

NATIONAL CONFERENCE REPORT




on

ENHANCING DEMOCRACY AND GOOD GOVERNANCE IN THE LEAD UP TO THE 2007 GENERAL ELECTIONS; PROMOTING ISSUE-BASED CAMPAIGNS'

Safari Park Hotel, Nairobi, Kenya

31st October and 1st November 2007



Co-hosted by

Institute for Education in Democracy (IED) and
Westminster Foundation for Democracy (WFD)

Table of Contents

1.0	INTRODUCTION	
1.1	Background to the Conference	4
1.2	Objectives of the Conference.....	4
2.0	ORGANIZATION OF CONFERENCE	
2.1	Participants.....	4
2.2	Resource Persons.....	5
2.3	Topics Covered.....	5
2.4	Methodology.....	5
3.0	SESSIONS/PRESENTATIONS	
3.1	Welcome Remarks.....	6
3.2`	Opening Remarks.....	7
3.3	Key Note Address.....	9
3.4	The Role of the ECK in the Electoral Process.....	11
3.5	Election Observation: The Structure and Role of KEDOF.....	13
3.6	The Role of the Media in Promoting Issue-based Campaigns.....	14
3.7	Electoral Violence, Malpractice, Corruption, Bribery and Abuse of Office.....	17
3.8	Human Rights and Gender Equality in Elections.....	19
3.9	Participation of Marginalized and People with Disabilities in the Electoral Process.....	22
3.10	The Role of Political Parties in Addressing Issue-based Campaigns.....	24
4.0	Recommendations and Way Forward.....	26
5.0	Launch of the publication on Media and Democratic Governance in Kenya by IED and KPJA.....	28
6.0	LIST OF PARTICIPANTS.....	29
7.0	CONFERENCE PROGRAMME.....	31

Acronyms and Abbreviations

AG	Attorney General
C.O.P	Commissioner of Police
CEDAW	Covenant on the Elimination of All forms of Discrimination Against Women
CEDMAC	Consortium for Empowerment and Development of Marginalized Communities
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
CDF	Constituency Development Fund
DICED	Disability Consortium for Empowerment and Development
ECK	Electoral Commission of Kenya
ECWD	Education Centre for Women in Democracy
ICCPR	International Covenant on Civil and Political Rights
ID	Identification Card
IED	Institute for Education in Democracy
IFES	International Federation for Electoral Systems
KBC	Kenya Broadcasting Corporation
KEDOF	Kenya Domestic Observers Foundation
KNCHR	Kenya National Commission on Human Rights
KPJA	Kenya Parliamentary Journalist Association
MP	Member of Parliament
NEMU	National Elections Monitoring Unit
NGO	Non-Governmental Organization
ODM	Orange Democratic Movement
ODM-K	Orange Democratic Movement - Kenya
PNU	Party of National Unity
PTB	Programme Technical Board
SB	Strategic Board
UDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Fund
UoN	University of Nairobi
WFD	Westminster Foundation for Democracy

1.0 INTRODUCTION

This is a report of a *National Conference on Enhancing Democracy and Good Governance in the Lead Up To The 2007 General Elections; Promoting Issue-Based Campaigns* that was held on 31st October and 1st November 2007 at Safari Park Hotel, Nairobi. The conference was organized and co-hosted the by Institute for Education in Democracy (IED) and Westminster Foundation for Democracy (WFD).

1.1 Background to the Conference

The *National Conference on Enhancing Democracy and Good Governance in the Lead Up To The 2007 General Elections; Promoting Issue-Based Campaigns* conference falls under the Electoral Process Programme of the Institute for Education in Democracy (IED) a non-partisan, non-profit making organization that provides non-partisan leadership in the democratization process in Kenya and Africa.

The main focus of IED's work since its inception in 1993 has been the provision of non-partisan and gender-balanced information and skills to empower citizens to effectively participate in the governance and democratic processes and to contribute towards the creation of positive political behaviour, culture and attitudes. IED's vision is 'an informed democratic society'. The organization works towards this vision by means of 'peaceful, positive change'.

1.2 Objectives of the Conference

The objectives of the conference were to:

- Promote issue-based campaigns;
- Foster an electoral environment conducive to peaceful, free and fair elections through management and observations of elections;
- The role of the ECK, political parties, the media, various human rights bodies and others in the electoral process;
- Identify and make recommendations for action to achieve a conducive electoral environment.

2.0 ORGANIZATION OF THE CONFERENCE

2.1 Participants

Participants were drawn from civil society organizations, media houses, the Attorney General's Office, the Electoral Commission of Kenya and other stakeholders in the governance and democracy process. Ninety six participants attended the conference (44 women and 52 men).

2.2 Resource Persons

The team of resource persons consisted of Jayne Michuki (Chairperson, IED), Zaya Yeebo (Programme Manager, WFD), Amos Wako (Attorney General), Samuel Kivuitu (Chairperson, ECK), Jack Tumwa (Commissioner, ECK), Koki Muli (Executive Director, IED), Morris Odhiambo (SB Co-chair, KEDOF) and Mary Njeri (Member, KEDOF PTB).

Others were Owino Opondo (Chairperson, KPJA), Kathurima M'Inoti (Chairperson, KLRC), Winnie Lichuma (Commissioner, KNCHR), Immaculate Njenge-Kassait (Programme Officer, IED), Said Athman (Executive Director, CEDMAC), Vincent Owour (Chairperson, DICED), Adams Oloo (Lecturer, UoN), and Moses Oduor (IFES). The rapporteur was Wairimu Mungai.

2.3 Topics Covered

Topics covered included:

- a) Management and Observation of Elections showing
 - ✓ The role of ECK in the electoral process; Code of Conduct, guidelines for different categories of elections officials, role of security personnel
 - ✓ The Structure and role of KEDOF
- b) The Role of the Media in Elections detailing
 - ✓ Medias role in Promoting issue-based campaigns in the 2007 General Elections
 - ✓ Setting the right agenda-based media reporting, hate speech, and
 - ✓ Participation of people with disability and marginalized in the electoral process
- c) Electoral Malpractice and Offences highlighting the role of stakeholders in reduction of electoral violence and promoting issue-based campaigns
- d) Equity and Political Participation in Elections including
 - ✓ The role of political parties in advancing issue based campaigns
 - ✓ Human Rights and gender equality in Elections

2.4 Methodology

Participatory methodologies were used at the workshop and included presentations that were critiqued by a discussant, followed by a plenary discussion and a question and answer session.

3.0 PRESENTATIONS/SESSIONS

SESSION I: CONFERENCE PRELIMINARIES

Chair, Dr. Frank Njenga, Board Member, IED

3.1 Welcome Remarks

By Jayne Michuki, Chairperson, IED

Ms Michuki started by pointing out the significance of a forum on promoting issue-based campaigns in an election year. The conference, she informed participants, would highlight and deepen dialogue on best practices for governance. She noted that good governance was about acceptable principles of democracy. She posed the question of whether promises currently being made by aspiring candidates had substance and wondered how the candidates could be made to make good their promises.

Turning to IED, the Chair stated that the organization's main areas of work included capacity strengthening and policy formulation, mainstreaming of human rights and good practices, monitoring and observation of electoral practices and national voter education. In the course of its work, IED had not only weathered several adversities but had also remained relevant for the last 15 years, earning recognition from Africa and beyond.

By Zaya Yeebo, Representative, Westminster Foundation for Democracy

In his introductory remarks Mr. Yeebo, said the Foundation was an international organization of the British Government that was charged with the promotion of democracy. The Foundation was therefore interested in the achievement of peaceful, free and fair elections. To this end, it had extended financial support to 45 civil society organizations working in the area of democracy in Kenya.

