

**UNDERSTANDING KENYA'S ELECTORAL MANAGEMENT ARCHITECTURAL
CONTEXT: SURVIVING BOTH THE STATE AND A VOLATILE REGION**

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ABSTRACT

The article is an attempt to understand Kenya's electoral management architectural context asks fundamental questions; does elections management architectural context have the ability to survive a state or group of states? How does election management architecture help states function in volatile regions? While answering these, the study asserts; in a deepening regionalism, the security effects of one state extend threats to other communities of states around it/her. In a critical view from the prism of the International Relations (IR) lens, the survival of one state has a spiral survival effect on the other states in such a locality. This causes states to have joint and various effects relationships. The nature of regional security among neighboring states faces paradigmatic limitations common to their adjacency. Security in the era of regionalization is symbiotic thus poor electoral management naturally has an impact on the existing peace and security in a regional network of states. This study discussed Kenya's electoral management architecture from the constitutional edicts point of view. This encompassed strengths and weaknesses observed and highlight some supportive Acts of law found necessary to the study. It moved further to elaborate on the electoral management architecture context found relevant to the study. Using relevant themes, the study analyzes the region in light of the questions posed and written literature, the research justifiably concludes that indeed EM architectural context has a necessary role in volatile regions.

Keywords: Electoral Achitecture, Kenya's Election, Volatile Region, Regionalization

A. Introduction

The history of elections in Kenya has been full of challenges. The political power games sought to control all political processes almost immediately after independence. This reflects suggestion by Cassandra R. Veney and Paul Tiyambe Zeleza (2013) and Paul Tiyambe Zeleza (2009) that Kenya emerged out of colonialism in 1963, after a prolonged liberation struggle, with a political economy marked by the existence of an authoritarian state, uneven regional development, deep social cleavages, and an intolerant political culture sustained by deep historical memories of grievance and injustice. Nationalist ideology both masked and reinforced the inherited political deformities of the colonial state in so far as it mobilized the colonized for freedom while simultaneously seeking to homogenize them in the inflexible ideology of nation-building.

Election management bodies around the world continue to face challenging circumstances, and there will be a continued need for organizations like IFES to do research, spread best practices, and facilitate dialogues. All of this is key to advancing better elections around the world (Lemargie, 2017). Most elections in Kenya since the first multi-party elections in 1992 have experienced management problems. The gravest occurrence emanating from electoral management which generated the disputed presidential elections in December 2007 made the majority of Kenyans flee their homes to an extent of crossing regional borders and a reported figure of about 1,300 were killed (Crisis Group Africa Report, 2008). Additionally, the impact extended to the neighboring states in East Africa with

serious implications for security. Electoral Management among states sharing common borders has far-reaching impacts than being an individual country's affair. These include refugee influx due to forced migrations, cross border economic losses, security stalemates between neighboring states, a proliferation of arms, and the possibility of the emergence of anti-government rebel groups. In a major perspective, it questions the security of the region. The Kenyan electoral management of 2007 degenerated the once 'perceived peaceful' country into a near pariah state which threatened the socio-eco-political mainstay of the East African region and adjacent states.

Kenya's 2007 electoral management was unique towards regional security in several ways compared to previous ones. Both internally and externally the uniqueness had some effects. Internally, it attracted a number of key personalities among the Kenyan political elites as contestants than before, the political space in the country had greatly experienced freedoms required of democracies, breakage in the ruling factions that brought the second liberation made it a very contestable election, and it pitted major candidates for the presidential seat who come from the two dominant Kenyan ethnic communities. Again, externally, the heightened move towards regional integration which Kenya has always championed partly because of her pseudo-economic imperialism (Munene, 2017) in the region made the 2007 electoral management a real regional security problem. This study endeavored to find out the effects of electoral management on Kenya's neighbors. The intrastate

weakness witnessed in this election in Kenya confirms neo-liberalism's proposition of interdependency of which security is part.

The existing patterns of conflict across the borders and within East African Countries cannot be better described if not within the confines of Regional Security Complex (RSC) to solicit new thinking of securitization not used before. In this region especially that has had external invasions from slavery, to colonialism which further dispersed African nations into different countries and further splitting nations into multi-national states and seeking their harmony.

The effects of Kenya's 2007 electoral management on Kenya's neighbors is a significant step towards both regional policies and state policies. This is very important to immediate states; Tanzania, Uganda, South Sudan, Ethiopia, Somalia, and by extension to Rwanda and Burundi. These effects range from economic to social which turn often to security/insecurity dynamics. Whereas the effects differ from landlocked countries as opposed to Countries accessible to the Indian Ocean such as Somalia and Tanzania, the issue of traditional membership to East African Community compounds more effects. In addition, the issue of economic dependency on Kenyan strong industrial base and hitherto hosting and playing host to regional peace initiatives to countries such as Sudan/South Sudan and Somalia. This built paradigms on stability issues emanating from piracy and Al-Shabaab and its likelihood spillover.

B. Methods

This is a study arising from field research. It is a series of some of the outcomes of an earlier Ph.D. research. The compilations herein comprise what diverse scholars posit on the subject which was analyzed thematically and content-wise in the process of literature review. The assertions were supported by data gathered from the field which forms a series of publications from the overall study.

C. Result and Discussion **Kenya's Electoral Management and Constitutional Foundations**

Under Kenya's constitution, contained in the Elections Regulations 2012, the types of elections are; General election, Referenda, and By-Elections (the latter results when an elective seat falls/or is presumed vacant in accordance with the constitution). Broadly again it means Presidential and Other elections (where other is in reference to elective positions apart from Presidential). Electoral management in Kenya is a democratically mandated process and activity by the constitution. Right from the preamble, the Constitution of Kenya 2010 expresses itself to the imperative of elections "we the people of Kenya - ... RECOGNISING the aspirations of all Kenyans for a government based on the essential values of human rights, equality, freedom, democracy, social justice, and the rule of law". For electoral management to reach the verge of insecurity as witnessed in the aftermaths of the 2007 election, the core issues in the stated preamble were totally disregarded.

