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DEPARTMENT OF POLITICAL SCIENCE AND PUBLIC ADMINISTRATION

**THE CONTRIBUTION OF ELECTION OBSERVER MISSIONS TO THE
REALIZATION OF DEMOCRATIC ELECTIONS IN KENYA**

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DECLARATION

This project is my original work and has not been presented for the award of any degree in any other university.



17th September 2022

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Date

This project has been presented for examination with my approval as the university supervisor.



September 18th 2022

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Date

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DEDICATION

I dedicate this project to my family for their support and encouragement during the entire period of my post graduate education.

TABLE OF CONTENTS

DECLARATION.....	ii
ACKNOWLEDGEMENT.....	iv
DEDICATION.....	v
TABLE OF CONTENTS	vi
LIST OF ABBREVIATIONS AND ACRONYMS	x
ABSTRACT.....	xi
CHAPTER 1: INTRODUCTION.....	1
1.1 Background to the Study.....	1
1.2 Problem Statement	3
1.3 Research Questions	4
1.4 Objectives	4
1.5 Justification of the Study	5
1.5.1 Academic Justification.....	5
1.5.2 Policy/Practical Justification.....	6
1.6 Scope and Limitations of the Study	6
1.6.1 Scope.....	6
1.6.2 Limitations	7
1.7 Literature Review.....	7
1.7.1 Election Observer Missions and Transparency of Elections	7
1.7.2 Election observer missions and public confidence	10
1.7.3 Election Observer Missions and Legitimacy	12
1.8 Hypotheses	16
1.9 Theoretical Framework.....	16
1.10 Conceptual Framework.....	18
1.11 Definition of Terms and Operationalization of Concepts.....	20
CHAPTER 2: BACKGROUND/HISTORICAL PERSPECTIVE OF ELECTION OBSERVER MISSIONS IN KENYA	22
2.1 Introduction.....	22
2.2 Contextualizing election observation in Kenya	22
2.3 Election observer missions and the 1992 general elections.....	23
2.4 Election observer missions and the 1997 general elections.....	25
2.5 Election observer missions and the 2002 and 2007 general elections	26

2.6 Election observer missions and the 2013 and 2017 presidential elections	28
CHAPTER 3: METHODOLOGY	32
3.1 Methodology and Research Design	32
3.2 Methodology	32
3.3 Research Design.....	32
3.4 Methods.....	32
3.5 Target Population.....	33
3.6 Sampling Design and Techniques.....	33
3.7 Data Collection Instruments	34
3.8 Data Analysis	34
3.9 Reliability.....	34
3.10 Validity	34
3.11 Ethical Issues	34
CHAPTER 4: DATA ANALYSIS, PRESENTATION, AND DISCUSSION	36
4.1 Introduction.....	36
4.2 Election Observer Missions and Transparency of Elections	36
4.2.1 What are the roles of election observer missions in terms of transparency? Please outline.....	36
4.2.2 What influence do election observer missions have on the transparency of elections in terms of public scrutiny?.....	38
4.2.3 In what ways do election observer missions contribute to the transparency of elections, in terms of public scrutiny?.....	39
4.2.4 Do election observer missions reduce the likelihood of fraud during elections? If yes, in what ways?	40
4.2.5 In what ways do election observer missions enhance the integrity of elections, in terms of transparency and credibility?	43
4.2.6 In what ways have election observer missions influenced electoral laws and policies? Has this improved the integrity of the electoral process, in terms of transparency and credibility?.....	45
4.3 Election Observer Missions and Public Confidence in Elections.....	49
4.3.1 What are the roles of election observer missions? Please outline	50
4.3.2 Has the presence of election observer missions enhanced your confidence in the electoral process, in terms of an assurance of transparency and credibility? If	

yes, what have the election observer missions done differently to enhance your confidence in the electoral process?	51
4.3.3 Have the election observer missions’ statements strengthened stakeholders’ confidence in the electoral process, in terms of voter and political player confidence? If yes, please explain.	54
4.4 Election Observer Missions and Legitimacy of Elections	57
4.4.1 What are the roles of election observer missions, in terms of legitimacy? Please outline in response to the question, respondent 9 noted:.....	57
4.4.2 How significant is the presence of election observer missions in conferring legitimacy to the electoral process, in terms of attracting domestic and international recognition?.....	58
4.4.3 In what ways do election observer missions confer legitimacy to the electoral process, in terms of attracting domestic and international recognition?	61
CHAPTER 5: SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS.....	64
5.1 Introduction.....	64
5.2 Summary of Findings.....	64
5.2.1 Election Observer Missions and Transparency of Elections	65
5.2.2 Election Observer Missions and Public Confidence in Elections.....	65
5.2.3 Election Observer Missions and Legitimacy of Elections	66
5.3 Conclusion of the Study.....	66
5.4 Recommendations of the Study	68
5.4.1 Policy	68
5.4.2 Academic	68
5.5 Suggestions for Further Research	69
REFERENCES	70
Appendix 1: Archival Guide.....	74
Appendix 2: Interview Guide.....	75

LIST OF TABLES

Table 4.2.1 Roles of election observer missions in terms of transparency	37
Table 4.2.2 The influence of election observer missions on the transparency of elections in terms of public scrutiny	38
Table 4.2.3 Ways in which election observer missions have contributed to the transparency of elections in terms of public scrutiny	40
Table 4.2.4 How election observer missions have reduced the likelihood of fraud during elections	42
Table 4. 2. 5 How election observer missions have enhanced the integrity of elections, in terms of transparency and credibility.....	44
Table 4.2.6 How election observer missions have influenced electoral laws and policies and improved the integrity of the electoral process, in terms of transparency and credibility	47
Table 4.3.1 Roles of election observer missions in terms of transparency	50
Table 4.3.2 How election observer missions have enhanced public confidence in the electoral process, in terms of an assurance of transparency and credibility	52
Table 4.3.3 How election observer missions' statements have strengthened stakeholder confidence in the electoral process, in terms of voter and political player confidence	55
Table 4.4.1 Roles of election observer missions in terms of legitimacy	57
Table 4.4.2 The significance of election observer missions in conferring legitimacy to the electoral process in terms of attracting domestic and international recognition	59
4.4.3 In what ways do election observer missions confer legitimacy to the electoral process, in terms of attracting domestic and international recognition?.....	61
Table 4.4.3 How election observer missions have conferred legitimacy to the electoral process in terms of attracting domestic and international recognition	62

LIST OF ABBREVIATIONS AND ACRONYMS

AU	African Union
COMESA	Common Market for Eastern and Southern Africa
EAC	East African Community
ELOG Kenya	Election Observer Group Kenya
EU	European Union
EU EOM	European Union Election Observer Mission
IGAD	Intergovernmental Authority on Development
IRI	International Republican Institute
KANU	Kenya African National Union
KHRC	Kenya Human Rights Commission
NEMU	National Election Monitoring Unit
NGOs	Non-Governmental Organizations
SADC	Southern African Development Community
OAU	Organization of African Unity
ICGLR	International Conference of the Great Lakes Region
EOC	Elections Observation Centre
DDDG	Donors Democratic Development Group
SADC	Southern African Development Conference
IEBC	Independent Boundaries and Electoral Commission
NCCK	National Council of Churches in Kenya
IED	Institute for Education in Democracy
CJPC	Catholic Justice and Peace Commission
NASA	National Super Alliance
KIEMS	Kenya Integrated Elections Management System
KEDOF	Kenya Domestic Observation Forum
KDOP	Kenya Domestic Observation Programme
4Cs	Citizens Coalition for Constitutional Change

ABSTRACT

The study sought to examine the contribution of election observer missions to the realization of democratic elections in Kenya. The study adopted the signalling theory, and using qualitative approaches, applied the longitudinal research design to examine the contribution of election observer missions to the realization of democratic elections in Kenya. The study used both primary and secondary data, with the secondary data complimented by primary data collected from 15 purposively sampled respondents. The study established that election observer missions contribute to the realization of democratic elections in Kenya. Specifically, the study established that election observer missions improve the transparency of presidential elections in Kenya through facilitating a comprehensive scrutiny of the electoral process and consequently, exposing the detected electoral flaws, irregularities and fraud; boost public confidence in presidential elections in Kenya through reassuring the public, voters and other electoral stakeholders of an oversight of the electoral process and a consequent deterrence of electoral fraud, thereby increasing their faith in the electoral process; confer legitimacy to presidential elections in Kenya through the significance of their presence, and the election observer statements and reports, informing the Kenyan society and or the international community on whether a presidential election met the standards expected of a democratic election, consequently, informing domestic and international recognition. Policy recommendations focused on the need for election observer missions to deploy at least 6 months to elections, to provide sufficient time to gain a comprehensive level of understanding of the country, prevailing electoral landscape, and electoral process.

CHAPTER 1: INTRODUCTION

1.1 Background to the Study

Election observer missions refer to various entities that serve as neutral arbiters with a view to engendering democratic governance by ensuring that elections conform to a set of universally agreed standards. Baradei (2012; 559) thus, defines election observation as a process that involves following and observing an election and the prevailing election cycle with the core objective of checking, limiting or deterring violations; Adhering to and upholding the prevailing electoral regulations and laws, and noting any possible violations while maintaining objectivity as an observer. Democratic elections refer to electoral processes characterized by transparency and credibility in the conduct of elections and, therefore, adjudged free and fair. Transparency and credibility are, thus, critical cornerstones to free and fair elections, without which democratic elections would be implausible.

Democratic elections, is a critical component of democratic governance, offering a platform for people, through the self-expression of popular choice, to decide on who should govern at any given point in time, thus, providing a critical avenue for filling up leadership positions as well as participation in governance. Democratic elections as a core democratic principle, therefore, offer a firm foundational base for democratic governance. Bratton (2014: 183), however, argues that they have to be seen to be comprehensively free, and procedurally fair, so that by serving as neutral, objective arbiters in an electoral process, election observer missions greatly contribute towards the realization of democratic elections.

Election observer missions, therefore, play a variety of roles critical to the realization of democratic elections through ensuring that electoral processes are conducted based on democratic principles. Election observer missions thus, contribute towards the realization of credible and transparent elections through the exposure of fraud and related electoral malpractices, as well as providing mechanisms for addressing weaknesses within an electoral process, leading to improved quality of elections. Election observer missions can similarly contribute towards the credibility of an electoral process, more so in societies in which people generally have little faith in the electoral process. Therefore, within a political context in which the legitimacy and goodwill of the state has been consistently questioned, election observation by different observer missions, would thus, be critical in boosting public trust, thus, heightening the confidence levels of the public and, therefore, guaranteeing fairness in the electoral process or the elections.

The Declaration of Principles for International Election Observation framework declares international election observation an expression of the international community's interest in achieving democratic elections as a building block of democratic development, through the realization of genuine, periodic democratic elections. Through the framework, election observer missions can, thus, contribute to democratic elections in a number of ways. First, election observer missions offer prospects for the exposure, detection and deterrence of electoral fraud, thus, promoting transparency and credibility in the conduct of elections and, therefore, contributing to the realization of free and fair elections. Secondly, election observer missions release post-election observation reports touching on different aspects of elections, particularly detailing the flaws observed, and offering recommendations on the requisite improvements towards the realization of democratic elections in the long term. Third, election observer missions can promote public confidence and encourage electoral participation as well as lessen the prospects for elections related conflicts.

Election observer missions have, therefore, come to be universally, recognised as critical players or contributors towards the realization of democratic governance. Kelley (2008), therefore, posits that election observation is integral to advancing democratic elections into a widely accepted democratic doctrine, where democratic elections are those adjudged free and fair, thus validating election observation as a major cornerstone of democracy. Election observer missions operate at global, regional, and national levels, and can, therefore, be categorized into two; international observer missions comprising international and regional organizations or entities outside the host country, and domestic observer missions largely comprising local NGOs and Civil Societies within the host country.

Thus, in Kenya's elections, there have been both domestic, regional and international election observer groups and missions. The domestic election observer groups largely comprise of civil society and non-governmental organizations such as Election Observer Group (ELOG) Kenya, and the Kenya Human Rights Commission (KHRC). Regional election observer missions have on the other hand emanated from regional blocs such as EAC, IGAD, COMESA, SADC, and the African Union. International election observer missions from bodies and institutions such as Carter Center, European Union, and the International Republican Institute among others have similarly observed Kenya's elections.

1.2 Problem Statement

Since the advent of political pluralism in 1992, Kenya has continued to hold periodic elections every five years. Of interest is the fact that both domestic and international election observer missions have been integral to Kenya's electoral politics. These have included ELOG Kenya (Election Observer Group Kenya), the European Union, Carter Centre, Commonwealth, as well as the regional ones such as the African Union, COMESA, and IGAD. These groups, in most cases, issue final reports on the general and specific conduct of the electoral process, presenting an analysis of their verdict on various aspects of the elections and providing recommendations for future improvement.

The Commonwealth election observer mission to Kenya's 2013 general elections report, for instance, observed that there was a problem in the tallying of presidential election results; the electronic transmission process failed, and the electoral commission had to resort to waiting for the physical delivery of official results, by returning officers to Nairobi. The observer mission, therefore, recommended that it is critical that if electronic results transmission system is to be used again, then the system must be adequately tested to ensure it is reliable. It had in 2007 observed that the election process following the closing of the polls fell short of acceptable international standards. It particularly noted that the process commencing with the tallying of votes was flawed and that the electoral commission had not succeeded in establishing the integrity of the results, thus bringing the validity of the results into question. Therefore, the observer mission had recommended that the electoral commission prioritize addressing a review of the processes for the announcement and transmission of results to inspire confidence in the transparency, accountability, and integrity of the electoral process.

The European Union election observer mission to Kenya's 2013 general elections report, on its part, observed that the electronic voter identification devices were not working or not used in about half of the polling stations observed, whereas the electronic transmission of results system eventually delivered less than half of polling station results, much later than originally envisaged. It, therefore, recommended the adoption of sound preparations for the introduction of technology to ensure it functions optimally, with evaluation of purpose and usefulness made public in advance. It had in 2007, observed that the elections fell short of key regional and international standards for democratic elections, particularly noting a lack of transparency in the processing and tallying of results, which, therefore, undermined confidence in the accuracy of the results of the presidential elections.

It had, therefore, recommended an overhaul of the tallying and announcement of results processes to ensure greater transparency, including developing a time- frame for the announcement of results. In spite of the adoption and implementation of some of the recommendations by the election observer groups in the preceding years, by the government, towards the realization of democratic elections in Kenya, especially with regard to tallying of elections results at the polling stations and institutionalization of technology for voter registration and voting, there were still reports of electoral fraud in the subsequent elections. For instance, the Supreme Court annulled the 2017 presidential election results, particularly finding fault with the tallying and electronic transmission of results and thus declared that the elections were not conducted in a free, fair, transparent, and accountable manner. Thus, whereas election observer groups have continued making specific recommendations for future improvement of elections, elections in Kenya remain far from perfect, with some of the flaws highlighted in election observer reports over the years persisting. There is, therefore, a need to find out the contribution of election observer missions to democratic elections in Kenya.

It is based on the foregoing context that this study seeks to interrogate the contribution of election observer missions to the realization of democratic presidential elections in Kenya. Specifically, the study seeks to understand the contribution of election observer missions to the development of Kenya's electoral process in terms of voter registration, polling, tallying, and announcements that can draw both domestic and international endorsement and recognition. To what extent, then have election observer missions been responsible for the realization of credible, free, fair, and transparent presidential elections in Kenya?

1.3 Research Questions

1. To what extent do election observer missions improve the transparency of presidential elections in Kenya?
2. How do election observer missions boost public confidence in presidential elections in Kenya?
3. How do election observer missions confer legitimacy to presidential elections in Kenya?

1.4 Objectives

The general objective of the study is to examine the contribution of election observer missions to the realization of democratic elections in Kenya.

