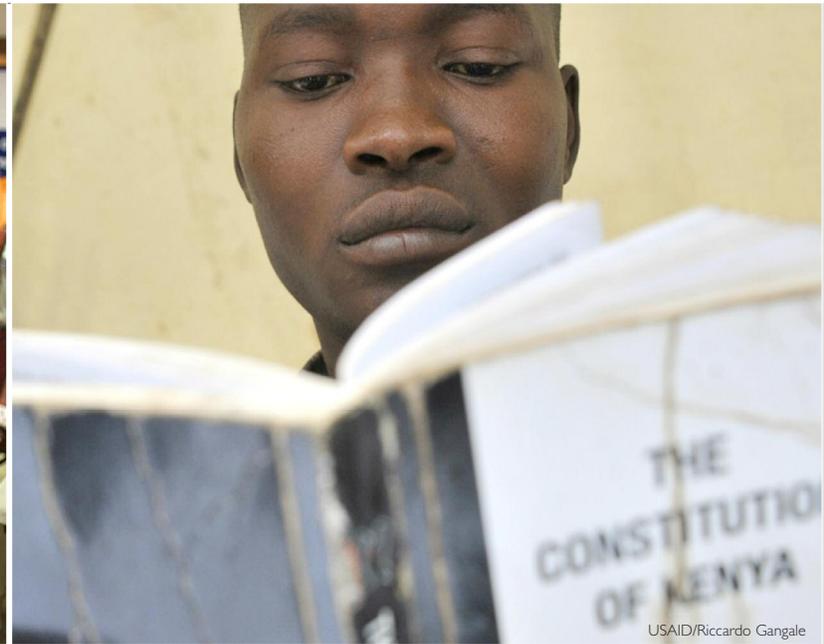




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USAID SUPPORT FOR KENYA'S 2013 ELECTIONS: RAPID ASSESSMENT REVIEW

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ELECTIONS:

**RAPID
ASSESSMENT
REVIEW**

NOVEMBER 2013

LIST OF ACRONYMS

AAR – After Action Review
BVR – Biometric Voter Registration
CCC – Canadian Commercial Corporation
CDCS – Country Development Cooperation Strategy
CFF – Complex Crisis Fund
CMM – Bureau of Conflict Management & Mitigation
CSO – Civil Society Organizations
DCM – Deputy Chief of Mission
DfID – UK Department for International Development
DPG – Donor Partners Group
DRG – Democracy, Human Rights and Governance
EDG – Elections Donor Group
ELOG – Election Observation Group
EVID – Electronic Voter Identification System
EMB – Election Management Body
EPP – Elections and Political Processes
ERTF – Elections and Reform Task Force
EWER – Early Warning-Early Response
IDLO – International Development Law Organization
IEBC – Independent Electoral and Boundaries Commission
IFES – International Foundation for Electoral Systems
IIEC – Interim Independent Electoral Commission
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
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
RTS – Results Transmission System
S/CSO – State Department Bureau of Conflict and Stabilization Operations
TDY – Temporary Duty
UNDP – United Nations Development Program
USG – U.S. Government

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EXECUTIVE SUMMARY

This *Rapid Assessment Review Report* appraises the assistance provided by 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 *Rapid Assessment* 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 Kenya 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. Planning should start preferably as much as three years in advance of the election date, with multiple stakeholders, from across the US



A customized database receives observer text messages and checks the text message sent by observers in the field.

Credit: Jef Karang'ae

Government (USG) and the host country, included in the planning process. An initial, broad assessment of the operating environment should be reinforced by iterative and targeted reviews during the period preceding the elections. Funding for electoral support should be provided in the bilateral budget 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 (TDY), should be planned in the run-up to an election.

3. Seek opportunities to test approaches, build relationships and operate holistically. In Kenya, support to the reform process and the constitutional referendum, including work on 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 were used to test systems intended for implementation during the general elections. Applying a holistic approach to the Kenyan electoral process involved reaching across development sectors and utilizing 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/early response 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 USG agencies and offices contributed diverse and complementary skill sets, including close coordination with key international allies in Kenya at the highest levels. Pro-active communication between the Mission and various stakeholders in Washington on a regular basis 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 bi-weekly Elections and Reform Task Force (ERTF) to better ensure ongoing coordination and information sharing, and organized a number of deep-dive sessions for stock-taking and scenario planning.

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 further 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 multi-donor contributions to the basket fund managed by the United Nations Development Program (UNDP). USAID's contribution to the UNDP basket fund gave the USG 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 for a forum to exchange of ideas and collaboration. Non-traditional partners, such as the police and the judiciary, should be engaged early so as 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 themselves. 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 may often 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 ready and 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.

