THE GOOD, THE BAD AND THE UGLY OF THE JUST CONCLUDED POLITICAL PARTY PRIMARIES

FOR IMMEDIATE PRESS RELEASE

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Political Parties held their party primaries in line with the IEBC's statutory requirement that all parties hold nominations and resolve any attendant disputes arising from this exercise by 22nd April 2022. As members of the CSO *Uchaguzi* Platform, we monitored the processes and wish to issue our commentary on the conduct of this process as well as on other current electoral issues.

THE GOOD

Use of technology

The use of the digital system of voting by some political parties like ODM was commendable. The system enabled ONLY registered and *bona fide* members of the party to vote for their preferred aspirants. The system successfully addressed incidents of multiple voting. Further, information on the nomination process and exercise was also available on political party websites.

Security during the party primaries

We noted that police officers were present in most of the stations where primaries were conducted and where tensions and signs of violence were imminent, security teams were swift to avert the escalation of incidents. In regions where there were heightened probabilities of tension/ violence, we noted additional deployment of police officers. Comparatively, this year's nominations were more peaceful compared to the 2017 primaries.

Better organized primaries

By and large the UDA and ODM nominations were fairly well organized. UDA for example, had its ballot papers for the different positions color-coded for ease of identification. All the parties also largely adhered to the prescribed timelines for the party primaries.

Use of party register during the party primaries

Some political parties like ODM used their own membership register to conduct their nominations. This was commendable as only *bona fide members* participated in the process.

Moving forward, the IEBC and the ORPP make available the disaggregated data of aspirants presented by parties in machine readable formats

THE BAD

Cases of Electoral Disinformation and Misinformation

A lot of unverifiable and doctored information was noted during this exercise which was mainly circulated on social media by users who otherwise did not understand the source of the content or individuals with pseudo accounts or those hired to propagate hate speech, propaganda and smearing of campaign hashtags.

The intention of such acts was to dis-inform the public and members of the political parties. For instance, there was a fake poster doing rounds on social media indicating that UDA nominations were postponed from the initial date, 14th April 2022 to 19th April 2022.

Such kind of disinformation sponsored by certain individuals needs to be investigated. We therefore call upon the investigation agencies to crack the whip and weed out such individuals who propagate hate speech and unverified information.

Technological hitches where the nominations were done digitally

The use of the new technology in voting, especially by the ODM party, while noble and worth commending, also encountered some hitches. For example, some party members were not well educated on the use of the gadgets while others complained of inaccessibility of the gadgets owing to technical delays.

We therefore urge political parties to carry out comprehensive education on the use of such gargets.

Non-adherence to internal party rules and electoral law

i. *Use of 2017 IEBC register*

We take serious concerns with the fact that some political parties disregarded the law and used the 2017 IEBC register to conduct their own primaries thus disenfranchising party members who include young people registered as party members but not on the 2017 IEBC register and therefore effectively locking them out of the primaries. The use of the IEBC register also opens the opportunity for fraud through voting by non-members. The use of other registers other than party membership lists is against the law and action needs to be taken on those who violated these provisions.

Lack of strategic materials

We noted that in some places political parties did not use indelible ink on those who had already voted, thus increasing the chances of people voting more than once. Further, some parties failed to put in place foolproof methods of deterring multiple voting.

ii. *Inept polling officials*

Party officials in charge of the elections in some areas were not easily identifiable and had no tags. Some of them were openly biased in favor of particular candidates. For example, in Nakuru East, all officials presiding over the nominations were allied to one aspirant contesting in the UDA party nominations. We commend the party for cancellation and ordering a repeat election following the incident.

Negotiated and 'consensus' democracy and use of 'opinion polls'

We witnessed increased number of 'negotiated and consensus building' meetings and pronouncements across all the political parties. While the party rules might provide this sort of nomination of candidates, it has a potential of strangling inter and intra party democracy.

When it comes to negotiated democracy, our biggest fears were that the biggest losers would be the youth, women, and PWDs and this has actually turned out to be true. While there are some women who benefited from negotiated democracy, this path is dangerous as it would alienate the party from the voters where they would feel disenfranchised if their voices didn't count anymore.

While negotiated democracy is one way of arriving at consensus, the decision may not be the best because, by its very nature, it's exclusive and often, elite driven. We further call upon the ORPP and other actors to address this deficiency through provision of necessary technical support and resources.

THE UGLY

Electoral Violence

While we have commended enhanced security, compared to the 2017 primaries, there were still cases of violence were reported in different areas. In Embu, violence rocked the exercise as voters set ablaze ballot boxes during the primaries. Police officers were injured during the fracas. Other incidences of violence were reported in Embu, Kisumu, Homa-Bay and Migori.

Advisory by the ODPP on Prosecution of Corruption cases during the election

While the party primaries were underway, we also noted with concern a communication from The Office of the Director of Public Prosecutions that it did not intend to prioritize prosecution of corruption cases against politicians, until after the August 2022 general elections, ostensibly because such cases did not have a direct bearing on the election of leaders.

We hold that Kenyans need to be well informed on individuals suspected of corruption and other crimes, to make informed decisions when presented with a choice to elect them as representatives. As such, shelving prosecution processes undermine the rule of law, and will set the country on a path towards a leadership crisis. The dire risk is that corrupt individuals may get elected and will not provide the electorate with the leadership they deserve due to time spent dealing with the corruption cases.

Furthermore, such individuals could be removed from office in future through impeachment processes or ordered by the courts to stay away from their offices, as in the case of the former governors of Nairobi and Kiambu counties, thus giving citizens a raw deal in terms of service delivery and development. In addition, more public resources may be required to replace ousted individuals – an expense that the public cannot afford considering the tight economic situation thrust upon Kenyans.

On parties clearing individuals with tainted Integrity to contest for political seats

Some candidates who have been adversely mentioned, charged and implicated of corruption and abuse of office were allowed to participate in the nominations and even awarded direct nominations. It was clear during the nominations that vetting of candidates on leadership and integrity was not done and if they were done, they were not objectively conducted. Both sides of the major political factions allowed impeached, suspended governors and other candidates with tainted reputation to participate in the processes despite their impeachments, court decisions, adverse mentions in investigative reports, and publicly known unethical t behavior.

Section 38(h) of the Political Parties Act requires parties to conduct vetting of candidates on nominations on several aspects including leadership and integrity. This is a mandatory requirement, and we expect to hold political parties to account on its implementation.

Conclusion

Political party nominations are an election in themselves and provide a testament to the evidence of Interparty and intraparty democracy. While we are cognizant of the logistical and financial challenges that political parties have to surmount to undertake a truly credible party nomination processes, it is important that political parties undertake their processes in accordance with their own rules, regulations and best practices.

As members of civil society organizations, we will continue to monitor and observe these processes and inform Kenyans accordingly.

Signed by

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