '97 (Half 18yr olds)	REGVOTERS 1997	REG % ELIG 1997
KILIFI	143,300	160,499	677,000	297,295	54.0	767,000	362,125	353,113		
Bahari	38,056	41,745	182,677	80,220	52.0	206,962	97,713	95,281		
Ganze	22,514	17,895	100,247	44,022	40.7	113,573	53,622	52,287		
Kaloleni	38,568	43,476	175,650	77,134	56.4	199,000	93,954	91,616		
Magarini	18,105	19,059	89,146	39,147	48.7	100,998	47,684	46,497		
Malindi	26,057	38,324	129,280	56,772	67.5	146,467	69,152	67,431		
KWALE	82,933	97,348	439,000	192,642	50.5	490,000	231,350	225,593		
Kinango	24,713	23,576	144,657	63,478	37.1	161,463	76,233	74,336		
Matuga	23,941	39,046	113,953	50,005	78.1	127,192	60,053	58,558		
Msambweni	34,279	34,726	180,389	79,158	43.9	201,346	95,064	92,698		
LAMU	21,571	28,943	67,000	29,738	97.3	76,000	34,525	33,632		
Lamu East	7,723	8,538	18,233	8,093	105.5	20,683	9,396	9,153		
Lamu West	13,948	20,405	48,767	21,645	94.3	55,317	25,129	24,479		
MOMBASA	124,281	258,368	531,000	308,486	83.8	600,000	372,500	365,450		
Changamwe	38,013	63,153	152,683	88,702	71.2	172,523	107,108	105,081		
Kisauni	33,438	78,590	202,142	117,435	66.9	228,409	141,804	139,120		
Likoni	23,066	40,894	89,698	52,111	78.5	101,354	62,924	61,733		
Mvita	29,684	75,731	86,476	50,239	150.7	97,713	60,664	59,516		
TAITA-TAVETA	58,255	65,730	220,000	97,315	67.5	244,000	114,675	111,808		
Mwatate	15,483	16,639	60,549	26,783	62.1	67,154	31,561	30,772		
Taveta	10,725	13,249	45,029	19,918	66.5	49,941	23,471	22,885		
Voi	16,403	19,418	56,872	25,157	77.2	63,076	29,645	28,903		
Wundanyi	15,644	16,424	57,550	25,457	64.5	63,828	29,998	29,248		
TANA RIVER	40,961	49,323	152,000	66,589	74.1	175,000	82,925	80,869		
Galole	19,937	22,163	73,348	32,133	69.0	54,114	25,642	25,006		
Garsen	21,024	27,160	78,674	34,466	78.8	64,325	30,481	29,725		
Bura						56,561	26,802	26,137		
TOTAL:		660,211	2,086,000	992,065	66.5	2,352,000	1,198,100	1,170,464		

EASTERN PROVINCE

	REGVOTERS 1988	REGVOTERS 1992	% Inc	POP '92 (REV EST)	POP 18+ (9 (REV EST)	1992	POP	1997 EST POP	POP. 18+ '97POP. 18+ '97 (All 18yr olds) (Half 18yr olds)	POP. 18+ '97 (Half 18yr olds)
						REG % ELIG (REV EST)	NewDist/Const As Per '89 Censu			
(Former Embu)							370,064	470,000	212,575	207,053
EMBU	106,950	139,173	30.1	414,000	172,611	80.6	234,661	298,031	134,796	131,294
Gachoka	32,304	46,759	44.7	129,342	53,927	86.7				
Runyenjes	59,438	73,739	24.1	220,979	92,134	80.0	119,802	152,155	108,526	67,030
Siakago	15,208	18,675	22.8	63,679	26,550	70.3				
Manyatta							114,859	145,877	104,049	64,264
MBEERE							135,403	171,969	77,779	75,759
Gachoka							78,471	99,662	45,076	43,905
Siakago							56,932	72,307	32,703	31,854
ISIOLO	21,230	32,522	53.2	81,000	32,123	101.2	70,078	98,000	39,625	38,474
Isiolo North	13,366	23,833	78.3	56,296	22,326	106.7		68,111	27,540	26,740
Isiolo South	7,864	8,689	10.5	24,704	9,797	88.7		29,889	12,085	11,734
(Former Kitui)							652,580	839,000	376,975	367,117
KITUI	156,430	207,377	32.6	737,000	307,890	67.4	440,697	566,589	254,577	247,919
Kitui North	47,823	60,246	26.0	215,679	90,103	66.9				
Kitui West	28,240	44,234	56.6	131,196	54,809	80.7	116,172	149,358	67,109	65,354
Kitui Central	39,030	51,350	31.6	174,304	72,818	70.5	130,058	167,211	75,130	73,166
Mutito	18,866	22,155	17.4	97,403	40,691	54.4	102,987	132,407	59,492	57,937
Mutomo	22,471	29,392	30.8	118,417	49,470	59.4				
Kitui South							91,480	117,613	52,845	51,463
MWINGI							211,883	272,411	122,398	119,197
Mwingi North							106,508	136,934	61,526	59,917
Mwingi South							105,375	135,477	60,872	59,280
(Former Machakos)	315,175	429,674	36.3	1,591,000	661,681	64.9		1,795,000	808,450	787,359
MACHAKOS	174,342	251,002	44.0	830,273	345,302	72.7	731,643	936,731	421,894	410,888
Kangundo	40,414	67,038	65.9	192,991	80,263	83.5	170,065	217,736	98,066	95,508
Kathiani	29,117	45,196	55.2	119,695	49,780	90.8	105,476	135,042	60,822	59,235
Machakos Town	27,058	42,709	57.8	132,139	54,955	77.7	116,442	149,082	67,145	65,393
Masinga	19,797	25,998	31.3	102,854	42,776	60.8	90,636	116,042	52,264	50,901
Mwala	34,802	38,909	11.8	158,595	65,958	59.0	139,755	178,930	80,588	78,486
Yatta	23,154	31,152	34.5	123,999	51,570	60.4	109,269	139,898	63,009	61,365
MAKUENI	140,833	178,672	26.9	760,727	316,379	56.5	670,359	858,269	386,556	376,471
Kaiti							98,248	125,788	56,654	55,176
Kibwezi	27,182	37,474	37.9	171,899	71,491	52.4	151,310	193,724	87,251	84,975
Kilome	44,358	57,191	28.9	228,000	94,823	60.3	102,667	131,446	59,202	57,657
Makueni	33,367	41,216	23.5	192,109	79,896	51.6	169,288	216,741	97,618	95,071
Mbooni	35,926	42,791	19.1	168,720	70,169	61.0	148,677	190,353	85,733	83,496

	REGVOTERS 1988	REGVOTERS 1992	% Inc	POP '92 (REV EST)	POP 18+ (9 REG (REV EST)	% ELIG (REV EST)	NewDist/Const As Per '89 Censu	1997 EST POP	POP. 18+ (All 18yr olds)	'97POP. 18+ (Half 18yr olds)
(Former Marsabit)							129,262	164,000	73,375	71,448
MARSABIT	41,498	52,302	26.0	147,000	62,648	83.5	92,112	116,866	52,287	50,914
Laisamis	8,956	11,436	27.7	32,510	13,855	82.5	28,587	50,897	22,772	22,174
Moyale	12,443	16,593	33.4	42,248	18,005	92.2				
North Horr	9,827	11,057	12.5	37,346	15,916	69.5	32,840	58,470	26,160	25,473
Saku	10,272	13,216	28.7	34,896	14,872	88.9	30,685	54,633	24,443	23,801
MOYALE							37,150	47,134	21,088	20,534
Moyale							37,150	47,134	21,088	20,534
(Former Meru)		369,033		1,328,000	554,671	66.5	1,144,909	1,517,000	686,125	668,300
MERU	188,420	278,406	47.8	1,028,790	429,699	64.8	430,414	570,297	257,940	251,239
Cent. Imenti	31,408	45,371	44.5	133,736	55,858	81.2	115,266	152,727	69,077	67,282
North Imenti	41,756	68,596	64.3	206,077	86,073	79.7	177,616	235,341	106,442	103,677
South Imenti	33,284	51,579	55.0	159,570	66,648	77.4	137,532	182,229	82,421	80,279
Igembe	26,660	32,357	21.4	154,444	64,507	50.2				
Ntonyiri	18,546	22,924	23.6	143,142	59,787	38.3				
Tigania	36,766	57,579	56.6	231,823	96,827	59.5				
NYAMBENE							456,608	605,004	273,638	266,529
Igembe							133,114	176,376	79,773	77,701
Ntonyiri							123,373	163,469	73,935	72,015
Tigania West							95,951	127,135	57,502	56,008
Tigania East							104,170	138,025	62,427	60,806
THARAKA-NITHI	62,950	90,627	44.0	299,210	124,972	72.5	257,887	341,699	154,547	150,532
Nithi	48,308	67,411	39.5	212,275	88,662	76.0	182,958	242,419	109,644	106,795
Tharaka	14,642	23,216	58.6	86,935	36,311	63.9	74,929	99,281	44,904	43,737
TOTALS:		1,230,081		4,298,000	1,791,624	68.7	3,768,895	4,883,000	2,197,125	2,139,750