3.2 Opening Remarks

Hon. Amos Wako, Attorney General, Kenya

Hon. Amos Wako started his presentation by pointing out that there was more to the process of democracy than the putting in place of relevant legal and constitutional frameworks. He further stated that the introduction of a multiparty system in Kenya in 1992 did not amount to a realization of democracy.

True democracy, Hon. Wako pointed out, was realized through a continuous process. In Kenya, for example, before the 1992 constitutional amendments, the powers of the Electoral Commission of Kenya (ECK) were usurped by the Executive. The supervisor of elections was a civil servant appointed by and working under the direction of the AG, who directed when the register of electors was to be prepared. District Commissioners automatically became returning officers and election officers and clerks were civil servants. The National Assembly and Presidential Elections Act were amended in 1992 to conform to the constitution and to give ECK more power and authority in the conduct of elections. ECK was given power to appoint the director of elections and other election officials. The constitution was further amended in 1997 to declare that 'the Republic of Kenya shall be a multiparty

democratic state’ and to give ECK further responsibility of ‘promoting free and fair elections’ and ‘promoting voter education in Kenya’.

The 1997 amendments to the National Assembly and Presidential Elections Act resulted in the following:

- Introduction of rules on ‘the conduct of ECK and of political parties participating in elections in Kenya’;
- Provision for an Electoral Code of Conduct to be observed by every political party and candidates in an election;
- Addition of new election offences and removal of some offences requiring the AG’s consent for prosecution;
- The abolition of the license requirement for public meetings and replaced it with a requirement of notification to police;
- The abolition of detention powers and all other politically-motivated restrictions;
- The imposition of a requirement for Commissioner of Police to always be impartial and objective;
- The reduction of the powers of the Chief’s Act, especially those relating to powers of arrest;
- Introduction of vote counting at polling stations instead of at a centralized location;
- Imposition of statutory duty on the Kenya Broadcasting Corporation for fair balance in allocation of airtime to different political viewpoints.

The Attorney General said the gradual improvement in the country’s democratic space since 1992 was reflected in comments made by international election observers at subsequent elections. In 1992, the observers made comments such as ‘despite the flaws, we believe these elections marked the first step on the path to multi-party democracy...’ In 1997, the comments were still critical, but less so: ‘the results do on the whole reflect the wishes of the Kenyan voter’. In 2002, the election process was declared open, transparent, free and fair.

The AG cited the following as what needed to be done to further improve the electoral process in Kenya.

- ⇒ Recommitment by all political parties to the finalization of a new constitution;
- ⇒ The of the Political Parties Act;
- ⇒ The enactment of the Elections Bill;
- ⇒ Full implementation of existing legal and constitutional frameworks;
- ⇒ Continued respect for freedom of assembly and of political parties to freely run their activities (nominations, etc) without official harassment;
- ⇒ Need for political parties and candidates to condemn and actively prevent political violence and intimidation;
- ⇒ Need for political parties to promote the Electoral Code of Conduct and to instruct candidates, office bearers, members and supporters of their obligations under the Code.
- ⇒ Need to ensure that no arms or weapons are carried or displayed at political meetings;
- ⇒ Need for political parties to discipline and restrain members who infringe on the Electoral Code of Conduct;
- ⇒ Imposition of penalties by ECK on political parties that infringe on the Electoral Code of Conduct. Such penalties could include prohibition from:

- Utilizing any public media permanently or for a specific time;
 - Holding public meetings, demonstrations or matches;
 - Entering a specified electoral area;
 - Participating in the election concerned.
- ⇒ Need for political parties to use non-offensive language in their literature, advertisements and banners;
- ⇒ Political parties to avoid any language which may lead to violence or intimidation or which may be inflammatory, defamatory and false;
- ⇒ Parties to avoid any discrimination based on race or tribe, creed or sex;
- ⇒ Expeditious prosecution of offences under the Electoral Code of Conduct;
- ⇒ Gazzettement of suitable persons as ECK prosecutors.

The AG noted that his office was collaborating with ECK and the police departments to ensure this year's elections were peaceful, free and fair: The collaboration would be extended to district and location levels. A joint press conference by the AG, ECK Chairperson, and the Commissioner of Police would also be convened. These efforts were aimed at:

- Preventing and control electoral violence and malpractices;
- Enforcing the Electoral Code of Conduct;
- Investigating and prosecute offences under the Electoral Code of Conduct
- Providing security before, during and after the election.

The AG made a pledge to, in collaboration with other relevant stakeholders, take any necessary action required of him to ensure the impartial administration of justice and respect for the rule of law to ensure the 2007 General Election was peaceful, free and fair.

Observations by Hon. Amos Wako (Attorney General)

- ECK has no powers to direct investigations. This power rests with the Attorney General.
- Kenyans had a desire to improve the legal framework for conducting elections. In the meantime, the current legal and constitutional framework can be used to achieve a free and fair election.
- The Commission has the duty to conduct elections and to promote free and fair elections and to draw the attention of the investigative authority to election offences.
- The collaboration between ECK, Attorney General and the Commissioner of Police should be extended to the district and location levels.
- Every stakeholder should carry out their responsibilities to create an enabling environment for free and fair elections.
- The Electoral Code of Conduct should be applied in conjunction with the high court to enforce such orders as barring a political party from participating in an election.

3.3 Key Note Address

Samuel Kivuitu, Chairperson, Electoral Commission of Kenya

Mr. Kivuitu started his presentation by observing that it was the responsibility of every Kenyan to foster an environment conducive to peaceful, free and fair elections and recognized the contribution made by civil society organizations in that respect.

The Chairperson noted the need for appropriate electoral laws that allow for fair competition in their both text and application. He said such laws must apply to the entire electoral process, from identification of voters to the declaration of the winner. They also must also apply to the recognition and regulation of political parties. He cited the civil war in Ivory Coast as having resulted from the abuse of such laws.

He noted that the government played an important role in achieving free and fair elections as it provides finances and security, an inadequacy of which would disrupt peace. However, the ruling party should not enjoy preferential treatment from the government.

The composition and conduct of the Electoral Commission of Kenya also impacted on the realization of peaceful, free and fair elections. The Commission must be seen to be impartial and independent in law if voters, political parties, members, supporters and candidates are to have faith in it.

Political parties provide the competitive atmosphere necessary for credible elections. The parties must however act responsibly in appointing and nominating candidates eg. by paying attention to gender. Parties must also be sensitive to the actions and utterances of their representatives as these could lead to violence. It was important for political parties to work in unison with the ECK.

The ECK chairperson noted that electoral violence is often caused by the ignorance of voters of their rights and purpose for voting. This was more so in the absence of the necessary civic education as voters could be misled by irresponsible speeches by candidates and party leaders.

Negative ethnicity was also to blame for election violence. Civic/voter education was thus crucial as it empowered voters to realize democratic elections thrived only in a peaceful environment. All stakeholders, especially the government and political parties should carry out and support vigorous and objective civic/voter education programmes.

It was noted that the media could be destructive if irresponsibly used, such as when it was used to spread negative propaganda, as happened in Rwanda prior to the ethnic genocide. However, a responsible use of the media contributed to peaceful, fair and free elections.

Mr Kivuitu said in many parts of Africa, election observers contributed to peaceful, free and fair elections, but only if they were impartial, neutral and competent, and observed the elections in all parts of the country. The two types of election observers were identified as foreign (international) election observers and domestic (local) election observers.

Election observers served to reassure voters nothing would go wrong in the election. Domestic observers were particularly important and needed to be supported financially and with training as foreigners could take up responsibility if local stakeholders did not play their role effectively. It was noted that the number of domestic election observers may not be adequate in the 2007 election. There was therefore need for them to be strengthened especially since the election was likely to be highly competitive.