The body manning elections, the manner in which elections ought to be conducted, and the people to conduct the elections are all envisaged in this important supreme law. In chapter seven “representation of the people” Part two, Article 88 sub-article 1; “there is established the Independent Electoral and Boundaries Commission” (also known as IEBC), sub-article two and three espouse on the people authorized to conduct the business of electoral management in the commission, while sub-article four elaborates the scope of the commission as to kinds of elections and referenda. Authoritatively, sub-article five gives an emphatic pointer to the performance of electoral functions (management) under the powers of the constitution and national legislations. With this statement, certain thoughts are derived; is the constitution and the national legislations always harmonious? And two, are the national legislation enacted or changed with electoral timelines in mind? Three, do the legislations foresee their effects stretching to shake the security fabrics of the state or they are guided by temporal parochial political interests? To contain EM dynamics, the conflicting variables in the two must address underlying national challenges present and unforeseen.

Articles 89, 90, 91, and 92 loosely discuss the issues of delimitation, allocation of party-list seats, requirements for political parties, and legislation on political parties in an idealistic sense. Whereas the first two (Art. 89 and 90) are implicit to IEBC, the latter two are seemingly implied to the same body (EMB) yet they play very key roles in the electoral management architecture and dynamics in

Kenya’s elections. Though the Political Parties Act (Act No. 11 of 2011) provides that every registered political party shall deposit their party Constitution, membership lists together with nomination rule with the Registrar Political Parties during the registration process. Making a leap backward, Articles 86 – makes a mention of voting and system used while Article 87 points to the timely settling of electoral disputes. It is the supposition of this research that the disputes imagined here are local with no cross border effects but with the understanding since 2007 election that electoral conflicts cannot be localized, the legislative approaches should think beyond internal mechanisms for dispute resolution. A very disparaging gap in this chapter of the constitution in the absence of outright mention of the electoral system applicable in the Kenyan jurisdiction whereas it opts to characterize the principles the system ought to subscribe to. This omission could be pointing to how many governments have taken elections and their outcomes, hither before they have not reminiscence insecurity that shakes the states in eco-socio-political dimensions as seen this century.

Despite the above, the 2007 election was conducted by the Commission that preceded the IEBC, the Electoral Commission of Kenya (ECK). The existence of ECK was presumed to be the cause of the mismanagement of the Presidential elections in Kenya then. This is true at the same time lacks some merit, academically proven from this research. Some of the electoral management dynamics were internal to the EMB managers while quite a

number were external to the political architecture of the country.

A former commissioner (Kibira, 2013) with the defunct Electoral Commission of Kenya has exonerated Samuel Kivuitu from blame over the 2007 bungled presidential elections. Jack Tumwa said the team that conducted the elections was "discredited by public perception, and lacked the prerequisite finances and independence to discharge its mandate". "The truth of the matter is that the law required Kivuitu to release the results within the stipulated time, after ascertaining that the remaining votes would not make any difference," Tumwa said. "Prior to the elections, he had pointed out problems in some parts of the country," he said, adding that the commission's proposal for consultations amongst parties fell on deaf ear. Vidiya (2018) of Star-Times reported that the then Chairman of ECK Kivuitu during an interview said with a lot of conviction that tribalism was the primary inspiration for the contest between Raila and Kibaki. "We know the two parallels involved in this election but we can't say [anything]," he said and defended himself by saying violence was inevitable regardless of who the winner would be. Kivuitu was indicted heavily in the court of public opinion but he hangs on to his job. "Never! I cannot resign [because] I will be seen as a coward, which I'm not," he told reporters. "I was the server, not the cook - if at all there was any cooking. If I'm given orders to serve you an eagle and you expected a chicken, then I'm not a party to the confusion. I only serve what I am offered - the rest are just stories." Prior Kivuitu had earned a good reputation

internationally for the successful conduct of the 2002 elections and the 2005 referendum on the Constitution.

The constitutional gaps and electoral management hurdles thereafter instigated a raft of measures towards revamping electoral management body fronted by political class, recommendation from Krieglars report, African Eminent personalities recommendations, and other actors. These led to the formation of the Grand National Coalition government and ultimate constitutional review which was consummated by the promulgation of the Constitution of Kenya 2010. The process of settling the EMB institutional and operational dynamics was followed by the disbandment of ECK. Vidiya (2018) records, after the ECK, came to the IIEC which was set up on May 7, 2009. The commissioners were sworn in on May 11 that year with Issack Hassan as the Chairman. Commissioners included Simiyu Wasike, Winnie Guchu, Yusuf Nzibo, Davis Chirchir, Douglas Mwashigadi, Hamara Ibrahim Adan, Ken Nyaundi and Tiyah Galgalo. Hassan led the IIEC's transition into the Independent Electoral and Boundaries Commission and with it more complaints about poorly managed elections. The transitioning of IIEC came to a climax with the formation of IEBC in 2011 through the Independent Electoral and Boundaries Commission Act 2011.

Kenya's Electoral Management Architectural Context

Good electoral management is what all political class would need for the thriving of democracy but conversely deterioration of democracy when in crisis renews itself in Tyra-systemocracy

(application of tyranny using weak systems and institutions of governance). The spark for Kenya's firestorm of ethnic violence was lit inside a cavernous meeting hall in downtown Nairobi, where election officials over four days doctored vote counts, dismissed eye-popping irregularities, and thwarted monitoring by independent observers to deliver a razor-thin victory to President Mwai Kibaki. Observers who were allowed into the vote-tallying center on Dec. 29-30, hours before the results were announced, said there was so much systematic fraud by Kenya's government-appointed election commission that it's impossible to know who really won. The extent of the commission's deceptions has faded into the background as more than 800 Kenyans have been killed in ethnic clashes and police crackdowns. Official results gave Kibaki an edge of 231,728 votes, or 2 percent, out of about 10 million casts. Initial results of an exit poll by the U.S.-funded International Republican Institute found that rival Raila Odinga had won by an 8 percent margin. The IRI says it will not release the poll until it has assessed the validity of the methodology (McClatchy, 2008). Despite the grave's happenings as noted by observers, the impunity revealed further a trend in electoral management dynamism that seemed to have rooted in Kenya. The engrained Tyra-systemocracy works within institutions led by compromised characters and where legislative loopholes thrive for the advantage of regimes seeking re-election.

McClatchy further sadly notes how election officials allowed five accredited Kenyan observers into the tallying center in Nairobi *only in the final phase of vote-*

counting. All said that the gravest cheating occurred in that room, where commissioners all appointed by Kibaki compiled returns before announcing them to the public. The long-serving chairman of Kenya's election commission played an active role in the deception, the observers said. The Electoral Commission of Kenya, an independent body whose members are appointed by the president was a largely different commission. As members faced term limits in the months before the vote, Kibaki facing the stiffest presidential challenge ever in Kenya packed the 22-person body with 17 new commissioners. All were considered Kibaki allies, and none had ever run an election. "These people were criminals," said Ben Sihanya, a Stanford-educated constitutional law professor who also observed the tallying.