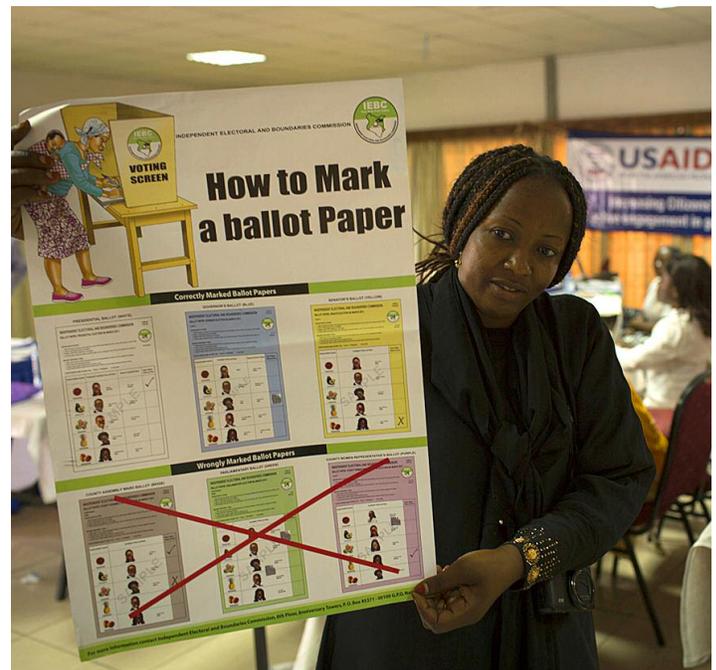
BACKGROUND

Ethnic divisions have defined Kenyan politics since independence, and elections have often ignited outbreaks of inter-ethnic violence since the resumption of multi-party politics in 1992. Most seriously, Kenya erupted in violent clashes following the disputed election of December 2007 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 on February 28, 2008, when a mediation effort led by former UN Secretary-General Kofi Annan successfully brokered the formation of 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 the development of a new, more inclusive constitution that could begin to address problems that had long plagued Kenya; an attempt to approve a new constitution in 2005 had failed. Foremost among the reforms was the establishment of 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 (IIEC), which had successfully organized the referendum.



A trainer demonstrates how every voter should mark their ballot papers and what not to mark when voting.
Credit: USAID/Kenya

The general elections, originally scheduled for August of 2012, were viewed as a major test for Kenya to demonstrate the democratic progress that had been achieved since 2007. For various reasons, including delays in forming the IEBC, the elections were postponed several times; they were ultimately held on 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 was the case in 2007, the presidential race was highly contested. Eight presidential 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 fact that the International Criminal Court (ICC) had indicted 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 in a surprise move joined forces with Kenyatta in December 2012 to form the Jubilee Coalition and was designated to run 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 the vote, or 8,000 votes more than required to avoid a run-off election (out of more than 12.3 million cast).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, thereby upholding the results as announced by the IEBC; for his part, 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 on the Coast 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

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

The international groups that observed the elections found that the elections were generally credible, while highlighting many areas to improve administration. For example, in an April 4 statement, The Carter Center observer delegation, which USAID funded, 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 that: "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 light on logic.⁷

¹A first round win required more than 50% of the total votes and 25% of all 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.

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.euom.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 USG has worked to foster Kenya's development since the country became independent in 1963. For much 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 USG directed significant resources to assist the country to restore order and forge ahead with the reform agenda. Specifically, the USG 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 multi-dimensional 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 USG gradually increased support in multiple 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 USG interagency process through a strategic planning exercise and with other donors through the Donor Partners Group.

Given this massive investment and the potential lessons emerging from the Kenya experience for USAID support elsewhere for elections, conflict mitigation and atrocity prevention, USAID initiated this Rapid Assessment Review of programs that supported both the post-2008 reform process and the 2013 elections, with a focus both on what worked well and what was less successful.⁹



More than 150 Kibera youth turned out to hear how the new Constitution will bring changes that 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>

This assessment complements the excellent internal After Action Review (AAR) undertaken by Embassy Nairobi in June 2013 that details several important lessons, with a particular 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 very 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.

Having strong interagency support allowed for 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 these forums. 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 quickly 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 multi-year, multi-dimensional 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 rapid assessment is designed to fill these gaps and, in turn, will be supplemented by several in-depth program and performance evaluations, which USAID, other USG agencies and international partners are planning or undertaking.¹⁰

METHODOLOGY

To conduct this rapid assessment, USAID/Kenya recruited a team comprising three Washington, -based USAD staff: Larry Garber;

Deputy Assistant Administrator; Bureau for Policy, Planning and Learning; Elisabeth Dallas, Senior Conflict Advisor / Africa Team Lead, Office of Conflict Management and Mitigation, Bureau for Democracy, Conflict and Humanitarian Assistance; (CMM); and Johanna Wilkie, Elections and Political Processes Fund Administrator; Center of Excellence on DRG, Bureau for Democracy, Conflict and Humanitarian Assistance. Based on discussions with Mission and Washington, D.C. staff, the team identified a series of questions to guide the review and to 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.