Specific objectives of the research;

1. To examine whether election observer missions, improve the transparency of presidential elections in Kenya
2. To establish whether election observer missions boost public confidence in presidential elections in Kenya
3. To investigate whether election observer missions confer legitimacy to presidential elections in Kenya

1.5 Justification of the Study

This section presents the academic and policy justification of the study

1.5.1 Academic Justification

Election observer missions have remained a recurrent feature of Kenya's presidential elections ever since the country's first multiparty presidential elections in 1992, therefore, forming a critical nexus in understanding election observer missions as a democratizing influence on Kenya's presidential elections. The study thus sought to contribute to the existing literature on election observer missions by particularly demonstrating how election observer missions contribute to democratic elections, an area which, had so far been given little focus by antecedent scholars in this field, thus elevating the knowledge repository. For instance, the work so far done, have to a large extent focused on criticisms of the performance of election observer missions to Kenya over the years.

Kelley (2012), therefore, avers that international election observer missions to Kenya have been particularly, subjected to a barrage of criticisms, on the ground that by offering extremely generous assessments of otherwise flawed elections, they undermined further democratization of the country. Kamencu et. al (2014) similarly, criticizes the performance of the two main domestic election observer missions during Kenya's 2013 elections, ELOG Kenya and Kenya Commission on Human Rights, for having withheld and thus, compromised their findings and reporting on various observed electoral anomalies and irregularities, for the sake of peace. Thus, this study sought to generate critical knowledge that will benefit students, scholars, and researchers, especially, in the field of political science, by serving as a point of scholarly reference on the nexus between election observer missions and democratic elections, and stimulating further intellectual discourse. Therefore, this study, while appreciating the good progress made, however, sought to complement the work on the contribution of election observer missions to democratic presidential elections in Kenya, and thus, contribute further to academic knowledge on the subject.

1.5.2 Policy/Practical Justification

Elections are a cornerstone of democracy, and as a young democracy, Kenya has since the return of multiparty politics in 1992 continued to conduct presidential elections usually overseen by a variety of both domestic and international election observer missions. Good progress made over the years, elections in Kenya have, however, continued to be beset by challenges specifically, the presidential elections whose results have largely remained subject to dispute. The continued presence and the critical role played by election observer missions over the years, therefore, calls for an interrogation of their performance and possible contribution to democratic presidential elections in Kenya.

Granted the challenges experienced in the country's presidential elections, it is, therefore, critical to attempt a multidimensional study of the subject matter. The study findings thus sought to inform policy formulation by appraising policy makers on the requisite changes to institutions, policies and laws towards anchoring democratic elections in Kenya. In addition, the findings and recommendations of the study sought to provide the country's electoral commission, the independent boundaries and electoral commission (IEBC) with a policy road map towards enhancing its conduct of elections and thus contribute to the improvement and realization of democratic elections in Kenya. Overall, the study findings, sought to inform policies towards enhancing the contribution of election observer missions to the realization of democratic presidential elections in Kenya and consequently contribute towards the advancement or growth of democracy in the country.

1.6 Scope and Limitations of the Study

1.6.1 Scope

The study focused on the contribution of election observer missions to the realization of democratic elections in Kenya, with a specific focus on the 2013 and 2017 presidential elections. The study focused on the 2013 and the 2017 presidential elections, especially, since the two presidential election outcomes, disputed and further litigated in the country's Supreme Court, brought the conduct of election observer missions under sharp scrutiny, a nascent scholarly theme that aligns with the topic of study, thus the scholarly interest and focus. Focusing on the presidential elections held in the course of the 2013-2017 period, the study, therefore, focused on the contribution of both domestic and international election observer missions.

1.6.2 Limitations

Since the collection of primary data involved key informant interviews, the study, therefore, anticipated challenges in getting respondents, especially, in obtaining consent as well as appointments for the interviews. In order to deal with the challenge, the researcher began the process of reaching out to respondents early and similarly convinced them that the data sought was purely for academic purposes. Furthermore, certain respondents were likely to be reluctant to participate or alternatively adopt a cautious or reserved approach to giving responses, thereby presenting the potential risk of obtaining subjective data. In order to deal with the challenge, the researcher prior to the interview, assured the respondents that the data sought will be purely used for academic purposes, and secondly, counterchecked the information obtained, with secondary data.

1.7 Literature Review

This section is thematically organized into three sections; election observer missions and transparency of elections, election observer missions and public confidence in elections, and election observer missions and legitimacy of elections. The literature review seeks to undertake a critical analysis of various scholarly works on the topic under consideration, with a view to contextualizing the study as well as identifying possible gaps in the literature that the study would then seek to fill. The literature review thus adopts a thematic approach in structure whereby various scholarly works touching on three themes corresponding to the three objectives identified are critically analyzed.

1.7.1 Election Observer Missions and Transparency of Elections

A number of scholarly works exist, touching on different dynamics of the contribution of election observer missions to democratic elections primarily focusing on their roles and functions. Kelley (2012), for instance postulates that a majority of international election observation missions, beyond seeking to appraise the domestic and international audience or actors on the legitimacy of an electoral process, similarly strive to improve the transparency of elections. Thus, various international election observer missions such as the European Union have expressed great confidence in their own effectiveness while touting the ability of election observation to, among other things; contribute to strengthened democratic institutions, and to deter fraud. Kelley (2012), therefore, argues that elections monitored by election observer missions rank higher in terms of transparency, even resulting in higher rates or levels of turnover. However, election observer presence is more likely to translate into improved

transparency of elections in countries without deeply entrenched winner takes all electoral systems, or acute levels of conflict.

Hyde in (Gourevitch et. al, 2012), however, casts doubt on the ability of election observation missions leading to improved transparency of elections. Hyde, therefore, quoting Kelley (2009) argues that even for the most respected election observation missions, the detection and criticizing of electoral fraud is not entirely objective since the decision to condemn elections is informed by political considerations. Wanyeki et. al (2015) for, instance, argues that all external election observer missions with the exception of one, glossed over the numerous electoral irregularities detected during Kenya's 2013 presidential elections and proceeded to pronounce the elections free and fair. Glossing over or ignoring the irregularities was, therefore, informed by the external election observer missions, trading off their capacity to flag down electoral irregularities, for considerations around peace and self-interest. Peace was particularly, considered critical to Kenya's stability given its unique position as a regional economic and security hub within East Africa. Furthermore, while international election observers in most instances highlight certain problems within the electoral process and even recommend areas for future improvement, they however, give general endorsements to the elections.

Norris (2015) similarly, describes an emerging trend of a set of external actors among them international election observer missions who seek to strengthen the process of democratization and transparency of elections in various countries of concern. Norris then gives the example of Kenya's 2013 elections during which the European Union, Carter Center, Commonwealth Secretariat, as well as the African Union all sent election observer teams or missions to scrutinize the electoral contest. The election was particularly informed by fears about a possible repeat of the violence witnessed in the 2007 elections and thus, a consensus to avoid the recurrence of violence. The election was nevertheless characterized by numerous irregularities, including the failure of biometric voter identification kits on the polling day, even leading to a presidential petition in the country's Supreme Court. The international election observer missions, however, concluded that in spite of the irregularities noted, the outcome was a credible victory for the declared winner.

Bjornlund (2004), however, uses Cambodia as a case study to showcase the shortcomings or limitations of international election observer missions in contributing to improved transparency of elections. Emerging from decades of civil war, Cambodia held a series of elections in

1991, 1998 and 2002, all scrutinized and endorsed by international election observer missions but which, however, all turned out to be flawed. Cambodia's example, therefore, particularly highlights the shortcomings of the methods deployed by international election observer missions such as an overemphasis on the election day and failing to build up on the pre-election findings as well as a post elections follow up.

Dundas (2011) on the other hand puts forward a strong case for election observation missions, arguing for election observation and monitoring as critical components of the democratic and electoral process within the African continent. Election observation by international, regional and national observer missions is, therefore, recognized as pivotal to strengthening the transparency and credibility of elections within Africa. Particularly, election observation has over time contributed to enhancing electoral integrity in Africa, thus, increased acceptance of election results, reduced the potential for elections related conflicts, thereby contributing to remarkable progress in the institutionalization of democratic elections in Africa over the past two decades.

Arne (2004) on the other hand, recognizes as a core objective of election observer missions, the improvement of electoral conduct through the release of observation mission reports containing recommendations. Arne, however, contends that a number of challenges exist that ultimately put to question election observer missions' contribution to improved transparency of elections. Short-term international election observer missions' professionalism has, for instance, been particularly, questioned, and even accused of engaging in electoral tourism, on the account of being ignorant about the prevailing local context and further unconcerned about the electoral outcome except for their short stay in a foreign country.

Kelley (2010) similarly, opines that if an election falls short of the accepted international standards, but still shows signs of improvement in transparency, then election observer missions may decide to affirm the progress and accept the results to consolidate the gains. However, it would be critical to study whether a more lenient assessment of elections that show improvement in transparency, actually translates to gradual improvement in transparency in the long run. It, therefore, remains inconclusive as to whether endorsing limited progress thus contributes to future improvement in the transparency of elections, or does it instead stifle progress by endorsing elections that while perceived as better, however, remain highly flawed. Qualifying the potential of election observer missions to contribute to improved transparency of elections, Daxecker (2012) posits that international election observer missions increase the

likelihood of electoral fraud getting detected and can similarly deter electoral manipulation. Daxecker (2012) thus, quotes Carothers (1997), who argues that election observer presence may deter electoral fraud since governments are generally apprehensive about being exposed for electoral fraud. Carothers (1997) further reinforces the argument, positing that beyond exposure, election observers may similarly prevent electoral fraud, since apprehensive over being exposed by international election observers, political authorities in countries may abandon their election rigging schemes. Similarly, political authorities organizing elections within countries undergoing political transition, on the first encounter with election observers, usually overestimate their capacity to detect electoral fraud, thus, translating to a highly substantial potential for election observers to contribute to improved transparency of elections. The literature has shown that the presence of election observer missions contributes to improved transparency of elections through enhancing the likelihood of electoral fraud getting detected and thus deterring electoral fraud. The literature does not, however, address how election observer missions contribute to the transparency of elections in the long term. No reference is for, instance, made to the post-election observer mission reports; the recommendations contained therein, status of their implementation or lack of, and how such, then impact on the transparency of subsequent presidential elections.

1.7.2 Election observer missions and public confidence

Schedler, Diamond and Plattner (1999), using the example of Ghana's 1996 elections argue that the presence of election observer missions boosts public confidence in elections while, however, conceding domestic election observer missions' advanced expertise on the local political context compared to a majority of external election observers. Being privy to developments before, during, and after voting, and similarly well versed with the local political context, Ghana's domestic election observers were, therefore, able to set up parallel vote counting mechanisms that assisted in checking on fraud, enhanced electoral transparency thus, boosted public confidence in the electoral outcomes.

Kibara et. al (2003) similarly argue that election observer missions promote public confidence in the electoral process, since election observation boosts voter confidence in the election by granting them the assurance that the behaviour of the incumbent government in an election is being observed or watched. Election observation may, therefore, reduce voter apathy thus encouraging higher voter turnout, by motivating the public to vote, confident that the presence

of election observer missions would check on the electoral irregularities that may have previously undermined their vote or dissuaded them from voting.

Carothers (2010) similarly, posits that comprehensively organized election observation can support otherwise weak electoral systems and processes within states undergoing democratic transition. Thus, continuous participation or engagement by international election observer missions can, therefore, motivate a wary public into developing confidence in an electoral process and actively participating in it. For instance, within societies or countries in which people have little faith in elections, international election observer presence or involvement can, thus, convince even skeptical opposition parties and their supporters to participate in elections, rather than pursuing boycotts or even civil disobedience.

Kelley (2012) equally argues that international election observation boosts public confidence in elections, particularly signifying that the international community is paying closer attention, enhancing prospects of exposure of fraud and thus limiting the likelihood of political authorities engaging in electoral fraud. Similarly, by observing elections and equally assuring citizens of global attention, international election observer presence further emboldens the public to protest in case of fraud, thus, acting as a deterrent, given the heightened risk of global repercussions to political authorities who may perpetrate electoral fraud. Further reinforcing the argument, Kelley (2011) avers that quality election observer presence improves the transparency of elections, minimizing fraud, thus, boosting the confidence of opposition political parties and their supporters in the elections, as well as similarly encouraging their electoral participation.

Following the Ethiopian government's ban on international election observers during the country's 2000 election, for example, the opposition consequently issued ultimatums on the preconditions for their participation in the country's 2005 elections, specifically demanding international election observer presence, to which the country's political authority or government obliged, thus avoiding an opposition boycott. Donno (2013) similarly avers that international election observer presence provides an incentive or motivation for the opposition political parties to actively participate in elections as a formidable team. Therefore, within countries in which the citizens are less trusting of the electoral process, the presence of international election observers reduces apprehension over possible electoral irregularities and enhances confidence in elections, thereby translating into higher voter turn outs, especially, among opposition supporters.

Van (2009) in the same vein posits that election observation by international election observer missions or observers is particularly perceived as presenting the capacity to improve electoral integrity through exposing as well as acting as a deterrent to electoral fraud and irregularities, as well as offering recommendations on how to improve the electoral process. Therefore, international election observation is similarly thought to enhance public confidence in elections by encouraging electoral participation and similarly reducing the potential for electoral violence.

Sen (2012) similarly argues that election observation ensures democratic elections; free and fair elections and, therefore, extremely important in countries whose previous experiences led to little or low levels of public confidence in elections. Therefore, through the guarantee of insulating against electoral manipulation by dominant groups in society, especially incumbent regimes, by way of an independent electoral audit, the presence of election observer missions is thus critical to building public confidence. This is, especially, important in countries or societies in which citizens exhibit low-level trust in their electoral processes or the institutions charged with conducting elections. Norris et. al (2015), however, contends that international election observer missions judge most elections in non-democracies as either free, flawed, or fair based on the extent of their conformity to international standards of democratic elections. It is, therefore, plausible to argue that the exposure of extreme violations of international electoral standards of democratic elections, by international election observers, dampens public confidence in elections thus, consequently reducing electoral participation rates.

The literature has shown that the presence of election observer missions boosts public confidence in elections through enhanced prospects of electoral integrity thus, encouraging and increasing participation in elections. The literature does not, however, capture what failure by election observer missions to meet public expectations, consequently does to public confidence in subsequent presidential elections.

1.7.3 Election Observer Missions and Legitimacy

International election observer missions play an integral role in conferring legitimacy to the electoral process and governments so elected. Cogan et. al (2016), therefore, argues that there has been an unprecedented enthusiasm by countries, for international election observer missions, since their verdict on the electoral process has the potential to either confer or deny legitimacy to a country's elections as well as the government in place. For instance, by

approving of elections, international election observer missions essentially confer legitimacy on the winner so that political authorities keen on earning popular recognition of their authority to rule, invite international election observers to their elections. Abatundu (2003) similarly argues that elections are a cardinal component of democracy, with international election observer missions playing a critical role in ensuring a legitimate electoral process. In the same vein, Laakso (2002) avers that election observation confers a sense of international accountability on the process by which various governments assume political power, therefore, conferring a legitimizing stamp of approval.

Ondoro, Otieno et. al (2015) similarly, argue that election observer missions operate, or rather should ideally operate on the doctrine or principle of political impartiality, and their assessments of elections can, therefore, be relied upon whenever questions arise regarding the veracity, credibility or legitimacy of an election. Kenya's electoral commission and government's invitation of various international election observer missions ahead of the 2013 presidential elections should, therefore, be viewed through the lens of election observer missions' legitimizing role. In this regard, therefore, and against the backdrop of a disputed and flawed 2007 presidential elections, international election observer missions would prove particularly critical to legitimizing the 2013 presidential elections.

Kamencu et al. (2014), on the other hand, argues that election observer missions from regional blocs are not entirely objective since they are intergovernmental bodies representative of governments with common geopolitical interests. The regional election observer missions are, thus, extremely cautious about issuing critical election observation reports that may be deemed offensive by incumbent governments, and, therefore, endorse and legitimize elections. During Kenya's 2013 presidential elections, AU, EAC, COMESA, and IGAD election observer missions, having been formed from regional bodies, may have, therefore, adopted a diplomatic approach in reporting on the election observation so as to maintain a diplomatic relationship between Kenya and other regional states.