NORTHEASTERN PROVINCE

	REGVOTERS (1988)	REGVOTERS (1992)	% Inc	POP '92 (Rev.Est)	POP 18 + ' (Rev.Est)	Reg % Elig. (Rev.Est)	POP '97	POP. 18 + ' (All 18yr old	'POP. 18 + '9 (Half 18yr old	REGVOTERS 1997	REG % ELIG 1997
GARISSA	42,424	54,084	27.5	204,000	87,953	61.5	231,000	101,225	98,511		
Dujis	17,279	25,135	45.5	84,625	36,485	68.9	95,825	41,991	40,865		
Fafi	10,073	10,279	2.0	41,432	17,863	57.5	46,916	20,559	20,008		
Ijara	7,591	7,896	4.0	33,588	14,481	54.5	38,034	16,667	16,220		
Lagdera	7,561	10,774	42.5	44,354	19,123	56.3	50,225	22,009	21,419		
MANDERA	34,655	42,994	24.1	199,000	85,237	50.4	239,000	105,000	102,192		
Mandera West	6,956	9,912	42.5	59,311	25,404	39.0	71,233	31,295	30,458		
Mandera Cent	11,966	15,356	28.3	66,992	28,694	53.5	80,458	35,347	34,402		
Mandera East	15,733	17,726	12.7	72,697	31,138	56.9	87,310	38,358	37,332		
WAJIR	37,767	43,991	16.5	201,000	86,558	50.8	221,000	96,675	94,078		
Wajir East	10,821	13,581	25.5	57,272	24,663	55.1	62,970	27,546	26,806		
Wajir South	8,938	12,218	36.7	51,605	22,223	55.0	56,740	24,821	24,154		
Wajir West	18,008	18,192	1.0	92,123	39,672	45.9	101,290	44,308	43,118		
TOTAL:	114,846	141,069	22.8	604,000	259,748	54.3	691,000	302,900	294,781		

NYANZA PROVINCE

	REGVOTERS 1988	REGVOTERS 1992	% Inc	1992			POP		POP EST 1997	POP. 18+ (All 18yr olds)	'97 POP. 18+ (Half 18yr olds)	REGVOTERS 1997	REG % ELIG 1997
				POP '92 (REV EST)	POP 18+ (92 (REV EST)	REG % ELIG (REV EST)	NewConst/Dist As Per '89 Censu						
(Former Kisii)		388,908		1,504,000	637,875	61.0		1,713,000	758,050	737,922			
KISII	191,407	266,250	39.1	1,056,161	447,938	59.4	798,479	1,202,928	532,329	518,195			
Bobasi	31,893	40,200	26.0	171,056	72,548	55.4		194,827	86,216	83,927			
Bomochoge	30,964	39,256	26.8	169,775	72,005	54.5		193,367	85,570	83,298			
Bonchari	16,299	20,605	26.4	102,772	43,588	47.3		117,054	51,800	50,424			
Kitutu Chache	35,192	43,420	23.4	266,199	112,900	38.5		303,191	134,170	130,608			
Nyar.Masaba	22,967	39,869	73.6	112,092	47,540	83.9		127,669	56,497	54,997			
Nyar.Chache	29,910	50,258	68.0	109,324	46,366	108.4		124,516	55,102	53,639			
S.Mugirango	24,182	32,642	35.0	124,942	52,990	61.6		142,305	62,974	61,302			
										518,195			
NYAMIRA	94,252	122,658	30.1	447,839	189,937	64.6	338,575	510,072	225,721	219,727			
Kitutu Masaba	33,158	41,657	25.6	108,368	45,961	90.6		123,427	54,620	53,169			
W.Mugirango	28,199	36,933	31.0	144,199	61,157	60.4		164,237	72,679	70,750			
N.Mugirango	32,895	44,068	34.0	195,273	82,819	53.2		222,408	98,422	95,809			
										219,727			
KISUMU	191,101	245,970	28.7	814,000	335,511	73.3	664,086	919,000	404,275	399,525			
Kisumu Town	69,536	100,095	43.9	296,126	144,777	69.1							
Kisumu Town East							139,729	193,365	85,063	84,063			
Kisumu Town West							115,652	160,046	70,405	69,578			
Kisumu Rural	28,777	35,369	22.9	147,243	55,009	64.3	106,333	147,150	64,732	63,972			
Muhoroni	35,360	43,550	23.2	135,246	50,086	86.9	110,338	152,692	67,170	66,381			
Nyando	28,177	32,815	16.5	118,418	42,284	77.6	94,977	131,435	57,819	57,140			
Nyakach	29,251	34,141	16.7	118,967	43,355	78.7	97,057	134,313	59,085	58,391			
										399,525			
SIAYA	188,328	208,495	10.7	711,000	293,771	71.0		762,000	337,900	328,947			
Alego	47,745	53,042	11.1	171,879	71,017	74.7		184,208	81,685	79,521			
Bondo	25,718	31,140	21.1	109,486	45,237	68.8		117,339	52,033	50,654			
Gem	37,618	40,998	9.0	142,749	58,981	69.5		152,989	67,841	66,043			
Rarieda	24,473	30,395	24.2	111,130	45,917	66.2		119,101	52,814	51,414			
Ugenya	52,774	52,920	0.3	175,756	72,619	72.9		188,363	83,527	81,314			
(Former S.Nyanza)	257,814	354,399		1,399,000	577,262	61.4	1,066,583	1,587,000	701,325	682,678			
HOMA BAY	138,063	192,700	39.6	767,113	316,530	60.9	219,307	326,313	144,204	140,370			
Kasip.Kabondo	33,536	41,687	24.3	178,288	73,566	56.7							
Karachuonyo	36,055	39,224	8.8	149,151	61,543	63.7							
Mbita	30,133	37,295	23.8	152,017	62,726	59.5							
Ndhiwa	25,968	28,854	11.1	129,948	53,620	53.8	99,071	147,411	65,144	63,411			
Rangwe	38,339	45,640	19.0	157,709	65,075	70.1	120,236	178,903	79,060	76,958			
RACHUONYO							249,636	371,441	164,147	159,782			
Kasipul-Kabondo							135,925	202,247	89,377	87,000			
Karachuonyo							113,711	169,194	74,770	72,782			
SUBA							115,896	172,445	76,207	74,180			
Mbita							64,085	95,354	42,139	41,018			
Gwasi							51,811	77,091	34,068	33,162			
MIGORI	119,751	161,699	35.0	631,887	260,732	62.0	378,459	563,120	248,853	242,237			
Kuria	23,552	27,560	17.0	135,475	55,900	49.3							
Migori	40,108	60,980	52.0	233,227	96,235	63.4	107,348	159,726	70,586	68,709			
Nyatike	21,101	28,243	33.8	99,533	41,070	68.8	75,883	112,909	49,896	48,570			
Rongo	34,990	44,826	28.1	163,651	67,527	66.4	124,766	185,643	82,039	79,858			
Urii							70,462	104,842	46,332	45,100			
KURIA							103,285	153,681	67,914	66,109			
Kuria							103,285	153,681	67,914	66,109			
TOTAL:	922,902	1,197,772	29.8	4,428,000	1,844,418	64.9		4,981,000	2,201,550	2,149,071			
TOTAL (Check):								4,982,000	2,201,775	2,175,904			

WESTERN PROVINCE

	REGVOTERS 1988	REGVOTERS 1992	% Inc	POP								
				POP '92 (REV.EST)	POP 18+ (92 (REV.EST)	REG % ELIG (REV.CALC)	New Dist/Const As Per '89 Censu	POP '97 (Est.)	POP. 18+ (All 18yr olds)	'9 POP. 18+ (Half 18yr olds)	'97 REGVOTERS 1997	REG % ELIG 1997
					(Half 18yr olds)			1,014,000	432,900	420,986		
BUNGOMA	204,292	239,156	17.1	858,000	338,969	70.6	619,267	853,192	364,247	354,222		
Kanduyi	59,075	69,931	18.4	240,696	95,091	73.5	206,467	284,459	121,442	118,100		
Kimilili	38,660	47,230	22.2	169,851	67,103	70.4	145,697	200,733	85,698	83,339		
Mt. Elgon	31,932	32,607	2.1	136,068	53,756	60.7						
Sirisia	35,963	42,072	17.0	162,745	64,295	65.4	139,601	192,335	82,112	79,852		
Webuye	38,662	47,316	22.4	148,710	58,751	80.5	127,562	175,748	75,031	72,966		
MT. ELGON							116,718	160,808	68,653	66,763		
Mt. Elgon							116,718	160,808	68,653	66,763		
								502,000	213,675	207,777		
BUSIA	140,905	153,465	8.9	446,000	178,335	86.1	284,128	337,282	143,563	139,600		
Amagoro	44,515	46,027	3.4	146,343	58,518	78.7						
Bunyala	21,263	19,006	-10.6	42,196	16,872	112.6	40,009	47,494	20,216	19,658		
Nambale	50,173	63,455	26.5	190,637	76,227	83.2	180,758	214,574	91,333	88,812		
Samia	24,954	24,977	0.1	66,824	26,720	93.5	63,361	75,214	32,015	31,131		
TESO							138,759	164,718	70,112	68,176		
Amagoro							138,759	164,718	70,112	68,176		
				1,638,000	649,229			1,887,000	804,750	782,578		
KAKAMEGA	251,341	301,930	20.1	1,125,794	446,214	67.7	750,731	967,957	412,805	401,432		
Butere	49,379	49,837	0.9	188,349	74,653	66.8	168,287	216,981	92,536	89,987		
Ikolomani	20,818	22,243	6.8	92,444	36,641	60.7	82,697	106,497	45,418	44,166		
Lugari	36,381	42,355	16.4	119,012	47,171	89.8						
Lurambi	48,008	56,064	16.8	198,830	78,807	71.1	177,651	229,055	97,685	94,994		
Malava	26,339	31,473	19.5	166,553	66,014	47.7						
Mumias	48,462	64,064	32.2	231,069	91,585	70.0	206,456	266,195	113,524	110,396		
Shinyalu	31,954	35,894	12.3	129,538	51,343	69.9	115,740	149,230	63,642	61,889		
MALAVA/LUGARI							255,147	328,974	140,298	136,432		
Malava							148,812	191,871	81,827	79,573		
Lugari							106,335	137,103	58,471	56,860		
VIHIGA	135,422	153,024	13.0	512,206	203,015	75.4	457,647	590,068	251,647	244,714		
Emuhaya	44,930	49,248	9.6	168,818	66,912	73.6	150,836	194,481	82,940	80,655		
Hamisi/Tiriki	37,105	40,017	7.8	136,820	54,229	73.8	122,246	157,618	67,220	65,368		
Sabatia	30,209	38,334	26.9	121,834	48,290	79.4	108,857	140,355	59,857	58,208		
Vihiga	23,178	25,425	9.7	84,734	33,585	75.7	75,708	97,614	41,630	40,483		
TOTAL:	731,960	847,575	15.8	2,942,000	1,166,532	72.7	2,622,397	3,403,000	1,451,325	1,411,340		