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: a) select Embassy officials, including Ambassador Robert Godec; b) USAID staff from different offices across the Mission, including Mission Director Karen Freeman and Deputy Director James Hope; c) other donors involved in providing election support; d) international and Kenyan-based implementing partners; and e) the chair and vice-chair of the Kenya IEBC. The team benefitted from the considerable support and wise counsel provided by staff working 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, which focused on the following six issues: a) gender and women’s participation in the election; b) program prioritization in the context of supporting an electoral process; c) promoting peace “versus” justice; d) creating programmatic linkages across multi-sector programs; e) balancing the long-term strengthening of Kenyan electoral institutions with the immediate need to ensure a credible electoral process; and f) USG 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 intimately involved with the process, but also offered the partners a venue for broader reflection on the electoral process two months after election day.

⁹The term Rapid Assessment Review seeks to distinguish 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 (OTI) has recently completed an evaluation of their efforts in Kenya. UNDP has also recently completed an evaluation of the multi-donor Elections Basket Fund.

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 programs directed by the DRG Office that addressed 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 provide intensive support to this agenda on the local level in regions prone to conflict.

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 Department for International Development (DFID) in 2009, an intensive democracy and governance (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 Crisis Fund (CCF) to redirect ongoing programs, initiate new programs and establish offices on the Coast.

In addition, during spring 2012, USAID began collaborating with the S/CSO 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 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 National Security Staff, and provided a framework for identifying additional programming needs, financial resources, staff and top-line messages that were carried by various USG 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 of areas of progress and of concern.

Missions planning for elections should consider conducting an electoral security assessment if there are concerns about violence in their host countries.¹¹ In addition, it should be noted



Priscilla is the proprietor of a small cafe that was lucky to have a TV installed. The communities served by this project have welcomed the initiative with most centers brimming past capacity in the evenings.
Credit: USAID/Natasha Murigu

¹¹USAID's Electoral Security Framework can be found at http://transition.usaid.gov/our_work/democracy_and_governance/publications/pdfs/1-Electoral-Security-Framework.pdf. In March 2013, USAID released a companion Best Practices guide, which can be found here: <http://www.usaid.gov/documents/2496/best-practices-electoral-security-guide-democracy-human-rights-and-governance>.



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

Credit: USAID/John Ndeta

that a robust gender analysis is essential to the planning process for any mission, and is now required by USAID.¹² While USAID/Kenya conducted a Gender Analysis in July 2012, the analysis was part of the on-going 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 in 2011, the Mission set up a new, multi-million dollar, cross-sector program to address youth concerns called *Yes Youth Can!* (YYC), imple-

mented by the Education and Youth Office (EDY). The program was intended to address the problems that had motivated many youth to turn to violence in 2007 and 2008, including poverty, unemployment and apathy. 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.

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 tranches of EPP funding and one of 1207 funding were received to support the elections and lay the groundwork for a peaceful implementation of the devolution process.

2 MAKING THE COMMITMENT: ENGAGING OVER THE LONG TERM

Elections are not an event – they are a process, and 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 Section 1 above, was able to support 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.

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. USAID/Kenya was already invested in a long-running parliamentary strengthening program implemented by the State University of New York Center for International Development since 2000. In 2010, the Mission initiated a new partnership with the International Development Law Organization (IDLO) 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 between and among individuals who previously had not interacted with one another, 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, which is required by the 2010 Constitution, but was 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 non-

governmental organization (NGO) coalition with more than 100 member organizations, to conduct civic education around the new Constitution. As the referendum date grew closer, enormous effort and significant resources were directed towards helping counter misinformation being spread about the contents of the Constitution, 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 citizens went to the polls better informed to cast their votes.

Subsequent to the passage of the Constitution, the focus of KCSSP support to CSOs shifted to advocacy for the development of legislation to bring into effect the provisions of the Constitution. 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. CSOs supported through KCSSP 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 US-based NGO National Democratic Institute for International Affairs (NDI) has provided support to several groups, who ultimately coalesced to form the permanent Election 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, which prepared them for conducting a similar exercise for the much more complex and politically contentious 2013 elections. 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. ELOG had made an agreement with the IEBC, just as they did for the referendum, to wait to announce their findings until after the IEBC released the official results. ELOG adhered to its agreement despite the fact that

PVT results were available within a day of the polls and 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 PVTs 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 intentionally 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. The ELOG PVT experience reinforces the importance of developing a 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 contributed to strengthening 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 development of party policy documents.

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 IIEC 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 signify that parties had become more professional. Their disorganization disenfranchised many Kenyans and sparked violence in some areas. The blame cannot be entirely laid on the parties; Parliament created some of the havoc by changing the rules at the last minute multiple times, and the tight electoral calendar also created constraints. In addition, though more women were elected to Parliament during the 2013 elections than previously, women are still woefully underrepresented 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 in accessing financial support for their candidacies. While questions remain as to how much USAID support accomplished in this DRG sub-sector, 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 sheer breadth of the new rules and processes and the short timeline associated with the 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 in advance of the referendum. Another USAID program concentrated on disseminating information on the contents of the new constitution and explaining the implications of devolution through cascade trainings in the year before the elections. Some stakeholders, however, commented that civic education materials were often developed at a level that was 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 efforts to fill the gap. USAID estimates that 10 million Kenyans were reached through these efforts, which 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

¹⁴Election Observation Group, The Official Results are Consistent with ELOG’s Parallel Vote Tabulation (March 9, 2013), p. 2, www.ndi.org/files/kenya-elog-pvt-statement-030913.pdf.

