

Chapter 1

Introduction

Following an invitation from the Chairman of the Independent Electoral and Boundaries Commission of Kenya (IEBC), the Commonwealth Secretary-General, Mr Kamalesh Sharma, constituted an Observer Group for the General Elections of 4 March 2013. Prior to his final decision on whether to constitute a Commonwealth Observer Group, the Secretary-General initially sent an Assessment Mission to Kenya to assess the prevailing situation as well as the pre-electoral environment. The Assessment Mission was in the country in January 2013.

The Commonwealth Observer Group for the 2013 elections in Kenya was led by H.E. Festus Mogae, former President of Botswana, and comprised seventeen eminent persons in total. A full list of members is at Annex 1. The Observer Group was supported by a six-person staff team from the Commonwealth Secretariat.

Terms of reference

'The Group is established by the Commonwealth Secretary-General at the request of the Independent Electoral and Boundaries Commission of Kenya. It is to observe relevant aspects of the organisation and conduct of the General Elections which are scheduled to take place on 4 March 2013, in accordance with the laws of Kenya.

The Group is to consider the various factors impinging on the credibility of the electoral process as a whole. It will determine in its own judgment whether the elections have been conducted according to the standards for democratic elections to which Kenya has committed itself, with reference to national election-related legislation and relevant regional, Commonwealth and other international commitments.

The Group is to act impartially and independently and shall conduct itself according to the standards expressed in the International Declaration of Principles to which the Commonwealth is a signatory. It has no executive role; its function is not to supervise but to observe the process as a whole and to form a judgment accordingly. In its Final Report, the Group is also free to propose to the authorities concerned recommendations for change on institutional, procedural and other matters as would assist the holding of future elections.

The Group is to submit its report to the Commonwealth Secretary-General who will forward it to the Government of Kenya, the Independent Electoral and Boundaries Commission, political and civil society organisations and thereafter to all Commonwealth Governments.'

Activities

The Observer Group arrived in Kenya on 25 February 2013. During four days of briefings, the Group met with the IEBC, political party representatives, civil society groups, media, Commonwealth High Commissions, and national and international observer missions.

An Arrival Statement was issued on 28 February 2013 (Annex 2). The Observer Group was deployed from 2–6 March 2013. Teams were based in seven different areas across the country. During deployment teams met with election officials, political party and civil society representatives, security agencies as well as other observers.

On the basis of the Group's initial findings and observations, the Chairperson issued an Interim Statement on 6 March 2013 (Annex 3). The Group's Final Report was completed in Nairobi prior to departure on 10 March 2013 and thereafter transmitted to the Commonwealth Secretary-General.