RIFT VALLEY PROVINCE

	REGVOTERS 1988	REGVOTERS 1992	% Inc	POP					1997 EST POP	POP 18+ (All 18yrs)	POP 18+ (Half 18yrs)	REGVOTERS 1997	REG % ELIG 1997
				POP '92 (RevEst)	POP 18+ (9 (RevEst)	REG % ELIG (RevEst)	New Dist/Const. As Per '89 Censu	New Dists As % Old					
(Former Baringo)				337,000			346,019		387,000	174,725	170,178		
BARINGO	78,988	121,032	53.2	337,000	141,665	85.4	213,565	61.7	238,859	107,841	105,035		
Baringo E.	8,585	10,958	27.6	45,522	19,136	57.3	38,699	18.1	43,282	19,541	19,033		
Baringo N.	16,555	27,521	66.2	75,266	31,640	87.0	77,720	36.4	86,925	39,245	38,224		
Baringo C.	26,940	39,893	48.1	99,753	41,933	95.1	97,146	45.5	108,652	49,055	47,778		
Baringo S.	26,908	42,660	58.5	116,459	48,956	87.1							
KOIBATEK							132,454	38.3	148,141	66,884	65,143		
Mogotio							51,930	39.2	58,080	26,222	25,540		
Eldama Ravine							80,524	60.8	90,061	40,661	39,603		
(Former Elgeyo-M)									285,000	130,100	126,751		
ELGEYO-MARAKW	65,805	87,089	32.3	247,000	103,098	84.5	108,238	50.0	142,493	65,047	63,372		
Kerio East	14,950	16,634	11.3	59,545	24,854	66.9							
Kerio West	17,449	22,900	31.2	63,961	26,697	85.8							
Kerio Central	13,226	18,908	43.0	48,228	20,130	93.9							
Kerio South	20,180	28,647	42.0	75,266	31,416	91.2	65,968	60.9	86,845	39,644	38,624		
Keiyo North							42,270	39.1	55,647	25,403	24,749		
Keiyo South													
MARAKWET							108,249	50.0	142,507	65,053	63,379		
Marakwet East							46,135	42.6	60,736	27,725	27,012		
Marakwet West							62,114	57.4	81,772	37,328	36,367		
KAJIADO	62,709	110,314	75.9	297,000	124,710	88.5	258,659		367,000	166,625	162,313		
Kajiado N.	26,134	53,231	103.7	109,339	45,911	115.9		36.8	135,109				
Kajiado C.	13,987	26,752	91.3	102,013	42,835	62.5		34.3	126,057				
Kajiado S.	22,588	30,331	34.3	85,648	35,963	84.3		28.8	105,834				
(Former Kericho)				1,102,000	460,327				1,297,000	587,450	572,210		
KERICHO	119,621	192,880	61.2	622,180	259,897	74.2	508,660	56.5	732,276	331,669	323,065		
Buret	30,815	54,392	76.5	173,381	72,425	75.1	141,747	27.9	204,061	92,425	90,028		
Belgut	37,326	65,230	74.8	237,236	99,098	65.8	122,819	24.1	176,812	80,084	78,006		
Kipkelion	51,480	73,258	42.3	211,563	88,374	82.9	139,216	27.4	200,418	90,775	88,420		
Ainamoi							104,878	20.6	150,984	68,385	66,611		
BOMET	83,980	140,555	67.4	479,820	200,430	70.1	392,274	43.5	564,724	255,781	249,145		
Bomet	28,167	46,722	65.9	162,181	67,746	69.0	132,590	33.8	190,879	86,455	84,212		
Chepalungu	33,203	55,591	67.4	194,299	81,162	68.5	81,226	20.7	116,934	52,963	51,589		
Konoin	22,610	38,242	69.1	123,340	51,522	74.2	100,836	25.7	145,165	65,750	64,044		
Sotik							77,622	19.8	111,746	50,613	49,300		
LAIKIPIA	62,306	101,772	63.3	258,000	111,099	91.6	218,957		313,000	141,200	137,522		
Laikipia W.	35,671	60,398	69.3	153,003	65,885	91.7		59.3	185,620	83,736	81,555		
Laikipia E.	26,835	41,374	54.2	104,997	45,213	91.5		40.7	127,380	57,464	55,967		

	REGVOTERS 1988	REGVOTERS 1992	% Inc	POP '92 (RevEst)	POP 18 + (9 (RevEst)	REG % ELIG (RevEst)	New Dist/Const. As Per '89 Censu	New Dists As % Old	1997 EST POP	POP 18 + (All 18yrs)	POP 18 + (Half 18yrs)	REGVOTERS 1997	REG % ELIG 1997
NAKURU	192,413	386,110	100.7	987,000	413,953	93.3	849,096		1,197,000	544,050	529,985		
Nakuru East	43,730	85,101	94.6	193,881	74,434	114.3							
Nakuru Town	40,079	105,729	163.8	190,615	107,465	98.4	163,982	19.3	231,171	105,070	102,354		
Molo	58,977	111,679	89.4	217,591	84,380	132.4	131,541	15.5	185,438	84,284	82,105		
Rongai	23,658	43,739	84.9	216,122	83,762	52.2	133,465	15.7	188,150	85,516	83,306		
Nakuru North	25,969	39,862	53.5	168,792	63,912	62.4							
Naivasha							166,792	19.6	235,132	106,870	104,108		
Njoro							144,634	17.0	203,896	92,673	90,277		
Subukia							108,682	12.8	153,213	69,637	67,837		
NANDI	96,175	142,960	48.6	511,000	214,096	66.8	433,613		597,000	270,525	263,510		
Mosop	25,212	32,982	30.8	136,442	57,166	57.7	98,079	22.6	135,036	61,190	59,603		
Aldai	42,059	56,306	33.9	198,596	83,206	67.7	96,176	22.2	132,415	60,003	58,447		
Tinderet	28,904	53,672	85.7	175,962	73,724	72.8	149,314	34.4	205,576	93,155	90,739		
Emgwen							90,044	20.8	123,973	56,177	54,720		
(Former Narok)									576,000	260,200	253,432		
NAROK	82,050	128,636	56.8	454,000	190,016	67.7	262,066	65.8	379,012	171,214	166,760		
Narok West	23,867	39,569	65.8	155,265	64,984	60.9	133,060	50.8	292,455	132,113	128,676		
Narok North	36,823	50,927	38.3	153,564	64,272	79.2	129,006	49.2	283,545	128,087	124,756		
Narok South	21,360	38,140	78.6	145,172	60,760	62.8							
TRANS MARA							136,206	34.2	196,988	88,986	86,672		
Kilgoris							136,206	100.0	196,988	88,986	86,672		
SAMBURU	33,366	42,785	28.2	127,000	54,008	79.2	108,884		145,000	66,050	64,346		
Samburu West	25,474	31,549	23.8	93,825	39,900	79.1		73.9	107,123	48,796	47,538		
Samburu East	7,892	11,236	42.4	33,175	14,108	79.6		26.1	37,877	17,254	16,809		
TRANS NZOIA	97,417	133,665	37.2	465,000	195,436	68.4	393,682		551,000	248,100	241,626		
Cherangani	22,261	32,239	44.8	114,934	48,306	66.7		24.7	136,190	61,323	59,722		
Kwanza	32,061	42,439	32.4	143,932	60,494	70.2		31.0	170,552	76,795	74,791		
Saboti	43,095	58,987	36.9	206,134	86,637	68.1		44.3	244,258	109,983	107,113		
TURKANA	50,926	57,397	12.7	195,000	82,509	69.6	184,060		205,000	93,025	93,025		
Turkana North	16,062	18,009	12.1	70,432	29,802	60.4		36.1	74,044	33,600	33,600		
Turkana Cent.	20,979	25,937	23.6	75,696	32,029	81.0		38.8	79,578	38,111	36,111		
Turkana South	13,885	13,451	-3.1	48,872	20,679	65.0		25.1	51,378	23,314	23,314		
UASIN GISHU	112,905	181,920	61.1	528,000	222,446	81.8	445,530		623,000	283,625	276,305		
Eldoret North	51,708	84,738	63.9				130,124	29.2	181,957	82,837	80,699		
Eldoret East	29,867	47,743	59.9				107,777	24.2	150,708	68,611	66,840		
Eldoret South	28,200	49,439	75.3				207,629	46.6	290,335	132,177	128,765		
WEST POKOT	51,423	68,913	34.0	259,000	108,507	63.5	225,449		297,000	134,650	134,650		
Kacheliba	9,510	10,974	15.4	49,898	20,904	52.5		19.3	57,219	25,941	25,941		
Kapenguria	24,465	33,675	37.6	117,964	49,420	68.1		45.5	135,272	61,328	61,328		
Sigor	17,448	24,264	39.1	91,138	38,182	63.5		35.2	104,510	47,381	47,381		
TOTALS:	1,190,084	1,896,028	59.3	5,767,000 5,764,000	2,421,868 2,415,423	78.3	4,979,642		6,840,000	3,100,325	3,025,854		

Note: Columns E and L totals discrepant by the amount shown differently in the original census total for Baringo, on which the projections were based, and the 1994 published figures.