White (2012) similarly, avers that international election observation contributes to a legitimizing role, since electoral legitimacy is primarily dependent on international recognition. Thus, the verdict by international election observers on how much an election and electoral processes, as well as outcome, is reflective of the wishes of the electorate, similarly informs recognition both within and outside a country.

Election observer missions are, therefore, integral players in an electoral process since electoral legitimacy goes beyond international perception, similarly, extending to the levels to or by which the voters in a country perceive the electoral process to have been legitimate. Ninsin (2016), however, argues that comprehensive domestic election observation covering the entire election period, including the period before election, the election day, and the period after the election ultimately confers legitimacy to the electoral process. Thus, in elections in which the stakes are extremely high, professional domestic election observation is particularly critical to securing the acceptance of electoral outcomes by citizens and relevant stakeholders, as well as conferring legitimacy on the newly elected governments. Domestic election observers are seen as having a better understanding of the local context and their involvement, therefore, inspires greater confidence among voters regarding the legitimacy or otherwise of the election.

Hyde (2015) on the other hand submits on the doctrine of inviting international election observer missions, particularly, on how it has grown to be widely accepted as a global norm, so that refusal by a country to let in international observer missions is globally treated as evidence of electoral fraud, and thus, grounds for non-recognition by international powers. For example, Iran's refusal to accept international observers to its 2009 elections, led to a rejection and non-recognition of the electoral outcome by the United States and Germany, as well as a host of global voices. International legitimacy has, therefore, come to be closely tied to the acceptance of international election observers so that governments that opt not to invite international election observer missions are perceived to be masking electoral fraud. As such, Hyde thus, adds that even the most autocratic regimes seeking international legitimacy have, therefore, sought respectable international observers to judge their elections, since the international community has come to regard refusal to invite international election observers as a sign of elections not being legitimate.

Borzyskowski (2019), further contributing on the linkage between election observation and legitimacy, however, contends that when election observer missions issue negative verdicts in the form of either criticisms or condemnations of election results, they unintentionally shore up legitimacy and motivations for the loser disputing the poll, to challenge and reject the results. Thus, by casting doubts on electoral outcomes, and reducing the credibility of the elections, observers inadvertently help shore up popular support for the loser, with more people rallying towards a rejection and challenge of the results, consequently denying the declared winners the much-needed legitimacy to govern, as Kenya's 2007 election crisis revealed.

Daxecker (2014), quoting Turner (2007), on the other hand, submits that international election observer missions have successfully captured, and similarly criticized fraudulent elections, with the fraud even resulting in both domestic and international sanctions against the culpable regimes. For example, following Zimbabwe's 2002 presidential elections, roundly criticized by international election observers, the United States- led Western powers issued a series of international sanctions on Zimbabwe. Conscious of the influence of the post-election verdicts issued by international election observer missions, on their legitimacy, political participants in elections, especially, incumbent regimes, therefore, strive to avoid negative exposure before the eyes of international election observer missions.

Hyde (2011) further reinforcing the argument, posits that desirous of international legitimacy and global recognition as democratic countries, many regimes invite international election observers while hoping for positive verdicts. Hyde thus, gives the example of countries such as Chile and the Czech republics, which had before 1992 and 2003 respectively, been inviting international election observers. Reputable international election observer missions and institutions, however, later advised the two countries against continued invitation of international election observers, particularly arguing that it was no longer necessary to extend the invitations since the countries had now attained global or international recognition as democratic countries. However, negative verdicts by international election observer missions have been associated with domestic political upheavals and revolutions, cuts in foreign aid, and even expulsion from international fora, among other international sanctions, a combination that, ultimately, deny countries and the governments so elected, both domestic and international legitimacy, as Zimbabwe's post 2002 international isolation proves.

Huntington (1993) similarly, argues that by the 80s, election observation, especially, by international election observers, had long grown into global acceptance, as criteria for judging the levels or rates of electoral fairness and how free elections had been. The onset of multiparty elections in much of the world at the beginning of the 1990s, and throughout the subsequent years, thus, saw elections only being accepted as legitimate if observed, and judged by a set of international election observers, as conforming to the globally accepted standards of freedom and fairness. As such, the international legitimacy of the electoral processes, as well as the governments or political authorities so founded in countries, have, therefore, continued to rest on the verdict issued by international election observers.

The literature has shown that international election observer missions have the potential to either confer or deny international legitimacy to elections and governments since legitimacy largely rests or depends on international recognition. The literature, however, makes very little mention of domestic legitimacy, as well as domestic election observer missions, and possible contribution to international legitimacy.

1.8 Hypotheses

- i. Election observer missions, improve the transparency of presidential elections in Kenya through an enhanced likelihood of fraud detection
- ii. Election observer missions boost public confidence in presidential elections in Kenya through a deterrent effect on electoral fraud
- iii. Election observer missions confer legitimacy to presidential elections in Kenya through the guarantee of both domestic and international recognition

1.9 Theoretical Framework

The study adopted the signalling theory by Susan Hyde that explains the evolution of international election observation into a globally recognized common practice by countries. The theory according to Hyde (2011), therefore, argues that countries seeking international gains from the global stage are motivated to communicate externally credible signals that they possess certain attributes, on perception that such would attract more or additional gains from the international stage, such as foreign aid, trade and legitimacy. Through other countries consequently imitating signals that successfully accrue such gains to the countries seeking them from the international stage, the new practice thus, becomes commonplace even without compulsion towards countries to adopt it. Therefore, if a signal is so accepted by a majority of countries as a common global practice for all countries aspiring to certain values, then it becomes all binding.

The signalling theory thus, explains the evolution of election observation into a global common practice, specifically the practice of inviting international election observers, to which all countries, as well as those that want to be seen as democratic, therefore, aspire. Having evolved into a global practice, the international community, thus believes that all good states send the signal, and failure to signal then provides information about a country's character. All democratic countries, therefore, invite international election observers, so that refusing to invite them, then provides information about a country's character as being non-democratic.

The signalling theory is, therefore, premised on a number of assumptions;

- i. International election observer presence has a deterrent effect on electoral fraud, thus, likely to boost public confidence in elections
- ii. The international community is less willing to recognize or to confer legitimacy to countries/ elections that do not allow international election observer missions
- iii. Internationally observed and certified elections are perceived as more democratic (more transparent) than those not internationally observed and certified

The signalling theory, thus, argues that internationally observed and certified elections are particularly, perceived as more democratic than those not internationally observed and certified. The signal, therefore, requires countries to invite international election observer missions and similarly, receive their endorsements of the elections. However, countries that invite international election observer missions, but receive negative reports thus, fail to signal to both the domestic and international stage that they are holding democratic elections (Hyde, 2011). The desire to demonstrate commitment to democracy has particularly increased so that all countries that want to be seen to be democratic or holding potentially democratic elections, therefore, invite international election observer missions and consequently strive to receive their endorsement. On the other hand, failure to hold internationally certified elections generally becomes a signal that a country is not holding democratic elections.

Hyde (2011) further argues that election observation by international election observer missions has a deterrent effect on electoral fraud, thus, limiting possibilities of countries or pseudo-autocrats engaging in fraud, a clear signal of a country's commitment to democratic elections. Election observation, therefore, proves more costly to pseudo-democrats than genuinely democratic countries and governments, since election observer missions contribute to, or translate into improved transparency of elections, through enhancing possibilities of electoral fraud being exposed or detected. Furthermore, election observation has grown to be relied upon to evaluate the democratic credentials of countries or governments, so that international legitimacy is tied to internationally observed and certified or endorsed elections. For instance, Hyde (2011) argues that since the early 1990s, the refusal to invite or allow international election observer missions has become a clear signal that an election is not legitimate.

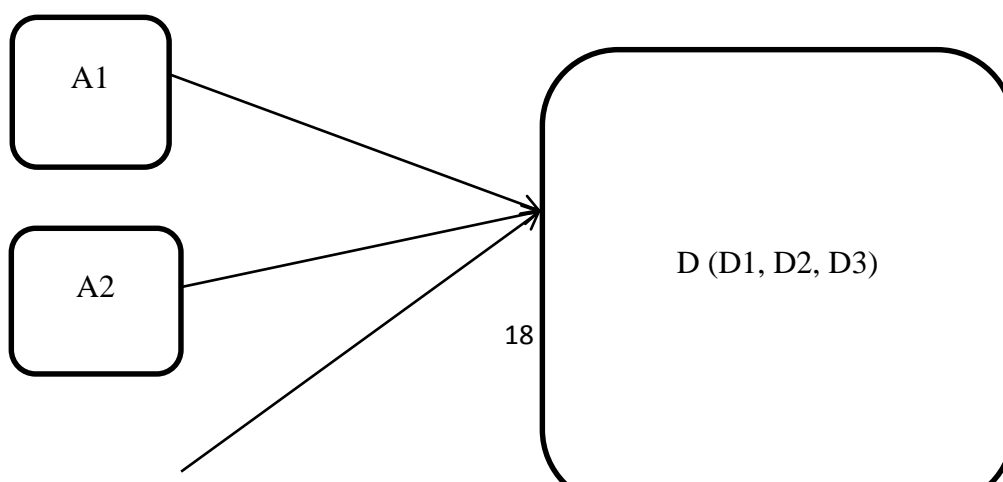
The Signalling theory, therefore, provides a powerful basis for examining and further explaining the contribution of election observer missions to the realization of democratic elections in Kenya. The Signalling theory thus aptly befits the study since it establishes a

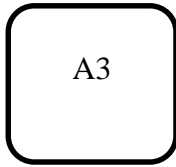
critical link between election observer missions and democratic elections. Furthermore, the theory provides an explanation to, and similarly provides the basis for examining the credibility of elections, whereby the credibility of an election is assessed on the basis of being internationally observed and certified. The theory is, therefore, relevant to the study in that it provides explanations to the study's hypotheses and objectives, particularly providing a directional relationship between the independent and dependent variables of the study; election observer missions and democratic elections. The theory, particularly, makes a number of arguments, among them, that election observer missions contribute to or translate into improved transparency of elections through enhancing possibilities of electoral irregularities, malpractices, or fraud being exposed or detected. The theory similarly, argues that internationally observed and certified elections are particularly judged to be more democratic, so that the failure by a country to hold internationally certified elections generally renders the elections non-democratic. The theory, therefore, provides explanations, and similarly offers insights into the study's research questions or objectives, particularly on the link between election observer missions and improved transparency of elections, and secondly election observer missions and legitimacy. Furthermore, by speaking to international election observer missions as a democratizing factor to countries, the theory, therefore, helps in further breaking down the concept of democratic elections based on the attribute of election observation.

1.10 Conceptual Framework

A Independent Variable

D Dependent Variable





Component	Meaning
A	Independent variable (Election observer missions)
A1, A 2, A3	Indicators of independent variable (International, regional, domestic election observer missions)
D	Dependent variable (Democratic elections)
D1, D2, D3	Indicators of dependent variable (Transparency, Public confidence, Legitimacy)

Source: Researcher, 2021

The above conceptual framework is a visual representation of the expected relationship between the variables of the study. In researching the contribution of election observer missions to democratic elections in Kenya, the study anticipates a cause and effect relationship between the independent variable (election observer missions) and the dependent variable (democratic elections). However, the study defines the independent variable, election observer missions, in terms of three indicators; international, regional, and domestic election observer missions. Similarly, the study defines the dependent variable, democratic elections, in terms of three indicators; transparency, public confidence, and legitimacy. Overall, the anticipated causal relationship between the independent variable (election observer missions) and the dependent variable (democratic elections) can be summed up as visualized above; whereby, election observer missions contribute to the three indicators of democratic elections (transparency, public confidence, legitimacy) thus, democratic elections.

Therefore, to visualize the anticipated cause and effect relationship, basic design components of boxes and arrows are employed, with the variables and their indicators represented through boxes, while the arrows represent the directional relationship. To indicate the causal relationship between the independent and dependent variables of the study, three arrows, thus begin from the three boxes representing the three indicators of the independent variable (cause),

and point to the large box representing the indicators of the dependent variable (effect). Though the directional relationship, the conceptual framework, therefore, illustrates the interaction between the indicators of the independent variable (international, regional, domestic election observer missions) and the indicators of the dependent variable of the study (transparency, public confidence, legitimacy) thus, revealing the anticipated causal relationship as visualized and explained above.

1.11 Definition of Terms and Operationalization of Concepts

1.11.1. Election observation- Baradei (2012) defines election observation as a process that involves observing an election with the core objective of checking, limiting or deterring violations. However, within the context of the study, election observation infers assessing whether an election is conducted in conformity with a country's electoral laws, regulations, and international standards, while maintaining objectivity as an observer.

1.11.2. Election observer missions- Bratton (2014) views election observer missions as neutral, objective arbiters in an electoral process. Within the context of the study, however, election observer missions refer to international, regional, and domestic election observer missions.

1.11.3. Democratic elections- According to Baradei (2012), democratic elections refer to electoral processes characterized by transparency and credibility in the conduct of elections and thus comprehensively free, and procedurally fair. However, within the context of the study, democratic elections is defined in terms of three indicators; public confidence in elections, transparency of elections, and legitimacy of elections.

1.11.4. Legitimacy- Hyde (2011) views legitimacy as the global recognition accorded to countries as being democratic based on positive verdicts by international election observer missions. However, in the context of the study, legitimacy implies the acceptance, approval, and recognition that the domestic and or international audience confer to elections.

1.11.5. Public Confidence-According to Kibara (2003), public confidence refers to voter confidence based on the assurance that the behaviour of an incumbent in an election is being watched or observed. Within the context of the study, however, public confidence implies the level of approval or trust that the voters and contestants have in an entire cycle of an electoral process.

1.11.6. Transparency- Kelley (2012), views transparency in elections in terms of elections characterised by limited to no fraud, thus resulting in higher rates of electoral turnover. Within the context of the study, however, transparency implies visible openness in the conduct of elections, resulting in limited to absent electoral fraud.

CHAPTER 2: BACKGROUND/HISTORICAL PERSPECTIVE OF ELECTION OBSERVER MISSIONS IN KENYA

2.1 Introduction

This chapter presents a background or historical perspective of the contribution of election observer missions to the realization of democratic elections in Kenya. It was organized into, and presents five thematic sections, namely; contextualizing election observation in Kenya, election observer missions and the 1992 general elections, election observer missions and the 1997 general elections, election observer missions and the 2002 and 2007 general elections, and election observer missions and the 2013 and 2017 presidential elections.

2.2 Contextualizing election observation in Kenya

Election observation, while not a new phenomenon gained widespread significance with the democratization wave that affected many parts of the Third World following the collapse of communism. Election observation is particularly regarded as essential in countries that are deemed to be in transition from an autocratic order to a more democratic order (Kibara et. al, 2003). Election observation in Kenya may, therefore, be traced to the political and economic liberalization of the late 1980s and the 1990s. Some scholars have thus attributed it to the need by the international community to keep track of political liberalization as a precondition to donor support, and thus, observe: In addition to economic liberalization and performance, therefore, the political performance of countries receiving aid from the west now became a condition for continued support. And, as a result, international monitoring and observation of elections in these countries assumed new importance in evaluating the degree of compliance by recipient nations with the political conditionality that was demanded by international donors for the disbursement of aid. International observation and monitoring, thus became part of the new agenda of globalisation of western forms of democratic electoral practice (Grignon, Mazrui, Rutten 2001: 596).

Therefore, from the perspective of the donor countries, the 1992 elections in Kenya were seen as a major event in the process of democratization. After all, Moi had agreed to multi-partyism and elections after maximum external pressure, notably by suspending foreign aid. Hence, in order to restore the financial relations between Kenya and its donors, the elections had to be labelled 'free and fair'. This explains the great interest in the elections from outside Kenya (Foeken et. al, 2000). Election observation in Kenya, therefore, began with the return of multiparty whereby the first serious election observation occurred in the 1992 elections.

