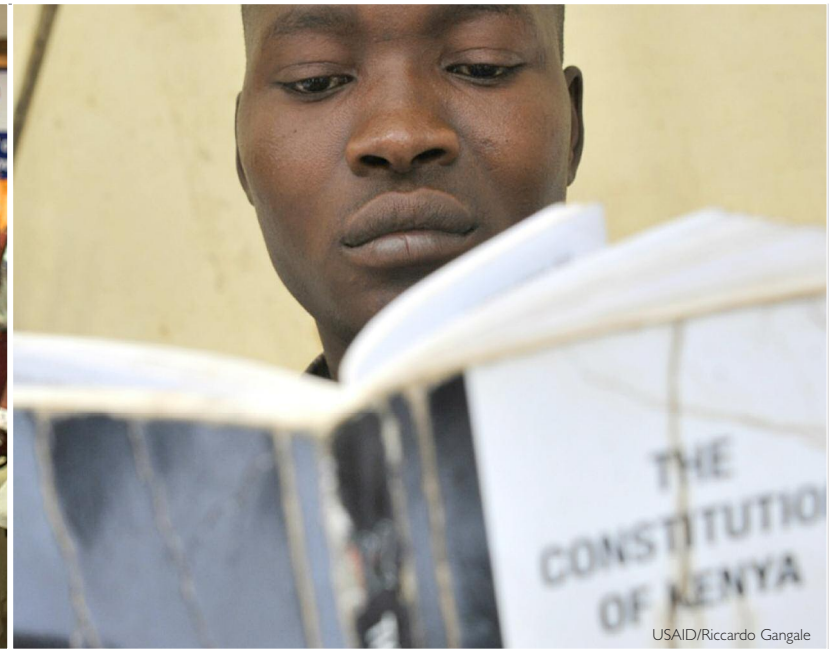




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USAID SUPPORT FOR KENYA'S 2013 ELECTIONS: RAPID ASSESSMENT REVIEW

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Prepared by: Larry Garber (PPL)
Elizabeth Dallas (DCHA/CMM)
Johanna Wilkie (DCHA/DRG)

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LIST OF ACRONYMS

AAR – After Action Review
BVR – biometric voter registration
CCC – Canadian Commercial Corporation
CSOs – civil society organizations
DCHA – Bureau for Democracy, Conflict and Humanitarian Assistance
DCM – Deputy Chief of Mission
DfID – UK Department for International Development
DRG – Democracy, Human Rights and Governance
EDG – Elections Donor Group
EDY – Education and Youth Office
ELOG – Election Observation Group
EMB – election management body
EPP Fund – Elections and Political Processes Fund
ERTF – Elections and Reform Task Force
EU – European Union
EVID – electronic voter identification system
EWER – early warning and early response
ICC – International Criminal Court
IEBC – Independent Electoral and Boundaries Commission
IFES – International Foundation for Electoral Systems
IRI – International Republican Institute
KCSSP – Kenyan Civil Society Strengthening Program
KIRA – Kenya Initial Rapid Assessment
Kriegler Commission – Independent Review Committee
Mission – Kenya Mission
NDI – National Democratic Institute for International Affairs
NGO – Nongovernmental organization
NSC – National Steering Committee on Peacebuilding and Conflict Management
OFDA – Office of Foreign Disaster Assistance
OMR – optical mark recognition
OTI – Office of Transition Initiatives
POL – Embassy Political Office
PVT – parallel voter tabulation
RAR – Rapid Assessment Review
RTS – results transmission system
S/CSO – State Department Bureau of Conflict and Stabilization Operations
UNDP – United Nations Development Program
YYC – Yes Youth Can!

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EXECUTIVE SUMMARY

This Rapid Assessment Review (RAR) appraises the assistance provided by the USAID/Kenya Mission (mission) over several years in support of the March 4, 2013, elections. Despite the considerable concerns regarding an outbreak of ethnic violence, particularly when the results of the presidential election were contested by opposition party leaders and civil society organizations (CSOs), Kenyan institutions successfully managed the process in a manner that minimized violence and led to the opposition accepting the Supreme Court decision upholding the announced outcome. This report is designed both to document the mission's experience and to offer lessons for other USAID missions seeking to promote a credible electoral exercise while simultaneously preventing violence or mass atrocities in circumstances where elections have previously caused such outbreaks.

Specifically, the RAR recommends that the following factors should be considered by USAID missions in future cases involving election support:

1. Promote elections that are both peaceful and credible, and avoid operating as if these objectives are inherently in conflict. The Kenyan election demonstrates that specific assistance activities can successfully address these objectives independently and jointly. Ultimately, though, domestic actors will determine whether an electoral event remains peaceful or leads to violence, and whether the results, after due adjudication, are accepted or rejected.

2. Start early. An election is a process, not an event. Preferably, planning should start as early as three years before the election date, with multiple stakeholders from the U.S. Govern-



A customized database receives text messages sent by election observers in the field.

Credit: Jef Karang'ae

ment and the host country included. An initial, broad assessment of the operating environment should be reinforced by iterative and targeted reviews during the period preceding the elections. The bilateral budget should provide funding for electoral support at least two years in advance, with funding levels anticipated to increase as the elections approach. Moreover, deployment of additional staff, whether contracted or on temporary duty, should be planned in the run-up to an election.

3. Seek opportunities to test approaches, build relationships and operate holistically. In Kenya, support for the reform process and the constitutional referendum, including reconciliation and peace messaging, laid the groundwork for constructive working relationships among Kenyans moving into the 2013 election period. By-elections and especially the referendum functioned as test systems intended for implementation during the general elections. Applying a holistic approach to the Kenyan electoral process involved reaching across development sectors and using the unique capabilities within the mission (and the country team more broadly). For example, USAID/Kenya's ability to leverage partner networks from across the democracy, youth, health, agriculture and humanitarian sectors was instrumental in increasing the outreach for civic and voter education and for expanding early warning and early response (EVER) systems.

4. Prioritize democracy, human rights and governance (DRG) programming within the mission, especially as elections approach. For example, in Kenya, the DRG Office received preferential treatment from the regional contracting office. The DRG Office was also allowed to add staff between the August 2010 referendum and the March 2013 elections.

5. Promote active collaboration with USAID/Washington, colleagues and interagency actors. Various U.S. agencies and offices contributed diverse and complementary skill sets, including close coordination with key international allies in Kenya at the highest levels. Proactive communication on a regular basis between the mission and various stakeholders in Washington informed all interagency actors interested in and involved with the Kenyan electoral process. The U.S. Embassy in Kenya, meanwhile, divided responsibility for several critical operations among three major actors: the Embassy Political Office (POL), a team from the State Department's Bureau of Conflict and Stabilization Operations (S/CSO), and USAID. As the elections approached, the ambassador convened a biweekly Elections and Reform Task Force (ERTF) to better ensure ongoing coordination and information sharing, and organized a number of deep-dive sessions to take stock and plan for different scenarios.

6. Ensure effective coordination with counterparts in the international community. In Kenya, donor governments, led by the U.S. ambassador, worked closely together to amplify key messages and to stretch scarce resources beginning several years in advance of the elections. Success was greatest with the establishment of an Elections Donor Group (EDG), co-chaired by USAID and the UK's Department for International Development (DfID), and with multidonor contributions to the basket fund managed by the United Nations Development Program (UNDP). USAID's contribution to the UNDP basket fund gave the U.S. Government a voice in a venue where important decisions were made.

7. Be flexible and innovative with approaches, partners and mechanisms. Internal mechanisms should be in place that allow for rapid adaptation. Linkages among implementing partners provide a forum to exchange ideas and collaboration. Engage nontraditional partners, such as the police and the judiciary, early to secure their contribution to a holistic approach toward violence prevention.

8. Identify effective messages, messengers and means of communication through focus groups and surveys if feasible. This effort is particularly important when trying to promote messages of peace in a conflict-prone environment.

9. Strike an appropriate balance between funding implementing partners to conduct specific activities for the election management body (EMB) and building the EMB's capacity to do the work itself. Help the EMB monitor and adhere to the electoral calendar. Be prepared to provide technical assistance and training as part of elections administration support well before procurements are needed.

10. Understand technology's benefits and limits.

Technology is a tool, not a panacea. Serious cost-benefit and feasibility analyses should be undertaken before committing to support new technology; local low-tech solutions often may be the most appropriate option. Moreover, if supporting the use of new technology, work with stakeholders to develop a plan with milestones that ensure it is operational well in advance of elections, and that there is ample opportunity to test the system and train staff.

11. Structure support for the period after the elections to ensure continuity of operations. Too often, the international community declares an election a success and then quickly pivots and prioritizes other pressing development and democracy needs. Election processes must be institutionalized within a country, and achieving this outcome usually requires several successive elections.