ANNEX FOUR

BACKGROUND BRIEFING MATERIALS

FOR

UGANDA'S RESIDENT DIPLOMATIC OBSERVERS

The contents represent some of the relevant background briefing materials used in the US Mission's resident diplomatic observation effort during the Ugandan presidential and parliamentary elections. They are not a comprehensive set, in that some of the electoral events are completely different from the Kenyan case (e.g., the women's elections). Similarly, some of the procedures used in Uganda were quite different from Kenya and the background briefing materials here would thus have to be tailored to the local situation. The point of their inclusion is simply to give some examples of the types of information and level of detail/specificity that will be of use in mounting a broader resident diplomatic observation effort in Kenya.

Elections Observation Issues

Main point of this trip is to observe the register display, which is supposed to take place between March 25 and April 15. Since this should take you to several parish headquarters, this is also a good opportunity to begin to make a plan for the actual polling station itinerary you might want to do -- noting where there are (or are likely to be) polling stations and if possible taking care to sample some in more than one county/constituency. It's also a good time to locate the district domestic monitors' offices and introduce yourselves to them, talk to them about the present situation re: campaigning, the registers, etc. While they are going to be mounting a civic education campaign under the joint auspices of a coordinating unit, CEJOCU, they are more likely to be known to local citizens as NOCEM and UJCC.

1. Locate some register displays. Ask if you may take photographs. If not, write a paragraph describing where the display is physically, who is responsible for it, whether anyone is there consulting it while you are there.

The register is a computerised listing of the up-to-600 names that are assigned to each polling station. The main issue will be what is a "public display". Previously the register was in many cases held by the person appointed by the Returning Officer locally, called a registration official or assistant, and citizens were expected to find this person and ask to peruse the (then-handwritten) register. There has been some indication that this may still be the case -- that a "public display" can be interpreted to mean a posting in a public place or the availability from the designated officer of the list. [Given the fact that we are now in the rainy season, there may be widespread decision to resort to this method of "display".]

2. Ask the Returning Officer to explain the register display procedure to you. Ask him whether it is proceeding as expected in his district, whether he's experiencing any problems, and how he is monitoring the display.

3. Ask the local monitors about the register display -- find out what they think the procedure is, whether they are actively out looking at the register themselves, and what particular issues they think might cause people in that area to consult the register (e.g. a high proportion of refugees in the area, a significant problem of missing names during the CA, a suspicion that dead voters have not been purged from the list).

4. Find some ordinary citizens and ask them about the register display, checking to see what they think the procedure is; where they think the register is being displayed; whether they feel a need personally to consult the register to verify their names, and

why or why not; whether they are aware of the dates for the display; whether they have already tried, and if so with what results.

5. Ask the ordinary citizens what their voters' cards look like -- i.e., what they have to produce on polling day to receive a ballot.

The issue here is whether the new cards are being issued to everyone, or only to new voters, and whether both the certificates issued to CA voters and the newer registrants' cards will be used, or only the latter. We are uncertain about this and will find out from the Commission, but the point is that we need to know also what the ordinary citizen knows/thinks, what the election officials at district and parish levels think, and what the monitors think, on issues like this.

6. Talk to party supporters and senior NRM officials (e.g. the LC5 Chairman and the LC3 chairmen at county level) and ask them what their view is of the register display and whether there are problems remaining with the register. (These are the main "partisan" forces and they have the most reason to be suspicious of efforts for non-eligible persons to be registered. They will also have a wealth of information about the political situation in the area, if they are willing to talk about it.)

7. As you leave the area, fill in the local monitors about your general impressions of the register display, and then do the same with the Returning Officer, since it is he who is responsible for sorting out problems in the exercise and your information could be valuable.

Observing Candidates Meetings

Parliamentary campaigns are underway presently. The method of campaigning permissible for these is the candidates' meeting, at which all the candidates for a particular constituency appear jointly on a parish-by-parish tour to address the electorate and answer questions from them. In addition, it is permissible to go house-to-house campaigning for votes. Public campaign meetings or rallies are not permissible. Consultative meetings with the candidate's agents are permissible, but are not supposed to turn into "rallies" or public demonstrations of any sort. This is still a murky area, with some candidates reportedly having had consultative meetings halted on grounds that they were turning into illegal campaign rallies, while others have not been interfered with. This is one of the main things to be on the lookout for, discussing with the candidates the degree to which they feel they are being treated equitably with respect to consultative meetings.

Strategy for Observation

1. Each team needs to look through the lists of candidates nominated for the constituencies in its district(s), together with the commentary in the newspapers, and to determine which are the "hot contests" which may be of special interest. We are not trying to look only at these, since we need an overview of the process more generally, but focussing on the "hot contests" may be a shortcut to identifying problems, if any.
2. Each team needs to make a tentative travel schedule, starting from early next week, to cover around three days (including the travel time) and to attend more than one meeting of the contestants it has chosen to follow, so that observations are based on more than one meeting, which might be atypical. Teams need to check with their supervisors and then fill out the proposed travel format being handed out, with a clear indication from the supervisor that this will be an acceptable time for the team member to be out of the office. We need to stagger these trips, so that no more than two, or at most three, teams are out at any one time, to reduce pressure on both the motorpool and the normal work flow in the office.
3. Each team should endeavor to find out about the women's contest in the district in addition to the constituency races, and attend at least one meeting of the candidates for the women's seat, if possible.
4. Issues to look for at the candidates' meetings include:
 - evenness of treatment of the candidates with respect to time for presentation, order of presentation, permission

for others to speak for the candidate or to "warm up the crowd", etc.

- any abuses of the candidates' meeting idea, e.g. attempts by candidates to mount demonstrations of supporters adjacent to the meetings; to arrive late and try to get the last spot on the speakers' list that way; etc.
- type of language being used by the candidates; note the language, note the way the Presiding Officer deals with it
- treatment of issues by the candidates; note main issues being stressed
- audience response/reaction, including the questions asked; note what questions are frequently asked, what kind of response they get, as well as any interventions by the Presiding Officers to disallow questions (they're supposed to disallow questions which are derogatory or insulting, but it's not clear just what is considered insulting in the quest to establish "personal merit")

5. Talk to some voters about this whole method of campaigning and whether they think it is sufficient, whether individual campaigning should be allowed in addition, whether the candidates are being treated equally, whether the campaign period should be longer or shorter, etc. In other words, what does the electorate think is the most appropriate method for campaigning currently?

6. Note any instances of sponsorship of candidates by "organized political forces"/leaders -- i.e., political parties, the NRM Secretariat or senior NRM leaders. This might take the form of appearance at the venue of the meetings, whether invited to speak or not.

7. For the Women's seat, do the candidates' meetings involve large audiences or basically the "electors" from the parishes and sub-counties? What issues are discussed? What questions are asked?

Output. Let's approach this in terms of recommendations to the IEC about how to improve the process, including the degree to which the meetings provide sufficient access of the electorate to the candidates or not, the degree to which the electorate is interested in individual campaigning in addition or instead of the meetings, the adequacy of the meetings in providing fora for addressing issues, and the competence of the Presiding Officers.

Monitoring Campaign Expenditure

A major issue in terms of the "level playing field" is the degree to which public funds are used by the government of the day, which has access to them, to campaign. The opposition is already quite worried about this. In Kenya, the use of massive amounts of money are reported to have contributed to the 30% or worse inflation rates of the months immediately after the election, and ultimately to the Goldenberg scandal which has persuaded the donors to suspend aid disbursements to Kenya.

The ways in which a government can make use of public funds in a campaign are numerous and some of them cannot really be monitored very well. For example, one would expect the collections of local revenue to diminish as the RC3 committees begin to "excuse" more and more taxpayers in order to curry favor with them, either with or without NRM directives to this effect. Since the state of revenue collection in some (though not all) councils is already precarious, this will lead to major financial crises for a few. (Mbarara is reportedly already in such a crisis).

Other uses of money include the establishment of slush funds or the use of large institutional pools of money as slush funds. Some examples are the National Social Security Fund; a national hospital fund, if there is one; other national insurance and pension funds; marketing board funds (I'm completely unaware of the extent to which these exist here). We need to establish some sort of monitoring system for these pots of money. Large withdrawals and deposits that are unexplained or non-routine could be suspicious.