Kenya's 2007 election in perspectives reveal dynamics surrounding how and what of the electoral management (actions of EMBs and political class), operations carried by ECK, Electoral system, Party contenders, Electoral campaign, Election results, and Voting Behaviour. The ECK's inability to maintain confidence in the vote produced widespread protest and violence magnified the dynamics (Human Rights Watch, 2008) detrimentally.

On 27 December 2007, Kenyan voters participated in the fourth elections since the re-introduction of multi-party politics in 1991, casting ballots for the president and members of parliament. Little violence occurred on election day, and observers considered the voting process well-organized. However, delay by the Electoral Commission of Kenya (ECK) in announcing the results incited serious

unrest in the country (Bengali 2008). Independent analyses and the work of the Independent Review Commission to study the election revealed deep flaws in the vote tally process, undermining the credibility of the ECK's official results (Kanyinga et al, 2008). The NARC coalition, however, disintegrated over the issue of constitutional revision. The draft of the new constitution, produced at the Bomas Convention, hewed closely to the promises made by Kibaki ahead of the 2002 election. But Kibaki erased the curtailment of presidential powers in revisions of the draft, which was presented to voters in a 2005 referendum Kimenyi and Shugart (2008).

Electoral Commission of Kenya (2005) Kibaki's reversal led to Odinga, Musyoka, and others defecting from NARC and forming the Orange Democratic Movement (ODM). ODM campaigned vigorously against Kibaki's version of the constitution, which was rejected 58–42%. Kenya's electoral rules set three requirements to be elected president. A candidate must win the most votes in a nation-wide count, and secure at least 25% of the vote in five of any eight provinces. The presidential victor must also win the parliamentary seat in their own constituency. Kenya's National Assembly is chosen by a first-past-the-post system in 210 single-member constituencies. In addition to these elected seats, 12 MPs are allocated to parties in proportion to their elected seat total, along with two ex-officio members (Gibson and Long, 2009)

Kiage et al point that the political landscape shifted ahead of the 2007 election with the demise of NARC and the

emergence of ODM. Given the fracturing of NARC and the embryonic nature of PNU, ODM, and ODM-K, the National Assembly election featured a shifting set of parties and candidates. The presidential campaign centered heavily on Kibaki's performance. His 2002 victory had generated such tremendous "euphoria" that Kenyans registered some of the highest support for democracy in the Afro barometer survey in 2003 (2004). Kimenyi and Shugart (2008) assert, the constitutional revision also remained important to many voters. The Kibaki version of the constitution confirmed many voters' fears that the government remained too strong and centralized. Again according to Anderson, central government power also undergirded the issue of majimbo (Swahili for 'regions'), which implied the devolution of political responsibilities to lower levels of government (Anderson, 2005). In its analysis of the situation, European Union (2008) observed that International and domestic observers were near-unanimous that vote counting in the 2007 elections was flawed. Gibson and Long (2009) were additionally of the view Kibaki benefited from producing additional votes in seven provinces while losing votes in one; Odinga benefited from additional votes in one province and lost in seven. If we aggregate these net differences across provinces, we find that Kibaki benefited from 355,843 extra votes in the official tally when compared to the exit poll, while Odinga lost 57,951 votes, for a total of 413,794.

According to Brown (2003) and Fischer (2002) elections provide a legitimate and legal context in which citizens can express their opinions and

views. To Reilly (2002) and Reilly (2008), it is a means towards democracy and democratic governance. Elections are viewed in the public discourse as the first step towards the developing of democratic institutions and consolidating the democratization process (Kuar 1998:7).

Jeff Fischer (2002) adopts an argument that it is not the electoral process per se that triggers violence, but the breakdown of this process. Fischer does not contest the crucial role that elections have in the democratization process. He says, "it is difficult to identify any electoral surrogate that has brought about non-conflictive transitions of power with the same consistency" (2002:2) - but believes that violence is induced by unethical actions that occur during the election cycle and which contribute to the breakdown of the electoral process. In understanding Fischer, the issue about surrogates tells the nature of systems, methods, and technologies which are often borrowed from mature democracies and mostly in the eleventh hour. It is therefore almost certain that incompatibilities are bound to take place out of these in electoral matters. It may be right to suggest that surrogate electoral systems will likely lead to conflicts.

While trying to understand presidential politics in Kenya, one has to examine the nature of party and ethnic politics (Lonsdale, 1994). Adar (1998) and Okoth and Ogot (2000) emphasize that it is through understanding of the place of ethnicity and party politics in Kenya that we can understand the history of presidential politics in the country. Ethnic groups have become vital building blocks for Kenya's democracy, as seen in the

scholarship on ethnicity in Kenya. For many decades (Ajulu, 2002) is of the view that, access to the national cake in Kenya has been through ethnic balancing, even if not well balanced, but the intention has been visible. Using these multiparty elections - 1992, 1997, 2002 and 2007, I demonstrate how tensions have been precipitated by ethnic elites under various pretences.

Reaffirming the same thought line, (Murunga and Nasong'o, 2007) suggest, ...the prospects for democracy in Kenya are contingent, to a large extent, upon restructuring the institutions of governance and concomitantly devolving power from the presidency. What comes to fore is that electoral politics and by and large electoral management suffice certain key dynamics that are just unique to Kenya. These include; party politics, ethnic mobilizations, the role of ethnic elites, non-responsive institutions of governance, and deep centralization of power under the presidency has been causative factors to the perennial electoral conflicts which lead often to security locally and beyond national borders.

Previous literature on elections and conflict - both in the political science, and peace and conflict research fields according to Höglund, Jarstad, and Söderberg Kovacs (2009) were the first to systematically put together conflict-generating factors in a conceptual framework. The authors categorized these factors into three clusters related to the actors who participate in the electoral process, the electoral institutions, and the stake of elections. Conflict-generating factors, Höglund, Jarstad, and Söderberg Kovacs included an electoral system that generates

the concentration of power which may lead to violence, “weak or politicized electoral management bodies”, failed Security Sector Reforms or lack of “external security guarantees” (2009:548). These groups of scholars fail to raise issues pointing that security is state-owned machinery and in an election in which a state has an interest and electoral body is partially chosen by the government such as the constitution of Electoral Commission of Kenya (ECK). Institutions are also good but what will internally weak ones achieve against their patrons. At this point, thinking of extra state institutions may possibly assist the internal weaknesses.