Several international observer teams mainly from the donor countries and a local observation team, the National Election Monitoring Unit (NEMU), a coalition of several professional and church-related organizations in Kenya, observed the elections. Since emerging in the 1992 elections, election observation in Kenya has, therefore, continued through the country's subsequent elections with a combination of international and domestic observer groups observing the elections and consequently, issuing reports and recommendations on different aspects of the electoral process.

2.3 Election observer missions and the 1992 general elections

Funded by external donor support, the National Election Monitoring Unit (NEMU) was set up to coordinate local bodies planning to monitor the 1992 general elections and to similarly conduct civic education on matters surrounding the conduct of free and fair elections (Foeken et. al, 2000). Within the council of NEMU, were thus former high ranking government officials, including a former governor of the Central Bank of Kenya and two former permanent secretaries, calculated to give the National Election Monitoring Unit, the much desired credibility. Other than NEMU, other local election monitoring groups included the Bureau for Education and the National Council for Women in Kenya. A distinction, however, lies between election observation and monitoring, primarily based on the length of the duration during which the electoral process is being watched. Observation, therefore, is restricted to the actual election day and the vote counting period following the elections, whereas monitoring covers a much longer period, including months prior to the actual election day. Therefore, during the 1992 general elections, all international teams were observation teams, while the local teams were predominantly the monitoring type.

The electoral commission, thus used the official status of the parties involved, as the distinctive criterion, so that an observer was simply a spectator, but a monitor almost an official participant within the polling station at which he or she had to exclusively operate (Foeken et. al, 2000). The electoral commission, therefore, mandated the observers to scrutinize a number of aspects of the actual elections, including; display of empty ballot boxes before voting, sealing before and after voting, transportation of ballot boxes from the polling stations to the counting centres, the manner in which the votes are counted, and collation and correlation of results. The International Republican Institute thus stressed that the observer teams were in Kenya to observe and report rather than to monitor the elections, especially, given that monitoring would mean literally overseeing the entire electoral process; a period of a minimum of 6 months.

Observing on the other hand, involved mainly placing personnel at selected polling stations with a view to getting an impression of whether the elections were fair or not. However, the limited scope was primarily one of the main weaknesses of the observation process, particularly given that there were very few international observers. Consequently, only a limited number of polling stations could be visited by the observation teams, with the time spent at each polling station usually very short, certainly not day long (Geisler, 1993).

Furthermore, the international community observed the 1992 general elections in the usual way; whereby election observers from largely the Western world were flown in a few days to election day and left shortly after the end of the elections, thus leading to accusations of electoral tourism (Geisler, 1993). Similarly, less than 200 international observers were deployed to cover 7000 polling stations. Rutten et. al (2000), therefore, posits that coordination by the foreign missions was minimal and furthermore, that neither the foreign nor local observer groups had the capacity nor the resources to comprehensively investigate rigging allegations. Consequently, they reported only the most blatant and easily verifiable irregularities. Thus, at the end of the 1992 general elections, international election observation teams issued final statements generally indicating that the election proved difficult to evaluate in terms of the extent to which it could be termed free or fair, evident from the onset that certain aspects of the election were not fair. The aspects, therefore, included; the voter registration process in much of the country, lack of transparency on the part of the electoral commission, and intimidation, administrative obstacles, and violence during the political campaign (Rutten et. al, 2000). However, the international observation teams stressed the inexperience of the electoral commission, the enthusiasm of millions of voters turning out to vote and, therefore, concluded that the 1992 general elections constituted a giant step on the road to multiparty democracy.

On the other hand, local election observer groups had united under the National Election Monitoring Unit (NEMU), which trained and deployed between 7500 and 10000 domestic observers throughout the country. Therefore, their judgement of the actual elections was more critical than that of the international observation teams. Thus, according to (Barkan; 1993, Mulei; 1996, and NEMU; 1993), the 1992 general elections in Kenya were characterized by widespread allegations of irregularities, such as the stuffing of ballot boxes, destroying of opposition votes, and count rigging. Therefore, immediately after the election day, the largest monitoring team, the National Elections Monitoring Unit (NEMU), declared that the elections

had been seriously compromised, and in its final report, thus concluded that the 1992 general elections were neither free nor fair (Geisler, 1993). Therefore, in preparation for the observation of the 1997 general elections, the donor community concluded that a more coherent and thorough approach was needed to reach an objective overall judgement regarding how elections are conducted.

2.4 Election observer missions and the 1997 general elections

Ahead of the 1997 general elections, initiated and coordinated by the Dutch embassy in Nairobi, and chaired by the Canadian embassy, a group of 22 donor countries, including Britain, Germany, the United States, France, Japan, and the Scandinavian countries formed the Donors Democratic Development Group. The Donors Democratic Development group was formed in order to monitor the entire electoral process, including critical phases such as voter registration, party primaries, and nomination of candidates, political campaigns, the actual voting, and counting of votes. The group, therefore, emerged out of the conviction that electoral manipulation had taken place in 1992, perhaps not so much during the actual elections, but during the pre-election period. Consequently, a group of researchers from various donor countries, under the umbrella of the Election Observation Centre (EOC), as well as teams from Western diplomatic missions undertook the actual monitoring. The monitoring team, thus followed voter registration, party primaries, and nomination of candidates in select districts across the country, attended campaign rallies, visited polling stations on election day, and monitored vote counting across the country.

At the national level, the 1997 general elections was observed by a team, funded by several Western donor countries, under the motto, Together for Peaceful Elections, and comprised of among others; the National Council of Churches in Kenya (NCCCK), the Institute for Education in Democracy (IED), and the Catholic Justice and Peace Commission (CJPC). The team, therefore, observed the actual election, deploying over 28,000 watchers, working in teams of two in all the 210 electoral constituencies and teams of three present at the counting centres, and similarly deployed 840 monitors to observe the voter registration, the nomination process, the campaigns and the role of the media (Foeken et. al, 2000). Upon the conclusion of the elections, the Together for Peaceful Elections team reported on many irregularities observed during the nomination process and political campaigns, such as bribery and vote buying, particularly by the ruling party. However, the team reported that the actual voting and the vote counting process had taken place in a largely satisfactory manner. Therefore, the team

concluded that despite the many irregularities and the chaotic character of the elections, the results reflected the wishes of the voters, while, however, recommending that the institutional bias for the ruling party KANU, such as the domination of the state media and the unfair delineation of electoral constituencies, needed to be seriously addressed (Foeken et.al, 2000).

Domestic election monitoring groups such as the Kenya Human Rights Commission (KHRC) and the Citizens Coalition for Constitutional Change (4Cs) were, however, more critical of the 1997 general elections, thus rejected the results as null and void, and demanded fresh elections. On the other hand, the Donors Democratic Development Group (DDG) final report mentioned irregularities during various stages of the electoral process, such as the millions of potential voters not registered. Similarly, the report mentioned a number of grave problems; cases of misprints and omissions of candidates' names on the ballot papers, bribery and vote buying were common even on election day, while noting that the vote counting was generally conducted in a fair and transparent manner, however, with significant delays (DDD,1998 Final Report). In spite of the irregularities and problems reported, the Western donor countries under the umbrella of the European Union announced that it had accepted the results of the general elections, and described it as a further step in Kenya's development towards greater democracy. However, the European Union further noted that the elections fell short of normal democratic standards, due to incidents of violence, bribery and voter intimidation, incomplete voter registration, and the media, controlled by the state not providing balanced coverage.

2.5 Election observer missions and the 2002 and 2007 general elections

During the 2002 general elections, the electoral commission accredited 45000-election observers, 40000 of whom were domestic and 5000 foreign, whereby the domestic observers coalesced around a single entity named the Kenya Domestic Observation Programme (K-DOP). The international observers on the other hand included the Commonwealth Observer Group, the European Union Elections Observation Mission (EUEOM), the Carter Centre, USAID/US Embassy, the British High Commission, the African Union, and the Donors for Development and Democracy Group. The international observers all collaborated in their election observation activities, and at the end of the elections, despite some minimal irregularities, all returned a verdict of free and fair elections (Kanyinga, 2014). For instance, the European Union election observer mission reported that preparations for the election were generally well conducted by a well-equipped and competent electoral commission that undertook a voter education programme prior to the elections. Serious concern was, however,

raised by the voter registration process, which needed imminent improvement, thus recommendation made to the electoral commission to improve the accuracy and integrity of the voter register, using the imminent introduction of continuous voter registration (Kenya: Final EU Observation Report, 2002).

The Kenyan Domestic Observation Programme (KDOP), on the other hand, deployed roughly 20000 observers, inclusive of both short and long-term observers, and provided pre-election, election-day and post-election reports. Therefore, Abukachi (2001) argues that the role played by the Kenya Domestic Observation Programme during the 2002 general elections can be best described as extensive, intensive, and systematic, and furthermore, gave citizens greater opportunity to participate and own the election observation process. The Kenya Domestic Observation Programme deployed approximately 20000 citizens as poll watchers across the country's eight provinces, 70 districts, 210 constituencies and 2112 wards, covering every polling station and polling stream available. Similarly, the observation programme participated at every level of the electoral process; from registration of voters and candidates, through the campaign, the voting and the count, the public declaration of results, and the instalment in office of the elected political leadership (Olaleye, 2003). At the end of the comprehensive election observation exercise, therefore, the Kenyan Domestic Observation Programme released a report describing the 2002 general elections as free and fair.

The 2007 general elections on the other hand, saw the electoral commission accredit approximately 25000 observers, including 15000 Observers under the Kenya Domestic Observation Forum (KEDOF). The internal observers on the other hand included the European Union, International Republican Institute, the East African Community, COMESA, and the Commonwealth observer missions, which deployed observers well in advance of the election day and similarly, post-election. Compared to previous general elections, the 2007 general elections, particularly saw a significant decrease in the number of both local and international observers, since based on the peaceful transfer of power in the 2002 general elections; it was deemed that Kenya had already crossed the Rubicon in the holding of free and fair elections (Kanyinga, 2014). The various observer missions were united in their findings that the conduct of the electoral process until Election Day was credible, with the administration of the elections largely professional on a technical level, up to and including voting and vote counting in the polling stations. However, regarding tallying, tabulation, and announcement of results, the

observer missions noted that the administration of the 2007 elections did not meet key regional and international standards for transparency in the conduct of elections (Kanyinga, 2014).

The observer missions, particularly noted a lack of transparency in the processing and tallying of results which, therefore, undermined confidence in the accuracy of the results of the presidential elections; the electoral commission had not succeeded in establishing the integrity of the results, thus bringing the validity of the results into question and, therefore, the observer missions returned the verdict that the 2007 elections were not free and fair. Consequently, the Commonwealth and the European Union election observer missions recommended the introduction of provisions for the conduct of a second round of a presidential election, continuous improvements to the voter register, and an overhaul of the tallying and announcement of results processes to ensure greater transparency, including developing a time-frame for the announcement of results, and that the appointment of electoral commissioners be subject to screening and approval by parliament in order to strengthen the independence of the electoral commission and to further insulate it against political interference (Kenya: Final Commonwealth and EU Observation Reports, 2007).

2.6 Election observer missions and the 2013 and 2017 presidential elections

The prevailing electoral climate during the 2013 general elections was largely shaped by the 2007 elections and the resultant post-election crisis, whereby a dispute over fraudulent presidential election results, lent credibility by observer mission reports and statements, was perceived to have been the catalyst for the emergent post-election violence. Therefore, influenced by the prevailing electoral climate, both domestic and international observer missions' reporting on the elections could have been compromised to filter out information considered detrimental to the need for violence mitigation by electoral stakeholders (Kamencu et. al, 2014). A host of domestic and international observer missions including; ELOG Kenya, Kenya Human Rights Commission, Coalitions of civil society and grassroots observers, the EAC, AU, IGAD, COMESA, and the EU and the Carter Center observer missions, observed the election.

The observer groups undertook a comprehensive observation of the election, covering the pre-election phase, election day, and the post-election phase while, however, laying greater emphasis on election day irregularities such as the failure of the electronic voting technology, double voting, voter bribery, and the issuance of multiple ballots for the presidential race. ELOG Kenya election observer mission for, instance, observed that the elections faced

challenges and even serious failures in technology. It, therefore, recommended the establishment of procedures on the procurement of electronic voting technologies, with the procurement procedures and process similarly made transparent, open to public scrutiny, completed within specific timelines, and adequately tested and subjected to an independent audit before full rollout (Kenya: Final ELOG Kenya Observation Report, 2013). However, Kamencu et. al (2014), argues that, influenced by the prevailing electoral climate and the need to mitigate against post-election violence, the observer missions' final reports glossed over the observed irregularities, thus compromising their findings, by not reporting electoral irregularities that could raise tensions among Kenyans.

The 2017 general elections on the other hand, attracted a significantly large number of election observers, approximated at 10000 observers, from a variety of international, regional, and domestic election observer missions. At the international level, therefore, the observer missions included the African Union, Commonwealth, European Union, Carter Center, and the National Democratic Institute. Regional organizations within the African continent, such as the International Conference of the Great Lakes Region (ICGLR), East African Community (EAC), and the Intergovernmental Authority on Development (IGAD), similarly deployed election observers to Kenya's 2017 general elections. On the domestic front, the Election Observer Group (ELOG) Kenya, a citizen observer group, deployed approximately 7000 observers. At the end of the electoral exercise, the observer missions consequently issued statements on their assessment of the elections, largely praising the conduct of the elections.

Thus, ELOG Kenya for, instance, while noting various forms of electoral malpractices such as the falsification of figures in the results declaration forms, failure to countersign the forms in certain polling stations, and the failure of the results transmission process, however, reported that the malpractices were limited in scale and, therefore, affirmed the elections. Nevertheless, ELOG Kenya noted that the findings significantly reflected the recommendations made following the 2013 general elections, with a number of technical issues and concerns recurring. It, therefore, recommended greater accountability and transparency in the electoral management of the elections, and electronic transmission of results, and secondly; the enhancement of public trust and confidence in the electronic management system and voting kits, through open public scrutiny, testing of the system and kits, and an assurance of their functionality (Kenya: Final ELOG Kenya Observation Report, 2017).

Furthermore, whereas the election observer missions to the 2017 general elections in Kenya largely praised the conduct of the elections, as results streamed to the national tallying centre for the presidential election results, however, the opposition National Super Alliance (NASA) disputed the results, particularly alleging that the Kenya Integrated Election Management System (KIEMS) had been hacked and the results manipulated in favour of the incumbent. Consequently, the NASA coalition filed a presidential election petition in Kenya's Supreme Court, challenging the election of the incumbent president. In an unprecedented decision, the Supreme Court nullified the presidential elections, citing illegalities and irregularities in the transmission of the results and thus, ordered fresh presidential elections within 60 days. The Supreme Court decision, particularly, came as a surprise to election observer missions, especially, given that their preliminary statements did not highlight electoral irregularities on the scale that would warrant the nullification of presidential election results. Consequently, the nullification of the presidential election results brought election observer missions to sharper focus, particularly renewing scrutiny on their mandate, capacity, and conduct, and similarly, on the role and efficacy of election observation.

Since the emergence of the doctrine of election observation in Kenya at the return of multiparty in 1992, election observer missions have continued to make significant contributions to Kenya's democratic development particularly, as a democratizing influence on the country's presidential elections. Beginning with the 1992 general elections, therefore, subsequent presidential elections in the country have been observed by a combination of domestic, regional, and international election observer missions. Observing the pre-election phase, the election-day, and the post-election phase, election observer missions have, over the years, thus issued statements and similarly, released election observation reports capturing different aspects of the electoral process, as well as containing recommendations towards improving the electoral process.

The historical perspective of election observer missions in Kenya, therefore, presents two contradictory perspectives whereby on one hand, they have boldly issued statements, released election observation reports detailing various flaws and irregularities detected during Kenya's presidential elections and similarly proceeded to provide a holistic assessment of the electoral process. On the other hand, influenced by a politically sensitive environment, as well as considerations around political and strategic interests, the election observer missions have compromised reporting of their election observer findings by particularly, downplaying the

flaws and irregularities detected, and thus, providing positive assessments to otherwise, significantly flawed electoral processes, for example, the country's presidential elections in 1992, 1997, 2013 and most recently, the 2017 presidential elections; nullified by the country's Supreme Court.