We could also monitor the money supply, presumably from Bank of Uganda statistics. I'm not sure this is very straightforward and I doubt that Uganda would jeopardize its favored status with the donors by the type of wholesale printing of money that the Kenyans are reported to have done.

There is of course also the entandikwa scheme, which we feel is probably politically motivated from the start. This is the type of "small money" that is inevitably going to take on a political coloration and to which undue attention is frequently paid because it is relatively speaking so much more comprehensible and easier to understand, monitor, and complain about.

There is, finally, the district treasuries, newly liberated from the strong central control of past years. It will clearly be impossible for us to monitor at this level, except to the extent that material appears in the newspapers (I'm following local level financial news closely). However, we should make every effort to sensitize people at local level -- monitors particularly -- to take note of possible local financial irregularities that might indicate the use of public funds unaccountably.

Nominations

Who is qualified to stand for parliament

Candidates must be: citizens of Uganda
registered voters
educated to the standard of an A-level or
its equivalent

Candidates cannot be: of unsound mind
an official in any way connected with
the conduct of the elections
a traditional or cultural leader as
defined in article 246 (6) of the
Constitution
an undischarged bankrupt
under a sentence of death, or a sentence
of imprisonment exceeding nine months
imposed by a competent court without
the option of a fine

Candidates must apply for leave if they are currently holding
a public office and this is supposed to be at least 14
days before the nominations [there could be trouble here
in that the IEC Chairman announced the dates on May 8,
giving less than 14 days from then to the nominations,
which could catch and be used against those who had not
proceeded on leave before this point].

What's supposed to happen

Nomination days are May 20 and 21, in the Returning Offices of the
districts in which the constituencies are located, from 10:00 am to
4:00 pm.

Returning Officers receive nomination papers from prospective
candidates (via two registered voters, the proposer and seconder),
the papers comprising:

1. A nomination paper in duplicate containing a statement under
oath specifying:
 - name, address, age and occupation of the person
seeking nomination
 - address designated by the candidate for
receiving papers re: this election
 - name and address of a person appointed official
agent of the nominee

- a statement by the person named as agent stating that s/he has accepted appointment as agent
 - names and signatures of a minimum of 10 persons who are registered voters in the constituency, with each of these voters stating village, occupation, and personal voter registration number
 - a statement under oath stating that the person seeking nomination is a citizen of Uganda, is 18 years of age or above, consents to the nomination, and is not disqualified to stand as a candidate under this or any other law in force in Uganda.
2. A nomination fee of US\$200,000/= in cash or a bank draft in that amount payable to Uganda administration.
 3. Two post-card size copies of the candidate's own recent straight face, colour photograph.
 4. One requirement which does not appear in the Statute, but which is covered under other Ugandan law, is the requirement to present a tax clearance certificate, which candidates were advised by the Commissioner of Revenue to acquire. Today's New Vision, however, indicates that a tax clearance certificate is NOT a requirement. There may be confusion about this in the field. Carry a copy of the New Vision announcement from the Chairman of the IEC.

Returning Officers provide a duplicate copy of the nomination paper with the Ret. Off.'s certification to the nominee.

Guidance on minor irregularities in papers

The Statute states that:

1. If a nomination is signed by more than ten persons and it turns out that some of them are not qualified, registered voters in the constituency, this does not invalidate the nomination so long as there are ten qualified persons on the papers.
2. A Returning Officer cannot refuse to accept a nomination paper on the allegation of ineligibility unless the grounds for this allegation of ineligibility actually appear on the nomination papers (i.e -- not a Ugandan citizen; under 18; currently in prison or remand; etc.)
3. A Returning Officer cannot refuse to accept a nomination paper due to any minor variation in the way the nominee's name appears on the papers vs. the voters' roll, if the Returning Officer is "reasonably satisfied that the variation is due to an error".

4. **Here's the ambiguous one:** A Returning Officer shall not refuse to accept a nomination paper "if the returning officer is satisfied that there has been substantial compliance with this Statute."

At the end of the exercise, i.e. at 4:00 pm on Tuesday, May 21, the Returning Officer is supposed to announce the name of every candidate who has been duly nominated.

What can go wrong

Things to watch for include:

- a. whether the Returning Officer is present throughout the appointed time period; presumably, the Asst. can deputize as the Returning Officer attends to other responsibilities, but the office should be open throughout the six hours on each day. [You can ask whether this in fact has been the case; presumably the domestic monitors will be present throughout]
- b. whether any candidates papers are rejected, and for what reason
- c. whether any candidates are prevented from presenting papers in the first place. This was a significant issue in 1980, and in Kenya in 1992, when candidates were prevented from reaching the venue at all, by various means -- road blocks, hijacking of candidates, having prospective candidates picked up on bogus or minor civil offense charges (traffic tickets, tax defaulting) and keeping them in police cells until after the exercise was finished. This was not a significant issue for the CA elections and I know of no case in which it occurred, but the stakes are higher here. The two day period for nominations is meant to reduce the likelihood of this kind of activity.
- d. whether the Returning Officer announces the results at 4:00 and they are accepted by those present.
- e. whether there are domestic monitors present and what they have to say about the exercise.

Nominations for Special Seats

The nominations of candidates for the district women's seats will take place at the same time. Not sure what the differences are in the procedure and requirements; attached is a copy of the relevant statutes, which should aid in determining this.

Observing the Parliamentary Elections

The parliamentary polls are the final phase of the current set of elections in Uganda's ten-year transition to a directly-elected government (although the election of district council chairman, which are also constitutionally mandated to be on the basis of direct, universal adult suffrage, remains for some time later this year under the new Parliament). These elections, like the CA election and the recent presidential poll, are being contested on a non-partisan basis. They are nonetheless competitive, except in the few cases where senior members of the government have been nominated unopposed. Indeed, some of the contests are quite heated, in that there is a sitting member of the NRC and frequently a different CA delegate (or two, where counties were divided into two constituencies for the CA and this poll), and a record of the support for these contenders during the CA.

The degree of competition is variable, with some races pitting two strong candidates against each other in what would be seen as a clear party primary in a multi-party system. Many races have four or five candidates; a few have up to ten. The significance of the competition is blurred by the fact of the clear and commanding NRM/Museveni victory in the presidential poll, which has sent all but the most intrepid multi-partyists scurrying for the NRM bandwagon. The election is thus billed by the NRM government, under the new constitution, as a competition of personal merit, and the general impression in the candidates' meetings we have observed does seem to be an emphasis on personal qualifications, both educational and career-derived, and on "development orientation" as demonstrated by concrete projects and benefits secured to the constituency in the past.

Our observation of this poll can be focused by the outcome of the observation of the presidential poll. A few issues emerged from that which were seen as important, and for which there was felt to be considerable room for improvement on the technical side. Many of these will likely not have been addressed given the extremely short period in between the polls, but they are things we should look closely at in this poll. They include:

1. **Registers.** The register may still present substantial problems in some areas, mostly through omission of names which were supposed to be added in the last update, and through numerous duplicate entries. The IEC has attempted to do what it calls register "reconciliation" -- i.e., dealing with complaints without doing a full, formal re-display -- in those areas where the complaints were most numerous. Whether this has borne fruit will be seen on June 27. It would be useful if all of us could briefly question the Presiding Officer or his assistant at the polling stations we visit about the degree to which 1.) s/he believes there are duplicate entries on the

register; and 2.) there have been complaints about duplicate entries.

2. **Illiterate voters.** The question of who may help disabled and illiterate voters still is not satisfactorily resolved. In the presidential poll it was mandated that such persons bring along a relative or other person of their choosing. The lack of civic education/communication meant most did not. In the absence of such persons, a wide variety of solutions were found, not all of them "legal" although most of them by general local concensus. This time let's make an effort to get a statistical portrait of this to assist the IEC in making future decisions about it. For each polling station you visit, ask the Presiding Officer who has been assisting illiterate voters, or will be (if it is very early in the polling process). If at all possible, stay long enough to observe one such episode. Ask the CEJOCU monitor present whether this issue was discussed or their input sought in any way. Ask the candidates' agents whether they have any complaints about the practice at this particular polling station. What we're trying to establish here is how uniform the understanding of the statutory content is, how realistic it is in light of the availability of "persons of one's choice", and what generally acceptable practices are being applied in the field.

3. **Spoilt ballots, Invalid ballots and Reconciliation of ballots.** The presidential election demonstrated that virtually no one understood correctly the concept of "reconciliation of ballots". In brief, what it means is that the total number of ballots issued (as indicated by the serial numbers of those remaining, plus any genuinely "spoilt" ones, which will show how many were actually used; and which can/should be cross-checked against the number of names checked off on the register as the ballots were handed out) is determined. This tells the Presiding Officer how many ballots should be in the box and is supposed to be calculated before the box is opened. The box is then opened and the total number of ballots counted and checked against the anticipated total. Only after the numbers issued plus any "spoilt" ones are seen to completely tally with the total found in the box are the ballots actually supposed to be distributed according to candidates and the candidates' totals done. This was not done properly in many places in the presidential poll. It was not done correctly in many places in the women's elections. It will undoubtedly not be done correctly this time, in many places. Let's all just understand what is supposed to happen and passively note whether it is understood and done correctly or not. Let us all note whether, assuming it is done incorrectly, there are any problems in filling the forms for the results transmission at the end. This may make no real difference, but it could become an issue in those areas where there were complaints

during the presidential poll about "stuffing" of the ballot boxes (e.g., Masaka).