Electoral administration is mainly conducted by an electoral management body (EMB). EMBs conduct their activity following several principles: independence, impartiality, integrity, transparency, efficiency, professionalism, and service-mindedness (Wall et al. 2006). The independence and impartiality of EMBs are often related to the EMB Model - whether or not the EMB is independent, governmental, or mixed; or party-based, expertise-based, or both (Wall et. al 2006). Independent and expertise-based models are considered in many parts of the world as the best EMBs for ensuring the independence and impartiality of decisions and actions. Models are very good whether governmental, semi-government, or independent. The role of managers in a great context has a key role in the directions electoral management take; this goes hand in hand with the behaviour of the individual managers. Systems must be supported by these people.

Electoral management can widely be viewed from the values of any EMBs, for Kenyan case, the EMB in place is IEBC. This body has a certain set mandate that guides its operations thus the embodiment of its independence given that the model in place now of electoral management is one where the EMBs are supposed to be independent. On this basis, the EMB in Kenya’s nine itemized mandate makes their value systems. One can project Kenya's electoral gaps or strengths by closely examining the said values. According to the IEBC website (IEBC, 2017), the Commission is responsible for conducting or supervising referenda and elections to any elective body or office established by the Constitution, and any other elections as prescribed by an Act of Parliament and, in particular, for:

- i. The continuous registration of voters and revision of the voter's roll;
- ii. The delimitation of constituencies and wards;
- iii. The regulation of political parties process;
- iv. The settlement of electoral disputes;
- v. The registration of candidates for elections;
- vi. Voter education;
- vii. The facilitation of the observation, monitoring, and evaluation of elections;
- viii. The regulation of money spent by a candidate or party in respect of any election;
- ix. The development of a code of conduct for candidates and parties;

- x. The monitoring of compliance with legislation on the nomination of candidates by parties.

The Commission shall exercise its powers and perform its functions in accordance with the Constitution and national legislation. From the above this study can conclude that:

First, a purview into the mandate reveals very well stated items but the authenticity of execution by many EMBs where IEBC is included sometimes portrays a bit of a lacuna. Suggestively, to say the least, the percentage of independence exercised by the electoral bodies towards elections and in ensuring security (freedom from risk, fear, and threat) is maintained and achieved remains very insignificant. Secondly, EMBs supposed role to register voters is a process that involves using all necessary means to prepare ground and infrastructure for political competition among political parties. This should be actively carried to discourage political parties attempting to hijack EMBs role in the pretext of rallying their perceived strongholds. This is because political parties under EMBs supervision cannot compete when they already have their voters known due to registration mobilization, an EMBs' work. Thirdly, EMBs independence will remain as required if such bodies were to be in control of their own mandate, free from intrusion to avoid visible and potent lines of collision (such as EMB verses political parties; EMB verses Security; EMB verses National Administration; and EMB verses Citizens) as often seen in Kenya's polls.

In 'Electoral Disputes Resolution' by Krieglar (2011), in Kenya in 2007, one can

see the impact of low trust in EMB and state institutions. In the 2007 election, the casting of ballots went well, but ensuing irregularities (both real and alleged), bad communication strategies, and underlying grievances combined to fuel violence. Following the election, rumors spread as allegations and conflicting reports from polling stations suggested that there were irregularities in the results process.

Krieglar then notes that the EMB, rather than addressing the issues head on, simply announced results. Then, to make matters worse, the EMB revealed it had been pressured to do so. The public and opposition groups were skeptical of the electoral process already and this confusion fueled anger among opposition supporters. The issues of electoral management addressed in this article surrounds; institutional trust and weaknesses, poor strategies, doctored result processes, neglect, and political patronage which hinders independence. Krieglar further points out that, weaknesses in the Kenya EMB were not evident on the surface of the 2002 election process. Yet there were systemic issues and weaknesses that were not resolved with between-elections support.

Election security planning and training are also key to electoral conflict prevention because they can contribute to a system that can better absorb shocks. ... a coordinated approach between EMBs and the security sector makes a huge difference in the planning and training done within each institution. Forming a joint operations center manned by both EMB and security officials has proven instrumental in many elections observes Lisa *ibid*. Lisa highlights the essence of security in managing

elections and in perpetuating good electoral practices.

Discussing electoral management in relation to security then as some earlier cited literature suggest would then require addressing things to do with:

- (i) Principles of operations and role of managers (Wall et al', 2006),
- (ii) Institutional trust and weaknesses, strengthening of overall operational strategies such as planning and training, good transparent and efficient result dissemination, and operating above political patronage by electoral officers (Krieglar, 2011), and
- (iii) Having adequate preparation time (Obala, 2012).

December 2007 presidential election shocked the Country and world. The 2007/8 violence lasted two months, during which time 1,133 Kenyans were killed, over 600,000 driven from their homes, and more than 110,000 private properties were destroyed (Global Centre for the Responsibility to Protect, 2013). It is this wave that later led to the emerging effects on East African regional security. The internal dynamics could not contain the normal life and business. The condition that followed made operations in an interconnected region difficult. The landlocked Countries could not access the Mombasa port with their exports nor reach for their imports, the delays, destructions on transit, cross border populations, and still within the internal displacements.

In a bit of comparative evaluation of the 2007 electoral management and the one that followed, Obala (2012) draws

some lines of why the latter didn't turn into similar fate as 2007. He observes that as always, elections, as common in Africa and other developing world is winning by all means. Being a political process, using all available means is an acceptable norm except where values are relegated as subjects to be addressed after assumption of leadership, and then the ease of society breaking into conflict is not remote. The preparations included the promulgation of a new constitution that set the stage for the existence of the Independent Electoral and Boundaries Commission (IEBC). This body came into being after the Interim Independent Electoral Commission (IIEC) was formed to cause the transition from the Electoral Commission of Kenya (ECK) into also new constitutional order.

