

GEO 2013 SEOL, SOUTH KOREA
‘Sustainable Electoral Processes, Strengthened Democracy’

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**“Electoral Violence: Understanding Electoral Violence and
Security: How to mitigate risks to the Electoral Process”.**

1. Definition of free and fair elections by Chief Justice Odoki in Col. (Rtd) Dr. Kiza Bisigye Vs Museveni and Electoral Commission of Uganda

“To ensure that elections are free and fair, there should be sufficient time given for all stages of the elections, nominations, campaigns, voting and counting of votes. Candidates should not be deprived of their right to stand for elections and citizens to vote for the candidates of their choice through unfair manipulation of the process by electoral officials. There must be a leveling of the playing ground so that the incumbents or Government Ministers and officials do not have unfair advantage. The entire election process should not have an atmosphere of intimidation, bribery, violence or coercion or anything intended to subvert the will of the people. The election procedures should guarantee the secrecy of the ballot and accuracy of counting and the announcement of the results in a timely manner. Election Law and guidelines for those participating in elections should be made and published in good time. Fairness and transparency must be adhered to in all stages of the electoral process. Those who commit election offences should be subjected to severe sanction. The Electoral Commission must consider and determine election disputes speedily and fairly”

2. GEO in Botswana came up with the Gaborone declaration 2011(9/3/11). The declaration “noted that an increasing number of countries around the globe conduct elections as a peaceful means of discerning the will of the people but also observe increasing instances of election related violence” and ‘Acknowledge the need to address the root causes of, and reduce the potential for election related violence, which is a form of political violence”
3. My country Kenya experienced serious post election violence after the 2007 general elections which led to many deaths and destruction and only

stopped after a successful International mediation led by Dr. Koffi Annan that resulted in a National Reconciliation Accord. This is well captured in the Global Commissions on elections, Democracy and Security Report. The report does not record the successful reforms that followed the National Accord. The country adopted a new constitution in August 2010 which ushered in a new governance structure, electoral reforms, and systems, judicial reforms, security sector reforms and a devolved system of government that guaranteed a fair and equitable share of resources.

The country held its first elections under the new constitution on 4th March 2013, where the people voted for their President, Governors, Senators, Members of Parliament, special seats for women MPs and members of the County Assembly Ward. The elections were hailed to be credible, transparent and fair by both the domestic and international observers. Those who lost in the elections and were dissatisfied with the result challenged the results in court and accepted the verdict of the courts. The 4th March 2013 general elections were largely peaceful before, during and after the elections.

4. My presentation on the subject matter of electoral violence is in the context of Kenya and I refer you to the power point presentation which I will not repeat and entice you to go through the ballot magazine which captures the spirit of the Commission after the elections

5. Understanding Electoral Violence and Security Triggers

- Violence happens throughout the electoral cycle –pre-election and post
- Violence against the voter (suppress turnout or punish)
- Violence against candidates especially women and political parties- outsourcing of violence to goons and criminal gangs
- Violence against election officials aimed at disrupting the vote – Kenya, Nigeria, Mali, Afghanistan
- Large scale mobilization of people to protest against election outcomes as happened in Kenya in 2007, often leads to violence
- Electoral violence thrives when institutions that are meant to guarantee a free and fair elections are too weak, corrupt, compromised, partisan or intimidated- the judiciary, Police, EMB and the media
- Ethnic/ tribal divisions, unresolved injustices, economic inequality, poverty and unemployment
- Winner Takes All Politics and absolute majoritization rule gives little incentives for losers to accept defeat-First Past the Post (FPTP) Presidential System of Government

- Regional insecurity and proliferation of small arms-Somalia, Sudan , Uganda, DRC
- Divisive campaign tactics, hate speech, ethnic/ tribal balkanization and demonization of others
- Abuse of power of incumbency and state resources
- Lack of trust, confidence and legitimacy in the EMB and the Judiciary
- Politics, crime and illicit money
- Regional and international interests in the outcome of the elections- *'choices have consequences'*
- Elections- double edged sword- can be as source of conflict or stability

6. How to mitigate Risks to the Election Process

- Creating independent and professional institutions that inspire confidence in the people e.g the EMB, the police and the Judiciary etc
- Credible Electoral Dispute Resolution Mechanism
- Conducting elections with Integrity –credible, transparent and results widely accepted
- Choice of the electoral system to avoid the winner takes all situation and creating an inclusive political environment where the losers have an incentive to participate
- Devolution of power and resources from the centre to the regions
- Deterring violence before it happens- early warning systems. Mapping hot spots and co-opting the public into sending information to a platform that collects and collates all the information and alerts the relevant state organ to take preemptive action before the violence occurs. In Kenya this form of crowd sourcing was successfully used under the name of 'ushahidi' and later as 'Uwiano" platform
- Creating a forum for political parties to meet and discuss their complaints and matters of their concern through the PPLC or IPAC
- Holding individuals accountable personally for their actions if they contributed to any election related violence –both domestically and within the local jurisdiction and internationally at the ICC in Haque
- Strong committed regional and/ or international mediation whose mediators command great respect and have the backing of key players.

Conclusion

Risk associated with an electoral process can be mitigated by

- i. ***Improved Electoral Security***: this points to specific electoral security measures which can be undertaken throughout the electoral cycle to

- protect the actors , events, facilities and materials from violence
- ii. ***Improved peace architecture:*** different strategies that can be used by other state and non state actors to mobilize civil society (CSOs), traditional and religious leaders, reputable individuals and other organizations and individuals with capacity all contribute to diffusing election related tensions
 - iii. ***Improved Electoral Management and Justice;*** specific electoral planning, implementation and dispute resolution strategie that can be used to avoid controversies and technical flows in order to minimize potential for violent outbreaks

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