

CHAPTER 7



Conclusions

These were elections which proved difficult to evaluate in terms of freeness and fairness. It was evident to us from the start that some aspects of the elections were not fair. These included:

- the registration process in many parts of the country
- the nominations process – particularly in the Rift Valley, resulting in the unopposed return of 16 KANU Parliamentary candidates
- the lack of transparency on the part of the Electoral Commission
- the intimidation, administrative obstacles and violence that marked the political campaign
- the partisanship of the state-owned radio and television
- the reluctance of the Government to de-link itself from the KANU Party.

These negative aspects were compounded by the numerous administrative problems which can be directly attributed to the inability of the Electoral Commission to plan ahead and pay adequate attention to the many basic and essential elements of the electoral process. This resulted in late delivery of materials, polls with too many voters, lack of adequate training of officials and an ineffective public education programme.

At the same time we believe that at least in the last few weeks before polling day, the Electoral Commission made every effort to act responsibly, impartially and openly. We would attribute many of the Commission's problems at the earlier stage to inexperience, a weakness in planning and administrative ability, and certain aspects of the electoral law and regulations which contributed to the difficulties which arose.

On the positive side, notwithstanding all of the problems described above, it was encouraging to find that on polling day, with few exceptions, millions of enthusiastic people cast their votes in a general atmosphere of calm throughout the country. We were extremely impressed with the dedication and persistence of the voters, many of whom waited long hours in uncomfortable situations to exercise their right to vote. Much praise is also due to so many of the Presiding Officers, election officials at the polls and at the counting centres for their commitment and tenacity, given all of the problems they had to overcome.

Special mention again must be made of the substantial contribution of candidates, party agents and national observers. The fact that so many people made an impressive transition from a violent and confrontational pre-election period to a vigilant partnership as poll observers was a hopeful indication of the effective application of multi-party democracy for the future.

These elections were an important turning point in Kenya's history and for Kenya's future. Despite the fact that the whole electoral process cannot be given an unqualified rating as free and fair, the evolution of the process to polling day and the subsequent count was increasingly positive to a degree that we believe that the results in many instances directly reflect, however imperfectly, the expression of the will of the people. It constitutes a giant step on the road to multi-party democracy.