In referring to the 2013 elections he views a marked difference observing Kenya's next Presidential elections are due to be held in an environment of great uncertainty for lords of impunity and violence. The uncertainty is also on the new political game - that at the same time reduces the attraction to the presidency for the resources it doled to the loyalists and sycophants. But also provides ethnic kingpins with the opportunity to operate within a limited sphere predominated by their ethnic groups (Obala, 2012). Secondly, the other marked difference was that the incumbent president was retiring after having served his last term in office. This meant his hold on the normal institutions of transition could well be low key. This scenario necessarily made the 2013 elections full of threats for a Country coming from conflict-related to elections. Post-conflict elections are normally very

volatile and hence a security concern. Election campaigns in Kenya have often focused on internal issues which often take the nature of ethnic agenda, ethnic grouping, and silent role of government. Amidst emerging complex regional dynamics, there are emerging internal sobering political dynamics that observes Obala. These are compounded by synonymous traits in Kenya's political scene.

Third, to make 2013 a security concern and very different from the 2007 elections was the number of elective offices that were ushered in by the new constitution's people's demand for devolution. And, fourth, this election was being conducted within a short preparation time yet it was a recommendation after the 2007 elections that there is a need for adoption of new technology in the subsequent elections. A marked similarity that the 2013 elections possessed which 2007 had was the characterization of the political climate by a seemingly close contestation of the presidency. The political scene in Kenya is largely split along ethnic lines; at the 2007 election Kibaki mainly garnered the Kikuyu vote while Odinga was largely supported by Luo and Kalenjin groups... Odinga and Kenyatta are from the Luo and Kikuyu ethnic groups respectively. This immediately frames the electoral decision as an ethnic one once again (Cummings, 2012).

The 2013 election could have as well been another security hazard. The potential flashpoints for the 2013 elections are more numerous than in 2007, including many impoverished, remote and rural parts of the Country. The Kenyan National Security and Intelligence Service identified

27 out of 47 Counties as having considerable potential to degenerate into electoral violence (Global Centre for the Responsibility to Protect, 2013).

Finally, in 2013, another institution the judiciary in its rightful role as an actor in elections acted as an arbiter after the IEBC was felt incompetent, and through the first Supreme Court sitting, the election outcome was upheld. The role of institutions in enhancing positively security complexities out of elections looks a vital mechanism in the transformation of elections regionally. Kenya's peaceful elections mean a lot to regional security. The definition of security must not be limited to the traditional view of focusing on external aggression and internal state dynamics but one that looks at economic wellbeing as well and also postulating extra-territorial effects as matters pertinent to an all-round definition of security.

In one of his writings, a renowned historian Prof. Amutabi narrates chronologically that Kenya has had elections in 1964, 1966, 1969, 1974, 1979, 1983, 1988, 1992, 1997, 2002, and 2007. Between 1964 and 1988, the elections were held under KANU. In these elections, the ethnic competition was not as pronounced as later became the case in liberalized politics under a multiparty political dispensation, from 1992. After 1992, it became clear that ethnicity mattered in national politics, and Kenyans for the first time started to vote on what was clearly ethnic basis (Amutabi, 2009).

It is proper to note an argument not far from this literature that competitions in Kenya's elections were terse at independence between the two dominant

parties KANU and KADU where the latter emerged a supreme majoritarian elite ruling organ. However, first, to pick some notable issues in this citation, one then would link the aspects of competition, multiparty politics, and ethnicity to election security/insecurity since it is during 1992 and after that spillover of chaotic elections were felt in a wide scale. Secondly, the literature points to the suppression of electoral conflicts which rightly only needed time to brood and explode at a maturity time not known.

Kenya's influence in the East Africa region is measured successfully from its contribution to the peaceful referendum in South Sudan. Additionally, the young Somali citizens living and studying in Kenya need peace in order for their expectations to greatly influence a future Somalia. This means a peaceful election in Kenya guided by among others an independent electoral commission and a progressive constitution as they watch will have a greater impact in influencing the way the Country will move forward and continue affecting positively her neighbor's politics and economy.

In confirmation to this, Obala (2012) highlights the critical role of Kenya's stability to the region thus, the stability of Kenya after the 2012-2013 elections are vital for entire Sudan's economic development. Most of the Countries neighboring Kenya within the larger East African Community (EAC) have interests at stake and will be directly affected by Kenya's stability or instability after the coming elections. Though his emphasis is pointed to Sudan with the 'South' in mind, the strategic importance of

Kenya in the region was demonstrated by the demolition of the Kenya-Uganda railway line in Kibera in Kenya's city of Nairobi.

Above all, having led the regional Intergovernmental Authority on Development (IGAD) peace process that yielded the CPA, Kenya has a particularly strong interest in South Sudan. This position is agreeable, one because the Country is an industrial hub to the developing states around, secondly, it is a transport corridor through its airways to such states, and thirdly, it offers an efficient port for export and import business into the region. More so, the reconstruction of the two countries is having nationalities from across Africa among whom Kenyans are part of the human capital present in the capital cities of the two states.

Kenya's role in the East Africa Region (EAR) remains significant. In the wake of South Sudan struggles to stabilize as a state amidst differences with parent-state, Sudan, it is increasingly becoming clear that a regional arbiter is needed as well as stable regional economic power for closer integration to continue. Kenya's geopolitics makes these necessary.

In general terms, electoral violence in Kenya is not new. At least 4,433 Kenyans have been killed and over 1.8 million people displaced by such violence since 1993 (Global Centre for the Responsibility to Protect, 2013). The 2007/8 post-election violence was, however, unprecedented.

Election Management Architecture in Volatile Regions

The East African Region stands out as a very vibrant regional block in Africa to date in comparison to other similar regions

yet without a doubt one thing that pulls it back is her volatility due to electoral challenges. A view of Uganda portrays a country that has gone through cycles of post-independent struggles of military instabilities and violence to be where it is today. However, it is creeping towards electoral conflicts whose root causes are long-regime related. Rwanda as another country in East Africa has cut a niche of a clean and effective business destination, a practice very common with territorially small states which have taken off economically. Despite this, it continues to have a predicted periodic election in favor of President Paul Kagame. Is the strength of democracy measured by economic stability? One can still ask if a country can sustain democracy with a weakened economy. Issues of term limits and human rights are related to good governance and falling in the same category with elections hence they define the stability of states.