Foreign election observers were at times unfairly accused of ignorance, irrelevance, arrogance and bias even though they normally followed an international code for election observation. However, Kenyan voters welcomed them since they had faith in them. And unfortunately, it was noted that some foreign observers, such as the Carter Centre and the European Union, had experienced difficulties in being invited to observe the forthcoming 2007 general elections, even though they participated in observing the 2002 elections.

Mr. Kivuitu cited several constraints that the ECK experienced in carrying out its mandate, such as the enforcement of the Electoral Code of Conduct. ECK prosecutors had limited prosecution powers. Although prosecution by ECK did not require consent from the Attorney General, it was inadequate in that unlike the AG, the ECK could not order police to carry out investigations. He gave examples of cases of violence by men against ECK women presiding officers that the ECK was unable to have prosecuted.

The ECK chairperson called for a review of the law to give the ECK enough power to implement the Electoral Code of Conduct. He called for more support from other government offices, and especially the AG, to enable it to effectively carry out its mandate.

SESSION II: MANAGEMENT AND OBSERVATION OF ELECTIONS

Chair: Commissioner Riunga Raiji

3.4 The Role of the ECK in the Electoral Process

Jack Tumwa, Commissioner, ECK

Mr. Tumwa started his presentation by highlighting the role of the ECK in promoting dialogue, partnership and coordination in the electoral process. He noted that even though the ECK successfully managed several previous elections, the upcoming general election was bound to present a big challenge.

Mr. Tumwa noted that the election process involved more than the actual voting – there were legal frameworks to be dealt with, the determination of election boundaries, voter registration, voter education, campaigns, polling, vote counting, declaration of the winner and so on, all of which play a part in peaceful, free, and fair elections.

The role of the ECK involved all of the above. Legal and constitutional provisions gave the ECK roles in the registration of voters, civic/voter education, supervision of polling and so on. The ECK adopted the relevant laws and regulations available at the time to successfully manage the 2005 referendum on the new constitution.

The Commission used the National Assembly and Presidential Elections laws and other relevant regulations in its endeavour to conduct peaceful, free and fair elections. It was for the same reason that the ECK now maintained a continuously updated register of voters and conducted continuous registration of voters.

Legal amendments in year 2000 greatly enhanced the work of ECK in conducting free and fair elections as they provided for the counting of votes at polling stations. Police officers who provided security were also to be appointed and supervised by ECK.

The Electoral Code of Conduct of 1997 also enables the Commission to better manage elections. It governs campaign activities and thus promotes conditions for free and fair elections. The Code empowered the ECK to enforce the Code of Conduct. The Commission could, for example, bar, through a court order, a political party from participating in a given election.

Mr. Tumwa noted that the work of the ECK would be further enhanced with the coming into effect of the Political Parties Bill that had been enacted into law. Provisions in the Public Order Act and the Penal Code could also be used by the Commission to realize peaceful, free and fair elections.

Mr Tumwa said that the Electoral Commission was well prepared to manage the upcoming general elections even though the recommendations it made after a constituency boundary demarcation review in 2005 were not implemented. The Commission had recommended the creation of between 42 and 60 new parliamentary seats. The Commission's recommendations for new civic wards were however accepted.

The Electoral Commission had also registered a total of 14 million voters. The registration exercise saw a big increase in the number of young voters. A massive voter education exercise was also undertaken. However, the Commission had identified numerous cases of double registration, which had forced it to offer an amnesty to those who wished to rectify the anomaly.

The Commission was also active in civic/voter education in an effort to increase participation in the electoral process, especially by women and youth. The Commission also hoped to increase participation by reducing electoral violence and through removing voter ignorance.

Mr Tumwa said the Commission targeted its education programmes to voters, political parties, civil society organizations and so on. Close to 50 CSOs had partnered with the ECK to offer civic/voter education with more than 5000 local trainers being used to train local residents. Civic/voter training was also being conducted through the media. The training was made possible through assistance from UNDP, government funding and the collaboration of the media and other partners.

The Commission had finalized logistical arrangements for the 2007 election. Training of election officials had already been done as well as the training of local observers under KEDOF.

Discussion

Discussant: Ms Koki Muli

Ms Koki started by highlighting various challenges faced by the ECK in implementing its mandate. The Commission was, for example, hampered by the numerous pieces of legislation

that regulated its work. It was also unable to effectively implement voter education due to under-funding. There was therefore need for the consolidation of the various laws. Many of the laws were adopted at independence but were rarely applied.

Ms Koki noted that the KBC Act required the public broadcaster, the Kenya Broadcasting Corporation, to provide fair and balanced reporting, especially on presidential candidates. However, questions had been raised on the corporation's fairness.

Negative ethnicity had also been noted in privately-owned media. She posed the question of what the ECK and the AG's office could do to discourage hate speech being perpetuated in the media.

Ms Koki said that in some countries, all electoral boundaries were set by an independent body but in Kenya, the Local Government Act determined boundaries for civic wards. She wondered how this related to the conduct of free and fair elections by the ECK since ideally the business of elections was best left to an independent body.

3.5 Election Observation: The Structure and Role of KEDOF

Morris Odhiambo, KEDOF SB Co-chair and Executive Director, CLARION

Mr. Odhiambo presented an analysis of the structure and role of KEDOF in relation to the forthcoming 2007 General Election. He said that KEDOF comprised of several organizations, among them civil society organizations and faith-based ones. KEDOF has had close to 15 years experience in election observation and it is made up of several organizations including women's organizations and those of people with disabilities.

KEDOF recognized the fact that among the issues that informed the 2007 General Election was the fact that the election would be held in the context of a country that was trying to revive its economy. There was also anxiety borne of the reform agenda (the new constitution and the fight against corruption).

Domestic election observation started earnestly in 1992 when NEMU, the forerunner of KEDOF mobilized over 10000 poll watchers. In 1997 the number rose to more than 28000 poll watchers.

The management structure of KEDOF comprised of a strategic board and a technical board. The strategic board was in charge of policy while the technical board oversaw implementation. A secretariat ran the day to day affairs of the organization. The KEDOF chair was elected by the strategic board.

It was noted that KEDOF is well prepared to observe the 2007 general election. All KEDOF organs are functional and all crucial activities, such as its launch, the mapping of main actors and financial management in place.

Discussion

Discussant: Ms Mary Njeri, Programme Coordinator, ECWD

Ms Mary Njeri pointed out the need for addressing issues of violence and electoral blackmail and the role that the ECK could play in stamping them out, as this would facilitate the work of KEDOF. She noted that the composition of KEDOF was inclusive and thus credible. Its organizational structure was simple and thus minimized bureaucracy. Its partners were also Kenyan and with lots of experience.

Ms Njeri posed the question of what relationship KEDOF had with other partners in the electoral process and how domestic the organization was. She noted that the Law Society of Kenya had been accredited by the ECK as a local election observer and wondered what implication this had for KEDOF. Other issues raised were how KEDOF was selling itself to the people of Kenya and how it was addressing issues of gender imbalance in its organizational structures.

It was noted that member organizations of KEDOF were confident of its readiness to observe the forthcoming election. However Ms Njeri wondered whether Kenyans were aware of KEDOF and of the fact that it would be observing the election. It was important to let Kenyans know KEDOF would be working towards a free and fair election.

Plenary Discussion

The following issues, comments and observations were raised in a plenary discussion.