¹⁵Ibid.

electoral issues, conducting training of trainers across sectors (particularly reaching out to 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, there were still many elements of Kenyan society that 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.

3 COLLABORATING ACROSS THE MISSION

Having a holistic approach when designing an elections program, particularly where violence prevention is an identified goal, involves reaching across development sectors and utilizing 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. This program is managed by the Education and Youth Office and links to other Mission offices, such as DRG; Population and Health; and Agriculture, Business and Environment. The purpose of the program is to reduce the vulnerability of youth to becoming involved with 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 a voice to advocate for issues affecting them.

The effort to actively facilitate cross-sectoral engagement when it comes to youth programming is admirable and has led to successes like the *My ID, My Life* campaign, which supported 500,000 youth to obtain their Kenyan identity cards – a necessary 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



Residents of Mathare drop in sample ballot papers in demonstration ballot boxes. Kenya's Independent Electoral and Boundaries (IEBC) Commission in conjunction with USAID's Kenya Tuna Uwezo program organized a mock balloting exercise. *Credit: USAID/Nicole Sobel*

¹⁶Bunge means "parliament" in Kiswahili.

25 counties for the half-million youth members to have a plan of action in case violence did break out around the elections. An estimated 300,000 cards were distributed to members to write down the telephone numbers of officials who could take action in the 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 going out over the national media within weeks of the elections. The messages included peace pledges from all the major presidential candidates which 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 for collaboration with other USAID offices on the programs it managed before finding one that worked: scheduling monthly partner working group meetings at which all Agency partners and local sub-partners across sectors (health, education, youth, agriculture, DRG) operating in a particular region 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/early response – 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 involved thought the effort was worthwhile.

The relationships built among partners at the grassroots level were essential when it came to increasing the reach of voter education and early warning/early response efforts on a short timeline. Most partners felt these regional working groups gave them the networks and relationships necessary to help them get their work done more efficiently, and that USAID had the convening power to bring people together to discuss strategies for working together and planning exercises that partners did not have. Training and engaging community health workers to provide voter and civic education and linking parent-teacher associations to early warning-early response (EWER) mechanisms are just 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 moving forward.

A few months prior to the election, the Office of Foreign Disaster Assistance (OFDA), housed in the USAID/East Africa regional mission, began collaborating with DRG by sharing information and contingency plans. This helped to ensure that humanitarian planning was linked to broader USG election preparation efforts. In addition, OFDA and DRG created strategic links between their EWER efforts by co-locating them at the multi-donor humanitarian hubs that had been estab-

lished in case post-election violence emerged. This partnership grew out of the synergies inherent in conflict mitigation and humanitarian response. Linking humanitarian efforts with EWER efforts proved highly valuable as it allowed for quick communication on events as they unfolded and coordination among partners and donors in the event of a crisis. These linkages, theoretically, should have begun much earlier than just before the elections; they emerged because staff from different sectors began to talk to each other and recognized the potential for joint planning and implementation.

USAID/Kenya was unusually successful in working across sectors to strengthen programs and to 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 to reach much greater numbers of people with education materials and peace messaging than would otherwise have been the case.

4 CONFLICT EARLY WARNING, PEACE MESSAGING AND JUSTICE

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

In reflecting on their work to support 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 remained opaque until just before the elections. They also depended heavily on Ushahidi, a non-profit technology company, which was first launched during Kenya’s 2007/2008 crisis and develops open source software for information collection and interactive mapping to organize both information on violence and responses; however, the Ushahidi software system was not designed with response in mind [see Section 8 for further discussion of the role of technology associated with this effort]. The Mission’s experience in supporting the development of EWER systems therefore revealed that it may be more effective to build the capacity of local groups who are already on the right track and have the credibility and trust at the local level to establish effective systems, rather than waiting for top-down solutions to coalesce. A focus moving forward may be on better



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

Credit: USAID/Siegfried Modoloo

analysis and research on how to obtain better responses both at 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, were able to disseminate peace messages broadly and frequently and to target youth, the group most vulnerable to violence. USAID activities were part of a much broader effort, which included other USG agencies, Kenyan government bodies and CSOs that were also strongly messaging the need for peace. In February, President 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, bill boards, training journalists on peace messaging, comic books, national TV shows, and local engagement of community-based groups.