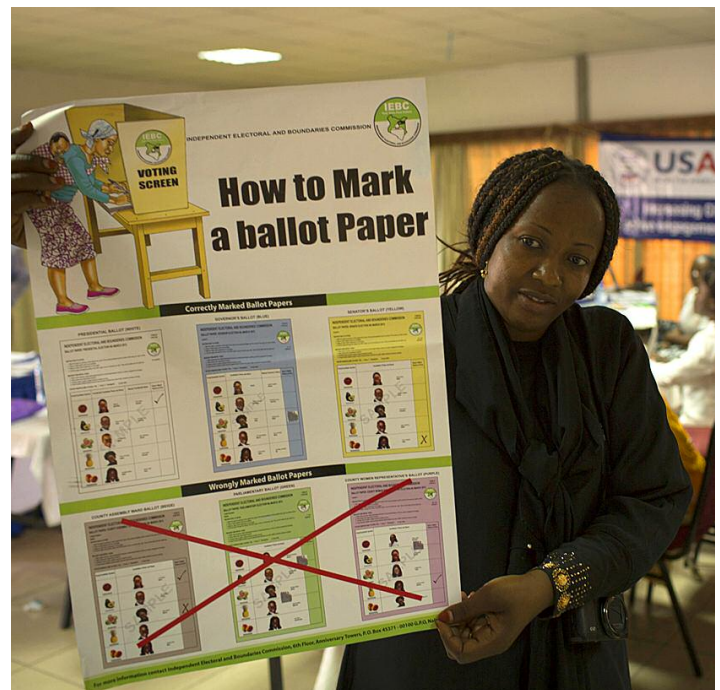
BACKGROUND

Ethnic divisions have defined Kenyan politics since independence, and elections have often ignited outbreaks of inter-ethnic violence since the resumption of multiparty politics in 1992. Most seriously, Kenya erupted in violent clashes following the disputed December 2007 election in which incumbent Mwai Kibaki was declared the winner over challenger Raila Odinga and rushed into office the same day. More than 1,100 people were killed and 600,000 were displaced from their homes during a two-month period that many feared would result in a full-scale civil war.

The crisis ended February 28, 2008, when a mediation effort led by former U.N. Secretary-General Kofi Annan brokered a coalition government with Kibaki remaining as president, Odinga appointed as prime minister and the Cabinet expanded to include members of Odinga's political party, the Orange Democratic Movement. The agreement also resulted in adoption of a mega-reform agenda that was designed to address long-standing grievances underlying ethnic tensions in Kenya.

The reform agenda mandated a new, more inclusive constitution that could begin to address problems that had long plagued Kenya; an attempt in 2005 to approve a new constitution had failed. Foremost among the reforms were laws to decentralize power and resources, reform the judiciary and police, establish a new electoral framework, strengthen human rights and substantively tackle the contentious issue of land reform. Kenyans approved their new constitution in a peaceful referendum on August 4, 2010, with 69 percent voting in favor; thus providing this new framing document with considerable legitimacy.

The constitution brought about significant changes in Kenyan politics, including decentralizing the power of the executive branch and devolving power to 47 newly constituted county governments. Additionally, the constitution called for the formation of an Independent Electoral and Boundaries Commission (IEBC) to delimit constituent boundaries and manage elections. The IEBC was officially formed in late 2011, but evolved from the Interim Independent Electoral Commission, which had successfully organized the referendum.



A trainer demonstrates a poster used to provide voter education. *Credit: USAID/Kenya*

The general elections, originally scheduled for August 2012, were viewed as a major test for Kenya to demonstrate the democratic progress since 2007. For various reasons, including delays in forming the IEBC, the elections were postponed several times; they were ultimately held March 4, 2013.

These elections were the most complicated ever held in Kenya. On election day, Kenyans were presented ballots for six different positions: president; governor; senator; member of parliament; women's representative (women members of parliament); and county assembly representative. Four of these positions were completely new: the constitution established a bicameral parliament with a Senate, in addition to the National Assembly; county governors and assemblies were part of the new devolved structure of government; and specific parliamentary seats were created for women to fulfill the mandate established by the constitution that no more than two-thirds of the members of any elected or appointed government body be of the same gender.

As in 2007, the presidential race was highly contested. Eight candidates were listed on the ballot, but the race ultimately came down to two men: Uhuru Kenyatta, son of Kenya's first president, one of the richest men in the country and the candidate who had lost to Mwai Kibaki in 2002; and Raila Odinga, the incumbent prime minister, who was declared to have finished second in the much-disputed 2007 election. Complicating matters was the International Criminal Court (ICC) indictment of Kenyatta on charges of crimes against humanity arising from his alleged role in promoting the post-election violence in 2007 and 2008. The ICC had similarly charged William Ruto, who joined Kenyatta in a December 2012 surprise move to form the Jubilee Coalition and was designated as Kenyatta's running mate. The formation of the Jubilee Coalition ticket brought together the Kikuyu and Kalenjin ethnic groups, which had been the two ethnicities most involved in the 2007–2008 election violence. Especially in the Rift Valley, the Jubilee ticket likely played a key role in mitigating violence.

Five days after Kenyans cast their ballots, Kenyatta and Ruto were announced as the victors in the 2013 presidential election, with 50.07 percent of more than 12.3 million votes cast — 8,000 more than was required to avoid a run-off election.¹ Odinga's coalition and a group of CSOs challenged the announced results before the Kenyan Supreme Court, citing the slim margin, serious technical problems with election administration and the failure of the electronic transmission system for reporting provisional results. The court rejected the challenges, upholding the results as announced by the IEBC. Odinga urged his followers to accept the court decision and not resort to violence, even as he continues to raise questions about the fairness of the election day process.

The election was a success on many levels. Despite technical problems at the polling stations, Kenyans patiently waited to vote. Turnout was the largest in history — 86 percent of registered voters cast ballots. While sporadic violence occurred in Coast Province on March 3, the evening before the election, and in the Northeast on election day, calm prevailed throughout most of the country. Domestic observation efforts, which included thousands of monitors and the use of information technology, were conducted professionally and efficiently. Most important, Odinga's use of the prescribed adjudication process and his acceptance of the Supreme Court ruling were critical in

averting inter-ethnic violence, notwithstanding the close result and the underlying ethnic divisions in the country.

The international groups that observed the elections found the elections generally credible, while highlighting many areas to improve administration. For example, in an April 4 statement, the USAID-funded Carter Center observer delegation stated: "The Carter Center finds that in spite of serious shortcomings in the IEBC management of technology and tabulation of final election results, the paper-based procedure for counting and tallying presented enough guarantees to preserve the expression of the will of Kenyan voters."² In its draft final report, the Carter Center found: "In practice, the 2013 elections were a dramatic improvement compared to 2007 but the reform process is far from complete. The elections were largely peaceful and for that all Kenyans deserve to be congratulated, especially the presidential and other candidates who failed to win seats but accepted the results."³ The Carter Center lists many areas for improvement grouped under the categories of legal reforms, political party practices and election management. Similarly, in its final report, the EU observer delegation concluded: "While several serious violent incidents occurred in some parts of the country, overall the atmosphere was calm and the democratic spirit of Kenyans prevailed."⁴ A third international observer group was less sanguine, concluding: "Looking at the pervasive problems with the IEBC manual and automated procedures leads us to the conclusion that fraud on a wide scale could easily have happened and most likely did."⁵

Despite the many positive aspects of the process, the elections also reinforced divisions within the Kenyan population that will not be easily erased. According to a post-election poll, 29 percent of the population believes that the results were invalid due to problems associated with the elections.⁶ The Supreme Court decision does not necessarily legitimize the election in their eyes; many see the written decision as highly flawed, filled with errors and thin on logic.⁷

¹A first round win required more than 50 percent of the total votes and 25 percent of votes cast in half the counties.

²The Carter Center Finds Kenya Election Results Reflects Will of the Voters (April 4, 2013), p. 1, www.cartercenter.org/resources/pdfs/news/pr/kenya-tally-040413.pdf.

³The Carter Center, Pre-Distribution Draft Final Report of The Carter Center International Election Observation Mission to Kenya's March 4, 2013 Elections. (June 2013), p. 68.

⁴European Union Election Observation Mission to Kenya: General Elections 2013 (May 2013), p. 1, www.eucom.eu/files/dmfile/eu-eom-kenya-2013-final-report_en.pdf.

⁵African Great Lakes Initiative Election Observer Report (April 2013), p. 1.

⁶Long et al., "Choosing Peace Over Democracy," 24 *Journal of Democracy* 151 (2013) relying on a post-election survey. Another 49 percent believed there had been problems, but accepted the results as valid.

⁷See W. Maina, "Verdict on Kenya's Presidential Election Petition: Five Reasons the Judgment Fails the Test," April 20, 2013, *The East African*.

CONTEXT FOR THIS REPORT

The U.S. Government has worked to foster Kenya's development since the country became independent in 1963. For many of the past 50 years, the U.S. has invested tens and often hundreds of millions of dollars annually in Kenya, with the aim of assisting Kenyans to build a stable and prosperous nation. Following the 2007–2008 crisis, the U.S. Government directed significant resources to help the country restore order and forge ahead with the reform agenda. Specifically, the U.S. provided more than \$150 million in support of

DRG programming during the five-year period preceding the 2013 elections, including support to the constitutional drafting process and the referendum.⁸ The assistance, however, went far beyond traditional electoral support, and deliberately included a multidimensional effort to mitigate the risk that violent conflict would again be associated with the electoral process.

In response to a challenging electoral environment and significant need, the U.S. gradually increased support in multiple



Youth in Kibera (one of Nairobi's informal settlements) attend a civic education session to learn how Kenya's new Constitution will promote youth development.