- Why was civic/voter education attached to an event (General Election), a fact that tended to lower its significance?
- Why were teachers assigned to provide civic/voter education? Teaching children and delivering civic education were not synonymous.
- Voter education has traditionally received little funding. In the past voter education was mainly done on volunteer basis. However, there was better funding this year.
- Some 48-50 organizations are currently involved in voter education. The organizational capacity of an organization was a major consideration in being selected to offer voter education.
- Voter education should be introduced in school. A curriculum and training materials for civic education had already been developed. Pupils could for example elect prefects of their choice.
- Cases of double voter registration can arise when voters transfer from one place to another. The voters register is however, being updated and an amnesty has been extended to correct the anomaly.
- KEDOF should be proactive in taking action. A gender rapid response unit is already in place and a media strategy is being finalized for implementation.
- Due to the violence in Mt Elgon, voting stations will be moved to where people have moved to. The ECK can not do much about the security situation but it is working with government security organs to ensure security will be present and be seen to be present.

- The ECK was following issues raised on the use of state resources in the ongoing campaigns. However, it is important to realize it was not possible to, say, bar a president from using state transport, security, etc.
- It was noted that politics is a very high stakes game and that propaganda and issues of ethnicity would impact on the general election with violence being of major concern. A sinister trend had emerged that showed women politicians as being increasingly targeted.
- The Political Parties Act would not apply to the 2007 General Election.

SESSION III: THE ROLE OF THE MEDIA IN ELECTIONS

Chair Ms Jayne Michuki

3.6 The Role of the Media in Promoting Issue-based Campaigns

Owino Opondo - Chairperson, Kenya Parliamentary Journalist Association

Mr. Opondo started his presentation with an attempt at finding a suitable definition of ‘issues’ in the context of the electoral process and in line with the theme of issue-based campaigns. This, he said, was important since although it was much easier to define the place of a journalist in ordinary times, the journalist’s position ‘swung like a pendulum’ during electioneering.

The Macmillan English Dictionary defined an issue as ‘a subject that people discuss or argue about, especially relating to society, politics, etc.’ A subjective list of political issues would therefore include ‘majimbo’, unemployment, insecurity, environment, health, landlessness, transport and communication, parliamentary fiscal dictatorship, etc.

It was noted that society placed journalists in a socially prestigious and politically influential position. Journalists had the social duty not only to report the truth but also to improve the society. He further stated that voters in the course of elections should look at issues in a political candidate’s speech and to interrogate their likely impact on society.

Mr Opondo said in Kenya, political parties were purely used as ladders for achieving power. The parties lacked any tangible ideologies to engage their leaders, members or supporters. That explained why most party policy documents, such as manifestos, were mere copycats. He noted that the three main political parties presenting presidential candidates in this year’s General Election (ODM, ODM-K and PNU) had something in common: they all revolved around personalities and ethnicity, not issues.

Political parties were also now in a position to influence media, having become technology-savvy. They had hired professionals to handle journalists and influence coverage. The experts watch TV, listen to FM stations, read newspapers, browse the internet and peruse web blogs. They also used pen names to participate in and tilt debate on political issues.

It was such situations that put a journalist between a rock and hard place forcing him or her to become the judge of truth. How the media handled such situations could either protect or destroy the country. Some media houses in the US had resorted to demanding that a visiting

presidential candidate was given a list of state-related issues to discuss or risk no coverage. Maybe it was time to replicate the practice in Kenya. There was also need for industrialists, civil society, academia, the media and the electorate to focus on important national social, political and economic agenda.

It was noted that several documents were available to guide journalists in covering electioneering. The documents were authored by the Media Council of Kenya, the Editor's Guild and respective media houses. The documents were largely in agreement on matters of taste, balance, accuracy, fairness, hate speech and so on. However, the media houses lacked a common agenda on national issues despite their immense power to set influence and shape national thought.

The media must also respect the law in its operations. Section 5 of the Constitution provided for several freedoms: the freedom of expression, movement, assembly and association. However, the enjoyment of such freedoms must not infringe on the rights of others. This explained why there were such laws as those on defamation and libel.

Sometimes politicians and media houses did not pay due respect to the law, especially during live TV coverage and live FM radio shows. Some politicians used such events to engage in hate-speech, threats, lies, ethnic hatred and rhetoric, which often posed a threat to public order and ethnic harmony. Some journalists also deliberately zoned off certain regions of the country, making it possible for some politicians to 'own' certain areas.

Mr Opondo proposed the following as a way forward for the media in its coverage of electioneering.

- Journalists should give priority to vital issues raised at political rallies;
- Politicians who raise wild allegations should be required to give evidence on pain of allegations not being published or aired;
- Journalist must beware of claims by politicians that are likely to cause ethnic unease and subsequent violence;
- Media should put pressure on police where no action is taken against hatred-peddlers;
- There was need for media to desist from zoning off the country on political basis;
- Live talk shows on TV and radio should be properly modulated and vetted.

Discussion

Discussant: Mr Zaya Yeebo, Programme Manager, WFD

Mr Yeebo made the following comments and observations and posed some questions.

- The process of democratization has positives and negatives attributes. Anyone can, for example, own a media house whether or not they were trained journalists. Issues then become irrelevant.
- Media houses have their own ideologies which they promote eg free market etc.
- There is need to define who qualified to be a journalist.
- Does the public have trust in Kenyan media?
- It is important that journalists have social responsibility, but is this possible where many journalists can be 'bought'?

- Should a journalist report on hate peddlers? If so, how?
- Who will police journalists? A Code of Conduct was an important tool but the problem was it did not apply to quacks.
- It is not appropriate for the media to determine issues that politicians should address.

SESSION IV: ELECTORAL MALPRACTICE AND OFFENCES

3.7 Electoral Violence, Malpractice, Corruption, Bribery and Abuse of Office

Kathurima M’Inoti, Chairperson, Kenya Law Reform Commission

Mr M’Inoti started by noting that Kenya had the necessary legal and constitutional framework for conducting free and fair election. The frameworks had however not been fully enforced. The appointment of commissioners to the Electoral Commission of Kenya by the president without consultation was also a weakness that needed to be addressed.

The Commissioner said there were several generally accepted attributes of a free and fair election. They included the presence of an independent, impartial and professional elections body; universal suffrage, access to polling stations by voters, agents and observers and secrecy of the vote. Others were freedom of association, assembly and expression; freedom from violence; intimidation and coercion; open and transparent ballot counting; and ability to challenge the election.

The following were cited as the constitutional and legal provisions that provide for a free and fair election.

- Multiparty democratic state: Section 1A of the Constitution provides that ‘the Republic of Kenya shall be a multiparty democracy’.
- An independent electoral commission. ECK members enjoyed security of tenure and ECK was not subject to the direction of any person or authority. ECK is also expressly required to ‘promote free and fair elections’.
- Universal suffrage. All Kenyans who meet stipulated qualifications (age, soundness of mind, etc.) can register as voters and vote. They can also contest in an election.
- Right to form or join political party. The recently enacted Political Parties Act further enhances this participation.
- Secret ballot. The ECK is required to implement this under its mandate of promoting free and fair elections.
- Political neutrality of public officers. Section 35 of the Constitution prohibits public officers from contesting an election, unless they first resign from office.
- Access to public media. The Kenya Broadcasting Corporation Act requires KBC to keep a fair balance in the allocation of airtime to different viewpoints and to allocate free airtime to registered political parties participating in an election.
- Electoral Code of Conduct. The Code seeks to ‘promote conditions conducive to the conduct of free and fair elections and a climate of tolerance’.
- Prohibition of electoral violence. The new Political Parties Act, 2007 prohibits the registration of a political party that accepts or advocates the use of force or violence. It also provided for the deregistration of a political party that advocated violence.