In the immediate aftermath of the election, peace messaging was seen by some Kenyans as suppressing disagreement regarding the fairness of the election or broader issues of justice. The two concepts came to be seen in opposition. After Kenyatta was declared the winner of the presidential contest, peace mes-

saging also came to be seen as support for the Jubilee Coalition. In retrospect, the perceived lack of balance associated with the peace messaging suggested to some Kenyans that donors considered the absence of violence as more important than the fairness of the elections, or associated justice considerations. USAID tried to adjust peace messages in the post-election period to counter this argument and to encourage a discussion of what justice entails. There were additional discussions in the interagency about shifting to a transitional justice focus, but with the crisis of imminent violence averted the focus on this issue shifted elsewhere.

Stakeholders noted that USAID did not invest in reconciliation and justice on the scale of its investment in peace. Some noted that more needed to be done to support healing from the trauma resulting 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 in general needs to invest additional resources training staff on the full suite of options available in transitional justice - how societies do or do not reconcile with violent episodes from the past is a driver of 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. Various 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 participation in the electoral process, enhancing domestic monitoring capabilities and funding international observation. As occurs in development assistance broadly, trade-offs inevitably exist in the context of election-related programming. Even while USAID/Kenya had access to more resources than many missions confronting similar challenges, it still was required to prioritize those initiatives that were in the USG'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 at the time it was needed, but in some cases, assistance may have come too late due to delays in receiving funding or the rapidly changing political environment as elections approached. For example, some Mission and partner staff expressed concern that USAID efforts in

terms of supporting women candidates 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 can often characterize an election period requires missions to maintain flexibility. For example, after the post-election violence, USAID focused significant resources on the Rift Valley, the area that had suffered the most serious violence in 2007 and 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- and peace-targeted activities in that region. In this area, as in several others, the Mission showed a drive to continually assess needs and then to be flexible in response to those needs, often reaching back to Washington operating units for support.

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 with respect to aspects of electoral preparations, USAID programs projected a dominating role, which had the effect of marginalizing the role of other Kenyan actors.

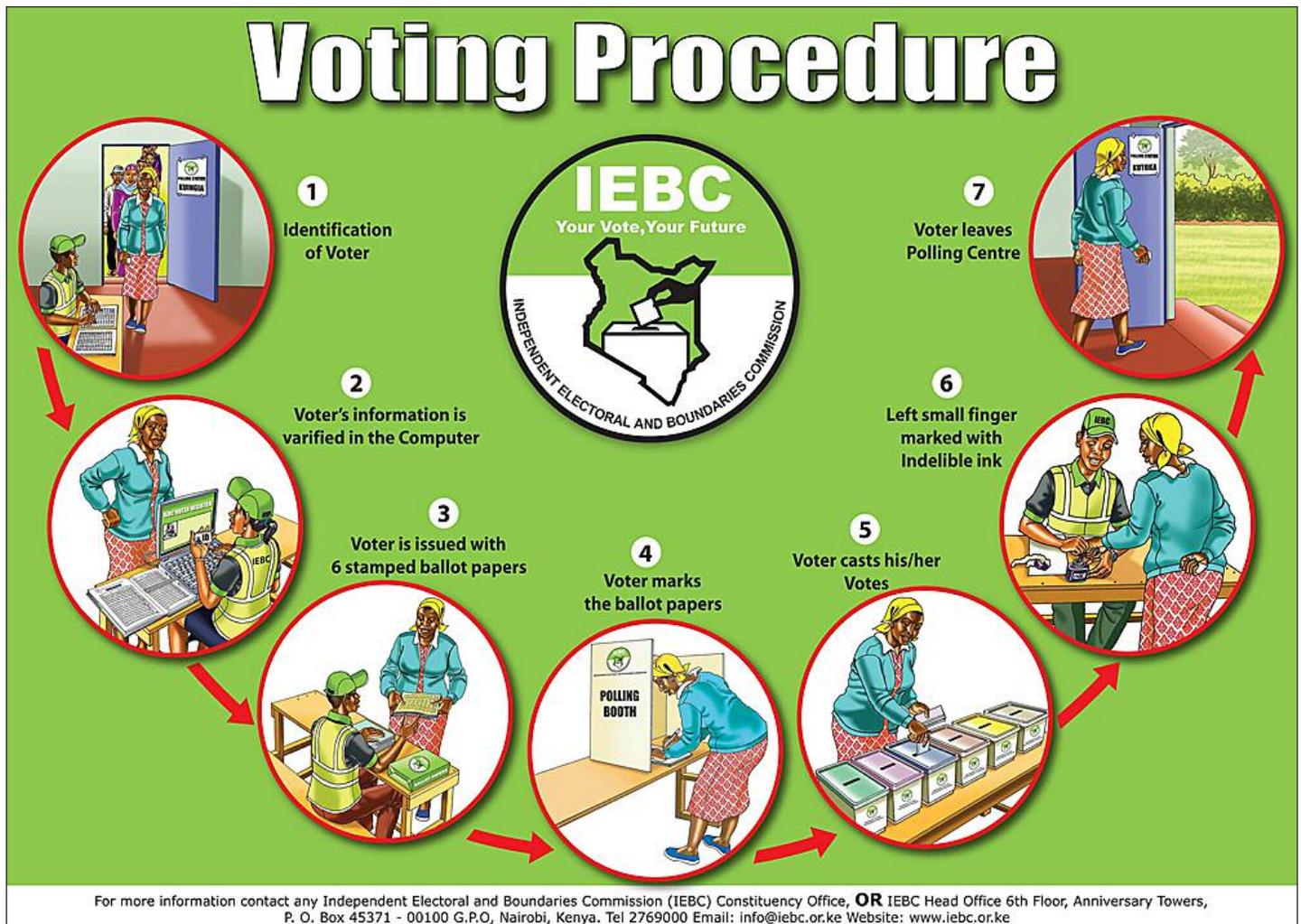
A positive example of donor support for Kenyan institutions and processes was in the area of humanitarian preparedness. The Kenya Red Cross took the lead, with donors – including USAID – and international organizations supporting them. This group developed the first ever national disaster management 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 the event of 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