Tanzania has had its challenges to volatility too though struggling with forced stability in a fast liberalized world, unlike past years when it was the joy of every Tanzania to follow Mwalimu Julius Nyerere. The country experiences a struggle between the good historicals of Tanzania about Mwalimu from the old generation and the comparable 'Tanzania' in the minds of contemporary citizens as far as the economy, politics, and other social issues are concerned. This is drawn from globalization factors that must be used to craft its stability. It is notable that Julius Kambarage Nyerere was an astute sociologist who understood times well – he adopted multiparty politics when many African countries were still hesitant and ruled his maximum 10 years though he was

a strong believer of a one-party system. The state makers in Tanzania ought to measure up with his strides in the context of 21st Century eco-political environment.

Burundi, South Sudan, and Kenya are very volatile to elections. Not to mention Somalia which is yet to exercise unassisted sovereignty and carry out an equivalent of a standard election since it was nursed from state collapse. Kenya experiences a 5-year electoral cycle/circle predictable violence which makes the country lose almost 4 years in economic development (2 years before and 2 years after elections) from electoral activities due to failure to successively craft 'the form – state'. Burundi, on one hand, is a country stuck at making strides beyond constitutional rule from a kind of chiefdom. South Sudan on the other hand is volatile due to attempts to self-consciousness of state formation where physical, perceived, and real identities must be integrated to take off.

East Africa (Centre for Strategic and International Studies, 2020) is one of the most conflicted and poorly-governed corners of the world. Issues in the region, including the implementation of Kenya's new constitution, the ongoing efforts to bring order and government to Somalia; the frozen yet volatile Ethiopian-Eritrean border dispute; and piracy in the Gulf of Aden and the Indian Ocean are but some causes of conflict and weakness in governance.

Electoral Management: Dynamisms and Regional Histories

The prism of history is rich in understanding electoral management architecture. East Africa region's

experience is a context of the African wide view and practicalities. Thomas Otieno Juma in E-International Relations asserts; the election history in Africa describes what the recent changeovers/ continuity has been in Africa. African countries that have had elections recently such as; Uganda, 'Burundi', Sudan, Rwanda, Kenya, Congo Brazzaville, Togo, Mali, and Zambia have experienced continuity of incumbents; The other category of states like Tanzania, Ghana, Liberia, Nigeria, and South Africa have experienced changeovers; A third category which is similar to the first category to some extent have extended their regimes using elections. In this category we have Burundi, South Sudan, and DRC whose elections is now due in December; A unique circumstantial election/transition scenario emerging include Sierra Leone, Ethiopia, South Africa, and now Zimbabwe; Finally, there are only two cases recently where incumbents have been defeated as was witnessed in Ghana and Nigeria. With the dawn of democracy, many thought elections would revert the independent African strongman syndrome; it has worsened under the legitimization of available governmental institutions. Elections have not brought about changes, but the continuity of the unwanted through approvals at whatever cost. The history of elections strikes an attitude of fear of uncompleted elections just as much as the outcome of any elections (Juma, 2018).

Nyirabu notes that Tanzania Mainland (Tanganyika) began her independence in 1961 under the Independence Constitution which provided for an elected government, parliamentary

supremacy, competitive multi-party politics, and liberal democratic principles and judicial independence. A year after independence, the Republican Constitution of 1962 was enacted ushering in the presidential system.

Seemingly, the adoption of the systems of government including elections did not match African interests from the very beginning of independence as can be observed in Nyerere's statement from Mwipopo (2011) "the first President of Tanzania argued that, in contemporary Africa, the multiparty system had no reason to exist. According to Mwalimu Nyerere, unique African societies did not need a multi-party system". This is an indication that elections accruing from the same were also not desirable and hence how could such activities be held to yield successful results for a system whose defiance was not hidden. The belief system of leaders in the immediate post-independence influenced electoral management dynamics and this is possible to bear acceptance broadly in a region that was thinking integration then.

The point of argument raised by Nyerere above was adopted by many immediate post-independent African leaders with little semblance yet the open reasoning looked to be the same. One can compare what the same statement meant to Kenyan political elites vis a' vis their Tanzanian counterparts where it probably meant unity in line with ujamaa policy. However, the assertion that African societies did not need multipartism has been the greatest impediment to the practice of democracy used in favor of a

ruling regime to avert healthy choice to the electorates.

Introspection into Tanzania's electoral system used currently First Past the Post (FPTP), pluralism where the Presidential, Parliamentary, and Councilor Candidate who secures the simple majority of votes is declared to be the winner has remained to build comparatively peaceful atmosphere within and in the region. One may ask whether this is a product of institutional or legal frameworks at work or a foundation of some hidden set system at work.

An important point to understand is that different electoral systems exist and these have been used in East Africa. IFES (2014), points that *an election system is a method by which voters make a choice between options, often in an election or on a policy referendum*. An electoral system contains rules for valid voting, and how votes are fed and aggregated to yield a final result.

The choice of electoral system is one of the most important institutional decisions for any democracy (Reynolds et 'al, 2005). They say, in almost all cases the choice of a particular electoral system has a profound effect on the future political life of the country concerned, and electoral systems, once chosen, often remain fairly constant as political interests solidify around and respond to the incentives presented by them. Electoral system choice is a fundamentally political process, rather than a question to which independent technical experts can produce a single 'correct answer'.

The point raised by Reynolds et 'al is very contestable because choice of electoral system is one thing but its

operationalization is altogether another issue. Why raise this? It is because, a country like Kenya at the time of 2007 elections had moved from governmental to semi- governmental through even a referendum testing but the results were not impressive. *Systems by no means are very good especially when handled by the right people within the frameworks that direct systems operations*.

To the proponents of electoral systems (Reynolds et 'al), the consideration of political advantage is almost always a factor in the choice of electoral systems from among the many that exist; Firstly, there are plurality/majority systems under which First Past the Post, Block Vote (BV), Party Block Vote (PBV), Alternative Vote (AV), The Two Round- System (TRS) exist. Secondly, there are proportional representation systems where there are systems such as List Proportional Representation (LPR) and The Single Transferable Vote (STV). In the third categorization, there are mixed systems under which there are Mixed-Member Systems (MMS) and Parallel Systems. Fourthly, other systems exist as the Single Non-Transferable Vote (SNTV), The Limited Vote (LV), and the Borda F (BC). Finally, electoral systems can take hybrid formats of the existing systems.

Any electoral system should cultivate diversity in the representation and extent of representation in the legislature and that it should be one that is fair to both voters and parties Haysom (2003). In discussing Proportional Representation (PR), Elklit (2003: 122), " I see it as an umbrella concept, which is particularly attractive because it is nonspecific, but also because it allows for

the inclusion of specific systemic elements, which taken alone must detract from proportionality. This is the formal electoral thresholds in Germany and Denmark. These are electoral systems whose main objective is to achieve a reasonable degree of proportionality.”