Credit: USAID/Riccardo Gangale

⁸For more information on USAID/Kenya's Democracy and Governance programs, please see <http://kenya.usaid.gov/programs/democracy-and-governance/programs>.

sectors during 2012–2013, including domestic and international election observation, election administration, civic and voter education, and conflict mitigation and peace-building. These efforts were coordinated within the U.S. interagency process through a strategic planning exercise and with other donors through the Donor Partners Group.

Given this massive investment and the potential lessons from Kenya for USAID support elsewhere for elections, conflict mitigation and atrocity prevention, USAID initiated this RAR of programs that supported both the post-2008 reform process and the 2013 elections, focusing both on what worked well and what was less successful.⁹ This assessment complements the excellent internal After Action Review (AAR) by U.S. Embassy Nairobi in June 2013 that details several important lessons, with emphasis on documenting the extensive interagency and diplomatic coordination that occurred during the year preceding the elections.

The embassy AAR discusses the various systems, procedures and work products that contributed to a successful model of interagency cooperation within which USAID activities operated. These included joint strategic planning, implementation, monitoring and evaluation of election preparation, conflict mitigation and peace messaging activities in Nairobi and key hotspots. The embassy efforts were reinforced by constructive interagency coordination in Washington.

Strong interagency support allowed rapid amplification and scale-up of results. For example, USAID-supported public opinion survey results were shared broadly and helped inform Embassy Nairobi strategic communications. The ambassador met regularly with key interagency staff working on various elements of elections support during periodic task force meetings, smaller ad hoc meetings and “deep-dive” exercises, with USAID active in all. In addition, the ambassador coordinated with heads of mission from other international partners and met regularly with a smaller group of key allies to communicate and coordinate efforts. This allowed for excellent synergies among the international community to be quickly realized. Lessons learned and key messages were speedily passed from USAID field efforts to the broader embassy community to international partners and back down to the field, thus achieving considerable resonance and impact.

The AAR, however, does not address many of the specific issues that USAID faced in developing and implementing a multiyear, multidimensional program that was designed both to minimize the prospects of renewed post-election violence and to support the Kenyan reform process, including the credibility of elections. This RAR is designed to fill these gaps and, in turn, will be supplemented by several in-depth program and performance evaluations, which USAID, other U.S. agencies and international partners are planning or undertaking.¹⁰

⁹The term Rapid Assessment Review distinguishes this effort from a more immediate After Action Review and from a more formal evaluation performed in accordance with USAID's 2011 Evaluation Policy. In this regard, we note that the UN's Office for the Coordination of Humanitarian Assistance (OCHA) recently published a lessons learned review of their humanitarian preparedness process. “The review was facilitated by an external consultant and took place in late May 2013 while memories of front-line officers directly involved in the preparedness process were still fresh.” Vandenberg, *Lessons Learned Review of the Kenya National Election Humanitarian Preparedness Process* (July 2013).

¹⁰USAID/Kenya has planned two formal evaluations covering their conflict mitigation and elections preparations efforts, and USAID's Office of Transition Initiatives has recently completed an evaluation of their efforts in Kenya. UNDP has also recently completed an evaluation of the multidonor Elections Basket Fund.

METHODOLOGY

To conduct this rapid assessment, USAID/Kenya recruited a team of three Washington-based USAID staff: Larry Garber, deputy assistant administrator, Bureau for Policy, Planning and Learning; Elisabeth Dallas, senior conflict adviser/Africa team lead, Office of Conflict Management and Mitigation, Bureau for Democracy, Conflict and Humanitarian Assistance (DCHA); and Johanna Wilkie, Elections and Political Processes Fund administrator, Center of Excellence on DRG, DCHA bureau. Based on discussions with mission and Washington staff, the team identified a series of questions to guide the review and serve as a basis for structuring this report. However, the nature of the review precluded the team from reviewing all aspects of USAID programming relevant to the election process, nor could the team examine the many innovative efforts developed by Kenyan organizations, with or without international support. The relatively brief time spent in-country also limited the RAR team's ability to assign responsibility for administrative and other problems arising during the electoral process.

In anticipation of their visit, the team reviewed considerable written documentation regarding the 2013 elections and consulted with USAID/Washington staff who had been involved with the Kenyan electoral process. In Kenya, the team met with:

- Select embassy officials, including Ambassador Robert Godec;
- USAID staff from different offices across the mission, including Mission Director Karen Freeman and Deputy Director James Hope;
- Other donors involved in providing election support;
- International and Kenyan-based implementing partners; and
- The chair and vice chair of the Kenya IEBC.

The team benefitted from the considerable support and counsel provided by staff in the USAID/Kenya Office of DRG and the Office of Transition Initiatives (OTI).

Based on an initial round of meetings, the team facilitated a half-day roundtable with USAID staff and representatives from a dozen USAID implementing partners. The roundtable focused on the following six issues:

- Gender and women's participation in the election;
- Program prioritization in the context of supporting an electoral process;
- Promoting peace "versus" justice;
- Creating programmatic linkages across multisector programs;
- Balancing the long-term strengthening of Kenyan electoral institutions with the immediate need to ensure a credible electoral process; and
- U.S. role in the Kenyan electoral process.

The roundtable not only provided the team with an opportunity to obtain the perspectives of individuals who had been closely involved with the process, but also offered the partners a venue for broader reflection on the electoral process two months after election day.

FINDINGS

1 PROVIDING RESOURCES: PRIORITIZING DEVELOPMENT AND DEMOCRACY ASSISTANCE

In the immediate aftermath of the post-election violence of 2007 and 2008, then-U.S. Ambassador Michael Ranneberger secured significant development resources to respond to the crisis and to ensure USAID/Kenya could provide sustained support to the reform process that emerged from the National Accord. Under Ambassador Ranneberger's leadership, the mission prioritized DRG Office programs addressing the grievances that fueled the violence. The DRG Office was organized into three teams: elections preparation; governance and reform; and conflict mitigation. Further, Ambassador Ranneberger advocated for OTI to establish operations in Kenya to intensively support this agenda on the local level in conflict-prone regions.

USAID/Kenya conducted three major assessments between 2008 and 2013 to ensure programming was addressing priority needs in Kenya. The mission conducted a conflict vulnerability assessment in conjunction with the UK DfID in 2009, an intensive DRG assessment in 2010 and another conflict assessment in 2011. These assessments were critical in highlighting emerging areas of fragility on the Coast, and subsequently assisted USAID in acquiring funding from the Complex Crises Fund to redirect ongoing programs, initiate new programs and establish offices on the Coast.

In addition, USAID began collaborating with S/CSO during spring 2012 on a gap analysis to identify additional programming needs to best prepare for the upcoming elections. From the gap analysis report, 10 staff from USAID, S/CSO and Embassy Nairobi's political section drafted the *U.S. Plan to Support Kenya to Hold Credible, Transparent, and Peaceful Elections; Advance Reforms; and Prevent and Mitigate Conflict*. This plan was vetted and approved through the interagency process in Washington coordinated by the National Security Staff, and provided a framework for identi-

fying additional programming needs, financial resources, staff and top-line messages that were carried by various U.S. representatives in their interactions with Kenyan government and members of the general public. From the plan, a series of tasks were tracked periodically to assess progress and to alert the ambassador, USAID mission director and others in Nairobi and Washington about areas of progress and concern.

Missions planning for elections should consider an electoral security assessment if there are concerns about violence in their host countries.¹¹ In addition, a robust gender analysis is essential to the



Providing information to community members about their rights and responsibilities formed an important part of USAID-supported activities. Credit: USAID/Natasha Murigu

¹¹ USAID's Electoral Security Framework can be found at http://pdf.usaid.gov/pdf_docs/pnaea453.pdf. In March 2013, USAID released a companion Best Practices guide, found here: <http://www.usaid.gov/documents/2496/best-practices-electoral-security-guide-democracy-human-rights-and-governance>.

planning process for any mission, and is now required by USAID.¹² While USAID/Kenya conducted a gender analysis in July 2012, it was part of the ongoing Country Development Cooperation Strategy (CDCS) process and did not specifically address the elections.

USAID/Kenya directed new sources of funds to address major needs as they emerged and the situation changed with an eye toward the long-term goal of supporting the reform process and the general elections to follow. For example, the mission set up a new, multimillion-dollar, cross-sector program in 2011 to address youth concerns called *Yes Youth Can!* (YYC), implemented by the Education and Youth Office (EDY). The program aimed to address the problems, including poverty, unemployment and apathy, that had motivated many youth to turn to violence in 2007 and 2008. The mission's DRG and OTI programs also concentrated resources into specific areas of the country, namely in the Rift Valley and Nairobi's informal settlements, where the crisis had been most severe and where the potential for future violence was high. The previously mentioned expansion to the Coast meant that DRG, OTI and EDY were now implementing activities focused on addressing underlying grievances and helping to prepare for peaceful elections across much of Kenya.

DRG programming was prioritized within the mission, especially in the immediate run-up to the 2013 elections. For example, USAID/Washington provided additional funding from various sources — including the Elections and Political Processes (EPP) Fund and Section 1207 — and the DRG Office received preferential treatment from the regional contracting office, allowing the team to modify 12 existing grants in the six months prior to the elections.¹³ These modifications permitted implementing partners to respond quickly to shifting dynamics. Disbursements also increased dramatically from an average of \$5.8 million the previous three quarters to \$33.2 million from January–March 2013. In addition, the DRG Office was allowed to staff up significantly between the 2010 referendum and the 2013 elections by creating new foreign service national (locally engaged staff), personal service contractor and foreign service officer positions. Closer to the elections, DRG relied on temporary-duty support from Washington and other missions to handle the ever increasing workload.