Certificates of recognition were awarded to those who participated in the USAID Kenya Tuna Uwezo 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 for 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 supports the Independent Electoral and Boundaries Commission (IEBC) in effectively managing the elections. USAID assisted the commission in drafting new elections regulations and procedures in line with the new constitution.

example of this blurring 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 administration. The IEBC was under significant time and political pressure from the moment it was established 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 was comprised of 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 issues relating to election planning 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 US-based and USAID-funded International Foundation for Electoral Systems (IFES), whom IEBC Chairman Ahmed Issack Hassan described as an "election administrator's best friend." All stakeholders indicated that the technical assistance from IFES was needed and appreciated by the electoral authorities; indeed, several interviewees commented that the elections would not have happened in March without IFES technical assistance. However, according to some critics, 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 12,000 mobile phones needed for the provisional results transmission system (RTS), IFES stepped in to procure them along with 20,000 SIM cards. When the IEBC contractor, Face Technologies, could not transfer the data from the Biomet-

ric Voter Registration System (BVR) to the secure cards for the Electronic Voter Identification System, IFES lent Face Technologies its RTS server and worked non-stop 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 envisaged by USAID. Of even greater concern is the fact that such levels of support raise questions as to whether the IEBC's long-term institutional capacity is now 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 it came to allowing the host country to lead. While the importance of allowing the host country to own its elections is widely acknowledged, donors and implementing partners face a difficult dilemma when confronted with last-minute requests from EMBs that are viewed as essential to ensuring the smooth functioning of the election day process. Clearly, the impetus 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 the extent to which such last minute requests become necessary.

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, USG agencies and other donors proved critical in the Kenyan context.

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



Three Provincial administrators led by Chief Joyna Ronoh (left) participate in the Bomet County Peace Platform held on April 18th at Itembe Secondary school 2 kilometers from Bomet town. Provincial administrators have been co-opted in the County Peace Platforms and are critical in enforcing Government policies on Peace and security in their areas of jurisdiction.

Credit: USAID/John Ndeta

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 Aphia Plus to train community health workers. NDI incorporated questions into its periodic surveys that were informed by discussions with other implementing partners and that helped to refine programming by other actors.

Another area in which relationships were critical was USAID's conflict early warning and early response 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 their local police forces. In some areas, police offered to "stand down" if the partners were better positioned to mitigate violence.¹⁸ 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.

Between USAID/Washington and the Field

USAID/Kenya and USAID/Washington set communication structures in place well in advance of the elections. As Election Day neared, the pace of communications between Washington and the field intensified. While the weekly USAID/Washington convened telephone calls were time-consuming, they contributed to effective problem-solving, including identification of last-minute resources. They also demonstrated the importance with which the USG viewed the Kenyan elections.

A similar dichotomy exists when it comes to high-level visits. They demonstrate strong interest from the USG and a willingness to help, but also draw heavily on the time of mission and implementing partner staff at a critical moment. 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 first-hand knowledge of the situation on the ground in addressing the daily challenges that emerge. The Embassy established a moratorium on visits to Kenya during February 2013, which limited official visits and allowed Mission and partner staff to focus on essential tasks.

¹⁸For USAID missions to work directly with the police, specific waivers must be approved. Obviously, if this is intended in the context of an election process, the process should be initiated as soon as possible as the waiver can take considerable time to get through clearances and approval.

Within the Interagency

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

There was certainly overlap among functions, as POL often was reporting on programs, including support for election observation, which 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 held and worked well among the three units.

Where there was overlap, mechanisms for communication and coordination were put in place and distinctions made to clarify responsibilities. 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 USG 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 a bi-weekly Elections and Reform Task Force (ERTF) and a number of deep-dive sessions for stock-taking and scenario planning.