In a First Past the Post system (FPTP), sometimes known as a plurality single-member district system, the winner is the candidate with the most votes, but not necessarily an absolute majority of the votes. When this system is used in multi-member districts it becomes the Block Vote (BV). Voters have as many votes as there are seats to be filled, and the highest-polling candidates fill the positions, regardless of the percentage of the vote they actually achieve. Majoritarian systems, such as the Australian Alternative Vote (AV) and the French two-round System (TRS) try to ensure that the winning candidate receives an absolute majority (i.e. over fifty percent). Each system, in essence, makes use of voters' second preferences to produce a majority winner if one does not emerge from the first round of voting (www.aceproject.org).

Despite FPTP's popularity, it has some reservations in some places where it has been used because of inherent instabilities. This means that the use of specifically one model of the electoral system may have its disadvantages. For a period of 20 years (International IDEA, 2005), from 1977 to 1997, the FPTP electoral system seemed to have ushered in an era of instability, principally because of the formation of coalitions without common principles and the pursuit of narrow self-interest by political parties.

The non-Congress opposition parties (without the communists) took over in government in 1977 by uniting into a composite entity, the Janata Party. It split within two years. In December 1989, a successor party, the Janata Dal, came to power, supported by the communist parties and the Hindu revivalist Bharatiya Janata Party (BJP); this government lasted ten months. At the general election of 1996, no party was able to form a stable government.

The manifestation of the three models (governmental, mixed model, and independent model) of electoral management in Kenya's history adds to the electoral dynamics. The governmental model is the longest-used spanning 39 years and encompassing two first independent regimes. Its implementation into the electoral politics saw; executive overbearing through direct appointments of cronies as EMB managers, and second to this, using security agencies and Provincial Administration (PA) to run elections giving accountability only to the President. With many dissents arising from the weaknesses in this model, hardly did Kenya attain a Mixed Model perfectly. What emerged in the aftermath was a unique format initiated by the legislature and the executive through the Inter-Parliamentary Party Group (IPPG) in 1997 towards the end of the Moi regime. This unique method addressed the inclusive appointment of electoral managers and media freedoms but much of EMBs as to secretariat and operations somehow remained a reserve of government through funding. The internal dynamics of state hand in logistics and other management areas partly led to

the 2007/8 election violence. The loose legal frameworks made President Kibaki exude executive powers for his benefit prior to the 2007 election. The independent electoral model has a short stint in Kenya starting from the inception of IIEC to the IEBC era that is from 2010 to date. This model has seen Kenya through a national referendum, several by-elections, one general election in 2013. It is yet to oversee well functional political party management structures. Much of its weaknesses arise from weaknesses surrounding the conscious of its independence internally and externally through impediments of budgeting constraints, the government wanting to involve, and over expecting and suspicious public.

Uganda's case differs from other surrounding states of the East Africa Region according to Mutibwa because of what he refers to as the obvious political climate that has existed- coups and takeovers which are insecurity in themselves. Its elections evaluation covers mostly the many years of Museveni regimes because the Country had numerous years of instability. However, earlier elections had many observations surrounding issues like alliances, electoral procedures to be followed, individual status, and the Buganda factor. In 1961, Obote, as UPC leader, issued a statement in which he outlined a strategy for persuading Buganda to participate in the forthcoming constitutional conference to prepare for independence. He invited the Lukiiko to join hands with the UPC and form a "partnership" during the conference ... (Mutibwa, 1982).

After the Constitutional Conference, the next major process that greatly affected the fortunes of UPC and the Country as a whole was the elections of 1962. A unanimous consensus had been arrived at that important election of March 1961, in view of the boycott, they could not constitute the basis for governance. However, much as the neo-traditionalists had gotten in place an electoral procedure in accord with their desire, they did not as yet have an electoral machine. Such machinery was to be launched on Saturday, June 10, 1961, at a mammoth demonstration against the election the previous March of a DP government led by Benedicto Kiwanuka (Hancock, 1970).

Kiwanuka's 'sins' were three according to Hancock: he was a Catholic who had opposed the neo-traditionalists; he had fought the elections in Buganda despite the boycott, and he was a commoner who had dared set himself above the Kabaka. The movement to lead the resistance to DP was called Kabaka Yekka (KY which meant Kabaka only). Its principal objectives were neo-traditionalist in character: to see that political changes do not destroy the good customs and traditions. . . of Buganda; and, not to allow anybody to be above the Kabaka.

In the period following Uganda's independence attained in 1962, political, social, and economic dynamics started to manifest themselves as citizens developed an interest in the country's democracy. Stating again on Uganda's electoral politics, Ogwang, (2007), however, points out that prior to independence, elections were not much valued and the issues preoccupying most politics by 1964 being handling of the lost counties by then under Buganda but

claimed by Bunyoro. The elections then went on recess for over 18 years only to be conducted in 1980 through efforts of the Chairman of the Military Commission, H.E (late) Paulo Muwanga. Important to point is that the political environment led to this recess. It might not be true as Ogwang suggests that elections were not valued, rather it is possible there were no equivalent systems of running elections instituted at independence. All references on politics were centered on the executives who took over reigns from the colonial regimes.

Ogwang (2007) records that election went on recess for another 14 years as the National Resistance Movement (NRM) reconstituted its regime. Through the Commission of Constituent Assembly (CCA) of 1993 to Interim Electoral Commission (IEC) of 1995 to the Electoral Commission (EC) of 1997, Uganda has consistently held elections whose head is a Presidential appointee. On 18th November 2002, His Excellency the President of Uganda Yoweri K. Museveni appointed a new Commission, chaired by Eng. Dr. B.M. Kiggundu. With challenges of reconstitution of an EMB, though operating on the governmental model, the contribution to regional instability has not been measurably felt in the East Africa Region.

The interesting practice of electoral management as a determinant to power control and democratic avenue to usher in development has somehow been evasive to Africa. A discourse into it portrays a sanitizing process for leaders to fulfill the Western democratic ideals. There is a larger portion of states, the former French

colonies, and others who conduct elections with obvious outcomes at state expenditure. The Francophone countries of Rwanda and Burundi in the East African Region have been slowly developing their electoral bodies and conducting elections after years of Hutu – Tutsi conflicts. Though most of their intrastate conflicts have taken the tribal dimensions and led to regional security effects, the elections so far held have not exploded into a serious security issue except for suspicions on such basis. Other regional countries like Somalia are just coming out of the many years of state failure while South Sudan filled with many dictatorial regimes has been continuously contending with how to attain stability.