CHAPTER 3: METHODOLOGY

3.1 Methodology and Research Design

This research methodology chapter is covered under the following subtopics; methodology, research design, data collection methods, target population, sampling design and techniques, data collection instruments, data analysis, reliability, validity, and ethical consideration.

3.2 Methodology

The study is a qualitative study based on both primary and secondary sources. The study, therefore, utilized qualitative approaches to collect both primary and secondary data, with the primary data collected through key informant interviews and the secondary data through archival/library research of existing scholarly publications and relevant election observer reports.

3.3 Research Design

The study adopted the longitudinal research design due to its appropriateness in studying phenomena over a period of time, particularly given that the contribution of election observer missions to the realization of democratic elections in Kenya is a long-term process that can be best explained longitudinally. With the study focused on Kenya's presidential elections over a period of time, spanning the 2013-2017 presidential elections, to best understand the contribution of election observer missions, therefore, requires an analysis of the phenomena over a period of time, traced back to the country's first multiparty presidential elections in 1992.

3.4 Methods

In carrying out the research, the study used both primary and secondary data. The study employed the archival/desktop method for the acquisition of secondary data, which included data from existing publications or textual material such as books, relevant journal articles, and election observer reports. Primary data on the other hand was obtained through the interview method, key informant interviews with key informants with expert knowledge on Kenya's elections; presidential elections and electoral history and the contribution of election observer missions thereon. Particularly significant, therefore, were the relevant election observer missions' reports on Kenya's presidential elections over the course of the period of study from the 2013 to the 2017 presidential elections, gathered through archival/desktop research. The election observer missions' reports were similarly, supplemented with key informant

interviews. The key informants were selected through purposive sampling, and drawn from the 3 relevant election observer missions under study (ELOG Kenya, Commonwealth and European Union election observer missions), academics-scholars/experts on Kenya's elections; presidential elections and electoral history and the contribution of election observer missions thereon, Kenya's election management bodies, political parties, and civil society. Questions addressing the study's objectives and research questions were then posed to the key informants, the interviews transcribed, and the qualitative data obtained then analysed thematically.

3.5 Target Population

The target population of the study were respondents with expert knowledge on Kenya's elections; presidential elections and electoral history and the contribution of election observer missions thereon, selected through purposive sampling, and drawn from segments such as the 3 relevant election observer missions under study (ELOG Kenya, Commonwealth and European Union election observer missions), academics-scholars/experts on the subject matter under study, Kenya's election management bodies, political parties, and civil society.

3.6 Sampling Design and Techniques

The study adopted a non-probability sampling technique, specifically purposive judgemental sampling due to its appropriateness in selecting a target group of interest based on its knowledge and expertise on a subject. Therefore, through purposive judgmental sampling, the researcher arrived at a select group of 15 individuals with expert knowledge in the area under study, to serve as respondents for the key informant interviews. The study particularly focused on three election observer missions that have observed Kenya's presidential elections over time, including during the period of study, categorised into international and domestic. The study, therefore, narrowed down on two international; Commonwealth and European Union election observer missions, and one domestic, chosen on the basis of being the only permanent domestic election observer group/mission in Kenya; the Elections Observer Group (ELOG) Kenya. Interviews were, therefore, conducted with key informants drawn from the 3 election observer missions under study(3), academics-scholars/experts on Kenya's elections; presidential elections and electoral history and the contribution of election observer missions thereon(5), Kenya's election management bodies(1), political parties(2), and civil society involved in matters elections(4), bringing the total number of interviews to 15.

3.7 Data Collection Instruments

The study involved both primary and secondary data. Secondary data sources included relevant scholarly publications on election observer missions and democratic elections, and relevant election observer reports by select election observer missions to Kenya over the years. Secondary data was, therefore, collected through a combination of archival/desktop research of relevant research articles, journals, and textual materials, whereas primary data was collected through interviews specifically; key informant interviews conducted using interview schedules containing a set of questions fielded to respondents with a view to achieving the study's objectives.

3.8 Data Analysis

The conclusion of the study was generated from the qualitative data. For ease of analysis, the data collected was organized and structured thematically, in line with the research questions and objectives sought by the study. Consequently, the study used content analysis procedures and guidelines to thematically describe, interpret, and present the data obtained from the study.

3.9 Reliability

The study utilized structured interviews aimed at answering the research questions, fulfilling the study objectives and, thus helping seal the knowledge gaps. Therefore, copies of the interview guide were shared with experts in the field of study to ascertain the appropriateness and adequacy of the research instruments, and to similarly, incorporate the suggestions by the experts regarding the structuring of the interview guides.

3.10 Validity

The validity of the data obtained on the other hand, was assessed through triangulation; cross checking sources of information. Therefore, the researcher triangulated and crosschecked information obtained from primary sources with the existing secondary data. This ensured that the information obtained was objective, and not biased.

3.11 Ethical Issues

The research was conducted in line with the code of conduct governing academic/scientific research in Kenya. A number of procedural ethical practices were, therefore, undertaken beginning with obtaining an introductory letter or letter of authorization from the department of Political Science and Public Administration, University of Nairobi. The introductory letter or letter of authorization was, consequently presented in the course of the field research, which

was conducted in strict adherence to research ethics, including earning participant consent, and ensuring confidentiality.

CHAPTER 4: DATA ANALYSIS, PRESENTATION, AND DISCUSSION

4.1 Introduction

The chapter presents the data analysis, presentation and discussion of the findings based on the specific objectives of the study. The chapter is, therefore, organized into sections based on the three objectives of the study, with each objective forming a section on which the analysis and discussion of the findings will be based. The sections, thus set out by first presenting hypotheses against which there will be specific questions in order to address each objective, followed by a presentation, analysis, and discussion of the responses to yield the findings.

The main research objective of the study was to examine the contribution of election observer missions to the realization of democratic elections in Kenya. The specific research objectives were thus; to examine whether election observer missions, improve the transparency of presidential elections in Kenya, to establish whether election observer missions boost public confidence in presidential elections in Kenya, and to investigate whether election observer missions confer legitimacy to presidential elections in Kenya. The corresponding hypotheses on the other hand were; election observer missions improve the transparency of presidential elections in Kenya through an enhanced likelihood of fraud detection, election observer missions boost public confidence in presidential elections in Kenya through a deterrent effect on electoral fraud, and election observer missions confer legitimacy to presidential elections in Kenya through the guarantee of both domestic and international recognition, respectively.

4.2 Election Observer Missions and Transparency of Elections

The first objective of the study was to examine whether election observer missions improve the transparency of presidential elections in Kenya. In order to address the objective, the study hypothesised that; election observer missions improve the transparency of presidential elections in Kenya through an enhanced likelihood of fraud detection. Therefore, with a view to addressing the research objectives, a number of questions were posed as captured in the subsequent subsections herein.

4.2.1 What are the roles of election observer missions in terms of transparency? Please outline

In response to the question, respondent, 7 stated:

“By pointing out and highlighting the shortcomings of an election, election observer missions can deter manipulation and fraud in the initial stages of the electoral process.”

Whereas, respondent 10 opined:

“election observer missions similarly provide a check against election day electoral malpractices.”

Respondent 5 on the other hand observed:

“Election observation can lead to the correction of identified errors or weak practices, even while an election is still underway.”

Table 4.2.1 Roles of election observer missions in terms of transparency

Respondents	Summary of Responses
7,10	Deterred manipulation and fraud Insulated against election day malpractices
5	Led to the correction of identified electoral errors

Source: Field data, 2021

Table 4.2.1 above presents a summary of responses on the role of election observer missions in regards to the theme of transparency of elections. It thus shows that a majority of the respondents interviewed, 66%, identified the deterrence of manipulation and fraud in the initial stages of the electoral process and the insulation against election day malpractices through election observer missions pointing out and highlighting the observed shortcomings in an election, as the most outstanding roles of election observer missions in regards to transparency of elections. Similarly, 34% of the respondents interviewed, identified election observation as critical to the correction of electoral errors identified in the course of an electoral process.

The respondents above offer insights into the critical role of election observer missions in contributing to the realization of transparency in elections, further offering additional insights into how election observer missions to Kenya have contributed to improving the transparency of elections. Cumulatively considered, the summary of the responses highlighted above, demonstrate a convergence towards the theme of improvement of the transparency of elections. Therefore, the responses indicate that through pointing out and highlighting the shortcomings in elections, observer missions to Kenya have been able to contribute to the deterrence of pre-election day manipulation and fraud, and similarly insulated against election- day electoral irregularities. Further, through election observation, election observer missions to Kenya have similarly made it possible for the correction of electoral flaws detected within the preliminary stages of the electoral process; and, therefore, cumulatively contributed to improving the transparency of elections in Kenya.

4.2.2 What influence do election observer missions have on the transparency of elections in terms of public scrutiny?

In response to the question, respondent 3 stated:

“Elections are public; belong to the people, so election observer missions ensure there is transparency across different electoral processes such as voting and tallying. Thus, for example, by election management bodies accrediting election observers and party agents, boosts transparency in elections.”

Respondent 8, on the other hand noted:

“Election observer teams go out to different parts of the country observing different activities such as the IEBC voter registration process, get information on how the process is progressing, analyse and periodically share notes with the public and other stakeholders keen on advocacy. Furthermore, in engaging with election management bodies, election observer missions are particularly well versed in governance issues, having worked with experts across different jurisdictions and thus able to thoroughly scrutinize, with a partnership with the media similarly opening up the electoral process to further scrutiny.”

While respondent 9 stated:

“Election observation by domestic groups, otherwise referred to as monitors, encourages civic involvement in the political process and more scrutiny on the process.”

Table 4.2.2 The influence of election observer missions on the transparency of elections in terms of public scrutiny

Respondents	Summary of Responses
3	Ensured transparency in voting and tallying Accreditation of election observers and party agents by the election management bodies boosted transparency
8	Provided public updates on electoral processes Ensured thorough scrutiny of the electoral process
9	Encouraged civic involvement and additional scrutiny of electoral processes

Source: Field data, 2021

Table 4.2.2 above presents a summary of responses on the influence of election observer missions on the transparency of elections in Kenya. Therefore, 33% of the respondents interviewed, highlighted that election observer missions have ensured transparency in different electoral process such as voting and tallying, with the election management body (IEBC)'s accreditation of observers and party agents having further boosted transparency in the elections. On the other hand, a further 33% of the respondents interviewed, noted that based on experience across different jurisdictions and through engaging the election management body, and a partnership with the media, the election observer missions have provided public updates on the electoral processes, and similarly opened it up to thorough public scrutiny. In the same vein, a final 33% of the respondents reported that election observation by domestic election observer groups has encouraged civic involvement in the country's political processes and similarly increased scrutiny on the electoral processes.

4.2.3 In what ways do election observer missions contribute to the transparency of elections, in terms of public scrutiny?

In response to the question, Respondent 12 stated:

“Election management bodies open up to scrutiny by domestic and international observers, however, there is a need to share the data and findings with the public and electoral stakeholders.”

While respondent 7 remarked:

“Election observer missions ensure that agreements with the election management body align with the observer mission objectives, and subsequently share their findings with the public.”

Respondent 11 on the other hand observed

“Election observer missions scrutinize the various stages of the electoral process; before, during and after elections, and in each stage pointing out shortcomings and areas that require improvements.”

Whereas respondent 6 observed:

“Of particular importance, can be whether the rights of citizens to assemble and express their rights of association and assembly are adhered to, including during voter registration and civic education, political party campaigns, voting days, among other stages of the electoral process.”

Table 4.2.3 Ways in which election observer missions have contributed to the transparency of elections in terms of public scrutiny

Respondents	Summary of Responses
12	Facilitated scrutiny of election management bodies
7	Publicized data and findings
6,11	Ensured comprehensive scrutiny of the electoral process Highlighted the shortcomings and requisite improvements to the electoral process

Source: Field Data, 2021

Table 4.2.3 above presents a summary of responses to the ways in which election observer missions have contributed to the transparency of elections in Kenya. 25% of the respondents noted that election observer missions have led to election management bodies opening up to scrutiny. On the other hand, 25% of the respondents highlighted that election observer missions have ensured that their terms of engagement with the election management body align with the observer mission objectives, and similarly, further shared their observer findings with the public. Similarly, 50% of the respondents reported that election observer missions have comprehensively scrutinized the electoral process; scrutinized various stages before, during and after elections, and in each stage pointed out the observed shortcomings and the requisite improvements to the electoral process.

The findings above highlight the integral contribution of election observer missions to transparency in elections, particularly, through the facilitation of a comprehensive scrutiny of the electoral process to among other issues, ensure compliance with the relevant laws and policies. The findings, therefore, closely align with Kibara et. al (2003) who posits that election observation is premised on the need to create transparency and accountability in the electoral process. Therefore, there is general consensus that public processes should be subjected to scrutiny to ensure they are carried out as provided for in the relevant laws and policies. Election observation, thus provides for an independent audit of the electoral process with a view to passing judgement on the appropriateness or otherwise of the process.

4.2.4 Do election observer missions reduce the likelihood of fraud during elections? If yes, in what ways?

In response to the question, respondent 4 noted:

“Election observer missions can reduce the likelihood of fraud during elections, if the identified irregularities are raised with the key elections management bodies, including the electoral body, judiciary and the security department, and solutions are sought towards addressing them, including cancellation of results and the conduct of fresh elections.”

While respondent 13 observed:

“The presence of observer missions, especially, international observer missions makes the election management bodies to pull up their socks, particularly cautious of the scrutiny and risk of exposure by the observer missions thus, making the election management bodies guard against electoral fraud.”

Respondents 6 on the other hand noted:

“The presence of election observer missions alone gives the host government homework to do the right thing. For instance, the presence of election observer missions changes the landscape, and through sounding an alarm on the build-up of electoral fraud, has the potential to circumvent an incumbent’s plans to rig elections. In Kenya for, instance, international election observer missions such as SADC, COMESA can sound an alarm to the IEBC on the need to act appropriately while similarly sounding the alarm on any sense of impartiality.”

Respondent 5 remarked:

“Election observer missions deter electoral fraud in three ways; Deterrence, Delay, and Documentation. Deterrence; Deter electoral fraud through the ability to make detections of fraud, making it possible for action to be taken by stakeholders. Delay; Vigilance based on numbers; the presence of election observer missions on election day ensures scrutiny thus ensures deterrence of electoral fraud. Documentation; through the traditional checklist and the first system of reporting such as through sms, electronic feedback and situation rooms, and involving other stakeholders, including election management bodies and the police, incident reporting, proactively addresses security threats to the electoral process. Furthermore, observers on the ground do reduce the incidents of fraud during the elections themselves.”

Whereas respondent 3 observed:

“Observer missions sign documentation at the beginning of elections, during counting, and only sign the true results since observers cannot sign against anomalies in the election results.

Similarly, respondent 7 opined:

“Observer missions insulate against electoral fraud, sound the alarm on the IEBC, especially, on the competence of the election management body; without which there would be no transparency and accountability. Election observer missions are thus critical in that they

sound an alarm on electoral malpractices, with reports generated consequently shared with stakeholders.”

Table 4.2.4 How election observer missions have reduced the likelihood of fraud during elections

Respondents	Summary of Responses
4	Identified irregularities, raised them with relevant election management bodies and sought resolutions
13	Ensured election management bodies guard against electoral fraud
6	Presented the capacity to insulate against pre-election fraud
5	Ensured scrutiny thus led to the detection and deterrence of electoral fraud
3, 7	Insulated against electoral fraud Sounded the alarm on electoral malpractices and further publicized the relevant reports

Source: Field Data, 2021

Table 4.2.4 above presents a summary of responses on how election observer missions have reduced the likelihood of fraud in elections in Kenya. Therefore, 16.7% of the respondents noted that election observer missions have often identified irregularities within Kenya’s elections, raised them with the key election management bodies, such as the country’s electoral body (IEBC), and further advocated for relevant solutions. On the other hand, 16.7% of the respondents reported that the presence of international observer missions and the attendant risk of scrutiny and exposure has particularly made the election management bodies to pull up their socks, and thus guarded against electoral fraud.