The division of labor was not always obvious to all concerned and this sometimes created problems. For example outside Nairobi, some confusion resulted from different USG actors operating in the same geographic areas without establishing effective lines of communication or making clear what their mandates were to local populations. Projects sometimes overlapped, creating inefficiencies and duplication among implementing partners and occasionally suspicions regarding who actually was providing the 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. Success was greatest with the establishment of an EDG under the umbrella of the Donor Partners Group (DPG) and with multi-donor contributions to the UNDP-managed basket fund. The EDG proved an

effective mechanism and coordinated well with the IEBC. Election specialists from the technical offices of their respective embassies were members of the EDG, and they were able to provide 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 DPG. The EDG was ultimately effective in coordinating 12 donors who otherwise would have funded discrete activities and insisted on meeting separately 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 USAID and DFID role 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 leading up to the elections. Other donor representatives agreed with this assessment, but also noted that the USG took up this mantle because other donors did not volunteer to lead the working group.

The USG contributed to the UNDP funding in Kenya. This willingness to support a multi-donor effort allowed for stronger collaboration among donors and a role for the USG in terms of allocating donor investments. As noted by one USG staff, "It allowed for us to have a seat at the table where decisions were being made." USAID's contribution to the fund also provided the catalyst for 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 tools for promoting more credible elections and 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 and the new Constitution both sought to rely on technology to fix problems associated with prior Kenyan elections. This reliance on the power of technology was internalized by Kenyan political leaders, who resisted efforts to compromise on the introduction of new technologies, even when the IEBC and other technical experts sought to temper such reliance. The result was that several technological innovations that were intended to make the process less

subject to fraud and more transparent ultimately 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 the lack of adequate planning, training and testing. Still 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 as a means 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 untrustworthy.

The Independent Review Committee (popularly known as the Kriegler Commission) tasked with examining the 2007 electoral process had identified two main problems with the voter register: a) the 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 and education to ensure that all eligible voters know how to register. The IEBC publically announced that they expected to register 18 million voters in 2012, though privately confided that they would consider between 13-15 million a success. 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 (80 percent of possible voters). 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, though it was for USAID.

The second problem identified by the Kriegler Commission was addressed by undertaking a new voter registration process for these elections. Whether the data in the BVR system can be maintained for future elections, however, remains to be seen. Otherwise, the voter registration process conducted in 2012 – expensive and labor-intensive as it was – will need to be repeated for future elections.

The procurement of the BVR technology was time-consuming, messy and undermined 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. It was concerned about timing and capacity, given its status as a new organization and the enormous workload associated with preparing for elections. Despite these concerns, IEBC



The Biometric Voter Registration technology was cool.

Credit: Jeffrey Karang'ae/USAID Kenya

embarked on a long and complex procurement. Allegations of corruption plagued the process, and the delays reverberated throughout the rest of 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 cancellation of the BVR procurement was met with opposition from the government and political elite, 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 the procurement of the kits. The contract for the BVR kits was subsequently awarded by CCC to Safron-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 fully got back on track in terms of the calendar for electoral preparations.

Standing on its own, BVR was largely successful. While fewer people were 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 stor-

ing the relevant data. However, the technology deployed to match voters registered through the BVR with those showing up at polling sites, the electronic voter identification system (EVID) or electronic poll books, failed on a massive scale.

The procurement of the EVID system was also plagued with serious problems that led to extensive delays. These procurement delays, as well as delays in delivery by the supplier, ensured that equipment arrived late, some as late as the week before the elections. This in turn meant that there was 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 an inability of the polling station agents to log into the system. Thus, most polling stations reverted to reliance on manual registers generated from the BVR. While the manual registers were effective, the initial failures of the EVIDs and subsequent switch to manual systems significant delays in the processing of voters throughout the country.

The IEBC also introduced the provisional results transmission system (RTS) as another technology designed to address problems that were cited as contributing to the 2007/2008

post-election violence. The RTS 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 results transmission system – official results would still be tallied on paper – it was hoped that it would stave off conflict by keeping Kenyans informed in a timely fashion.

The RTS was a cell-phone based system: presiding officers at polling stations received specific cell phones with software downloaded onto them in advance that was designed to allow them to easily transmit results from all electoral contests to regional and national tally centers once the ballots were counted at the polling site. The IEBC set up large screens for media at the national tallying center that showed real-time results. While RTS had been used successfully during the referendum and various by-elections, the version designed for the general elections was far more complicated, as it was required to deliver 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 other two technologies and the final decisions as to what technologies would be deployed.¹⁹

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 still well under 50 percent. The IEBC officially stopped updating the provisional results while they were still at 44 percent on Wednesday, when returning officers began arriving at the national tally center to record their official results. The country waited until Saturday, March 9, for the official announcement by the IEBC to learn who won the presidency.

There were two major reasons for the failure of the RTS to collect a sufficient number of results. The system rollout was delayed due to the confusion over the previously described missing cell phones, the late procurement and the late delivery of the equipment by the supplier. Phones were delivered to polling stations sometimes after voting had already started and, in some cases, with the wrong SIM cards. Worse, 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 this was quickly corrected), and as a result did not receive a significant amount of data coming in through the RTS on election night.