The ‘youngest’ African state, South Sudan through the regional and global support held its nascent Country’s last elections in April 2010 when the region was an autonomous part of Sudan as part of a 2005 peace deal with the Khartoum government according to Kuacjok (2013) and will hold its first polls in probably in 2015 if there is no change.

There is a growing trend towards elections as a means of representation in Africa. What this portends is that democracy is appealing to many political players. Vorrath asserts that multiparty elections have become frequent events in almost all countries of sub-Saharan Africa (SSA). But in 2010 and 2011 an exceptionally high number of elections have been held. By mid-2011 presidential and/or parliamentary elections had taken place in 20 countries. While voting has become a regular occurrence in many of these countries, has it been accompanied

by an improvement in democratic quality? Vorrath (2011). The question of quality is what drags electoral management in this thought because silently it is a question of how elections are conducted and their value to democracy and much more a question of holding elections vis a vis making meaning to electoral decisions.

According to Vorrath (2011), quality has also been called into question by electoral violence and insecurity. Insecurity still seems to be commonly associated with voting in SSA, with eight of the 20 countries witnessing downward security trends in the context of recent elections. A popular line of thought which might be very satisfactory to tyrants in Africa is what (Lindberg 2006) suggests regular elections, even if flawed and imperfect, improve democratic quality over time. It is anti-quality and not bothered by the outcomes of the imperfect elections. This category of thought out rightly views elections as rubber stamps of illegitimacy thus pointers of their nature to perpetuate insecurity.

Survival of One State – Survival of All: Security in The Era of Regionalization

Given the many scenarios of electoral dynamics breaking security fabrics of existing states and how the threats spread to affect the periphery from the core. The realist order must be urgently supported by the neo-liberalist order for survival of global system. While independence in electoral management operationalization remains key state issues, interdependence in containment of threat is no reserve to incapacitated states in a fast interlocking regional community of states. The complimentarity effect in security of neighbouring states ought

to be strengthened theoretically through regional institutions.

Keith Suter makes very strong speculation of the world order characteristic to the 21st century from a business perspective that confirms the dependent nature of states in a globalizing world. Suter (2008) uses the business management technique of scenario planning to look at how the global order could evolve. It speculates on four 'futures': a continuation of the current order, so that much of what we currently see will continue well into the future ('Steady State'); greater international co-operation via a strengthened United Nations ('World State'); the continued decline of national governments in the running of economies with transnational corporations filling the vacuum ('Earth Inc'); and a breakdown in both the system of nation-states and transnational corporations with greater chaos at the national and international levels ('Wild State'). Suter affirms a steady-state situation in enhanced cooperation – world state scenario with a weakening government.

As American explorer Nicholas Hagger said, "The only way to realize the United World standard is the globalist phase of development of one of the powerful civilizations. If North American civilization becomes openly imperialist and decides to create a Confederate Empire aka American type, this standard may exist throughout the expansionist phase of its development." "We are currently cooperating with anyone who can make the entire world States forget about the mysterious force called sovereignty. And we constantly deny what we do in reality," said Arnold Joseph Toynbee. Toynbee

headed Chatham House for thirty years -- the Royal Institute of International Affairs (RIIA), the main West "think tank." And in a unique way it combined the qualities of the deepest academic scientist and experienced political swindler, puppeteer, on account of which dozens, if not hundreds of different subversive special operations. He knew what he was talking about. What is globalization and how does it relate to sovereignty? Schematically, it looks like a combination of two phenomena. The first phenomenon is of geopolitical origin and is called "glocalization." It denotes erosion and destruction of states and sovereignties with the transfer of state powers and prerogatives upwards -- in global and regional (uniting several countries within the region) structures and downwards, in local -- domestic regions and municipalities. The second phenomenon is related to the civilization factor, which is "fragmentation" -- identities fragmentation combined with the integration of economies. Moreover, any identity -- civilizational (religious and cultural), national, social, political, ideological -- is fragmented. And its fragmented in order to strike out any self from them, replacing it with an economy that will lead to a single denominator, which is from the Western test tubes. In other words, the globalization goal is to destroy and dismantle all communities -- from family to state. To destroy all forms of collective consciousness, to pit them against each other, to divide them, to organize the war chaos of all against all, and then to sit atop the pyramid, managing the contradictions of cogs and atoms, rubbing his hands and

pouring oil on the fire (Anonymous, 2019).

Hans Morgenthau (Al-Rodhan, 2007c) once wrote that: "International relations is something not to be taken for granted, but something to be understood and to be changed and, more particularly, to be changed beyond the present limits of its political structure and organization. Here lies indeed the ultimate theoretical and practical justification for our interest in a theory of international relations."

Given that security and prosperity are highly dependent on cooperative relations with other states, we cannot assume that relations between states are necessarily principally governed by competition. Increased interdependence means that absolute gains are possible and that global politics ought not to be *a priori* zero-sum as realism suggests. This implies that even if a state possesses a disproportionate degree of power, other states may not form alliances against it. Indeed, it is far more likely in today's world that they would ally themselves with the most powerful state, if that power were constituted primarily through capacities other than solely military power Al-Rodhan, 2007a).

Realism's state-centrism (Al-Rodhan, 2007c) also leads to a conception of the global system that is too narrow, resulting in the neglect of numerous non-state actors that help to account for the dynamics and relations inside the global system. Moreover, limiting the study of IR to the distribution of material capabilities between states neglects other types of power and motivators of action that constitute identities other than that of the

rational, egoistic sovereign state — such as ethnic and gender identities. In my view, the conception of the global system must be widened and, moreover, an idealist dimension must be added to its ontology (i.e., what exists).

In the 21st century, therefore, survival of one state is essential to all others. Al-Rodhan (2007c) symbiotic realism outlines a governance structure that takes into account the predilections of human nature. Whether it is achievable is another discourse. To him, symbiotic realism helps explain why today the US, for example, can lead without having to confront alliances from other major powers. It also indicates that a hegemony based on consent may provide the best means at present of mitigating the consequences of the interlocking dimensions of human nature, globalization, and global anarchy.

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