There were also challenges and obstacles that affected the U.S. Government's ability to conduct sustained and active programming. In the summer of 2012, for example, USAID/Kenya experienced a massive turnover in personnel, including the mis-

sion director; the DRG Office director; and the DRG conflict prevention project management specialist, as well as two development leadership initiative officers (new foreign service officers). The embassy also experienced significant turnover during this time frame, including the ambassador and the deputy chief of mission, as well as almost the entire political office. Given the imminent elections, S/CSO detailed several staff to bridge the gap until new personnel were assigned. While recognizing that personnel turnover is inevitable in the staffing of embassies and USAID missions, several mission staff emphasized that forward planning — including securing long-term temporary-duty staff, allowing for significant overlap if possible, as well as requesting the needed financial support well in advance — is critical to ensure continuity and maintain forward momentum during a sensitive political transition period.

Because of Kenya's status as a foreign policy priority and the concern associated with preventing a repeat of the 2007–2008 post-election violence, USAID/Kenya had significant financial resources available for election and conflict prevention programming. However, leadership at the mission did not hesitate to ask Washington for additional resources as needed; likewise, a core group of Washington staff at senior levels from the White House and several agencies focused on the need to support Kenya's efforts to avoid a further outbreak of violence and was creative in identifying sources of funding for Kenya. While other missions may not be as fortunate in mobilizing additional resources, they may nonetheless draw lessons from the way USAID/Kenya prioritized DRG programs and other activities that addressed the crisis and reform process.

2 MAKING THE COMMITMENT: ENGAGING OVER THE LONG TERM

Elections are not an event. They are a process; hence they require extended investment over time, as opposed to quick fixes designed to address immediate problems. USAID/Kenya, with the availability of resources and support described in the previous section, supported the passage of a new constitution and the subsequent 2013 elections from an early stage and in a holistic manner. This section describes the scope and benefits of the mission's long-term engagement with stakeholders and implementing partners on the road to elections.

¹²USAID guidance on integrating gender into the program cycle, including conducting gender analyses, can be found in ADS chapter 205: <http://www.usaid.gov/sites/default/files/documents/11870/205.pdf>.

¹³The EPP Fund is a portion of the Democracy Fund managed by USAID/DCHA/DRG. Missions apply for funding to support urgent or unforeseen elections-related needs in their host countries. Section 1207 of the National Defense Authorization Act provided for the use of funds for security and stabilization. These funds originated from the Department of Defense but were managed by the Department of State and USAID. Several installments of EPP funding and one of 1207 funding supported the elections and lay the groundwork for a peaceful implementation of the devolution process.

Legal Framework and the Reform Agenda

From 2008 forward, the mission's DRG portfolio focused on multiple aspects of support for the broader Kenyan reform agenda. Since 2000, USAID/Kenya had been invested in a long-running parliamentary strengthening program implemented by the State University of New York Center for International Development. In 2010, the mission initiated a new partnership with the International Development Law Organization to support the Committee of Experts charged with drafting the new constitution and conducting outreach to civil society and citizens, and subsequently with supporting some of the new constitutional commissions that emerged after the referendum. Both of these programs facilitated the development of relationships and built trust among individuals who previously had not interacted, including implementing partners, donors, parliamentarians, other political actors and CSOs. These relationships contributed to the passage of the constitution and important pieces of legislation. Looking forward, additional legal reforms are essential, including a new campaign finance law required by the 2010 constitution but not approved by parliament before the most recent elections.

Following adoption of the National Accord reform agenda, USAID/Kenya also saw the need to strengthen CSOs to advocate for identified reforms, including those addressing land tenure, judicial reform, decentralization, elections administration and anti-corruption. The Kenyan Civil Society Strengthening Program (KCSSP), implemented by Pact and active since 2006, worked to build the capacity of CSOs. Working with Pact, the mission refocused the program toward explicitly bolstering Kenyan capabilities and efforts of local partners to advocate for reforms around the new constitution, in particular helping citizens understand the new changes being proposed. An additional grant was also provided to Uraia, a local Kenyan nongovernmental organization (NGO) coalition of more than 100 member organizations, to conduct civic education around the new constitution. As the referendum date neared, enormous effort and significant resources were directed toward countering misinformation about the constitution's contents, especially the land and decentralization provisions. NGO advocates and civic education experts fanned out across the country to provide accurate information and address citizens' questions. The combination of long-term support and rapid, flexible interventions in the final days before the referendum helped ensure that citizens went to the polls better informed to cast their votes.

Subsequent to the passage of the constitution, KCSSP's support to CSOs shifted to advocacy for legislation to enact constitutional provisions. Approaches included conducting specialized studies in

decentralization and administration of justice to inform interventions promoted by civil society, mobilizing communities to provide input into the legislative process related to devolution, land reform, public financial management and police reform. KCSSP-supported CSOs achieved some degree of success in influencing legislation passed in recent years.

Domestic Election Observation

USAID/Kenya provided significant support toward building the capacity of domestic observers following the 2007 elections. In 2007, the domestic election monitoring efforts of various Kenyan groups were initiated late in the process and were not well coordinated. Since 2009, the National Democratic Institute for International Affairs (NDI), a U.S.-based NGO, has provided support to several groups, who ultimately formed the permanent Elections Observation Group (ELOG). As a result, ELOG is now better organized and has longer-term, broader and deeper engagement in electoral events. ELOG conducted a successful parallel vote tabulation (PVT) during the 2010 referendum; this prepared them for a similar exercise for the 2013 elections, which were much more complex and politically contentious. The Kenya experience speaks to the importance of engaging domestic monitoring groups early and, in a best-case scenario, testing their capacity through smaller or simpler elections, such as by-elections or referenda.

Despite considerable preparation and technical guidance, ELOG confronted several hurdles in attempting to implement a PVT for these elections. Just as they did for the referendum, ELOG had agreed with the IEBC to announce their findings after the IEBC released official results. ELOG upheld the agreement despite PVT results being available within a day of the polls, while official results were not announced for five days.

When ELOG did release results, its statement sought to confirm that the "IEBC's official results are consistent with ELOG's PVT projections."¹⁴ However, the ELOG statement may have overstated the PVT's capabilities when it also noted that "the PVT can confidently verify that the official result for each candidate is accurate."¹⁵ Given margins of error associated with PVTs, as acknowledged in the ELOG statement, the PVT results showed that Uhuru Kenyatta could have received anywhere from 47 to 52 percent of the vote. Some have alleged that ELOG sought to convey the impression that the PVT confirmed the IEBC determination that Kenyatta had broken the 50 percent threshold, although other parts of the ELOG statement clearly rebut such a claim. This experience reinforces the importance of developing a

¹⁴Election Observation Group, *The Official Results are Consistent with ELOG's Parallel Vote Tabulation* (March 9, 2013), p. 2, <http://www.ndi.org/files/kenya-ELOG-PVT-statement-030913.pdf>.

¹⁵*Ibid.*



USAID's Peace Initiative Kenya program mobilizes community leaders and shares information on conflict mitigation and gender-based violence.

Credit USAID/John Ndeta

communications strategy associated with such exercises, ensuring that the language used to disseminate results is consistent with the methodology and working through multiple scenarios and their implications prior to election day.

Political Parties

The success of specific interventions is not always easy to ensure. Political party support in Kenya is a particularly challenging area. USAID/Kenya provided sustained support to political parties through NDI, recognizing that political parties constituted an important stakeholder in the reform process. The support helped strengthen the democratic process in a number of areas, including coalition building and promotion of intra-party dialogue on issues of national importance, improvement in representation and inclusion of women and youth in party leadership and policy development.

NDI assistance to political parties was critical during the constitutional reform effort. NDI was able to organize all 42 parties into one cohesive platform through a universally signed memorandum of understanding. This platform allowed the IEBC to negotiate proposed electoral reform changes with one body, rather than 42 individual parties. The platform also allowed parties to articulate their top priorities, concerns and interests during the legislative drafting process.

As the election drew closer, however, the political parties reverted to past habits. For example, the 2013 party primaries, which were managed by the political parties themselves, did not show more professionalism by the parties. Their disorganization disenfranchised many Kenyans and sparked violence in some areas. The parties are not entirely to blame; the parliament created some of the havoc with multiple last-minute rule changes, and the tight electoral calendar also created constraints. In addition, although

more women won election to parliament during the 2013 elections than ever before, women are still woefully under-represented in elected positions outside of the constitutionally designated women's representatives. Parties did not come to the defense of women who were harassed or abused, and did not help them access financial support for their candidacies. While questions remain as to how much USAID support accomplished in this DRG subsector, there is no doubt that the professionalization of political parties is essential for democratic progress, particularly as Kenya begins the devolution process.

Civic and Voter Education

Civic and voter education presented extreme challenges in the lead-up to the 2013 elections. With a new constitution, the implementation of major changes in governance structures due to devolution and multiple changes to the electoral system, Kenyans needed to understand their rights to better exercise them. However, the breadth of the new rules and processes and the short timeline for implementation of reforms on the ground complicated the efforts of Kenyan authorities, CSOs and the donor community.