Mr M'Inoti cited several obstacles to free and fair elections. They included the persistence of incidences of political violence as was currently witnessed in Mt Elgon and Molo. Threats of eviction, hate-speech, war-mongering and the zoning of certain areas of the country were also used to intimidate or coerce candidates and voters. Other obstacles included bribery, misuse of public resources, partisan and/or sensational media and a culture of winning an election at all cost.

Challenges to free and fair elections had persisted for several reasons, including the fact that building a culture of political tolerance took time. For a long time, elections in Kenya were not competitive. True multiparty democracy had been in Kenya for the last 15 years and was adopted amid spirited resistance by the government of the day. The 'tribal' violence witnessed at each general election seems to have become a feature of every general election.

The organizational frameworks for doing politics have also been weak. Political parties lack any clear ideological positions. They also lack consistent membership. Political parties have also hitherto not received public funding, forcing them to use all possible means, including corruption, to raise funds. They therefore have been fertile ground for nurturing electoral malpractice. Civic and voter education has also not been a continuous process.

Mr. M'Inoti cited the following as some of the actions that could help combat electoral violence and malpractice.

- Ensure full enforcement of the law and the Electoral Code of Conduct. The ECK should also be empowered to set a dully-pledged department to investigate and prosecute electoral malpractice.
- Enact a law that prohibits hate-speech that targets people because of their race, tribe, religion, gender, etc.;
- Carry out continuous civic/voter education with messages on virtues of free and fair elections;
- Monitor and instantly address potential sources of electoral malpractice and violence.
- Set up effective conflict resolution initiatives
- There was need for both the public and the media to fully appreciate and undertake their responsibilities in fostering free and fair elections;
- Ensure a full implementation of the Political Parties Act;
- Need to consolidate various laws relating to elections.

A Bill on Private Prosecutions had also been finalized that provided that if the Attorney General did not take action on a reported case of electoral violence, one could go to court without the option of the AG taking over the case with the aim of terminating it.

Plenary Discussion

The following questions were raised at a plenary sessions and answers provided as indicated.

Q: Should a journalist report hate speech or propagate untrue stories?

A: *Journalists are subjective but they should not report hate speech.*

Q: How does one deal with rogue media houses?

A: *By applying the law. Go to court. The Media Council is a toothless bulldog.*

Q: What is the role of the Media Owners Association as it relates to the ethics of journalist?

A: *The Media Owners Association is an interested party whose policies are driven by bottom line considerations. It has little influence on the ethics of journalists. The Code of Conduct for journalists is however very clear on ethics but it is not binding.*

Q: Could you give us some practical examples on electoral violence and malpractice?

A: *I have mentioned cases of violence in Mt Elgon and Molo, but I will try to give more examples in future.*

Q: Why does the requirement that public servants resign if they want to contest in an election not apply to university lecturers?

A: *The requirement applies to them; it is only that some lecturers tried to circumvent it.*

Q: Is it possible for the president to stagger the appointment of commissioners to the ECK so that their terms do not end at same time?

A: *Yes, but that has to be addressed from a constitutional point of view.*

Q: Why do the media always report the negative and the sensational?

A: *Reporting negative news serves several purposes. It may, for example, provoke the police to act. Views on what is sensational are however subjective.*

Q: Are there any special arrangement for ECK members and police who provide security on voting day to cast their votes?

A: *The Commission has proposed the introduction of 'advance voting' for such voters.*

Q: What is being done to address issues of voters being bribed as happens in North Eastern?

A: *Bribery in North Eastern is being countered by voter education.*

SESSION V: EQUITY AND POLITICAL PARTICIPATION IN ELECTIONS

Chair: Mr. Aggrey Chabeda, Director, IED

3.8 Human Rights and Gender Equality in Elections

Winnie Lichuma, Commissioner, KNCHR

Ms Lichuma started by characterising human rights as universal and indivisible. They were best understood as enshrined in international instruments such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), International Covenant on the Elimination of All forms of Discrimination against Women (CEDAW) and the International Convention on the Rights of the Child (CRC). Human rights concern the relationship between individuals and the state; the relationship between the duty bearer and the rights holder. The State had an obligation to create the conditions that enable other duty bearers, such as parents and local organizations, to fulfill their responsibilities. Rights holders were responsible to respect and not violate the rights of others.

The Commissioner highlighted that international human rights laws had not yet been applied effectively to redress the disadvantages and injustices experienced by women. Respect for human rights had therefore failed to be 'universal.' Gender, she noted, referred to the socially constructed – rather than biologically determined – roles of men and women in a given society and at a specific time and place. It also included the differentiation between men and women in terms of income, social status, literacy and other factors.

However, the Convention on the Elimination of All forms of Discrimination Against women (the Women's Convention) CEDAW develops the legal norm on nondiscrimination from a women's perspective by moving from a sex-neutral norm.

Chapter 5 of the Constitution of Kenya guaranteed rights to all irrespective of race, colour, tribe, sex and so on but fails to provide for gender equality. The recognition of customary law had led to untold violations of the rights of women. Achieving gender parity especially in key decision making bodies both in public and private sphere also remained a challenge.

Some recent legislation in Kenya increasingly recognized principles of affirmative action by providing for a third of representation to be women. These include the CDF Act, the Kenya National Commission on Human Right (KNCHR) Act and the National Commission on Gender and Development (NCGD). CEDAW was yet to be domesticated though.

The 2002 general elections showed an increase in women's participation in the electoral process. The number of women parliamentarians also doubled from 9 to 18. Political parties took positive measures by nominating additional women to parliament. However, the number of women in public office still remained low.

The following were cited as factors hindering women's political participation.

Ideological factors

Patriarchy and a male dominated political system put women at a disadvantage. Women were placed in the private arena of homes as mothers and wives and men in public sphere. Male dominated political parties had a male perspective on issues of national importance that disillusioned women. At times political meetings were held at hours that were inconvenient to women's domestic responsibilities. Incidences of violence against women during campaigns kept women out of politics.

Socio-Cultural Factors

The subordinate status of women vis-à-vis men reinforced the stereotypes that women were followers and supporters and not leaders. The less-valued but socially ascribed roles in reproduction led to low resource allocation to women's development issues. This was reflected in gender disparities in education, health, employment, political participation, etc.

Economic factors

More and more money was now required to participate in politics but women lacked access to and ownership of productive resources.

Several strategies to enhance women's political participation were proposed. They included the use of quotas, gender mainstreaming and gender budgets, legislative advocacy and training and women's agenda (Beijing Platform of Action).

Ms Lichuma made the following recommendations for action.

Government

- To work towards democratic constitution and electoral laws that guarantees the rights of women.

- Take measures that are appropriate in electoral systems to encourage political parties to integrate women in elective and non-elective posts.
- Monitor and evaluate the representation of women in all public structures.
- Aim to achieve gender balance by having a positive action to build a critical mass of women leaders at executive and decision-making positions.
- Encourage efforts by NGOs, trade unions and the private sector to achieve gender equality at all levels.
- Provide leadership and self esteem training to women and girls, particularly those with special needs and disabilities.
- To work on elimination of violence against women during campaigns.

Political Parties

Review party structures and procedures to remove barriers that discriminated against women; work for women participation in policy-making and electoral processes and incorporate gender issues in politics.

Civil Society/Private sector

- Network and build coalitions.
- Work for a strong women's movement and civil society to influence the direction of politics in favour of women.
- Provide skills and build the capacity of women contesters.
- Mobilize human and financial resources to support women candidates.
- Carry out civic/voter to education.

Discussion

Discussant: Ms Immaculate Njenge-Kassait

Ms Njenge-Kassait made several observations and raised a number of issues in her discussion of the presentation.