4. **Transparency of the tallying exercise.** The tallying is supposed to be a public process. That means domestic monitors, international observers, and above all, candidates agents, are supposed to have access at all times to the tallying process. Let's write a one-paragraph description of the venue for the tallying, the degree of access, the degree to which these agents of accountability actually take the responsibility for watching the tallying properly, and any other items which you observe where you think there could be an improvement on the tallying process. It is clear that this is still an area of great weakness from the point of view of preventing fraud. That is, monitors and candidates agents seem not to understand the need to really cross-check whether what is going onto the tally sheets corresponds with what they have brought in from the field as the results for the stations they observed.
5. **Signs of ballot fraud.** There were some allegations of voter fraud in the presidential poll, revolving around "fake" ballots being passed around (pre-ticked) in exchange for money or with the voter smuggling in one pre-ticked ballot and bringing out the unmarked ballot he had been issued, unmarked and ready to be ticked and handed to the next participant in this, which is called a "daisy chain". Look for any signs of this.

There may be other issues which you feel are critical to address, either with regard to specific stations or the process in its entirety. As we did with the presidential polls, let's write those on the back of the forms. The purpose of this whole observation is to get an accurate picture of fairness and competence of the exercise on election day, and to make recommendations for improvement of the procedures. We also want to get a picture of the strong candidates nationwide, which we should be able to draw from the combination of candidates' meeting observations and polling day results. The obvious activity that would complement the election day observation is for us to talk to some voters, candidates agents, candidates themselves, and local leaders and find out why specific candidates won.

Reporting

For reports, this time make them brief and topical. This means no more than around 3 pages, unless there is some major issue you need to discuss. Rather than give a chronological description of the polling stations visited, deal with the topics we're focusing on:

- register problems and issues
- assistance to illiterates
- reconciliation of ballots/counting

- tallying transparency
- any general procedures at polling stations
that were a problem
- overall summary of efficiency and fairness

We'll do a debriefing again on Saturday, as we did previously, on Saturday, June 29, from 1 pm, hopefully lasting no more than an hour and a half.

Polling Day Checklist

District: _____ Constituency: _____

Name of Polling Station: _____

Team Number: _____ Time Arrived: _____ Time Left: _____

Time of Opening of Polling Station: _____

Materials:

Were materials adequate? Yes ___ No ___

Missing: _____

Were they delivered on time? Yes ___ No ___

Security of materials satisfactory? Yes ___ No ___

Polling Officials:

Did polling officials appear: Yes ___ No ___

Clear on procedure? Yes ___ No ___

Competent? Yes ___ No ___

Procedures:

Was the box properly sealed? Yes ___ No ___

Was ink being checked for before
the issuance of a ballot? Yes ___ No ___

Were there problems with the register? Yes ___ No ___

Was layout of the station satisfactory? Yes ___ No ___

Was there a screen on the voting table? Yes ___ No ___

Were candidates' agents present? Yes ___ No ___

Were they allowed appropriate access? Yes ___ No ___

Were domestic monitors present? Yes ___ No ___

If yes, from what organization(s)? _____

Were they allowed appropriate access? Yes ___ No ___

Was the flow of voters efficient? Yes ___ No ___

Who was providing assistance to illiterate,
blind and handicapped voters? _____

Atmospherics:

Were security personnel present? Yes ___ No ___

Were they intrusive or intimidating? Yes ___ No ___

Was there any active politicking nearby? Yes ___ No ___

Please use reverse of the form to note special problems or additional details of the above observations, as well as recommendations for improving the process.

Polling Day Checklist: Count Observation

District: _____ Constituency: _____

Name of Polling Station: _____ Team Number: _____

Counting:

Started when? _____ Completed when? _____

Who witnessed the counting?

Candidates' agents? Yes _____ No _____

Domestic monitors? Yes _____ No _____

Voters? Yes _____ No _____

Was the box opened and emptied publicly? Yes _____ No _____

Were the ballots reconciled before the count? Yes _____ No _____

Was the counting done publicly? Yes _____ No _____

Who determined invalid ballots and how? _____

How many cases of controversy on spoilt ballots did you observe? Specify: _____

Were results announced publicly? Yes _____ No _____

Did candidates agents confirm the results? Yes _____ No _____

Were the correct number of copies of results forms completed and distributed? Yes _____ No _____

Results:

Totals: (Continue on reverse)

Total votes cast: _____ Candidate: _____ Vote: _____
(name)

Total spoilt ballots: _____ Candidate: _____ Vote: _____
(name)

Total invalid ballots: _____ Candidate: _____ Vote: _____
(name)

Please provide a brief overall summary of your observations.

Election Day Observation

Guidelines for US Diplomatic Observer Teams (prepared by USAID)

Election day observation will encompass several activities over the course of at least a day and a half. Some of these relate to the actual observation of polling stations, others to the tallying process in district headquarters. The attached checklist is designed to be a handy reference as polling stations are visited during the course of the day. The following notes about the checklist are set into a broader discussion of the strategy we might pursue on polling day.

Travel. For those travelling out to districts at some remove, the best plan would be to travel early on June 26, book into the relevant hotel, and then spend the rest of the day scouting out the route you want to follow in sampling polling stations the following day. A good way to get some inside information to guide you in selecting areas to sample is to find the office of the domestic monitors the day you arrive, and before driving out to reconnoitre. These are NOCEM and UJCC, among others, and should be contactable at the CEJOCU office (which you may have found on a previous visit). They will welcome having you as a mobile liaison, and they may have particular concerns about particular areas -- military barracks, other institutions, etc. By assisting them and incorporating their "trouble spots" into your observation itinerary, you'll gain a valuable set of colleagues who can fill you in later on what happened in many areas you won't have gotten to.

Setting an Itinerary

Your itinerary could either begin in a rural station at some distance from the headquarters (to give us a fix on the degree to which these are properly supplied, staffed, and open on time) and end in the district headquarters, or begin and end in the same polling station either in town or close to town. A major concern has to be safety, and the polling process is likely to extend to sometime past 6 pm in many places (even longer in multi-station town polling centers). Driving after dark is to be avoided, if possible, unless there is some compelling reason to be out at some distant place for a closing and count. Maps are available for planning routes in the rural areas.

Polling Day Schedule

For polling day you've got to pace yourselves. Our purposes would best be served by a concerted effort to maximize the number, type and geographical spread of stations we see open and close. Opening is supposed to occur at 7:00 am; getting there by 6:30 is not a bad idea, and to reach a relatively distant station by this

time you may have to leave at 5:30 am. This is the station to spend the most time at, apart from the one at which you witness the count. Up to an hour at the first station makes sense; after that, 15 to 20 minutes is adequate, especially as you get into the hang of it and find pretty much the same situation in most of the stations you visit. Any station where things seem to be going badly awry, of course, deserves careful attention.

If at all possible, sample polling stations in two or more constituencies (even though this is not particularly "relevant" to the presidential poll). These are clearly marked on the maps. One strategy is to head out in one direction at 6:00 am, returning by about 10:00, and then to head out another way from headquarters for the following two hours. If you sample ten to twelve stations, you will have a good picture; more is really overkill, and even eight could be quite enough. It might be strategically best to try to get a rest, perhaps back at your hotel, for at least an hour or so, before arriving at the station where you intend to observe the closing and count. You need to be at that station by 4:30 or so, and you'll be there until at least 6 pm, and probably up to 7pm. The transparency of the count and the degree to which it is agreed to by the candidates' agents is a critical observation point.

You could then visit the Returning Officer and find out where the tallying will be done and make it clear you will check into that periodically. Ideally, you could do this in the late afternoon of the 26th, but in practical terms none of the Returning Officers is going to be in a position to be located then, let alone spend time with international observers. Then get some dinner, drink a lot of coffee, and head for the tallying point.

In some districts the results will come in quickly and smoothly throughout the night, and you should try and stay there as late as possible if they seem to be arriving in good numbers from the early evening. On the other hand, where it is clear that they are coming in very slowly, it might be better to head back to the hotel, get three or four hours sleep, and then head back to the tallying center to keep a vigil as and when the results really start coming in. The longer you can stick with the tallying process, up to the actual transmission of results from the district to Kampala, the more satisfactory an election day observation we will produce.

Observation Issues

What you actually observe at a station depends a bit on where it is in your itinerary. For the station at which you observe the opening, you arrive before 7 am and introduce yourselves to the Presiding Officer, show credentials, and witness the opening of the box, confirming that it is empty and its consequent sealing in preparation for the casting of votes. You can talk to the polling officials about whether the materials arrived on time and in

sufficient quantity, and find out whether there are candidates' agents and domestic monitors present to witness the opening activities.

Materials. Are there enough ballots, boxes (in case this is a multi-station polling center), seals, ink, writing materials, and instruction manuals/guidelines? Are the registers there? Did the materials arrive on time? What can the officials tell you about the security of the materials -- i.e., where have the ballots, ink, registers, and boxes been since they were dispatched from district headquarters, and who has been guarding them? There will **inevitably** be complaints about materials, although ideally they will be small ones -- i.e, pens and exercise books missing, rather than registers.

Polling Officials. Do some comparison as you rotate through polling stations as to the competence of the officials. Do they seem adequately prepared? Are they basically following a uniform set of instructions? Are they finding the need to improvise here and there, and doing so effectively or not? (Generally one finds a magnificent degree of common sense and ability to adapt/improvise, but there's always an exception or two.) Are they in control of the polling station and of their subordinates? What are their main observations about the exercise? Main complaints?

