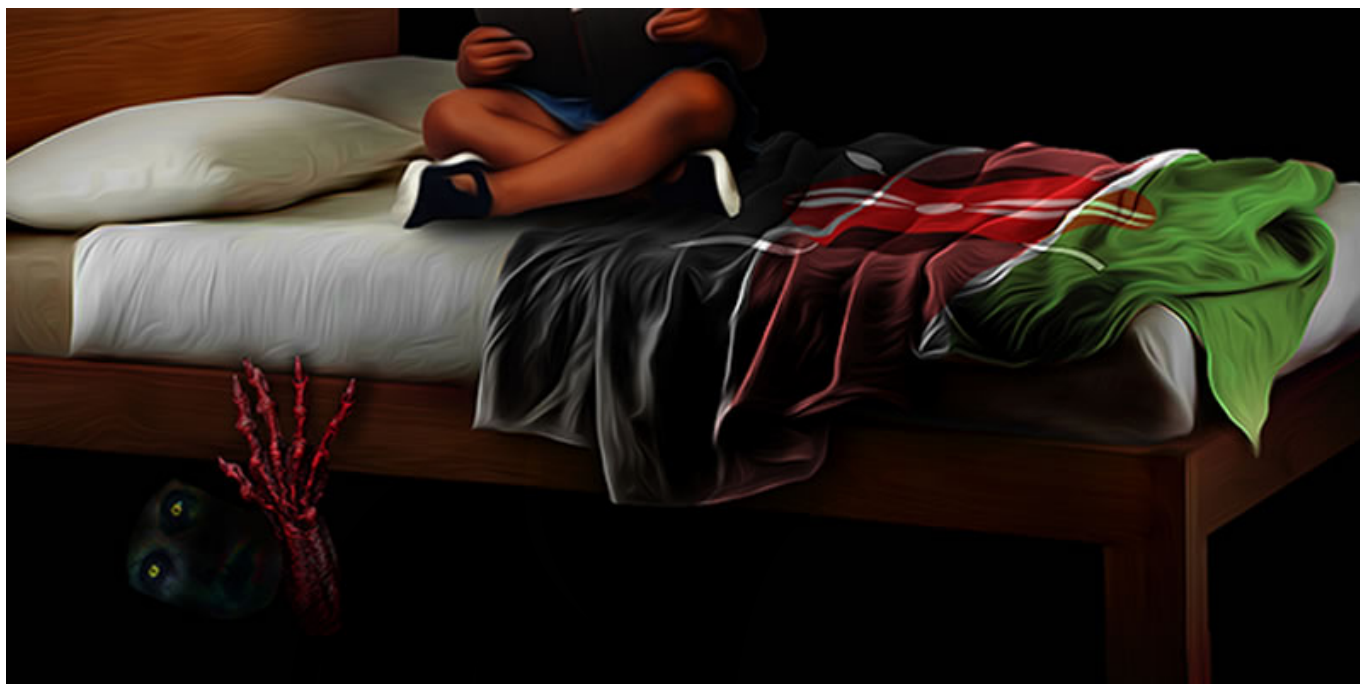**By Seema Shah**

In the aftermath of Kenya's 2007-2008 devastating fall from grace, when inter-ethnic, post-election violence [ravaged](#) the country and blighted its reputation as a bastion of stability and peace in an otherwise volatile region, the nation began to gaze inward, reflecting on what wrongs and oversights could have possibly brought it to this point. Far too quickly, however, Kenya shifted its attention upwards, setting its sights on how to regain its position at the "top": a summit marked by peace, or at least the appearance of it.

Indeed, the 2013 election, the first to be held under a new, internationally lauded [constitution](#) – one that sought to guarantee a broad range of freedoms, that was based on a deep commitment to active public participation, that strove to reverse the status quo by requiring and incentivising leaders to work exclusively in the public interest, and that dreamed of moving Kenyans past narrow ethnic groupings and towards a unifying, national identity – provided Kenya with an opportunity to redeem itself.

It quickly became clear, however, that the ascent to redemption was steep and rocky, paved with the bones of past victims of election violence. In many cases, the only way to not slip on these obstacles of history was to offload the weightiest of issues. And so the quest for peace lost much of its substance as Kenya cast aside its commitments to constitutional standards of personal and professional [integrity](#) for elected leaders, [gender parity](#) rules, regulation of campaign finance, zero tolerance for hate speech and ethnic politicking, as well as its dedication to high standards of administrative and technical electoral processes.

By the time the March 2013 election was over, Kenya's reputation as a stable and peaceful country stood on shaky ground. There had been relatively little violence but did that signify real peace?

Many noticed, but few spoke as the country struggled ever so slightly to keep its balance, the ghosts of 2007 clawing at its ankles, begging for the justice and accountability that they – and their survivors – are yet to see. Moreover, the electoral process had been starved of public discussion, disagreement and debate, the oxygen of democracy.

Behind the façade of political and technical reform lay an unverifiable and incomplete voters' register, unreliable counting and tallying procedures, dysfunctional and insecure election technology, and dispute resolution processes that lacked public credibility. Indeed, the administration of the 2013 election mirrored the chaotic 2007 process in almost all ways. Although there was little violence, the result lacked broad public legitimacy.

What did ordinary voters think? Had they been swept up in the rhetoric of peace, or were they more mindful of the reality of their flawed election? A post-election study revealed that a majority of Kenyans believed that the 2013 election was free and fair, despite the fact that nearly 80 percent experienced irregularities. More than half of Kenyans believed that peace was worth the sacrifice of a free and fair election; those who agreed that the sacrifice was worth it were also more likely to have a positive evaluation of the quality of the election.