- How could women's participation in elections be made a priority? The biggest challenge was probably the fact that CEDAW never features in the electoral process.
- Did gender issues feature in critical electoral bodies such as the ECK? Did ECK practice the policy of a third representation of women? Did civic/voter education target issues that were specific to women?
- Kenyan politics is currently a winner-take-all process. Maybe mixed-member participation would be a better approach.
- Women were hindered by administrative challenges. For example, acquiring an ID was difficult for women who changed names after marriage. Non-educated women may also not have proof of nationality to enable them register.
- Why was the push for better participation and representation of women in politics based on an apologetic approach?
- Gender based violence in elections should been documented and analyzed.

3.9 Participation of Marginalized and People with Disabilities in the Electoral Process

Said Athman, Executive Director, CEDMAC

Mr Athman started with an appreciation that the workshop was inclusive of people with disabilities and the marginalized. He described marginalized people as people as pastoralists and nomadic communities, ethnic minorities, forest dwellers, slum dwellers, hunter-gatherers and people living with HIV/AIDS. The people were marginalized due to their identity or social status (health, economic status, etc).

Mr Athman said marginalized people lived in areas with the lowest social indicators, with limited and expensive access to health and other services. This was despite the fact that in a certain area in Mandera, for example, at least one person was bitten by a snake or stung by a scorpion daily, but the nearest health facility was 150 km away. There was also not a single kilometer of tarmac in the Upper Rift Valley and North Eastern areas and women had to trek 30 kilometers to find water.

It was noted that successive regimes in Kenya had no deliberate policy to uplift the lives of marginalized communities. However, the requirement that a presidential candidate must garner at least 25% of votes in at least five provinces had made people in marginalized area politically relevant.

In the past, the Government used the provincial administration machinery to intimidate marginalized communities to vote in its favour. Electioneering used to see martial law almost applied in the regions. People from the region who worked for government would coerce voters with claims that they would lose their jobs if the government lost the vote in the region.

Socialization made it difficult to mobilize voters in marginalized areas, with the responsibility being left to aspirants. Voters thus felt obliged to vote for the aspirant. The low numbers of voters in marginalized areas made it unattractive to political parties. Insecurity was also high. Incumbents and government tended to unleash violence in the area, such as clan-on-clan violence.

To be able to cast their vote, voters in marginalized communities travelled for up to two days to reach the polling station. Candidates were therefore forced to feed voters, who may also be rained on or attacked by bandits.

Members of parliament from marginalized areas were also disadvantaged, more so women members. Mr Athman recalled a case of an expectant woman MP from the area who sought guidance from the speaker of the National Assembly on parliamentary policy on pregnancy. If the MP was to take maternity leave, she would miss eight consecutive sessions of parliament and thus lose her seat.

The following were suggested for improving the participation of people with disabilities and the marginalized in the electoral process.

- Empowerment and integration. This would enable disabled and marginalized people to participate at policy-making levels and thus lead to their inclusion. Presently, the ECK barely had any representation of marginalized communities. Organizations of marginalized communities were disadvantaged in resource mobilization since they competed with organizations with better capacity.
- Affirmative action. The 12 parliamentary seats should be reserved for special interest groups. Political parties often did not respect the requirement.
- Stemming violence. Marginalized communities currently bear the brunt of political violence.
- Improve infrastructure. This would make polling stations more accessible.
- Increase political party participation. Political parties meant little to voters in marginalized areas due to little political party activity.

Discussion

Discussant: Mr Vincent Owuor

Mr Owuor started his discussion with a request to participants to think of what action they had taken to incorporate the disabled and marginalized persons in the electoral process in their respective organizations. He said Kenyan electoral laws discriminated against marginalized people by, for example, describing them as people of unsound mind.

Marginalized people were further discriminated against by the requirement that for one to be nominated he or she must be able to read and write. A visually impaired candidate was barred from contesting a seat in 1989.

Mr Owuor cited the provision made by ECK for assisted voters as a step in the right direction. However, he described it as disappointing that there was no effort or political will to bring into operation the Act on people with disabilities. The Act sought to, among other things, set up a fund for the marginalized.

Other challenges to the marginalized included the lack of statistics. For example, the youth and women voters had been identified by the ECK, but not the disabled. Sign language was not used in civic/voter education. Nominations in political parties was a competitive process and thus left out the marginalized.

Mr Owuor made the following recommendations to help increase the participation of people with disabilities and the marginalized in the electoral process:

- Amend sections in Parliamentary Standing Orders that defined walking sticks and crutches as offensive weapons;
- Produce Order Paper in Braille;
- Not to condemn marginalized people as people of unsound mind;
- Make nominations in political parties friendly to marginalized people.

Plenary Discussion

During the plenary session, it was also noted that Kenyan construction firms encountered challenges in the design building that catered for the needs of marginalized people. Marginalized people could also make good leaders. President Roosevelt of the US was crippled and the British PM Gordon Brown was blind in one eye.

The questions following were raised and answered in a plenary discussion that followed.

Q: How can slum communities partner with CEDMAC or is CEDMAC only for those marginalized by location?

A: *CEDMAC encourages diversity and recognized that slum dwellers faced similar challenges as other marginalized people. Different marginalized sectors should bring their issues forward. For example, the Kenyan Muslim community demanded action when 30 of their members were deported to Somalia.*

O: Marginalized people were disadvantaged by the fact that no Braille or sign language interpreters were available at polling stations.

Q: Why were children not included in the presentation on human rights? Are their rights not human rights?

A: *The rights of children are human rights. However, children did not feature much in the presentation since children do not vote.*

Q: Do we want to address the women agenda or do we want to increase women numbers?

A: *We want to address the women's agenda. Women should be included where they have the necessary qualification and can perform. There is also need for gender education and training for men since gender is dynamic and roles change.*

Q: Might it be true that women were their own worst enemies given the infighting witnessed at the MYWO elections?

A: *There are several factors that may contribute to the notion that women are their worst enemies. Some are ideological, political, social, etc. Sometimes a woman may not see leadership qualities in another woman.*

Q: Does KNCHR take action when one's human rights are abused?

A: *The KNCHR promotes human rights but its budget can not cater for the provision of legal. The Commission however collaborated with other organizations to provide legal aid. KNCHR also collects evidence of human rights abuses and makes recommendations to relevant bodies.*

SESSION VI: EQUITY AND POLITICAL PARTICIPATION IN ELECTIONS

Chair: Koki Muli, Executive Director, IED

3.10 The Role of Political Parties in Addressing Issue-based Campaigns

Dr Adams Oloo, University of Nairobi

Dr Oloo started by noting that political parties were important in the electoral process since only political parties could field candidates in a general election. Political parties served several functions, among them that of governing or serving in the opposition. They also had

an electoral function, a representative function, a policy or goal setting function, recruitment function and an interest articulation and aggregation function.

However, most Kenyan parties only realized two of their functions: governing or being in opposition and participation in the electoral process. Several reasons were identified as being responsible for the poor performance of political parties, the main one being poor institutionalization. Kenyan political parties identity was based on ethnicity, personalities, religion, region, women, youth, etc.

It was noted that only institutionalized parties could develop institutional policies. Such parties were thus able to prevent individuals from behaving opportunistically. Currently, political parties thrived on short-term populist policies that were discarded when elections ended. Institutionalization allowed for the development of programmatic parties that could develop anti-system politics and policies.