Procedures. Check whether the procedures are being followed properly, perhaps following the progress of one or more voters systematically, as non-intrusively as possible.

1. Look at the **layout** and see if it conforms to the guidelines, with tables set up for the register and ballot delivery; a table for marking the ballot (which is supposed to have a screen); a table with the box on it; a table where the voter passes to have his thumb inked. These are supposed to be set at a reasonable distance from each other, although there is bound to be considerable variation depending on the area available, the fact that provision must be made for moving under shelter if it rains, and whether it's a rural or an urban setting. ("Table" is also rather broadly defined, covering "chair", "stool", "bench", etc.)

2. Listen to the process as a voter moves from the head of the queue to the ballot table and announces his/her name. Is the card presented and is it valid? **Is the voter's thumb being inspected to see whether it has ink on it already?** Is the register being checked off as a voter is issued a ballot? Is anything being written on the ballot, or on the counterfoil to the ballot, if there is one? Is the Presiding Officer/polling assistant explaining the proper marking of the ballot to the voters? Is the ballot being pre-folded so that the voter automatically folds it correctly for deposit into the box?

3. **Ballot Marking.** Are the voters moving to the marking table without interference, and is the screen there and appropriately set to prevent anyone else from seeing the voter as s/he marks the ballot? How many voters are requiring assistance? (You might need to do a 20-minute count to determine this). Are they being assisted by persons they have brought with them, or does it appear that polling officials or candidates' agents are assisting them?

4. **Ink.** Is the ink being applied universally? Are there any signs of voters outside the polling station attempting and/or succeeding in getting it off?

Potential Issues. There are some expectable problems with this poll. There is apparently some confusion over the voters' cards, due to insufficient information/civic education. There are also deliberate efforts being made to confuse people. Registers are also a problem in some places, as is the general fears on the part of the electorate about how secret the ballot really is. The following could crop up and you might want to be alert for them.

1. **Cards.** Are voters without cards turning up? Are they being allowed to vote? Are voters being turned away because their cards are somehow incorrect -- wrong numbers, names, etc.? If so, is it any substantial number or just a few?

2. **Registers.** What shape does the register appear to be in? Does it have hand-written corrections on it? Does it appear that any names have been added at the end? If so, can the Presiding Officer explain this (it is possible the hand-corrected registers will have to be used in some districts, and these could well have some names written at the end). Are there voters turning up and being refused ballots because they are not on the register?

3. **Disinformation.** Are there voters who express fears about the secrecy of the ballot? (You'd have to talk to a few after they have voted to find out; do not approach voters who are in the queue waiting to vote. You could talk to them outside the station before they vote). How do they think secrecy is compromised?

4. **Administrative Confusion.** Are polling officials confused about any procedures? Have they had materials shortages which have caused interruptions in balloting? (Especially serious would be shortages of ballots, or not enough boxes). **Are there additional polling stations which have been created very recently with voters assigned to them, without the voters' being aware where they are supposed to go?** (The new registrants have swollen numbers above the previous 600-person maximum and the Commission has divided these stations. There is some potential for confusion).

5. **Candidates' agents.** Are these present and able to view the process effectively? What observations and complaints do they have?

6. **Domestic Monitors.** Are these present? From what organizations? Are they able to view the process effectively? What observations and complaints do they have? You may find it useful to get a lot of the information you want from them, and similarly to pass on to them what you've seen elsewhere -- saves time, expands the data base.

7. **Security.** What security personnel are present? Are they in the background? Do they seem to be intimidating to the voters? Talk to the Presiding Officers and ask about who they are and how comfortable the officials feel with them. (There are not supposed to be LDUs involved, but practical realities may dictate otherwise.) Is there any need for crowd control?

8. **Turnout.** Is the turnout light or heavy? Are people staying around or leaving after they cast their ballots?

Counting. For the count, you want to watch the process and will probably be asked to come stand nearby. Important to note is whether the box is completely emptied onto the counting surface; whether the ballots are reconciled before they are counted (that is, whether the numbers issued are compared with the total numbers cast and spoilt, and these totals agree); whether the counting is transparent and involves the candidates' agents and monitors as witnesses; whether they sign the requisite agreement/ results forms; and whether the ballots are returned to the box and carefully sealed again with one copy of the results, while the proper number of duplicate forms are distributed to agents and district headquarters. If this process goes beyond dark, is there adequate lighting? What happens to the boxes after the process is finished? [Note: if you are asked to assist by carrying boxes or results in to the Returning Officer, you should only agree if a polling official and a mutually agreed candidates' agent accompanies these].

Tallying. For the tally, request permission to view the actual venue where tallying is occurring and to have the procedure explained to you; then to revisit it periodically through the night. Has the Returning Officer has set up a public place where the tally is continuously updated? Do the candidates' agents and domestic monitors have access to this process? The access will obviously have to be controlled as to numbers of people who can be permitted into what are often very small tallying areas. At the end, is the result announced to the public by the Returning Officer? Are the candidates' agents satisfied that it is correct?

Questionnaires and Surveys

The USAID effort to sample opinion in Uganda periodically is likely to be intensified during the election campaign period and is one method for corroborating the reports we receive via the news media. In order to ensure that the effort produces accurate data, the following points are offered on the design of questionnaires and the conduct of surveys. Some of these are general points, some of them are relevant specifically to Africa or the Ugandan case.

Identifying Respondents

1. We need always to check in at some point in our interviewing -- preferably before it starts -- with the "authorities": the DES (now CAO), the RDC, and the RCs at lower level. These are the locally empowered officials and they are supposed to know what's going on, especially when visitors appear. They have information on the local situation and it's useful to acquire it from them; how the local officials view the situation is "data", whether in fact it is accurate or complete or highly contested. Equally, we do not want to sample **only** RCs and officials. The "pro-NRM" bias of the local machinery (although that is not 100% accurate in all parts of the country) mean that we need to seek out alternative respondents as well. These could include:

- Local headmasters; parent-teachers' associations; teachers
- Church committees
- Women's groups
- Local project groups
- Local farmers' associations, coops, etc.
- Veterans groups
- Senior secondary school students
- Market users -- i.e., both vendors and customers in the market place
- Taxi drivers, boda boda boys, bus park touts, passengers waiting for transport in bus parks
- Shopkeepers in towns
- Agents of candidates

A particular difficulty is likely to be getting enough women respondents to have a sense of whether women have different views. Access to women differs in different parts of the country; in some places they may be quite visible in the markets, and in some places not (or the ones in the market may be of a distinctly different social origin than the rural populace generally, and therefore not particularly representative). Local women's groups and the women's committees in local churches are probably the best bets for getting an accurate representation of local women's views. Another source of information in this respect, of course, are the agents of women candidates. Agents of both men and women candidates are "opinion leaders" generally, and thus a good source of information, albeit one has to sample them across candidates to get a balanced picture.

How to Put Questions

1. Start generally -- that is, ask how the campaign is going, what's good about it, what's bad, what are the problems in the way the campaign is being run locally. My senior professor at University, when interviewing in Kenya during the "emergency", used to start by asking people who was their father, and who was his father, and where did they come from, etc. -- totally "neutral" questions, but ones of very great significance to the people involved. We don't have time to do that, but the oblique approach starting with "neutral" topics establishes rapport. People are not likely to want to share strong and controversial political beliefs unless and until rapport is established.
2. Ask about the issues that the local people think are important before asking about particular candidates. Do not offer issues at the beginning -- especially, do not offer the "multi-party" vs. "movement" issue; let the respondents raise it, and note how they do so, and whether it comes up immediately or only after other issues surface. Same with federalism.
3. Ask about the qualities that the "ideal" candidate would have, and probe the degree to which a candidate should:
 - be someone with a "development orientation" demonstrated through project sponsorships/assistance
 - be well-educated
 - be a good speaker
 - be a good listener
 - be a member of a specific local kinship group
 - be "of good character", honest, non-corrupt
 - be an experienced politician
 - be an incumbent
 - be "pro-party" or "pro-movement"
 - be above (or below) a certain age
 - if a woman, be from the local area (vs. married into it from elsewhere)
 - other?

Then, when the respondents have warmed up on these, ask them what the two or three **most important** of these qualities for a candidate are.

4. To the extent possible, when asking questions structure them as alternatives -- for example, rather than asking if they support the "movement" system, ask it in terms of whether the movement system, a party system, or some combination of the two is best, in their view. The point is to get **context** into the questions, because questions that are totally open-ended do not provide the context in which we all make our actual decisions throughout political life. So you want either/or

choices, or even better, lists of alternatives, so that people respond on the basis of more of the contextual information that will actually inform their choices. Simple open-ended questions often lead to deceptive answers, either because the respondent **thinks** you want a certain answer and is only being polite and doing what s/he has been taught, or because people just don't think about the qualifications and nuances that would change their answer, unless you structure those into the question. A **series** of either/or or multiple choice type questions will elicit a much more accurate picture of the way people actually think than will "yes/no" questions. Of course, these are not as easy to devise.