Donor organizations contributed heavily to civic and voter education efforts in preparation for the 2010 referendum and the 2013 elections. USAID, for example, printed and distributed 500,000 copies of the draft constitution before the referendum. Another USAID program trained Kenyans on the new constitution, includ-

ing the implications of the devolution process. Some stakeholders, however, commented that many of the civic education materials were too difficult for the *wananchi* (the average Kenyan) to understand.

As election day approached and it became clearer that the IEBC's voter education campaign was not reaching enough people, USAID redoubled its efforts, resulting in an estimated 10 million Kenyans reached. This included printing more than 2.7 million copies of IEBC and other voter education materials; sponsoring comic books, radio and television shows to educate people about electoral issues; training trainers across sectors (particularly youth organizations and health workers); and funding scores of NGOs to disseminate messages throughout the country. USAID's DRG Office even used the mission's printing office to print tens of thousands of voter education brochures and fact sheets on various topics and hand-delivered them to their local partners around the country. Despite these efforts, facets of Kenyan society were not reached, including many women and nomadic populations, particularly in the remote arid and semi-arid lands of the North and Northeast. Providing information at the most basic village level also remained a challenge throughout the referendum and election periods.



Residents of Mathare (one of Nairobi's informal settlements) participate in a mock voting exercise organized by Kenya's Independent Electoral and Boundaries Commission (IEBC) in conjunction with USAID's Kenya Tuna Uwezo (We've Got the Power) program. Credit: USAID/Nicole Sobeki

3 COLLABORATING ACROSS THE MISSION

A holistic approach to designing an elections program, particularly when violence prevention is an identified goal, involves spanning development sectors and using the unique capabilities of each sector within the mission and the country team more broadly. Perhaps the strongest example of this at USAID/Kenya is YYC, the cross-sectoral youth program referenced in Section I. The Education and Youth Office manages this program, which links to other mission offices, including DRG, population and health, and agriculture, business and environment. The program strives to reduce the vulnerability of youth becoming victims or perpetrators of violence. Despite a complex management structure, with four implementing partners in six different regions that had experienced high levels of post-election violence, the program has helped create a national grassroots youth network, the National Youth Bunge Association,¹⁶ which gives youth an advocacy vehicle.

The effort to facilitate cross-sectoral engagement in youth programming is admirable and has led to successes like the *My ID, My Life* campaign, which supported 500,000 youth to obtain Kenyan identity cards — a requirement to register as a voter — and had 550,000 certified Bunge members in 20,000 villages engaging in peace building, inter-ethnic cohesion and economic empowerment activities. The YYC program also launched a campaign through 25 counties for the half-million youth to have a plan in case violence did break out around the elections. An estimated 300,000 cards were distributed for members to write down telephone numbers of officials who could take action in case of violence. In addition, the youth organized hundreds of peace rallies in their counties and villages. Finally, YYC supported a peace caravan that culminated in messages spread via the national media within weeks of the elections. The messages included peace pledges from all the major presidential candidates that were aired on national TV. These activities and messages reached hundreds of thousands of youth immediately before the elections.

The DRG Office tried multiple avenues to collaborate with other USAID offices on the programs it managed before finding one that worked: scheduling monthly partner working group meetings to which all Agency partners and local sub-partners across sectors (in health, education, youth, agriculture and DRG) were invited. DRG staff facilitated these meetings, which were held in the three regions that had significant local-level involvement related to elections and conflict early warning

and early response (EWER) — the Rift Valley, the Coast and Nairobi's informal settlements. These meetings were a huge investment of time for the DRG Office staff and the implementing partners, but most of those involved thought the effort was worthwhile.

The relationships among partners at the grassroots level were essential to increasing the reach of voter education and EWER efforts on a short timeline. Most partners felt these regional working groups gave them the networks and relationships necessary to do their work more efficiently, and that USAID had ability (that partners did not have) to convene people to plan and discuss strategies for working together. Training and engaging community health workers to provide voter and civic education and linking parent-teacher associations to EWER mechanisms are two examples of how these working groups expanded the reach of USAID's civic and voter education and conflict mitigation work. Organizing USAID partner working groups at the local level is a best practice that USAID/Kenya plans to continue using.

A few months prior to the election, the Office of Foreign Disaster Assistance (OFDA), housed in the USAID/East Africa regional mission, began sharing information and contingency plans with DRG. This helped ensure that humanitarian planning was linked to broader election preparation efforts by the U.S. Government. In addition, OFDA and DRG linked their EWER efforts by co-locating them at the multi-donor humanitarian hubs that had been established in case post-election violence emerged. This partnership grew out of the natural overlaps in conflict mitigation and humanitarian response work. Linking humanitarian efforts with EWER efforts proved highly valuable, allowing for quick communication on unfolding events and coordination among partners and donors in the event of a crisis. These linkages should have begun much earlier than immediately before the elections; they emerged because staff from different sectors began to communicate and recognized the potential for joint planning and implementation.

USAID/Kenya was unusually successful in working across sectors to strengthen programs and increase their reach. This outcome was mainly the result of the DRG Office's tenacity and persistence in promoting cross-sectoral partnerships in the field. Ultimately, this effort paid off in the ability to pivot quickly and reach greater numbers of people with education materials and peace messaging.

¹⁶Bunge means "parliament in Kiswahili.



Fans raise their hands as a show of solidarity in promoting peace during a peace concert held at the Jomo Kenyatta beach in Mombasa.

Credit: USAID/Siegfried Modoloo

4 CONFLICT EARLY WARNING, PEACE MESSAGING AND JUSTICE

USAID/Kenya developed a robust portfolio that supported peace messaging and conflict EWER efforts. USAID's heavy local investments and the cross-sectoral relationships built through its implementing partners enabled the EWER systems to succeed at the grassroots level where they had been nurtured. Fortunately, although national-level response mechanisms were never robust, violence did not occur on a grand scale.

In reflecting on their support for EWER, USAID/Kenya staff members acknowledged that they waited too long for Kenya's National Steering Committee on Peacebuilding and Conflict Management to release its EWER strategy, which was unclear until just before the elections. They also depended heavily on Ushahidi, a nonprofit technology company first launched during Kenya's 2007–2008 crisis that develops open-source software for information collection and interactive mapping, to organize information on both violence and responses. However, the Ushahidi software system was not designed with response in mind. (See Section 8 for further discussion of technology's role in this effort.) Thus, the mission's experience in supporting EWER system development revealed that it may be more effective to build the capacity of credible, trusted local groups to establish effective systems, rather than waiting for top-down

solutions. A focus moving forward may be on better analysis and research on appropriate responses at both the national and grassroots levels.

Peace messaging, a component of USAID's conflict prevention programming, achieved significant successes leading up to March 4. Key messages and effective messengers were identified based on NDI's extensive use of focus groups and large, random-sample surveys. USAID's strong networks, especially in Nairobi's informal settlements, the Coast and Rift Valley, disseminated peace messages broadly and frequently and targeted youth, the group most vulnerable to violence. USAID activities were part of a much broader effort, which included other U.S. agencies, Kenyan government bodies and CSOs that also issued strong messaging on the need for peace. In February, U.S. President Barack Obama released a video statement expressing support for peaceful elections that would reflect the will of the Kenyan people. Others in the donor community also supported the call for peace, both diplomatically and through development programming. Peace messages were disseminated using all available methods: SMS (text message) blasts, fliers, radio, TV, billboards, training journalists on peace messaging, comic books, national TV shows and local engagement of community-based groups.

Immediately after the election, some Kenyans saw peace messaging as suppressing disagreement about the fairness of the election and broader issues of justice, with the two concepts

being in opposition. After Kenyatta was declared president, peace messaging also was viewed as support for the Jubilee Coalition. In retrospect, some Kenyans thought the peace messaging's perceived lack of balance meant donors thought it was more important to avoid violence than to have fair elections, or that they placed more value on associated justice considerations. USAID tried to adjust peace messages after the election to counter this argument and to encourage a discussion of what justice entails. There were additional discussions within the U.S. government about shifting to a transitional justice focus, but with imminent violence averted, the focus shifted elsewhere.

Stakeholders noted that USAID did not invest in reconciliation and justice on the scale of its investment in peace. Some noted the need for more support for healing from the 2008 post-election violence. Others felt USAID did not do enough to support programs that brought about justice for Kenyans after the violence. Some mission staff noted a desire to support judicial reforms, but cited a lack of resources or political will. The Agency should consider investing additional resources in training staff on all options associated with transitional justice. How societies reconcile with violent episodes from the past can affect social, political and economic development. The presence of large field missions, including local staff familiar with the intricacies of the domestic political setting, provides USAID with an invaluable resource in making tough choices regarding these sensitive issues.

5 MAKING THE HARD CHOICES: DECISIONS ON PROGRAMMING PRIORITIES

Determining proper levels and specific types of electoral investments remains a dynamic and speculative venture that depends heavily on country context, policy pressures and priorities, and access to funding streams. Forms of assistance that need to be balanced in the context of electoral support include strengthening electoral bodies and political parties, supporting civic and voter education and conflict mitigation activities, encouraging women and youth to participate in the electoral process, enhancing domestic monitoring capabilities, and funding international observation. Just as they do in broader development assistance, trade-offs inevitably exist in election-related programming. While USAID/Kenya had access to more resources than many missions confronting similar challenges, it still needed to prioritize those initiatives that were in the U.S. Government's manageable interest and that USAID was capable of implementing.