Mr Oloo said institutionalization also allowed for parties to either adopt liberal democracy policies or social democracy policies. The major tenets of the two systems were listed as shown:

<i>Liberal Democracy</i>	<i>Social Democracy</i>
<ul style="list-style-type: none"> • Constitutional governments, representative democracy and the rule of law; • The liberty of the individual to own and control private property; • Free market and free trade with equal access to economic opportunities; • Freedom over equality of economic reward (no monopolistic or arbitrary power by government); • Freedom of social mobility. 	<ul style="list-style-type: none"> • Private enterprise but strongly regulated to protect interest of workers, consumers and small enterprise; • Extensive social security system, though not to extend of communism; • Ensures good education, health care, etc through government funding; • Higher taxes (especially for higher income earners); • Extensive social and environmental laws; • Foreign policy supportive of international institutions such as UN.

Dr Oloo noted that political parties could strengthen their institutional structures by lobbying labour unions to become corporate members, to enable them espouse social policies divergent of a hypothetical free market, such as poor-friendly taxation schemes.

Discussion

Discussant: Mr Moses Oduor

Mr Oduor made the following observations in his discussion of the presentation.

- The governance/opposition functions of political parties had an impact on a country's legal framework.
- The Kenyan political field was very fluid before, during and after elections, mainly due to the overwhelming powers of the president, such as the power to appoint government ministers.

- Political parties get away with dismal performance because voters do not digest political party documents.

Plenary Discussion

The following issues, questions and observations were made in the plenary discussion.

Q: The Political Parties Act provides for the deregistration of a political party, but how do we create accountability in the parties?

A: *The Political Parties Act addresses issues of equity and accountability, such as sources of finances and their use. CSOs should pin them down for accountability.*

Q: What impact will the nomination of ECK commissioners without consultation have on free and fair elections?

A: *The president holds the sole power to nominate commissioners, but the mode of nomination will impact on perceptions of the election, especially if the chairperson is not retained.*

Q: Does history inform the state of Kenyan political parties?

A: *Save for former president Moi, all other Kenyan presidents have had no respect for political parties.*

Q: What, in your opinion, will happen if President Kibaki loses in the General Election? Would he still be eligible for re-election in 2012?

A: *If he fails to be elected this year he would still be eligible in 2012. If he loses, I see him resigning.*

Q: How do we address the fact that with CDF, MPs have become both legislators and implementers?

A: *A law should be introduced to separate the two functions.*

O: There is need to make it illegal for a president to defect from his or her party and to set a ceiling on funds a party can use for campaigns.

4.0 RECOMMENDATIONS AND WAY FORWARD

The following recommendations were made for action and way forward.

<i>Recommendation</i>	<i>Action By</i>	<i>Time Frame</i>
• Increase number of polling stations and provide mobile polling stations that move from one place to another to improve access to polling stations by marginalized people.	ECK	2007
• Enforce Electoral Code of Conduct.	ECK, AG, C.O.P	Immediate
• Propose ECK electoral prosecutors to AG.	ECK	Immediate
• Harmonize registration of voters with that of births and deaths and ID card issuance.	ECK, registrar of births and deaths, registrar of persons	After 2007
• Target people with disabilities in voter registration.	ECK, CSOs	Continuous
• ECK, AG and C.O.P to collaborate to contain electoral violence.	ECK, AG, C.O.P, stakeholders	Immediate
• Consolidate different laws on electoral process.	AG	After 2007
• Introduce the use of Braille and sign language in civic/voter education and at polling stations.	ECK, CSOs, political parties	Immediate

<i>Recommendation</i>	<i>Action By</i>	<i>Time Frame</i>
• Bar ruling party from using state resources.	ECK, AG	Immediate
• Produce Order Paper in Braille	Speaker	After 2007
• Amend section in Parliamentary Standing Orders that defined walking sticks and crutches as offensive weapons.	Speaker	After 2007
• Make timely interventions on electoral violence.	ECK, C.O.P, AG	Immediate
• Make formal complaint on election offences to police and AG	ECK, stakeholders	Immediate
• Provide for advance voting for ECK staff, election officials, police and people in Diaspora.	ECK, AG, MPs	After 2007
• Revive Affirmative Action Bill.	AG	After 2007
• ECK should embrace gender agenda in its work and composition.	ECK	Continuous
• Strengthen electoral system for proportional representation.	AG, ECK, MPs	After 2007
• Allow for voters to vote at any polling station in a given constituency.	ECK	Continuous
• Conduct continuous civic/voter education.	ECK, CSOs, political parties	Continuous
• Government departments to work in collaboration with ECK	AG, C.O.P, Chief Justice	Immediate
• Enforce current laws on violence.	AG, C.O.P	Immediate
• Make comprehensive review of electoral laws.	AG	
• Implement Act on people with disabilities.	AG, CSOs	After 2007
• Amend law to allow for independent candidates.	AG	After 2007
• Set up special election courts to hear petitions to expedite determination of cases.	AG, Constitutional Minister, Chief Justice	After 2007
• Domestic election observers should cover entire country.	KEDOF	2007
• Ensure gender balance in KEDOF	KEDOF	Immediate
• KEDOF to network with other election observers and cover entire country.	KEDOF, CSOs, stakeholders	2007
• Publicize KEDOF and its work.	KEDOF, media houses	
• Promote Electoral Code of Conduct and instruct candidates, office bearers, party members and supporters to respect it.	Political parties	Immediate
• Ensure no arms or weapons are carried or displayed at political meetings;	Political parties, C.O.P	Immediate
• Need to discipline and restrain party members who infringe on the Electoral Code of Conduct;	Political parties	Immediate
• Employ quota system in nominations to parliament.	Political parties	After 2007
• Institutionalize and make political parties issue-based	Political parties	Immediate
• Address gender concerns in party structures, policies and nominations.	Political parties	Continuous
• Provide party members and supporters with	Political parties	Continuous

<i>Recommendation</i>	<i>Action By</i>	<i>Time Frame</i>
civic/voter education.		
• Make nominations in political parties friendly to marginalized people.	Political parties	
• Provide balanced media coverage.	Media houses	Long term
• Refrain from reporting hate-speech.	Media houses	Long term
• Observe professionalism and journalistic ethics in coverage of election process.	Media houses	Continuous
• Address needs of blind people in announcement of election results – read results out loud.	Media houses	2007
• Regulate media houses in their coverage of electoral process.	Media Council	Continuous
• Document promises from leaders to hold them accountable	CSOs, stakeholders	
• Hold AG and ECK to account on commitments made at workshop.	IED, CSOs, stakeholders	Immediate

5.0 LAUNCH OF IED AND KPJA PUBLICATION ON MEDIA AND DEMOCRATIC GOVERNANCE IN KENYA

Ms Jane Michuki, Chairperson, IED

Ms Michuki presided over the launch of the book *Media and Democratic Governance in Kenya*, published by IED and KPJA and wished all a peaceful General Election. Every participant got at least one copy of the book. She thanked participants and resource persons for their participation and contributions. She said she hoped everyone had increased their knowledge on the theme of the conference and would disseminate it widely.