Similarly, a further 16.7% of the respondents noted that election observer missions have sounded the alarm to the country’s electoral commission (IEBC) on the need to act appropriately, especially, in addressing observed impartiality, thus circumvented irregularities in the electoral process. A further 16.7% of the respondents reported that election observer missions have ensured scrutiny of the electoral process, thus led to the detection and deterrence of both pre-election and election day electoral fraud. A final 33.3% of the respondents on the other hand noted that election observer missions have insulated against electoral fraud and

sounded an alarm on observed electoral malpractices and the competence of the election management body (IEBC), thus ensured transparency and accountability.

The findings above provide insights into how election observer missions have contributed to the reduction of the likelihood of fraud during elections in Kenya. Kibara et. al (2003), thus, augments the findings, and argues that election observation is premised on the need to deter electoral fraud and malpractices. Therefore, the presence of election observers, to some extent, serves to deter those who would be inclined to engage in fraudulent conduct, by shaming them, exposing them to the threat of their conduct being reported to relevant authorities, and exposing them to public condemnation or international scorn.

4.2.5 In what ways do election observer missions enhance the integrity of elections, in terms of transparency and credibility?

In response to the question, respondent 11 observed:

“Measurement of the credibility of an election rests on its integrity. Thus, leading to questions such as how has the election been conducted, is everything above board, do the elections conform to the laid down framework, and aspirations of the people? Therefore, election observer missions enhance integrity in elections by ensuring that the laid down framework on elections is respected, wishes and objectives realized, and the outcome reflects the aspirations of the voters as expressed. Furthermore, regarding parameters; is the election complying with the law; voter registration should be as inclusive as possible; how inclusive, accessible, participatory, and transparent was the process? If a majority of the boxes or checklists tick, then the integrity question is answered based on how everything is conducted, based on the objectives on the laid out plans of the elections.”

Respondent 9 on the other hand stated;

“Election observer missions, enhance the integrity of elections by interacting with other groups; electoral stakeholders, that are involved in the electoral process such as civil society, media, and the general public to gauge their opinion on how the various stages of the electoral cycles were conducted. In this case, their views feed into an understanding of the whole process.”

Similarly, respondents 4 remarked:

“Election observer missions observe elections in the short term, on voting day as well as in the long term. For, instance, the EU long term observer mission to Kenya’s 2022 general elections is already in Kenya. The early arrival makes them understand the landscape such that

by the time the short- term mission arrives around August next year and hits the ground running, they will access the voting centre, and would be similarly present during vote counting to observe whether the results would be a true reflection of the voters’ will.

Whereas respondent 15 stated:

“Press conference statements to give independent assessments of the entire electoral process sound an alarm not only to the host state but to the election management body as well. For, instance, if polling opens late then the observer missions will be keen on checking whether there is room for compensation so as to ensure that the last person on the voting queue ultimately gets to vote. If not, then the observer missions will sound the alarm on such and other observed electoral irregularities.”

While respondents 1 observed:

“Election observer missions sound their presence on the host country such that if not acting in the right way, then they would report their findings.

Respondent 3, on the other hand opined:

“International observer missions by themselves, create some form of high-class media attention, given that some of the heads of missions are former heads of states. Thus, if the ruling government attempts to implement a media shut down or bar opposition access to the media, then the presence of such observer missions offers a buffer.”

Table 4. 2. 5 How election observer missions have enhanced the integrity of elections, in terms of transparency and credibility

Respondents	Summary of Responses
11	Ensured the laid down framework on elections is respected and objectives realized
9	Enhanced the integrity of elections through interactions with and gauging the opinion of electoral stakeholders on the conduct of various stages of the electoral process

4, 15	Guarded against and similarly sounded the alarm on electoral irregularities Press statements sounded the alarm on observed malpractices
1, 3	Offered a buffer against electoral irregularities through reporting on findings High class media attention around international observers offered a buffer against malpractices

Source: Field Data, 2021

Table 4.2.5 above presents a summary of responses on how election observer missions have enhanced integrity in elections in Kenya. Therefore, 16.7% of the respondents noted that election observer missions have enhanced integrity in elections in Kenya by ensuring that the elections conform to the laid down framework on elections and the objectives are realized. On the other hand, 16.7% of the respondents reported that through interacting with and gauging the opinion of electoral stakeholders on the conduct of different stages of the electoral process, with the opinions feeding into the observers’ understanding of the electoral process, election observer missions have thus enhanced integrity in elections in Kenya. Similarly, a further 33.3% of the respondents noted that election observer missions to Kenya have often given independent assessments of the entire electoral process, and similarly sounded an alarm to the host state, the election management body (IEBC), and on the observed electoral irregularities. In addition, a final 33.3% of the respondents noted that election observer missions to Kenya, especially, international observer missions, due to the attendant high-class media attention, have often offered a buffer against electoral irregularities.

4.2.6 In what ways have election observer missions influenced electoral laws and policies? Has this improved the integrity of the electoral process, in terms of transparency and credibility?

In response to the question, respondent 14 observed:

“Election observer missions have influenced electoral laws and policies and, therefore, improved the integrity of the electoral process in a number of ways. For, instance, through recommendations mainly touching on election management and the election management body; the recommendations made following the 2013 elections, for example, created some room for improvement such as continuous voter registration in 2017, more constituencies, and a pre-assessment of the elections technology, so that the 2017 elections was an improvement

based on the recommendations made in 2013. In addition, Kenya has made very high levels of investment on election technology and has thus been implementing different aspects of election technology in voter registration and voting, so that the recommendations made in 2013, were implemented in the 2017 elections. Furthermore, the 2017 nullification of the presidential election results by Kenya's Supreme Court is indicative of the progress Kenya has made. Therefore, if a country implements the recommendations made by election observer missions, then it offers positive results for, instance, Kenya's adoption and implementation of election technology.''

Respondent 3 observed:

“Election observer missions have influenced electoral laws and policies and, therefore, improved the integrity of the electoral process. Election observer missions' documents give recommendations on what needs to be improved such as addressing policy, legal and administrative issues around conducting elections. For instance, based on the recommendations by ELOG Kenya following the 2013 and the 2017 elections in Kenya, a number of policy and legal recommendations have been implemented. Thus, laws have changed; ELOG Kenya has issued memoranda to parliament, when required to provide input around elections legislation, processed thinking on bills and legislations and consequently, submitted to parliamentary committees, and similarly shared notes and even reviewed input by the registrar of political parties. Furthermore, consolidated recommendations by different election observer missions after the 2017 elections in Kenya, came up with a single document that has since, been sold to various stakeholders around elections, shared and articulated facts, and consequently picked up in terms of advocacy and legislation.''

Respondent 11 noted:

“Election observer missions have influenced electoral laws and policies and similarly improved the integrity of the electoral process in a number of ways. Thus, the recommendations provided do go a long way in improving the holding of future electoral processes, if governments and in particular electoral management bodies are willing to implement the recommendations or findings of the election observation.

Similarly, respondent 5 observed:

“Follow up can be done by the election observer group to assess if the recommendations provided were implemented by the relevant governments.''

While respondent 7 stated:

“Election observer missions issue preliminary statements on findings even as vote counting continues, post- election statements after declaration of results, and observer reports

with recommendations handed to the host state, with policy and legislative proposals towards improvement of elections. Thus, following elections, reports and recommendations by observer groups can lead to changes and improvements in the national laws, legislations and practices.’’

Table 4.2.6 How election observer missions have influenced electoral laws and policies and improved the integrity of the electoral process, in terms of transparency and credibility

Respondents	Summary of Responses
11, 5	Election observer recommendations have led to improvement in elections management and subsequent electoral processes Through follow up, observer groups have been able to confirm the status of implementation of observer recommendations
14, 3,7	Observer recommendations have addressed requisite improvements to the legal, administrative and policy issues around elections and led to changes and improvements in electoral laws and practices

Source: Field Data, 2021

Table 4.2.6 above presents a summary of responses to how election observer missions have influenced electoral laws and policies, and improved the integrity of the electoral process. Therefore, 40% of the respondents reported that election observer missions to Kenya have often given recommendations mainly touching on election management, which on being adopted and implemented, have consequently led to improved elections management and electoral processes. For, instance, the recommendations made following the 2013 elections, for example, created some room for improvement such as continuous voter registration in 2017, more constituencies, and a pre-assessment of the election technology, so that the 2017 elections was an improvement based on the recommendations made in 2013.

On the other hand, 60% of the respondents noted that election observer missions have often handed observer reports with recommendations to Kenya, with policy and legislative proposals towards improvement of elections. Therefore, the election observer missions have given recommendations on what needs to be improved in terms of addressing various policy, legal and administrative issues around conducting elections. For, instance, based on the recommendations by ELOG Kenya following the 2013 and the 2017 elections in Kenya, a number of policy and legal recommendations have since been implemented which have seen changes made to the country’s legislations on elections.

The findings above, therefore, reinforce the premise that election observer missions to Kenya have played a number of critical roles, which have cumulatively engendered transparency in the country's elections. Whereas previously, at the emergence of the doctrine of election observation, the detection capabilities of election observer missions were largely limited to overt electoral irregularities such as ballot stuffing, the detection of electoral fraud has over time evolved, so that standardization of election observation has largely moved towards an electoral cycle approach. Therefore, through the electoral cycle approach, election observer missions to Kenya have, over time, advanced their overall capacity for observing elections as well as for the detection and deterrence of electoral fraud. Consequently, in addition to the significant amount of emphasis put on the election day, the election observer missions have similarly focused on other pre and post-election aspects and processes, cumulatively integral to the overall transparency of elections in Kenya.

Therefore, election observer missions to Kenya have mainly contributed to transparency in the country's elections through vigilance, a comprehensive scrutiny of the electoral process, and advocacy towards improvement of the country's elections management. Thus, through vigilance, the election observer missions have opened up to and similarly, increased public scrutiny of the country's electoral process, and thus provided regular public updates on their assessments of the electoral process. Further, through vigilance, the observer missions have contributed to the detection and deterrence of manipulation and fraud in the initial stages of the electoral process. The finding, therefore, concur with Nginya (2018), who quoting Hyde and Marinov (2008), postulates that the presence of long-term election observer missions in the preparatory phases of the electoral process is particularly pivotal to the effective organization of elections, especially, since it dissuades players from engaging in pre-election irregularities.

In addition, the presence of international observer missions and the attendant risk of scrutiny and exposure has led to the country's election management bodies guarding against electoral fraud, with the attendant high class media attention around international election observer missions having further offered a buffer against electoral irregularities. Carothers (1997); Eicher (2009); Hyde (2007), thus augment the finding, and posit that election observer missions can deter and even detect electoral fraud, a role that has arguably proven the most pivotal in Africa's third wave of democratization. Geisler (1993) further augments the finding, arguing that with the continued political liberalization across the African continent, most opposition parties and their supporters, wary of incumbents' tendency to manipulate election outcomes,

heavily relied on international election observers to deter fraud. Similarly, the election observer missions have insulated against election- day electoral irregularities and similarly, made it possible for the correction of electoral flaws detected within the preliminary stages of the electoral process. The finding is, thus complimented by Chernykh and Svolik (2015), who argue that election observer missions reduce the likelihood of election day electoral malpractices by making it especially difficult for blatant electoral fraud to proceed undetected.

Furthermore, the election observer missions to Kenya have given recommendations mainly touching on election management, which on being adopted and implemented, have consequently led to improved elections management and electoral processes. For, instance, the recommendations made following the 2013 elections, for example, created some room for improvement such as continuous voter registration in 2017, additional constituencies, and a pre-assessment of the election technology, so that the 2017 elections was an improvement based on the recommendations made in 2013. Similarly, the election observer missions have given recommendations on the requisite improvements in terms of addressing various policy, legal, and administrative issues around conducting elections. Therefore, based on the recommendations by ELOG Kenya following the 2013 and the 2017 elections in Kenya for, instance, a number of policy and legal recommendations have since been implemented which have seen changes made to the country's legislations on elections, towards enhancing transparency in the elections.

Overall, the findings show that election observer missions to Kenya have improved the transparency of presidential elections primarily through vigilance, a comprehensive scrutiny of the electoral process, and advocacy towards improvement of the country's elections management. Therefore, through vigilance, the observer missions have facilitated a comprehensive scrutiny of the country's electoral process, and consequently detected and exposed electoral flaws, irregularities and fraud. Considering the hypothetical underpinning of this objective, which was to examine whether election observer missions improve the transparency of presidential elections in Kenya, the study findings confirm that election observer missions improve the transparency of presidential elections in Kenya. Therefore, the findings confirm the hypothesis that election observer missions improve the transparency of presidential elections in Kenya through an enhanced likelihood of fraud detection.

4.3 Election Observer Missions and Public Confidence in Elections

The second objective of the study was to establish whether election observer missions boost public confidence in presidential elections in Kenya. In order to address the objective, the study hypothesised that; election observer missions boost public confidence in presidential elections in Kenya through a deterrent effect on electoral fraud. Therefore, a number of questions were posed with a view to addressing the research objective as captured herein.

4.3.1 What are the roles of election observer missions? Please outline

In response to the question, respondent 3 noted:

“Election Observers help build public confidence in the transparency and good conduct of electoral processes.”

Whereas respondent 8 observed:

“Election observation can aid in promoting and protecting the constitutionally stipulated civil and political rights of participants in a country’s elections, and thus increase public confidence in the elections.”

Table 4.3.1 Roles of election observer missions in terms of transparency

Respondents	Summary of Responses
3	Helped build public confidence in the transparency and conduct of electoral processes
8	Election observation has aided in promoting and protecting the constitutionally stipulated civil and political rights of participants in a country’s elections, increasing public confidence in the elections

Source: Field Data, 2021

Table 4.3.1 above presents a summary of responses on the roles of election observer missions in regards to the theme of public confidence in elections. Therefore, 50% of the respondents reported that election observer missions aid in building public confidence in the transparency and conduct of electoral processes. On the other hand, the other 50% of the respondents noted

that election observation can aid in promoting and protecting the constitutionally stipulated civil and political rights of participants in a country's elections, and therefore, increasing public confidence in the elections. Therefore, the responses indicate that election observer missions have helped public confidence in the transparency and conduct of electoral processes in Kenya. Further, through election observation, election observer missions to Kenya have similarly aided in promoting and protecting the constitutionally stipulated civil and political rights of participants in the country's elections, and thereby increased public confidence in the elections.

4.3.2 Has the presence of election observer missions enhanced your confidence in the electoral process, in terms of an assurance of transparency and credibility? If yes, what have the election observer missions done differently to enhance your confidence in the electoral process?

In response to the question, respondent 7 remarked:

“Yes, election observer missions enhance public confidence in the electoral process when they point out clearly, the overall organization of the electoral process, what they have found as positive developments, and the areas that need to be addressed.”

On the other hand, respondent 4 observed:

“Yes, domestic observers draw citizen election monitors from the people themselves, so the people observe their own elections on the ground, which gives a level of assurance to the voters or public, given that someone well known to them is exercising oversight.

Whereas respondent 11 opined:

“International observers similarly add to credibility due to nuances and doubts around our processes; this, therefore, brings a level of believability in that international observer missions have more experienced observers and from developed countries, so adds value based on triangulation of opinion. The sum total of all the actions will thus be a boost to the level of confidence people will have on the process.”

Similarly, respondent 5 stated:

“Yes. Domestic observers have a major advantage of being citizens of the host country and having been on the ground throughout, are witnesses to the transitions as they have been happening, so over time the body of knowledge adds to competence in observation. Elections is a process involving different aspects such as voter registration, procurement, and party nominations thus, observers on the ground, adds to public confidence since the observers are privy to everything on the ground.”

On the other hand, respondent 3 observed:

“Short- term election observer missions were initially perceived to be going in 3 days to the elections. However, increasingly observer missions arrive much earlier, weeks before and transverse the entire country. Public confidence thus increases as observers cover the entire country, attend rallies, observe and report on state brutality and schemes around electoral fraud in the country. 2 weeks, particularly gives a level of understanding of the landscape, and increases the confidence of not just the voter but the electoral commission as well.