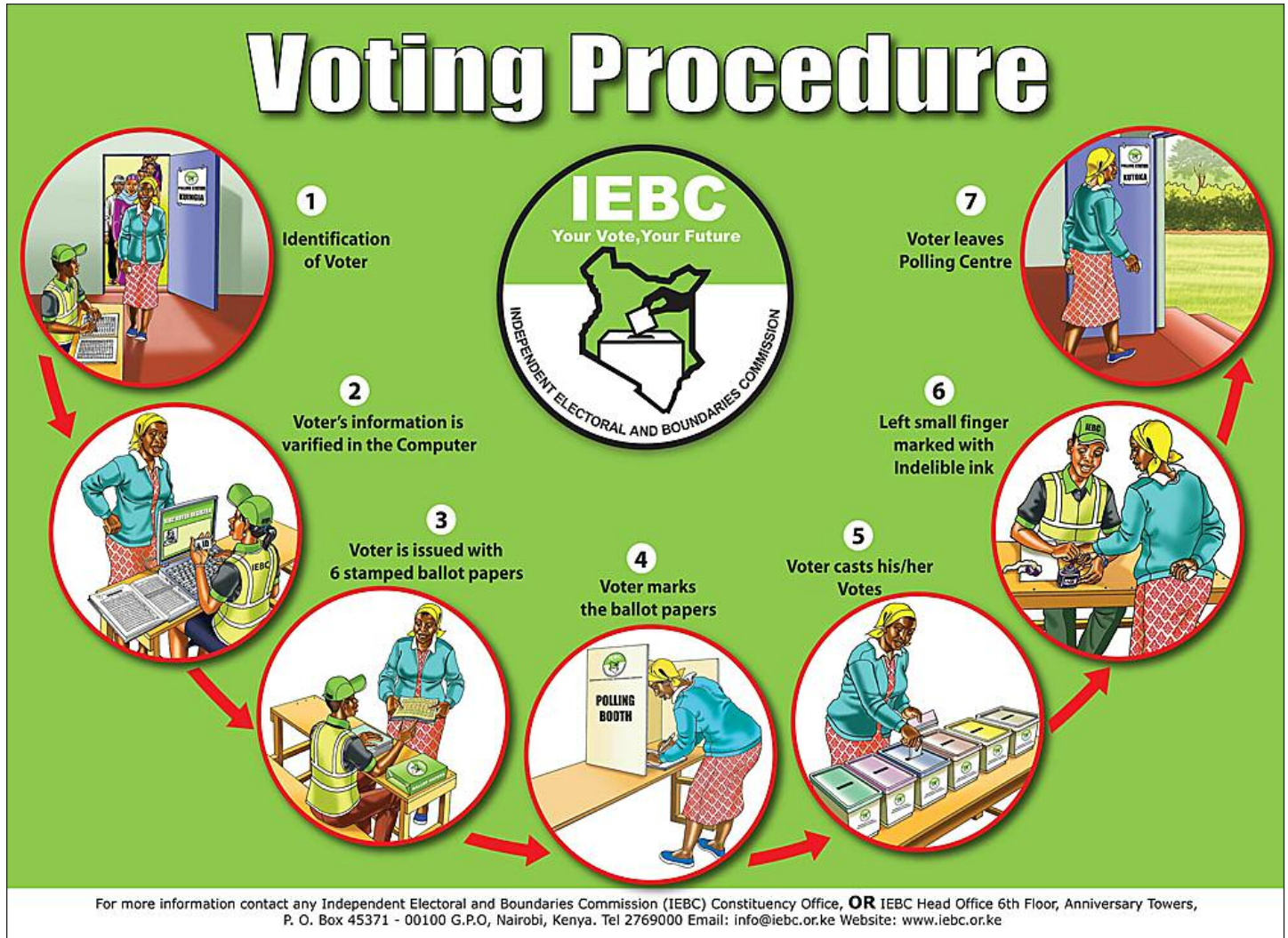
When assessing levels and types of investments to make in advance of elections, it is important to consider the sequence of activities. For example, if a mission would like to provide support to work on the legal framework, that assistance will need to arrive several years prior to elections. USAID/Kenya generally provided the necessary support when it was needed, but in some cases assistance may have come too late due to funding delays or the rapidly changing political environment as elections approached. For example, some mission and partner staff expressed concern that USAID's efforts to support women running for office were insufficient and began too late to make a difference.¹⁷

While missions may plan strategically and prioritize assistance carefully, the shifting terrain that often characterizes an election period requires missions to maintain flexibility. For example, after the post-election violence, USAID focused significant resources on the Rift Valley, site of the most serious violence in 2007–2008. The 2010 DRG assessment and 2011 conflict assessment, however, pointed to emerging areas of fragility elsewhere, most significantly the Coast. In response, the mission pivoted quickly to redirect programs where it could, but also searched for funds to significantly increase its presence and start robust election-related and peace-targeted activities in that region. In this area, as in several others, the mission showed a drive to continually assess needs and to be flexible in response to those needs, often reaching back to Washington operating units for support.



Certificates were awarded to those who participated in the USAID Kenya Tuna Uwezo (We've Got the Power) program during a moment of reflection and recognition for the extraordinary efforts made by Kenyans in advocating for peace during the March 2013 general elections.
Credit: Joan Lewal/USAID Kenya

¹⁷Just 16 women were elected to general National Assembly seats (the same as in 2007) in addition to the mandated 47 Women Representative positions; no women were elected to governor or senator positions.



USAID supported the Independent Electoral and Boundaries Commission (IEBC) in printing and distributing of voter education pamphlets like this one.

6 ALLOWING THE HOST COUNTRY TO TAKE THE LEAD

Overall, USAID programming strongly assisted Kenyan-led reform efforts. USAID support to the constitutional drafting process, legislative reforms and the 2010 referendum, for example, was seen as appropriate and successful. In other instances, particularly regarding aspects of electoral preparations, USAID programs projected a dominating role, which marginalized Kenyan actors.

A positive example of donor support for Kenyan institutions and processes was in the area of humanitarian preparedness. The Kenya Red Cross took the lead, with donors — including USAID — and international organizations supporting them. This

group developed the first-ever national disaster management plan for Kenya. Collaboration among all involved parties was strong. The group developed a joint multi-donor assessment tool called Kenya Initial Rapid Assessment (KIRA) to facilitate standardized and strategic decision-making. Additionally, the group developed clear lines of responsibility to avoid confusion and delayed responses in an emergency, as well as a communication plan so that the Kenya Red Cross could keep their partners up to date without being overwhelmed with requests for information.

In some areas, however, the line between support and control was blurred, and this led to complications. The most obvious example of this was donor support for election administration. The 2010 constitution mandated the formation of the IEBC, which would be responsible for boundary delimitation of the new devolved system of government and election administra-

tion. The IEBC was under significant time and political pressure from its establishment and consequently leaned heavily on donors and their implementing partners. Significant portions of the IEBC budget (approximately \$34.3 million) were provided by a UNDP-managed donor basket fund.

The EDG, which comprised key donor countries with USAID serving as a co-chair, had considerable access to and influence with the IEBC, partly because of the budget support and partly because members of the EDG had extensive expertise in election preparations and could provide excellent advice. Consequently, the IEBC struggled to balance its need for constructive engagement with donors on critical election planning issues with its need to maintain effective lines of communication with leaders from Kenyan political parties and civil society organizations, who often felt ignored in their efforts to engage directly with the electoral authorities.

The IEBC benefited considerably from technical assistance by the U.S.-based and USAID-funded International Foundation for Electoral Systems (IFES), which IEBC Chairman Ahmed Issack Hassan described as an “election administrator’s best friend.” All stakeholders indicated that the electoral authorities needed and appreciated the technical assistance from IFES; indeed, several interviewees commented that the elections would not have happened in March without IFES technical assistance. However, some critics claimed that the IEBC relied on IFES not only to provide technical assistance and advice, but also to conduct the day-to-day work of the commission. For example, when IEBC discovered weeks before the election that they were missing equipment needed for the provisional results transmission system (RTS), IFES stepped in to procure the items on an accelerated timetable. When the IEBC contractor, Face Technologies, could not transfer the data from the biometric voter registration (BVR) system to the secure cards for the electronic voter identification system, IFES lent Face Technologies its RTS server and worked nonstop with IEBC staff to get the job done. IEBC asked IFES to help organize several last-minute procurements that, in many cases, IFES had advised the IEBC to initiate far in advance.

While this level of assistance was critical for the success of the elections and IFES deserves credit for managing these requests with aplomb, it exceeded the technical assistance originally envisioned by USAID. Such levels of support raise questions about whether the IEBC’s long-term institutional capacity is strong, and what level of assistance will be required for future elections.

USAID/Kenya, like many other development actors in differing situations, sought to walk a difficult line when allowing the host country to lead. While allowing the host country to own its elec-

tions is widely acknowledged as important, donors and implementing partners face a dilemma when confronted with last-minute requests from EMBs that are viewed as essential to the smooth functioning of the election day process. Clearly, the inclination is to respond affirmatively to such requests, but the broader lesson is that donors and implementers, working with EMBs and other key actors, should develop, implement and adhere to an electoral plan that will minimize these last-minute requests.