A mistake in the RTS software caused another major problem. The number of rejected ballots²⁰ was initially exceedingly high, constituting more than five percent of all votes. This raised the stakes on the debate as to whether rejected votes should be counted as part of the total number of votes cast or not, 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 one percent of all votes, well within international norms.

These failures were very public, but the IEBC did not address them forcefully enough in their public statements, despite the fact that Commissioners were making announcements every few hours in the first few days after the election. As a result, rumors flew that the system had been hacked or the results rigged. By way of contrast and to his credit, when the coding error causing the high number of rejected ballots was discovered, IEBC Chairman Hassan did quickly make a clear statement on what had transpired and assumed responsibility. The RTS failures formed a primary basis for the CSOs' petition challenging the results before the Supreme Court.

The experience with the RTS highlights the lesson that EMBs must conduct procurements well in advance of elections and build in sufficient time for training and testing. In addition, donors funding equipment purchases must ensure that adequate training and testing is included as part of the package. The fact that procurement problems were such a driving force in the failure of multiple aspects of administration of the 2013 elections also indicates that it is advisable to provide capacity building support not only to the technical aspects of EMBs' work, but also to enhance their managerial and financial capacity. In addition, EMBs may require capacity building in communications and public relations.

These experiences also 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 regarding the appropriateness of new technology may be outweighed by political considerations. Even in this case, as suggested by Finding 6, donors and

¹⁹The original specifications had an integrated system with BVR linked to EVID linked to RTS. The initial failed procurements resulted in three separate systems being procured. Therefore, as each procurement was delayed this had a cascading effect on procurement of the next technology, as well as other key events in the electoral calendar.

²⁰ "Rejected" ballots were those that had been filled out incorrectly or cast in the wrong box.

implementing partners should work with EMBs and other stakeholders to develop a realistic electoral plan with identified milestones early on in the process, and to maintain that plan through good communication throughout. 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 also 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 specifically 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 disappointed on multiple levels. In the end, the platform served only as a data warehouse for incidences, rather than a coordinating mechanism for response as had been promised. Peace monitors and implementing partners sent in text messages containing details on incidents, but never received responses as to how the issue was addressed. Partners therefore complained that Uchaguzi was as an informational black hole. They also could not sort data in ways that

were useful for them – for instance, by geographical area. Ushahidi promised to add this feature, but failed to do so in time. For the most part, USAID's local partners used their own EWER systems for collecting information on incidents and responding to violence. These generally were lower-tech – shared spreadsheets, for example – and for the most part worked well. Therefore, local responses utilizing simpler technologies proved to be more effective than national-level higher-tech EWER systems.

In developing future EWER systems, it is recommended that the beginning-to-end process be fully understood and vetted by the Mission and by those implementing partners working with the system. Specifically, there is a need to understand what the technology is capable of doing and what it is not capable of doing early on – and not months, weeks or even days before the elections. To ensure that a EWER technology system meets the expectations of the donors (and in the case of Kenya's elections, the USG 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 it is recommended that 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 also assist in formulating a back-up system which can utilize local partner networks as was done in Kenya. Finally, as was critically important with the elections technology, it is equally important to develop the system well in advance, to train adequately relevant stakeholders and to conduct test runs to ensure that the system works as expected.



"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

CONCLUSION

Elections are complicated affairs. As the Kenya experience illustrates, many factors contributed to the success of the 2013 elections. These factors include: a) the many institutional reforms, including adoption of a new constitution and judicial advances that preceded the elections; b) the commitment of a broad swath of Kenyans to invest time and energy to avoid a replay of the 2007 post-election violence; c) the willingness of so many Kenyans to exercise their suffrage by registering and turning out to vote, notwithstanding delays and confusion associated with these processes; d) the credibility of the Supreme Court as an adjudicating body for electoral challenges; and e) the willingness of opposition leader Raila Odinga to use the prescribed mechanisms for contesting 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, as this

Assessment highlights, USAID/Kenya, in conjunction with the Embassy, other donors, implementing partners and Washington-based staff at USAID and the broader interagency, demonstrated that utilization of a holistic, long-term, multi-dimensional 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 best to sustain progress. Though other pressing reform demands are now front and center, elections remain a process, not an event, and therefore continue to merit support.

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 where concerns exist about both credible elections and an outbreak of election-related 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 Transparency International.
Credit: USAID/Siegfried Modoloo

IEBC Acknowledgement Slip  JAMHURI YA KENYA
REPUBLIC OF KENYA

Elector's No: 0103031212112565

Elector's Full Names: JEFFREY NGUGI
KARANG'AE

ID / Passport No: 25677373

Registration Centre: MATI MAZURI

Polling Station: MATI MAZURI

Assembly Ward: CLAY CITY

Constituency: KASABA

County: NAIROBI

GPK No. 000 16

Jeffrey Karang'ae registered to vote in Kenya today. It's day three of the 30 day voter registration period. Jeffrey says it was easy.
Credit: Joan Lewal/USAIDKenya

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

www.usaid.gov