5. We should probably **NOT** ask the question "who are you going to vote for", either for President or for parliament. If people volunteer this information and you can write it down later, well and good. But if it looks like we are doing opinion polls there is bound to be negative reaction from the local administration and less candid response from the electorate. Opinion polls are not well understood or accepted here. One example of why has already surfaced in this serialisation of the "anonymous" manuscript in the Monitor called the "Microscope", which is full of calumny against Museveni and the NRM generally, and includes the results of some purported "surveys" in August, September and October. They show the support for Museveni slipping badly. The problem with these surveys is that the figures for the three candidates for president all add up to exactly 100%. In other words, no one said "don't know", or uncertain. This is inconceivable, and the general impression I got was that these "surveys" were the product of someone's very naive imagination; which is precisely what the Ugandan electorate thinks about surveys generally. The statistical foundations for surveys are simply not understood here, and the opportunity cost of antagonizing the respondents with such questions appears to me unnecessarily high.

What to Monitor

1. Candidate announcements and profiles. A good deal of this can be gotten out of the newspaper, but some of it is only really obtainable from the field.
2. Claims of harassment or favoritism by district/sub-district administration, especially where the security forces are involved (police, admin police, LDUS, ISO). Whereas it is probably best **not** to write anything down during surveys, in this case perhaps an exception should be made: take down as much in the way of particulars about who, how, when, what, etc. but guarantee the complainant complete anonymity.

3. Claims of illicit funds (use of local authority funds, for example), vote-buying, other types of "corruption".
4. Use of GOU vehicles by public officials/incumbents; wherever the names of the offender and the vehicle license number can be obtained it adds credibility (although we have to keep in mind that there will be "disinformation" about this as well).
5. Issues of greatest local import.
6. Campaign techniques being used locally, literature available, reports of meetings outside the candidates' meeting program.
7. Civic education efforts -- any visible signs, reports of the presence of absence of civic educators, what they are teaching, what else the respondents feel is needed in the way of civic education.

ANNEX FIVE

REGISTRATION ISSUES

Population Eligible to Register to Vote

A major piece of information we need to have thoroughly in hand in order to make sense of what is likely to transpire with respect to the voter registration effort is the size of the eligible population. This can be calculated from the 1989 Census and the analytic volumes that followed it, and preliminary estimates are given below.

However, it is also clear that a major issue will be the degree to which there is discrimination against potential voters in areas which are known to be opposed to the continuation of KANU's domination of the government. This tends to wear a regional face, in the sense that there are "KANU zones" and "opposition zones". Roughly, the coast, eastern, northeastern, rift, and parts of western regions are in the former camp, while central, nyanza, and nairobi are in the latter, together with a few constituencies in western region. Particularly critical, in symbolic terms if nothing else, is the situation in the "clash" areas and particularly Nakuru.

Many in the opposition fear that legitimate, eligible voters in these areas are going to be rejected and told to go register back in their "home" districts. It is the case that much of the population in these few districts has migrated in from elsewhere -- from Central Province and from the Kalenjin areas, competitively, with a significant smattering of Kisii and Luo in Nakuru, and Luhya further up -- and this is the basis for the allegation that there "home" districts are elsewhere.

This in turn is related to the possibility for presidential candidates to get the critical 25% vote in a province in order to qualify for election as president, as well as the chances of the opposition parties vs. KANU capturing specific constituencies, thus affecting their parliamentary totals. Not to put too fine a point on it, the main immigrant community in Kenya is Gikuyu -- significant Gikuyu populations have migrated out of Central Province and form political salient blocs, frequently majorities, in several Rift districts -- Nakuru, Laikipia, Uasin Gishu, and Kajiado (even to a smaller degree in Narok) -- as well as in Lamu. They have attained significant political leverage, and in some cases complete control, of these areas. Of course, the result of the ethnic clashes has been that many have been chased out of the Rift, or are accommodated in temporary settlements, such that it is now not at all clear what the population distribution in these affected areas is.

Thus, the critical regional distribution of eligible voters is not clear, nor is the ethnic distribution or political profile as clear as it was at the beginning of 1992, before these clashes. Nonetheless, the projections of eligible voting population by region serves as a starting place; where large discrepancies emerge between the totals registered and the totals anticipated

on the basis of the Census, we can examine the situation on the ground and know that these are areas in which close scrutiny of the entire electoral process will be advisable.

The following are preliminary estimates of eligible voters in 1997.

	18+ yrs./eligible	Total Pop.
Kenya Total:	13,768,000	29,011,000
Provincial Distribution:		
Nairobi	1,317,725	2,008,000
Central	1,844,550	3,852,000
Coast	1,197,100	2,353,000
Eastern	1,921,900	4,882,000
Northeastern	304,350	692,000
Nyanza	2,201,775	4,982,000
Rift Valley	3,102,100	6,838,000
Western	1,452,100	3,402,000
Total:	13,341,600*	29,009,000

*Note that there is a discrepancy between the total Kenyan population projection, and that calculated for the provinces. This is a function of the differing assumptions made in regional population projections, based on the reality of the differential decline in the population growth rate among regions.

This projection could be applied to districts, also, if it is felt to be advisable, but it will require a considerable amount of work, since the districts now number around 60 and none of the population census analytic material has been extrapolated to match the new districts. It is likely that they follow previously established administrative boundaries, and thus the census raw data could be manipulated to produce totals -- and then projections of eligible voters -- for the districts as they now exist. However, this will be very taxing and time-consuming, and may not be worth the effort given a.) the issue of the clash displacements affecting some of the areas we are really concerned with and b.) the fact that we are now seven and a half years out from the census, and the farther in the past a census is the greater the divergence between projections from it and reality, due to many intervening factors -- internal migration, differential declines or increases in fertility and mortality, differential impact of urbanisation, etc.

One further qualification of the projections given above is that we need to consider them not as fixed points but as a range, and take account of the fact that, since registration will likely take place some time in the first half of this year, not all 18 year olds will be eligible to register, if the date of one's

birth is taken as a precise datum. That is, should registration take place in April and May, only those whose 18th birthday falls in the first four months of the year may be permitted to register. (It is not clear that this is the case, and it is difficult for some persons still to demonstrate precise dates of birth, but if this is attempted it will reduce the eligible voter cohorts indicated above by some portion of the 18 year olds. To take six months as an arbitrary cutoff and examine the impact of this, the following would be the numbers of 18-year olds who would be unable to register because of birthdays in the latter half of the year (assuming an even spread through the year, which is also somewhat questionable.)

Nairobi	23,850
Central	45,750
Coast	27,950
Eastern	57,980
Northeastern	8,220
Nyanza	59,175
Rift Valley	81,210
Western	40,400

Total: 344,535

This suggests that the national total eligible cohort might be 2.5% lower than projected above, if the registration process eliminates those who are projected to be 18 at some point during 1997 but whose birthdays fall after the close of registration.

Registration of Persons: the ID Issue

Voter registration is theoretically quite separate from the registration of persons. Registration of voters is carried out under Cap. 7 of the Laws of Kenya, the National Assembly and Presidential Elections Act (21 August 1969 and subsequent revisions), while the registration of persons is implemented under Cap. 107 of the Laws of Kenya, The Registration of Persons Act (16 May 1949, and subsequent revisions). The Elections Commission has no powers with respect to the issuance of IDs. It does in theory have the power to determine what means of identification will be acceptable under the Constitutional Provision (Art. 42A, sect. a) which states that the Electoral Commission shall be responsible for the registration of voters and the maintenance and revision of the register of voters.

However, when Chairman Chesoni indicated that both old and new IDs would be acceptable in establishing eligibility, the President issued a contradictory statement three days later to the effect that only the new IDs would be acceptable. The President's decision to allow the new ID issuance deadline to be extended for another month suggests that he intends to stick to this. This has produced major disquiet among the opposition, which suspects that the new IDs will be used to manipulate the

voter registration, in particular by using the designation of "constituency" in conjunction with ethnic particulars (which have by law to be recorded during the registration of persons) to prevent persons from registering in the sensitive areas (i.e. of the Rift Valley).

Under the law, persons may register where they are resident; where they work; where they have business interests; or where they own property. (Constitution of Kenya, Article 43). Indeed, the point is made in one recent analysis that a voter is ineligible to register in the place of his birth unless he fulfills one of these other criteria. A truly conspiratorial view of the forthcoming electoral process suggests that administrative go-slow measures and arbitrary rejections will be used to prevent migrants from registering where they reside, and the fact that they do not reside in the constituencies in which they were born will lead to their being rejected as voters in these places as well.

Monitoring the Registration Process

Registration was a major issue in 1992 and in the hindsight of both many donors and most of the NGO community was manipulated sufficiently to have invalidated the elections. Of course, the opposition forces bear some of the responsibility for this since they mounted a boycott of the registration process, which meant that arbitrary rejections and manipulation were not easy to demonstrate -- the flow of registrants was slow at the beginning, and then overwhelmed the registrars at the end, when the boycott was abandoned.

Registration is clearly one of the major issues in 1997, if not the major issue. Manipulation of registration should be considered an invalidating action for this election. One hopes that the registration process will not be complicated by a boycott this time, but that may be too much to hope for. If one occurs, it will tax our imagination to determine how to assess the acceptability of the registration effort that occurs. The estimates of eligible population provided above provide one set of data to measure of the competence and legitimacy of the process -- e.g., if the figures are very low, it may indicate either incompetence or malfeasance on the part of the registrars. On the other hand, other factors may contribute -- a boycott, should there be one, and voter apathy generally, especially where there have been numerous defections. To be valid, an assessment of the registration exercise needs to sort through these at least on a sample basis, or in the areas of greatest contention.

The NGO and donor communities should monitor registration. The US Mission might take the lead in mounting a set of teams that will pursue all aspects of the electoral process, starting with registration. Information should then be shared with the other donors via the D3G as to what we observed, and how we went about it.