7 COORDINATION IS KING: WORKING WITH PARTNERS, THE INTERAGENCY AND OTHER DONORS

Coordination and collaboration among key actors contributes to the effectiveness of electoral investments. Long-term engagement with implementing partners and stakeholders strengthened relationships, eventually leading to greater flexibility and reach in programming. Similarly, cooperation among USAID offices, U.S. agencies and other donors proved critical in Kenya.

Collaboration Among Implementing Partners

The DRG Office actively facilitated close collaboration among its implementing partners — and those of other USAID offices — on issues such as civic and voter education and conflict prevention. For example, USAID’s implementing partner Well Told Story worked with several other partners, including the International Republican Institute (IRI), to develop plotlines for its popular comic book series and to direct readers to educational resources. IRI also worked closely with the YYC program to provide civic and voter education to youth groups on the local level and with USAID-supported health program APHIAplus to train community health workers. NDI incorporated questions into its periodic surveys that stemmed from discussions with other implementing partners and that helped others refine their programming.

Another area in which relationships were critical was USAID’s conflict EWER programming. Several of these programs incorporated the involvement of police at the local level. This approach was beneficial, as CSOs and other members of the community were more likely to trust police who had sat alongside them in trainings on conflict mitigation or conducted planning exercises together. Police were more likely to respond in a constructive manner in communities where they had been collaborating with civil society. There were several examples of strong collaboration between CSOs conducting EWER programs and the local police. In some areas, police offered to “stand down” if the partners were better positioned to miti-

gate violence. USAID/Kenya obtained a waiver to undertake work with the police; while the waiver process required considerable investment of mission personnel, it paid dividends in the end.¹⁸

Between USAID/Washington and the Field

USAID/Kenya and USAID/Washington established communication structures well before the elections. As election day neared, the pace of communications between Washington and the field intensified. USAID/Washington convened weekly telephone calls that were time-consuming yet key to effective problem-solving, including identification of last-minute resources. They also demonstrated the importance with which the U.S. Government viewed the Kenyan elections.

High-level visits cause similar ambivalence. They demonstrate strong interest from the U.S. Government and a willingness to help, but also take substantial time from mission and implementing partner staff at a critical stage. Ultimately, a common-sense balance must be drawn between keeping Washington informed and engaged on the one hand, and letting the country team rely on its firsthand knowledge of the situation on the ground in addressing daily challenges. The embassy restricted visits to Kenya as pre-election work mounted in February 2013, which limited official visit interruptions and allowed mission and partner staff to focus on essential tasks.

Within the Interagency

During the 12 months prior to the elections, Embassy Kenya divided responsibility for several critical operations among three major actors: the Embassy Political Office (POL), S/CSO, and USAID. For example, POL was responsible for reporting, CSO for logistics and the U.S. Government election observation efforts, and USAID was responsible for programs.

There was certainly overlap; POL often reported on programs, including support for election observation, that USAID was managing. In addition, S/CSO, building on USAID programs in the Rift and on the Coast, began implementing two activities known as the Champions of Peace and the Network of Networks. However, the essential division of labor worked well among the three units.

Communication and coordination were in place and responsibilities were clarified when duplication occurred. For example,

USAID was responsible for overseeing the election observation efforts of its implementers, such as the Carter Center, NDI and ELOG, and coordinating broadly with the international community through the EDG, while S/CSO was in charge of the observation efforts of the embassy and ensured coordination of U.S. election observation efforts with those of other donors. In general, designating spheres of influence in this way worked well. To better ensure ongoing coordination and information sharing, the ambassador convened biweekly ERTF and a number of sessions to take stock plan for various possible scenarios.

The division of labor was not always obvious to Kenyan actors, which sometimes created problems. For example, outside Nairobi, different U.S. interests operated in the same geographic areas without effective communication or clarifying their mandates for local populations. Projects sometimes overlapped, creating inefficiencies and duplication among implementing partners and occasionally suspicions regarding who actually was providing assistance. Within Nairobi, some tensions also existed. Ongoing communication and weekly coordination meetings among the heads of POL, S/CSO and USAID DRG helped ease these tensions.

Among Donors

Coordination among donors was robust. The establishment of an EDG under the umbrella of the donor partners group and with multi-donor contributions to the UNDP-managed basket fund proved most successful. The EDG was effective and coordinated well with the IEBC. Election specialists from the technical offices of their respective embassies were members of the EDG, and they provided credible technical assistance and advice to IEBC staff and commissioners. In addition, the EDG allowed for joint planning and implementation of activities and for top-line messages to be crafted and transmitted to heads of mission via the donor partners group. The EDG ultimately coordinated 12 donors who otherwise would have funded separate activities and insisted on individual meetings with the IEBC chairman.

USAID/DRG's senior election specialist co-chaired the EDG, along with DfID's election specialist. One representative of the international community noted that the role of USAID and DfID in leading the donor working group was sometimes problematic because the U.S. and Britain were so politically visible and controversial in the six months before the elections. Other donor representatives agreed, but also noted that the U.S.

¹⁸USAID missions must get approval on specific waivers to work directly with the police. Obviously, if this is intended in the context of an election process, the process should be initiated as soon as possible, as the waiver clearance and approval process can be lengthy.

assumed responsibility because other donors did not volunteer to lead the working group.

The U.S. contributed to the UNDP funding in Kenya. This willingness to support a multi-donor effort enabled stronger collaboration among donors and a role for the U.S. in terms of allocating donor investments. As noted by one U.S. Government staff member: "It allowed for us to have a seat at the table where decisions were being made." USAID's contribution to the fund also prompted other donors to contribute.

8 BEWARE OF MAGIC WANDS AND SILVER BULLETS: NEW TECHNOLOGY

New systems and processes — in this case, election technology and social media for early response — are important for promoting more credible elections and are likely to be used increasingly around the world, but there are many considerations that donors and other development actors should take into account.

Electoral Technology

The Kenyan reform agenda sought to incorporate technology to fix problems associated with prior elections. Most political

leaders championed the introduction of new electoral technologies and were loath to compromise with those that advocated for a more restrained approach, such as the IEBC and other technical experts. The result was that several technological innovations that were intended to reduce fraud and enhance transparency failed to work as planned on election day. The immediate causes for the failures may have been a combination of delayed procurements, a tight timeline and inadequate planning, training and testing. Larger questions regarding specific technologies require further expert review, as recommended by the Supreme Court in its ruling on the Presidential Election Petition.

BVR has been a significant technological innovation in Kenya since the 2010 referendum. BVR incorporates biometric data (fingerprints and a photograph) into voter registration systems to uniquely identify voters on polling day. As in other countries, BVR was seen as a practical solution to cleaning Kenyan voter rolls that were outdated and unreliable.

The Independent Review Committee (popularly known as the Krieglger Commission) tasked with examining the 2007 electoral process had identified two main problems with the voter register: a) exclusion of one-third of eligible voters, with a particularly low representation of women and youth; and b) 1.2 million deceased people on the voter rolls. BVR did not address the first issue, which required more effective outreach



Three Provincial Administrators led by Chief Joyna Ronoh (left) participate in the Bomet County Peace Platform. Provincial Administrators were integrated into the County Peace Platforms and were critical in promoting and enforcing Government of Kenya policies on peace and security in their areas of jurisdiction. Credit: USAID/John Ndeta



A citizen registers to vote using the new biometric voter registration system.

Credit: Jeffrey Karang'ae/USAID Kenya

to all eligible voters. The IEBC announced that they expected to register 18 million voters (80 percent of possible voters) in 2012, though observers expected a number closer to 13–15 million. During a shortened registration period, 14.3 million Kenyans registered to vote. This number was a significant increase from the 2010 registration numbers, but well short of the 18 million target. Additional analysis is needed to ascertain whether greater percentages of women and youth registered to vote in 2013. Outreach to women and youth was not a particular focus of the IEBC's voter registration drive, although it was for USAID.

The second problem identified by the Kriegler Commission was addressed by undertaking a new voter registration process. Whether the data in the BVR system can be maintained for future elections, however, remains to be seen. If not, the expensive and labor-intensive voter registration process from 2012 will need to be repeated for future elections.

Procurement of the BVR technology was time-consuming and messy, and it undermined Kenyan's trust in the IEBC. The IEBC originally was not convinced it should undertake BVR for the

entire country for the 2013 elections, despite the fact that it had piloted BVR in 18 constituencies for the referendum. The commission was concerned about timing and capacity, given its newness and the enormous workload associated with election preparations. Despite these concerns, IEBC embarked on a long and complex procurement. Corruption allegations plagued the process, and the delays reverberated throughout the election calendar. Faced with these challenges, IEBC cancelled the BVR procurement and announced it was reverting to optical mark recognition (OMR) technology instead. The government and political elite opposed cancellation of the BVR procurement, and IEBC was forced to rescind its decision.

Subsequently, the Canadian government, through the Canadian Commercial Corporation (CCC), agreed to support the Government of Kenya through the Ministry of Finance in procuring the kits. The contract for the BVR kits was subsequently awarded by CCC to Safran-Morpho, a French company with a subsidiary in Canada. The voter registration dates had to be pushed back, which caused other milestones to be postponed, and the commission never got back on track with the electoral preparations calendar.

Standing on its own, BVR was largely successful. While fewer people registered than the 18 million the commission had targeted, more Kenyans registered than in any previous election. The software and equipment worked well in collecting and storing relevant data. However, the electronic voter identification (EVID) system (also known as electronic poll books), the technology deployed to match voters registered through the BVR with those showing up at polling sites, failed on a massive scale.