While respondent 10 remarked:

“The first thing international observers usually do, is to have a preliminary statement indicating why they are in the country, receive complaints from different electoral stakeholders and similarly, raise the received complaints thus, raising public confidence, as well as sounding an alarm on the complaints and issues that need to be addressed.”

Similarly, respondent 6 stated:

“The presence of high level delegations of dignitaries such as former presidents and other bigwigs, especially, within regional and international election observer missions, increases public confidence in the local population or voters, with the voters particularly convinced that the presence of such dignitaries makes them safe.

While respondent 8 observed:

“In case of conflicts around the elections, the presence of international election observer missions provides insulation, as well as avenues for conflict resolution and similarly, sounds the alarm to the international community. In addition, the election observer missions meet all parties contesting in an election, take note of their grievances and consequently share with the leadership of the incumbent government as well as the election management bodies, while expressing a desire for an end to the same.”

Table 4.3.2 How election observer missions have enhanced public confidence in the electoral process, in terms of an assurance of transparency and credibility

Respondents	Summary of Responses
7	Pointed out clearly, the overall organization of the electoral process, what they have found as positive developments, and the areas that need to be addressed, enhancing public confidence
4,11	Domestic observers have drawn citizen election monitors from the people themselves, thus given a level of assurance to the voters or public, given that someone well known to them is exercising oversight on the election

	International observers have added to credibility due to nuances and doubts around local electoral processes, thus boosting public confidence in the electoral process
5	Domestic observers have had a major advantage of being citizens of the host country, and privy to everything on the ground have thus added to public confidence
3, 10	Arrived early, weeks before elections, traversed the entire country, observed and reported on flaws in the electoral process, thus increasing voter confidence and that of the electoral commission Received complaints from electoral stakeholders, and sounded the alarm on the complaints, and the issues that need to be addressed, raising public confidence
6, 8	The presence of high level delegations of dignitaries in observer missions increased voter confidence In case of conflicts around elections, international observer presence has insulated against, provided avenues for conflict resolution in case of conflicts around elections, and raised the alarm to the international community Facilitated liaison between parties, government, election management bodies, and, the resolution of stakeholder grievances

Source: Field Data, 2021

Table 4.3.2 above presents a summary of responses to how election observer missions have enhanced public confidence in the electoral process. Therefore, 12.5% of the respondents noted that election observer missions have enhanced public confidence in Kenya's electoral process through pointing out clearly, to the overall organization of the electoral process, what they have found as positive developments, and the areas that need to be addressed. The finding is thus augmented by Kibara et. al (2003) who argues that election observer missions provide reliable information on the problems encountered at various stages of the electoral process; on the basis of this information, improvements of the process can be made in future elections.

On the other hand, 25% of the respondents reported that domestic observers by drawing citizen election monitors from the people themselves, have given a level of assurance to the voters or public, given that someone well known to them is exercising oversight on the election. Similarly, the international observers have added to credibility due to nuances and doubts around local electoral processes, and thereby boosted public confidence in the country's electoral processes. A further 12.5% of the respondents observed that domestic observers have

a major advantage of being citizens of the host country, and being privy to everything on the ground, have thus added to public confidence in the country's elections.

An additional 25% of the respondents noted that election observer missions have arrived in Kenya early, weeks before elections, traversed the entire country, observed and reported on the flaws in the electoral process, and thus increased voter confidence and that of the electoral commission. Similarly, the election observer missions have received complaints from electoral stakeholders and sounded an alarm on the complaints and issues that need to be addressed, thus raised public confidence. Kibara et. al (2003), thus, augments the finding, arguing that election observation reports by non-partisan groups are considered the most reliable, with their objectives including; promoting public confidence in legitimate electoral processes; assisting in the development of adequate election laws and procedures; encouraging public understanding of the electoral process; helping to mediate and resolve disputes, reducing levels of violence, intimidation and fear, and deterring election violations and reporting them.

A final 25% of the respondents on the other hand reported that the presence of high-level delegations of dignitaries in the observer missions to Kenya has consequently increased voter confidence. Similarly, the election observer missions have facilitated liaison between parties, government, and election management bodies, and the resolution of stakeholder grievances, with international observer presence further, having insulated against, provided avenues for conflict resolution in case of conflicts around the elections, and similarly raised the alarm to the international community, thus raised public confidence in the country's elections.

4.3.3 Have the election observer missions' statements strengthened stakeholders' confidence in the electoral process, in terms of voter and political player confidence? If yes, please explain.

In response to the question, respondent 4, observed:

“Yes, election observer missions' statements strengthen and have, thus strengthened stakeholder confidence in the electoral process, in that the statements by election observer missions, referred to as preliminary statements or submission of final reports do point out the positives (or best practices that need to be maintained) and the shortcomings that need to be addressed towards the holding of better elections in future.”

Whereas, respondent 9 remarked:

“Election observer missions' statements instil public confidence, particularly assuring the public that in view of aspirations to a peaceful, free and fair electoral process, there is no need

to be too aggrieved to the extent of destroying the country. Election observer missions' statements, therefore, contribute to the well-being of the country in view of the electoral process.'"

Table 4.3.3 How election observer missions' statements have strengthened stakeholder confidence in the electoral process, in terms of voter and political player confidence

Respondents	Summary of Responses
4	Election observer statements have pointed out the positives (or best practices that need to be maintained) and the shortcomings that need to be addressed towards improved elections in future
9	Election observer missions' statements have instilled public confidence, assuring the public that there is no need to be too aggrieved to the extent of destroying the country

Source: Field Data, 2021

Table 4.3.3 above presents a summary of responses to how election observer missions' statements have strengthened stakeholder confidence in Kenya's electoral process. Therefore, 50% of the respondents reported that the election observer missions' statements; preliminary statements or submission of final reports have pointed out the positives (or best practices that need to be maintained) and the shortcomings that need to be addressed towards the realization of better elections in future, and thereby increased stakeholder confidence in the country's electoral process. Similarly, a further 50% of the respondents observed that the election observer missions' statements have instilled public confidence by particularly assuring the public that in view of their aspirations to a peaceful, free and fair electoral process, there is no need to be too aggrieved to the extent of destroying the country.

The above responses, therefore, augment the contention that election observer missions contribute to public confidence in elections with their presence and statements, particularly integral to enhancing public and stakeholder confidence in the electoral process. As such, the findings concur with Ondoro and Otieno (2015), who quoting Eicher (2009), argue that the presence of election observer missions, especially, international election observer missions can inspire public and stakeholder confidence in the electoral process; The success of an electoral process requires public and stakeholder confidence from all factions of the political elite competing in elections as well as their respective political support bases. It is, therefore, instructive that the entire electoral process culminating in the 2013 and the 2017 general

elections in Kenya for, instance, needed high levels of public confidence and legitimization, especially, considering the disputed and litigated circumstances in which the 2007 and the 2013 general elections respectively, ended. Thus, inviting election observer missions to observe the 2013 and the 2017 general elections should be viewed as attempts by Kenya's electoral management body and government, to raise public and stakeholder confidence and consequently, add a vital layer of legitimization to the electoral process.

Furthermore, the sentiments expressed by the study's participants reinforce the assumptions of the signalling theory, which underpins this study. It, therefore, makes the study, appreciate the cumulative contribution of election observer missions to public confidence in the electoral process, primarily viewed through the prism of election observer presence having a deterrent effect on electoral fraud and consequently, boosting public confidence in elections and the electoral process. Indeed, Nginya (2018), quoting Daxecker (2014), argues that the presence of election observer missions increases the faith of various players and stakeholders in elections and thus enhances the transparency of the electoral process.

Consistent with the integral role played in contributing to public and stakeholder confidence in the electoral process, therefore, the election observer missions to Kenya have among other contributions, exercised oversight of the electoral process and consequently, enhanced the public and voters' faith in the electoral process. Thus, the domestic observers have drawn citizen election monitors from the people themselves, such that the people have observed their own elections on the ground, which has given a level of assurance to the voters or public, in terms of the deterrence of electoral fraud, especially, given that someone well known to them is exercising oversight on the country's elections. As such, Kibara et. al (2003) augments the finding and thus, postulates that election observation gives the voters confidence in the electoral process by assuring them that somebody is watching the behaviour of those in authority. Election observation may thus reduce voter apathy by encouraging them to vote, in the belief that electoral malpractices, which often render their voting irrelevant, will be reduced by the presence of observers.

Further, the presence of high level delegations of dignitaries such as former presidents and other bigwigs, especially, within regional and international election observer missions to Kenya, has increased public confidence in the local population or voters, with the voters, particularly convinced that the presence of such dignitaries makes them safe from electoral fraud, due to the heightened international scrutiny of the country's elections. Similarly, the

election observer missions have often arrived in the country early, weeks before elections, traversed the entire country, and observed and reported on schemes around electoral fraud, and thereby contributed to deterrence, thus increased public and voter confidence in the country's elections.

Overall, the findings indicate that election observer missions to Kenya have boosted public confidence in the country's presidential elections primarily through their presence and statements, which have cumulatively reassured the public, voters and other electoral stakeholders of an oversight of the electoral process, consequently contributed to the deterrence of electoral fraud, and thereby increased their faith in the electoral process. Considering the hypothetical underpinning of this objective, which was to establish whether election observer missions boost public confidence in presidential elections in Kenya, the study confirms that election observer missions boost public confidence in presidential elections in Kenya. Therefore, the study supports the hypothesis that election observer missions boost public confidence in presidential elections in Kenya through a deterrent effect on electoral fraud.

4.4 Election Observer Missions and Legitimacy of Elections

The third objective of the study was to investigate whether election observer missions confer legitimacy to presidential elections in Kenya. In order to address the objective, the study hypothesised that; election observer missions confer legitimacy to presidential elections in Kenya through the guarantee of both domestic and international recognition. Therefore, a number of questions were posed with a view to addressing the research objective as captured herein.

4.4.1 What are the roles of election observer missions, in terms of legitimacy? Please outline in response to the question, respondent 9 noted:

“Election observation is a vital process towards enhancing democratic governance, and in particular improving the quality of elections, and thus contributes to the recognition of elections as democratic.”

Similarly, respondent 4 observed:

“As observer teams issue positive reports in a country's election outcome, this can build trust in the democratic process and enhance the legitimacy of the governments or administrations that emerge out of the elections.”

Table 4.4.1 Roles of election observer missions in terms of legitimacy

Respondents	Summary of Responses
4	Election observation has been critical to enhancing democratic governance, and thus contributed to the recognition of elections as democratic.
9	Issued positive reports on election outcomes which have built trust in the democratic process and enhanced legitimacy of the elections

Source: Field Data, 2021

Table 4.4.1 above presents a summary of responses on the roles of election observer missions in regards to the theme of legitimacy of elections in Kenya. Therefore, 50% of the respondents reported that election observation is critical to enhancing democratic governance, and further contributes to the recognition of elections as democratic. Similarly, the rest of the 50% of the respondents observed that election observer missions issue positive reports on election outcomes, which can build trust in the democratic process, and thus enhance the legitimacy of the elections. Therefore, the findings indicate that through election observation, election observer missions to Kenya have contributed to the recognition of the country's elections as democratic, and through the issuance of positive reports on Kenya's election outcomes, similarly, built trust in the democratic process and, therefore, enhanced the legitimacy of the governments or administrations that have over time, emerged out of the country's elections. The finding is, thus augmented by Nginya (2018), who argues that election observer missions indeed confer credibility on an electoral outcome and legitimacy to those elected in the elections, thus enhancing the legitimacy of the electoral process, which is essential for political stability.

4.4.2 How significant is the presence of election observer missions in conferring legitimacy to the electoral process, in terms of attracting domestic and international recognition?

In response to the question, respondent 2 stated:

“If the election observer missions certify that they did not witness any major shortcomings that may alter the overall outcome of the electoral process. In other words, if the elections' conduct meet the required standards for, instance, if no voter bribery or intimidation was witnessed. In addition, if it is confirmed that neither the arrest nor harassment of certain political candidates occurred, and that opening of polling, voting, counting of votes, closing of the voting centres, and announcement of results were done transparently.”

Respondent 5 on the other hand observed:

“An observer mission to any country, usually has a mandate to go into the country and observe the elections. If a country closes its space, there would be no way of the international community verifying the electoral process, so the presence of observer missions with a mandate legitimizes elections; without the mandate, and without allowing election observer missions, a country would be sanctioned.”

Whereas respondent 9 remarked:

“Legitimacy is about how people feel about how a process has been, for, instance, after the boycott of the 2017 repeat presidential elections in Kenya, in as much as the incumbent won, questions arose as to whether he was legitimately elected. Election observer missions, therefore, legitimate an election by observing and reporting on the findings, with the expectation that adding an opinion to the process based on the findings, lends legitimacy and credibility to an electoral process. For instance, ELOG Kenya reported on the failure of the credibility of the 2017 repeat presidential elections, particularly viewed from the perspective of manual voting, a flawed tallying and results transmission process, and violence. Therefore, reliance on the findings by election observer missions adds onto legitimacy or lack of in an electoral process. Legitimacy, however, draws in other factors that are political in nature. Thus, if people do not want to confer legitimacy to an election, then there is very little that observers can do.”

Table 4.4.2 The significance of election observer missions in conferring legitimacy to the electoral process in terms of attracting domestic and international recognition

Respondents	Summary of Responses
2	Have been able to certify that they did not witness any major shortcomings that may have altered the overall outcome of the electoral process
5	The presence of observer missions with a mandate, has provided the international community with the means of verifying the electoral process
9	Observed elections and reported on the findings, with the expectation that adding an opinion to the process based on the findings has lent legitimacy and credibility to the electoral process

Source: Field Data, 2021

Table 4.4.2 above presents a summary of the responses on the significance of election observer missions in conferring legitimacy to Kenya’s electoral process. Therefore, 33.33% of the

respondents observed that election observer missions have conferred legitimacy to the electoral process in Kenya through certifying, following the country's elections, that they did not witness any major shortcomings that may have altered the overall outcome of the relevant electoral process in Kenya. Consequently, the finding concurs with Kibara et. al (2003) who posits that election observation is generally seen as a certification process—a process through which the electoral process is witnessed by independent observers who are then able to inform the larger society and/or the international community whether or not the process met the standards expected of a democratic election.

On the other hand, a further 33.33% of the respondents noted that election observer missions to Kenya have conferred legitimacy to the country's electoral process through their mandate and presence in Kenya, having provided the international community with the means of verifying Kenya's electoral process. Kibara et. al (2003), therefore, augments the finding, and particularly argues that election observation is premised on the ground that it gives the international community an opportunity to obtain first-hand accounts of the electoral process in practice. The finding similarly echoes the assumptions of the signalling theory, which underpins the study. It has, therefore, enabled the study, appreciate the contribution of election observer missions to legitimacy in the electoral process, particularly viewed through the prism of the international community being less willing to recognize or confer legitimacy to countries/ elections that do not allow international election observer missions.

Similarly, a final 33.33% of the respondents reported that the election observer missions to Kenya have conferred legitimacy to the country's electoral process by observing the elections in Kenya and reporting on the findings, with the expectation that adding an opinion to the process based on the findings has lent legitimacy and credibility to the electoral process in the country. Therefore, ELOG Kenya for instance, reported on the failure of the credibility of the 2017 repeat presidential elections, particularly viewed from the perspective of manual voting, a flawed tallying and results transmission process, and violence.

The above finding, therefore, offers critical insights into the contribution of election observer missions to the legitimacy of the electoral process, with the reference to ELOG Kenya's reporting on the credibility of the 2017 repeat presidential elections, further reinforcing the pivotal role of domestic election observer missions in contributing to the legitimacy of an electoral process. The finding, thus, concurs with the premise by Ondoro and Otieno (2015), who quoting Nevitte and Canton (1999), argue that the domestic election observer missions'

familiarity with the idiosyncrasies of a country conducting elections is critical during election observation process; Thus, whereas the domestic election observer missions often lack the requisite expertise in election observation, it is these domestic election observer groups and missions which make the final determination as to whether elections are free and fair, owing to their nuanced understanding of the state holding elections.