Shockingly, voters' individual experiences at the polling station mattered little in their assessments. It seemed that voters agreed that nothing was worth a repeat of the violence that engulfed the country after the 2007 election. Is this still the case, even a decade after the carnage? The answer is unclear, partly because research on voters' and citizens' assessments of elections is sparse. Some studies link the public's evaluations to their trust in other institutions – especially the election management body and the courts – but there are few analyses of what specific parts of the electoral cycle form the basis of people's judgments.

In 2013, the post-election status quo, one of "accept and move on," normalised silence and the suppression of democratic discussion and debate. Little has changed since 2013; one month before elections, despite the country's clear failure to confront the unresolved issues of land reform, unemployment, ethnic favouritism, and political elites' fear mongering, all of which lie at the root of election violence, "peace" reigns supreme. It also remains juxtaposed to credible elections, and any critical questioning of flaws in the process is vilified as "anti-peace." But what kind of peace is this if open and honest conversations about problems in the process are thought to have the power to provoke violence? Shouldn't we be asking for a deeper, more meaningful peace?

True peace is more than the mere absence of violence. Substantive, long-term peace is based on an open and honest [discussion](#) and policy reforms that attempt to rectify the deep historical injustices that continue to feed suspicion and lead to mistrust of political leaders. Substantive peace creates the foundation for a credible election, because that peace is built on strong, publicly accountable government institutions and on public faith in the legitimacy the electoral process. Isn't *this* the kind of peace that Kenyans should demand?

Election violence in Kenya is also based on [distrust](#) of the technical administration of elections. Substantive peace, then, is also based on a well-functioning and publicly legitimate electoral process. Turning a blind eye to problems in electoral processes lowers the standard for the administration of elections and – in the long run – for democracy as well.

So what *is* a credible election? These days, those on the ground in Kenya are forging ahead in the quest for a set of locally owned, minimum standards for free, fair and credible elections. This is a contentious and complex process; [electoral cycles](#) are made up of multiple, interdependent activities and errors in any one phase can have dangerous domino effects throughout the rest of the process. The legitimacy of the final results can thus be marred several months ahead of election day. Indeed, this is why the search for a definition of or for a set of indicators of a credible election has been so difficult, despite a plethora of proposals and datasets.

In Kenya, however, a [section](#) of civil society is pushing for progress in this regard. Using the unresolved questions of past elections as a basis for a platform of change, this group of actors is starting to define what specific administrative indicators of credible elections might include. The hope is that these standards can eventually gain widespread acceptance in the country and demonstrate to the elites what it is that people expect as the bare minimum for credible elections. This set of standards may form the basis for substantive reform and genuine implementation of existing laws; evidence that authorities are working with these goal posts could go a long way in calming fears, mitigating suspicion and – one day – giving people faith that democratic dialogue and discussion serve as strong safeguards of their interests.

> Confidence in past registration processes was severely depressed by the presence of multiple registers – each with different totals – as well as the use of thousands of hand-written lists of registered voters (despite the presence of a biometric list), and significant regional disparities, many of which overlapped with party strongholds. The current register is plagued by a host of serious irregularities, including the inclusion of more than one million dead voters and hundreds of thousands of incomplete and/or duplicate entries.

There are a broad range of technical indicators, many of which are still under discussion. With election day one month away, however, the following list represents a snapshot of some of the most critical priorities for the current election cycle:

- One (and only one) biometric voters' register, based on verifiable data that is continuously used to update the list and is able to identify all voters who have cast ballots across the country in real time. Confidence in past registration processes was severely [depressed](#) by the presence of multiple registers – each with different totals – as well as the use of thousands of hand-written lists of registered voters (despite the presence of a biometric list), and significant regional disparities, many of which overlapped with party strongholds. The current register is

[plagued](#) by a host of serious irregularities, including the inclusion of more than one million dead voters and hundreds of thousands of incomplete and/or duplicate entries. These problems are compounded by a [flawed](#) registration process, which includes issues such as the appearance of voters who had never registered, the disappearance of voters who had registered and voted in previous elections, malfunctioning or nonfunctional biometric registration kits, and instances of voters who had been transferred without their permission.

- Reliable biometric voter identification on election day, evidenced by the sole use of the biometric register to recognise eligible voters. If money is being spent on biometric technology, there should be no need for a manual identification processes.
- Correctly completed polling station tally forms, characterised by the proper resolution of figures and the inclusion of all relevant information, including the total number of votes cast and total voter turnout. This is one of the only ways to safeguard the one (wo)man-one vote principle. This goes hand in hand with zero tolerance for polling station results that show the total number of votes cast being larger than the total number of registered voters.
- A publicly tested and secure electronic results transmission system that replaces the need to transport hard copies of polling station results forms from all over the country to a central location. This system should include a mechanism through which the public can follow results as they are counted and tallied at various levels.

In the long run, standards of credible Kenyan elections should also include – at the very least – strict timelines that prohibit changes to the election law less than one year before election day, adherence to integrity standards for leaders, enforcement of gender parity laws, robust and meaningful voter education, and the regulation of campaign finance.

These indicators do not yet touch the larger, heavier political issues that have yet to be resolved; they are only one part of a broad set of conditions that will eventually define credible elections. This is, however, an important starting point. In the long run, standards of credible Kenyan elections should also include – at the very least – strict timelines that prohibit changes to the election law less than one year before election day, adherence to integrity standards for leaders, enforcement of gender parity laws, robust and meaningful voter education, and the regulation of campaign finance. For now, though, let's hope this is only the beginning of a renewed journey, one that will culminate in a more lasting and authentic peace.

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