Procurement of the EVID system was also beset by serious problems that led to extensive delays. These procurement delays, as well as supplier delivery postponements, resulted in late equipment arrivals, some not until the week before the elections. This left no time to check the equipment, sufficiently train more than 200,000 polling station staff or test the system. In the end, 55.1 percent of the electronic poll books malfunctioned in some way, usually due to battery failure or polling station agents' inability to log into the system.¹⁹ Thus, most polling stations reverted to manual registers generated from the BVR. While the manual registers were effective, the initial failures of the EVIDs and subsequent switch to manual systems led to significant delays in the processing of voters throughout the country.

The IEBC also introduced the provisional results transmission system (RTS) to address problems that contributed to the 2007–2008 post-election violence. The RTS — supported by USAID and implemented by its partner, IFES — was intended to transfer results to the national tally center quickly so as to improve transparency and efficiency. While the RTS was always designed to be a provisional system, with official results still being tallied on paper, election coordinators hoped its ability to inform Kenyans in a timely fashion could stave off conflict.

The RTS was a cell-phone-based system. Presiding officers at polling stations received cell phones with software installed that allowed easy transmission of all election results to regional and national tally centers once the ballots were counted. The IEBC set up large screens at the national tallying center that displayed real-time results for the media. While RTS was successful during the referendum and various by-elections, the version designed for the general elections was far more complicated, requiring delivery of results for all six contests to multiple levels of tallying. The procurement for this product was delayed, negatively impacted by the delayed procurements of the DVR and EVID systems and the final decisions as to what technologies would be deployed.²⁰

The preliminary RTS failed. Some results came into the national tallying center on the evening of election day, a Monday, but the updates slowed considerably on Tuesday, and the percentage of results tallied was well under 50 percent. The IEBC officially stopped updating the provisional results at 44 percent on Wednesday, when returning officers began arriving at the national tally center to record official results. The country waited to learn who won the presidency until the IEBC's official announcement on Saturday, March 9.

Two major factors caused the RTS to fail. The system rollout was delayed due to confusion over missing equipment, the late ordering and the late delivery of the equipment by the supplier. Cell phones were delivered to polling stations in some cases after voting had started and some contained the wrong SIM cards. Because of the delays, polling station agents had not received sufficient training on the devices and were unfamiliar with the system. In some cases, they believed use of the RTS was optional and decided not to transmit the results. Secondly, the IEBC experienced a server error (though it was quickly corrected), and as a result did not receive a significant amount of data through the RTS on election night.

A mistake in the RTS software caused another major problem. The number of rejected ballots²¹ was initially exceedingly high, constituting more than 5 percent of votes. This raised the stakes on the debate over counting rejected votes in the total votes cast, which could prove critical in determining whether a candidate crossed the 50 percent threshold. Once the source of the problem — a programming error — was identified, the number of rejected ballots turned out to be under 1 percent of all votes, well within international norms.

These technological failures were widely known, but the IEBC did not address them forcefully enough in their public statements, despite commissioners making announcements every few hours in the first few days after the election. As a result, rumors circulated that the system had been hacked or the results rigged. When the coding error causing the high number of rejected ballots was discovered, however, IEBC Chairman Hassan quickly made a clear statement explaining the problem and taking responsibility for it. The RTS failures formed a primary basis for the CSOs' petition challenging the results before the Supreme Court.

The experience with the RTS underscores the need for EMBs to procure equipment well before elections and build in sufficient time for training and testing. Donors funding equipment

¹⁹ Elections Observation Group, Press Statement on the Voting Process (March 4, 2013), p.1, http://elog.orke/documents/ELOG_4TH_March_2013_2nd_statement_voting_Process.pdf

²⁰ The original specifications had an integrated system with BVR linked to EVID, then linked to RTS. The initial failed procurements resulted in acquisition of three separate systems. Each procurement's delay had a cascading effect on receipt of the next technology, as well as other key events in the electoral calendar.

²¹ "Rejected" ballots were those that had been filled out incorrectly or cast in the wrong box.

purchases must ensure that adequate training and testing is included as part of the package. Further, the fact that procurement problems contributed to multiple failures in administration of the 2013 elections indicates the need to both support capacity building for the technical aspects of EMBs' work and enhance their managerial and financial capacity. In addition, EMBs may require assistance with communications and public relations.

These experiences raise questions for donors. Before donors and development organizations decide to support the implementation of new technology, in elections or perhaps other fields, they should consider the following:

- Does this new technology fulfill a demonstrated need?
- Does the responsible agency or organization have the technical and management capacity to effectively implement this new technology?
- Do they have the time to implement it well?

In the end, donors' assessments of new technology may be outweighed by political considerations. Even in this case, as suggested by Finding 6, donors and implementing partners should work with EMBs and other stakeholders to develop a realistic electoral plan with identified milestones early in the process, and maintain that plan through good communication. Such a plan will reduce the likelihood of last-minute crises, though it will not entirely eliminate the possibility they will arise.

Conflict Early Warning and Early Response Technology

In addition to the problems with technology related to elections, there were problems with the technology intended to support EWER efforts. This was particularly the case with the Ushahidi mapping software. USAID did not partner explicitly with Ushahidi on the Uchaguzi software they developed for the Kenyan elections, but hoped that it would be a good tool for both collecting data and coordinating conflict and emergency response.

Unfortunately, Uchaguzi did not become a strong EWER tool. In the end, the platform served only as a data warehouse for incidences, rather than a coordinating mechanism for response as promised. Peace monitors and implementing partners sent text messages detailing incidents, but never received responses as to how the issue was addressed. Partners therefore complained that Uchaguzi was an informational black hole. They also could not sort data in ways they found useful — for instance, by geographical area. Ushahidi promised to add this



"My vote is my voice. Disability is no longer an excuse for those of us not to vote. We have received civic and voter education and know how important it is for us to vote. We will vote". Lucy Kesi during training for Persons with Disabilities Forum organized by the International Republican Institute with support from USAID/Kenya.

Credit: USAID Kenya

feature, but failed to do so in time. For the most part, USAID's local partners used their own EWER systems to collect information on incidents and respond to violence. These generally were lower-tech — shared spreadsheets, for example — and for the most part worked well. Therefore, local responses using simpler technologies were more effective than national-level, higher-tech EWER systems.

Future EWER systems would benefit from a fully understood beginning-to-end process that is vetted by the mission and implementing partners working with the system. Specifically, the technology's capabilities and limitations need to be understood at the start of the process, not months, weeks or days before the elections. To ensure that a EWER technology system meets donor expectations (and in the case of Kenya's elections, the U.S. viewed the system as paramount to mitigating violence), a technology expert and a software development team should be recruited to tailor software to mission or partner needs.

Furthermore, local partners should be part of the planning and development process — as well as trained on the system — if they are to be part of the reporting and responding teams. This will help formulate a back-up system that can use local partner networks as Kenya did. Finally, development of the system well in advance is critical to adequately train relevant stakeholders and to conduct test runs to ensure that the system works as expected.

CONCLUSION

Elections are complicated. As the Kenya experience illustrates, many factors contributed to the success of the 2013 elections. These include:

- Institutional reforms, including adoption of a new constitution and judicial advances that preceded the elections;
- A broad swath of Kenyans committing time and energy to avoid a replay of the 2007 post-election violence;
- Willingness of Kenyans to exercise their suffrage by registering and turning out to vote, notwithstanding delays and confusion associated with these processes;
- Credibility of the Supreme Court as an adjudicating body for electoral challenges; and
- Willingness of opposition leader Raila Odinga to use established mechanisms to contest the announced results and to urge his supporters to accept the Supreme Court ruling.

In this case, external actors like USAID and its implementing partners enabled and supported a successful process, but their roles must always be placed in proper context. Nonetheless, this assessment highlights that, in conjunction with the embassy, other donors, implementing partners and Washington-based staff at USAID and the broader interagency, USAID/Kenya demonstrated that using a holistic, long-term, multidimensional electoral cycle approach can make important contributions, even in a fluid, politically sensitive and conflict-prone environment. However, the Kenya experience also suggests that donors, even after a relatively successful election, should consider how to sustain progress. Though other pressing reform demands are now front and center, elections remain a process, not an event, and therefore require continued support.

Just as USAID/Kenya relied on the wealth of accumulated USAID electoral assistance experience in fashioning their program, the 2013 Kenyan elections will serve as a reference point for USAID missions in the future, particularly in climates with concerns about both election credibility and electoral violence.



The national flag is displayed during the singing of the national anthem at the opening of the Mombasa Jomo Kenyatta beach peace concert organized by USAID partner Transparency International.
Credit: USAID/Siegfried Modoloo

IEBC Acknowledgement Slip
Elector's No: _____
Elector's Full Names: TEFREX
ID / Passport No: _____
Registration Centre: MAJI MAZURI
Polling Station: MAJI MAZURI
Assembly Ward: CLAY CITY
Constituency: KASABAN
County: NAIROBI
GPK No. 000 16



JAMHURI YA KENYA
REPUBLIC OF KENYA

A Kenyan citizen proudly displays the proof of his voter registration.
Credit: Joan Lewal/USAID Kenya

U.S. Agency for International Development
1300 Pennsylvania Avenue, NW
Washington, DC 20523

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