4.4.3 In what ways do election observer missions confer legitimacy to the electoral process, in terms of attracting domestic and international recognition?

In response to the question, respondent 4 stated:

“One needs to critically assess the views (various hypotheses) of winners and losers in an electoral outcome in order to gauge the various ways electoral processes do confer legitimacy to administrations (the winner-loser views). Therefore, if the election was held according to internationally accepted standards where major tenets were adhered to and which constitute transparent and peaceful elections, then both losers and winners will accept the outcome, and to a certain degree confer legitimacy to the incoming administration. However, if the losers express their grievances about the conduct of the electoral process and are able to present compelling evidence, then the legitimacy of the incoming administration is questionable.”

On the other hand, respondent 1 remarked:

“Preliminary statements by observer missions can offer either positive assessments or alternatively, criticisms that would discredit the elections management body and the entire electoral process. Therefore, the statements by observer missions would either confer or deny legitimacy to a country’s electoral process.”

Respondent 5 observed:

“Legitimacy is nuanced by the context of a country, so that context matters in every country. Thus, due to prevailing mistrust around elections administration in Kenya, the best observers can do is try and be as objective as possible, report on findings solid enough to be used in court and generate reports that really speak to what was observed. In addition, the observers should use methods that can provide ground to what was observed and similarly, confer credibility. Consistency in terms of observing all these processes gives ground to stand on when questions of legitimacy are asked. Legitimacy is heavily political, so generating findings standing to the test of scrutiny is the greatest contribution to overall legitimacy.”

The respondent further stated:

“Internationally, observer findings are much more believed than locally, therefore, reports by ELOG Kenya for, instance, are particularly much more objective, believable, and relied upon outside Kenya compared to locally, since the international audience is not influenced or persuaded by the local political opinion in Kenya.”

Table 4.4.3 How election observer missions have conferred legitimacy to the electoral process in terms of attracting domestic and international recognition

Respondents	Summary of Responses
4	Critically assessed and reported on whether the elections were held according to internationally accepted standards where major tenets were adhered to and which constituted transparent and peaceful elections
1	Statements by observer missions have either conferred or denied legitimacy to the country’s electoral process
5	Tried to be as objective as possible in generating reports that really speak to what was observed

Source: Field Data, 2021

Table 4.4.3 above presents a summary of responses on how election observer missions have conferred legitimacy to Kenya’s electoral process. Therefore, 33.33% of the respondents noted that the election observer missions to Kenya have conferred legitimacy to the country’s electoral process over time, through critically assessing and reporting on whether the elections were held according to internationally accepted standards where major tenets were adhered to and, which constituted transparent and peaceful elections. Election observer missions have, therefore, often conferred legitimacy to the country’s electoral processes and the administrations that have emerged out of elections in Kenya based on the extent to which the elections can be termed free and fair. The finding is, thus augmented by Wanyande (2006), who argues that contemporary election observer missions have the tendency to use the extent to which elections are free and fair as a yardstick for measuring whether or not, and the extent to which elections are democratic; every government, irrespective of how it comes to power, seeks to gain some legitimacy in the eyes of both the domestic and international community.

On the other hand, a further 33.33% of the respondents observed that preliminary statements by observer missions to Kenya have offered either positive assessments or alternatively, criticisms that have discredited the elections management body and the entire electoral process, and therefore, the statements by the observer missions have either conferred or denied

legitimacy to the country's electoral process. The finding thus aligns with the premise that election observer missions confer legitimacy by observing an election and reporting on the findings, with the expectation that the findings either lend or deny legitimacy and credibility to the electoral process. Thus, through election observer statements and reports, the election observer missions have often informed the larger Kenyan society and/or the international community, whether or not the electoral process met the standards expected of a democratic election. It is on this basis, therefore, that ELOG Kenya for instance reported on the failure of the credibility of the 2017 repeat presidential elections, particularly viewed from the perspective of manual voting, a flawed tallying and results transmission process, and violence.

Similarly, a final 33.33% of the respondents reported that since legitimacy is nuanced by the context of a country, and due to the prevailing mistrust around election administration in Kenya, the best election observers have done is try to be as objective as possible, and generate reports that really speak to what was observed. Therefore, reliance on the findings by election observer missions adds onto legitimacy or lack of in an electoral process. However, legitimacy is heavily political, so generating findings that stand the test of scrutiny is the greatest contribution to overall legitimacy.

Overall, the findings indicate that election observer missions have conferred legitimacy to Kenya's presidential elections, primarily through the significance of their presence, and secondly, their election observer statements and reports, which have informed the Kenyan society and or the international community, whether the presidential elections met the standards, expected of a democratic election, and consequently informed domestic and international recognition. However, legitimacy is heavily political, nuanced by the context of a country. Therefore, considering the hypothetical underpinning of this objective, which was to investigate whether election observer missions confer legitimacy to presidential elections in Kenya, the study partially confirms that election observer missions confer legitimacy to presidential elections in Kenya. Therefore, the findings of the study partially support the hypothesis that election observer missions confer legitimacy to presidential elections in Kenya through the guarantee of both domestic and international recognition.

CHAPTER 5: SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter provided a summary of the findings, conclusion, recommendations of the study, and suggestions for further research. The chapter proceeds by outlining a summary of the findings of the study, presents the conclusions and recommendations of the study and finally offers suggestions for further research. The general objective of the study was to examine the contribution of election observer missions to the realization of democratic elections in Kenya, with the specific objectives; to examine whether election observer missions improve the transparency of presidential elections in Kenya, to establish whether election observer missions boost public confidence in presidential elections in Kenya, and to investigate whether election observer missions confer legitimacy to presidential elections in Kenya. In line with the study objectives, key informant interviews were conducted whereby the set of questions enclosed in Appendix 2 were discussed. The key informant interviews were conducted with 15 key informants drawn from the 3 relevant election observer missions under study (ELOG Kenya, Commonwealth, and the European Union Election Observer Missions), academia-researchers and scholars on Kenya's elections; presidential elections and electoral history, Kenya's election management bodies, political parties, and civil society.

5.2 Summary of Findings

The study was aimed at examining the contribution of election observer missions to the realization of democratic elections in Kenya. The study adopted a longitudinal research design, which enabled an in depth understanding of the subject over a period of time spanning the 2013-2017 presidential elections in Kenya. Similarly, various election observer mission reports were used to collect secondary data. Primary data was obtained through key informant interviews, with the respondents drawn from the 3 relevant election observer missions under

study (ELOG Kenya, Commonwealth, and the European Union Election Observer Missions), academia-researchers and scholars on Kenya's elections; presidential elections and electoral history, Kenya's election management bodies, political parties, and civil society. Qualitative technique was adopted for data analysis, whereby the relationship between the independent variable and the dependent variable was established. The qualitative analysis established that election observer missions have contributed to the realization of democratic elections in Kenya through; improving the transparency of elections, boosting public confidence in elections, and conferring legitimacy to elections.

5. 2. 1 Election Observer Missions and Transparency of Elections

With respect to the first specific objective, the study hypothesised that; election observer missions improve the transparency of presidential elections in Kenya through an enhanced likelihood of fraud detection. The study, therefore, established that election observer missions to Kenya have improved the transparency of presidential elections primarily through vigilance, a comprehensive scrutiny of the electoral process, and advocacy towards improvement of the country's election management in terms of enhancing transparency. The findings, therefore, established that through vigilance, the observer missions have facilitated a comprehensive scrutiny of the country's electoral process and, thus enhanced the likelihood of detection and deterrence of overt electoral fraud and other electoral flaws and irregularities in the preliminary stages of the electoral process. The vigilance and comprehensive scrutiny have similarly reduced the likelihood of election day electoral malpractices by making it particularly difficult for blatant electoral fraud to proceed undetected. Overall, the study findings on this objective, therefore, confirmed the hypothesis, which stated that election observer missions improve the transparency of presidential elections in Kenya through an enhanced likelihood of fraud detection.

5.2.2 Election Observer Missions and Public Confidence in Elections

With respect to the second specific objective, the study hypothesised that; election observer missions boost public confidence in presidential elections in Kenya through a deterrent effect on electoral fraud. The study, therefore, established that election observer missions to Kenya have boosted public confidence in the country's presidential elections primarily through their presence and statements, which have cumulatively reassured the public, voters and other electoral stakeholders of an oversight of the electoral process and, a consequent deterrence of electoral fraud, and thereby increased their faith in the electoral process. The findings, thus

established that election observer missions to Kenya have arrived in the country early, weeks before elections, traversed the entire country, and observed and reported on schemes around electoral fraud and thereby contributed to deterrence, thus increased public and voter confidence in the country's elections. Similarly, domestic observers have drawn citizen election monitors from the people themselves, such that the people have observed their own elections on the ground, which has given a level of assurance to the voters or public, in terms of the deterrence of electoral fraud, especially, given that someone well known to them is exercising oversight on the country's elections. Overall, the study findings, therefore, confirmed the hypothesis, which stated that election observer missions boost public confidence in presidential elections in Kenya through a deterrent effect on electoral fraud.

5.2.3 Election Observer Missions and Legitimacy of Elections

With respect to the third specific objective, the study hypothesised that election observer missions confer legitimacy to presidential elections in Kenya through the guarantee of both domestic and international recognition. Therefore, the study established that election observer missions have conferred legitimacy to Kenya's presidential elections primarily through the significance of their presence, and secondly, their election observer statements and reports which have consequently, informed domestic and international recognition of the country's presidential elections. The findings, thus established that election observer missions to Kenya have conferred legitimacy to the country's electoral process through critically assessing and reporting on whether the country's presidential elections were held according to internationally accepted standards, in terms of what constitutes transparent and peaceful elections, and thereby lending legitimacy and credibility to the electoral process. Therefore, ELOG Kenya's reportage on the failure of the credibility of the 2017 repeat presidential elections for, instance, underscores the capacity of election observer missions to confer legitimacy to elections. Similarly, the election observer missions have conferred legitimacy to the country's electoral process through their mandate and presence in Kenya, having provided the international community with the means of verifying Kenya's electoral process. However, legitimacy is heavily political, nuanced by the context of a country. Overall, the study findings, therefore, partially confirmed the hypothesis that election observer missions confer legitimacy to presidential elections in Kenya through the guarantee of both domestic and international recognition.

5.3 Conclusion of the Study

The study has been an attempt to examine the contribution of election observer missions to the realization of democratic elections in Kenya. Therefore, the study concluded that the election observer missions have contributed to the realization of democratic elections in Kenya through improving the transparency of elections, boosting public confidence in elections, and conferring legitimacy to the elections. The study, thus established that the election observer missions have improved the transparency of Kenya's presidential elections through an enhanced likelihood of fraud detection. Election observer missions contribute to transparency in elections by engendering vigilance and a comprehensive scrutiny of the electoral process, thereby heightening the prospects of the detection of electoral fraud. Thus, the observer missions to Kenya's presidential elections have facilitated a comprehensive scrutiny of the country's electoral process and, therefore, enhanced the likelihood of detection of overt electoral fraud in the preliminary stages of the electoral process, and similarly reduced the likelihood of election day electoral malpractices by making it particularly difficult for blatant electoral fraud to proceed undetected.

Secondly, the study established that the election observer missions have translated into a Kenyan public reassured of an oversight of the country's electoral process and consequently, a boost in public confidence in the presidential elections. The domestic observers for, instance, by having been drawn from the public on the ground, and further privy to the prevailing political landscape, have granted the voters a level of assurance in terms of the deterrence of electoral fraud, and thereby enhanced public confidence in the presidential elections. Similarly, the presence of high-level dignitaries within regional and international observer missions to Kenya has consequently, increased public confidence among voters due to public perceptions that the heightened international scrutiny of the elections insulates or acts as a deterrence against electoral fraud.

Lastly, the study established that election observer mission presence in Kenya, mandate, and the accompanying observer statements and reports, have been particularly pivotal to conferring legitimacy to the country's presidential elections, through engendering domestic and international recognition of the elections. Through the corresponding election observer statements and reports, therefore, the election observer missions have informed the Kenyan society, as well as the international community, on the extent to which the country's presidential elections have met the standards expected of a democratic election, and by ascribing credibility and legitimacy to the process, consequently, informed both domestic and

international recognition. Furthermore, the issuance of positive reports on Kenya's election outcomes and processes by the observer missions has gradually built trust in the democratic process and similarly, enhanced the legitimacy of the governments or administrations that have over time, emerged out of the country's presidential elections. However, since legitimacy is overly political, predicated on a country's internal political context, the prevailing mistrust around presidential elections administration in Kenya, therefore, reinforces the need for election observers to try to be as objective as possible, and generate reports that really speak to what was observed, since generating findings that stand the test of scrutiny is the greatest contribution to overall legitimacy.

5.4 Recommendations of the Study

5.4.1 Policy

1. Based on objective one, which was to examine whether election observer missions, improve the transparency of presidential elections in Kenya, the study findings fully confirmed the objective. However, while the study found that election observer missions, particularly, short-term observers, have been deploying days or weeks to presidential elections, the study appreciates that going into a country a few days or weeks to elections does not allow election observer missions, sufficient time to extensively capture the electoral process. The study, therefore, recommends that through the electoral commission (IEBC), and the legislature, Kenya undertakes policy interventions to facilitate election observer missions' deployment at least 6 months to elections, so as to provide ample time to gain a comprehensive level of understanding of the country, and the prevailing electoral landscape, as well as ensure a comprehensive scrutiny of the electoral process, particularly the pre-election period, in terms of the election management body, and other electoral stakeholders' preparedness for the elections.

5.4.2 Academic

2. Based on objective three, which was to investigate whether election observer missions confer legitimacy to presidential elections in Kenya, the study partially, confirmed the objective. The study found that whereas legitimacy is heavily political, domestic election observer missions, by being citizens of the host country, have a more nuanced understanding of the political and electoral landscape, with their body of knowledge over time, adding to competence in election observation. Critical to the electoral process, the study, therefore, recommends a further study into the viability of financing, and the continuous capacity development, in terms of the requisite expertise, of domestic election observer missions.

5.5 Suggestions for Further Research

While the study indicates that election observer missions confer legitimacy to elections, it further reveals that legitimacy is heavily political, often nuanced by the context in a country. This scenario, therefore, opens up the need for a further study into how the nuances within the domestic political context of a country contribute to the legitimacy of elections, or alternatively, influence election observer missions' contribution to the legitimacy of elections.

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Appendix 1: Archival Guide

A set of three questions generated from the research questions to help guide in desktop research

- i. What influence does the presence of election observer missions have on the transparency of elections?
- ii. What effect does the presence of election observer missions have on public confidence in the electoral process?
- iii. How significant is the presence of election observer missions in conferring legitimacy to the electoral process?

Appendix 2: Interview Guide

A set of questions to guide collection of primary data through key informant interviews

- i. In your view, what are the roles of election observer missions in terms of transparency, public confidence, and legitimacy of elections? Please outline.
- ii. What influence do election observer missions have on the transparency of elections, in terms of public scrutiny?
- iii. In what ways do election observer missions contribute to enhancing the transparency of elections, in terms of public scrutiny?
- iv. In your view, do election observer missions reduce the likelihood of fraud during elections? If yes, in what ways?
- v. In your view, have the election observer missions' statements strengthened stakeholders' confidence in the electoral process, in terms of voter and political player confidence ? If yes, please explain.
- vi. In what ways do election observer missions enhance the integrity of elections, in terms of transparency and credibility?
- vii. Has the presence of election observer missions enhanced your confidence in the electoral process, in terms of an assurance of transparency and credibility? If yes, what have the election observer missions done differently to enhance your confidence in the electoral process?
- viii. In what ways have election observer missions influenced electoral laws and policies? Has this improved the integrity of the electoral process, in terms of transparency and credibility?
- ix. How significant is the presence of election observer missions in conferring legitimacy to the electoral process, in terms of attracting domestic and international recognition?
- x. In what ways do election observer missions confer legitimacy to the electoral process, in terms of attracting domestic and international recognition?