6.0 LIST OF PARTICIPANTS

<i>No.</i>	<i>Name</i>	<i>Organization</i>
1	Omumbo Mary Anyango	CODE FORUM
2	Irene Kemunto Nyaberi	CODE FORUM
3	Laban Wanambisi	Capital FM
4	George O Kola	Coordinator
5	Richard Bosire	Kiss FM
6	Stephen Mugambi	NIPASHE Centre
7	Joan Mudindi	ECK
8	Rochard Cox	BHC
9	Sirkku Hellsten	Finnish embassy
10	Joseph Muthama	Kutoka Network
11	Mmbolo Bulemi	Kenya Times
12	Mary Muneah	Kutoka Network
13	Gyvira Odhiambo	UON
14	Fridah Busolo Idenya	CODE FORUM
15	Maureen Akoth Ojijo	CODE FORUM
16	Mohammed Hamim Ahmed	Future Trends Init.
17	Afaf Yahya	Future Trends Init.
18	Ndaruzi Desire	ASAPO
19	Mercy Kagia	ASAPO
20	Davis Malombe	KHRC
21	Evans O Dieto	CODE FORUM
22	Maria Okong'o	FES
23	J.B Tumwa	ECK
24	John Ken Opiyo	Kutoka
25	Frank Njenga	IED
26	Frank Otieno	KTN
27	Lucy Kirimi	AUSAID
28	Moses Owuor	IFES
29	Bjarde Tora	NDI
30	Erick Oduor	People Daily
31	Lydia Kisina	Family Fm
32	Jonathan Ameka	Citizen TV
33	Njambi Kimani	Citizen Radio
34	Dancan Khaemba	Citizen TV
35	Mugure Gituto	NCEC
36	Moses Kofa	Kameme Fm
37	K.W.Mungai	LOSSCOF
38	Abubakar K Said	CEDMAC
39	Nyaberi Bisieri Roseline	CODE FORUM
40	Riunga Raiji	ECK
41	Boniface Muoka	ECK
42	John Njenga	Kutoka
43	Swaleh Omar	ECK
44	Richard Shimekha	AG's
45	Pamela Gatwiri	CODE FORUM
46	Sr. Margaret Mumbua	Kutoka
47	Fr. Daniel Moseletti	Kutoka
48	Moc Otami	Radio Umoja
49	Owino Opondo	KPJA
50	Munini Mutuku	CEMIRIDE

51	Mary Njeri	ECWD
52	Zaya Yeebo	WFD
53	Odhiambo M	KEDOF
54	Atunga Atiti	EAHRI
55	George Kegoro	ICJ-Kenya
56	Aoko Midiwo-Odembo	IED
57	Ms Jayne Michuki	IED
58	Ms Koki Muli	IED
59	Martin Wanjala	Caucus for Women Leadership
60	Kathurima M'Inoti	KLRC
61	Simon Omare	Kutoka
62	Francis Kiarie	Kutoka
63	Asenath K Nyamu	NCWK
64	Brigitte M Kitenge	IRDP
65	Miriam Wanjiku Wangari	CODE FORUM
66	Wycliffe Orandi	Hope Fm
67	Abiya Peter	The Standard
68	David Okoth Ayieko	Miss Koch
69	Davis Chelogoi SS	ROCAR
70	Vincent Oduor	DEED-Kenya
71	Denis Ounda	CADRE
72	Jacob Ngumi	YPD/EPNDEF
73	Shilla Raymond	Kutoka
74	Paul Ilado	Kiss/Classic Fm
75	Immaculate Njenge	IED
76	Nelly Kamunde	IED
77	Ndinda Mutinda	IED
78	Mary Wanjru	AMKA
79	Salome Kimata	UDEK
80	Tom Kagwe	KHRC
81	Adams Oloo	UON
82	Dominic Kyalo Isiru	CJPC
83	Cornellia Nafula	CJPC
84	Isabel Mbugua	AMUKA
85	Moses Otsieno	FIDA-Kenya
86	Vegard Homanif	Norwegian EBB
87	Lisbeth Shuland	Min of Foreign Affairs Norway
88	Stephen Mugambi	NIPASHE CENTRE
89	Jane Kiragu	SATIMA CONSULTANTS
90	Ms. Betty Murungi	UAF-Africa
91	Ian Mutwiri	Kituo cha Sheria
92	Fevina Okemwa	Kituo Cha Sheria
93	Susan Mwangi	LKWV
94	Said Athman	CEDMAC
95	Susan Anyangu	Standard Newspaper
96	Mwangi James	TI

7.0 PROGRAMME

TIME	Session I	SESSION CHAIR
DAY 1		
8:00 – 9:00 a.m	Arrival and Registration	
9:00 – 9:45 a.m	<ul style="list-style-type: none"> ▪ Introductions and welcoming remarks by Ms. Jayne Michuki Chairperson IED ▪ Remarks from a representative of Westminster Foundation for Democracy ▪ Opening remarks Hon. Amos Wako Attorney General ▪ Key Note Address Mr. Samuel Kivuitu Chairperson ECK 	Dr. Frank Njenga
Session II Management and Observation of Elections		
9:45 – 10:30 a.m	<ul style="list-style-type: none"> ▪ The role of ECK in the electoral process; Code of Conduct, guidelines for different categories of elections officials, role of security personnel Presenter. Commissioner. Jack Tumwa (ECK) ▪ Discussant Ms. Koki Muli (Executive Director IED) 	Rev. Jephthah Gathaka
10:30 – 11:00 a.m	HEALTH BREAK	
11.00 – 11:30 a.m	<ul style="list-style-type: none"> ▪ Election Observation ▪ The Structure and role of KEDOF; Its preparedness ▪ Presenter; Morris Odhiambo (KEDOF SB Co-Chair & Executive Director Clarion) ▪ Discussant Mary Njeri (KEDOF PTB Programme Coordinator ECWD) 	Rev. Jephthah Gathaka
Session III; The Role of the Media in Elections		
11.30 am -12.30 p.m	<ul style="list-style-type: none"> ▪ Media and Governance; The Role of the Media in Promoting issue-based campaigns in the 2007 General Elections. ▪ Setting the right agenda-based media reporting, hate speech ▪ Participation of people with disability and marginalized in the electoral process ▪ Presenter; Mr. Owino Opondo (Chairperson KPJA) ▪ Discussant; Mr. Zaya Yeebo (Programme Manager WFD) 	Mr. Aggrey Chabeda
12.30 p.m – 1.00 p.m	Questions and Answer session	
1.00 – 2.00 p.m	LUNCH BREAK	
Session IV Electoral Malpractice and Offences		
2.00 – 3.00 p.m	<ul style="list-style-type: none"> ▪ Electoral violence, malpractice, corruption and bribery and abuse of office; The role of stakeholders in reduction of electoral violence and promoting issue-based campaigns; ▪ Presenter; Kathurima M'Inoti (Chairperson KLRC) ▪ Discussant: Mwalimu Mati (Consultant) 	
3.00 – 3.30 p.m	Questions and Answer session	

DAY II	SESSION	
8.30 – 9.00 am	Recap from previous day	
	Session V; Equity and Political Participation in Elections	
9.00 – 9.45 am	<ul style="list-style-type: none"> ▪ Human Rights and gender equality in Elections ▪ Presenter; Commissioner Winnie Lichuma (KNCHR) ▪ Discussant: Immaculate Njenge-Kassait (Programme Officer Electoral Process Programme IED) 	Ms. Koki Muli
9.45-10.30 am	<ul style="list-style-type: none"> ▪ Participation of people with disability and marginalized in the electoral process ▪ Presenter; Said Athman (Executive Director CEDMAC) ▪ Discussant; Vincent Owour (Chairperson DICED) 	Mr. Aggrey Chabeda
10.30 – 11.00 am	TEA BREAK	
11.00 11.15 am	Questions and Answers session	
	Session VI Equity and Political Participation in Elections	
11.15 am – 12.15 p.m	<ul style="list-style-type: none"> ▪ The role of political parties in advancing issue based campaigns ▪ Presenter; Adams Oloo (UoN) ▪ Discussant Moses Oduor (IFES) 	Ms. Koki Muli
12.15 – 1.00 p.m	Questions and Answer session	
2.00 – 3.00 p.m	Recommendations and Way forward	Ms. Koki Muli
3.00 – 4.00 p.m	Launch of IED and KPJA Publication on Media and Democratic Governance in Kenya	
4.00 p.m	TEA AND DEPARTURE	