



SECOND POST-ELECTION STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE ON KENYA'S AUGUST 8, 2017, ELECTION PROCESS

September 1, 2017

The National Democratic Institute (NDI)'s International Election Observation Mission to Kenya's August 8, 2017, elections issued its preliminary statement on August 10 and its first post-election statement on August 16. NDI also issued its pre-election delegation statement on April 7. The August 10 statement offered 14 recommendations, while the August 16 statement focused on the challenge to the presidential result lodged before the Supreme Court of Kenya and offered five recommendations. The August 16 statement noted, among other things, that: "The Court has its constitutional duty to provide a full, fair and independent hearing and to render its judgment based on the rule of law for the benefit of the people of Kenya. Accordingly, the Court's judgment should be respected by all parties."

Today, the Court issued its declaration that the August 8 presidential election was not conducted in accordance with the Constitution of Kenya and applicable law and ordered that a fresh presidential election be organized within 60 days in strict conformity with the constitution and legal requirements. We welcome the Supreme Court's commitment to publish its full judgement within 21 days and urge all parties to seriously review the recommendations therein with a view to improving the electoral process. This landmark decision creates an exceptional opportunity and solemn responsibilities for the Independent Electoral and Boundaries Commission (IEBC), the presidential contestants, and Kenyan society. NDI appeals accordingly for:

- The IEBC to put forth every possible effort to organize the re-run of the presidential election in an effective, transparent and inclusive manner, and in accordance with the Court's ruling, in particular the results transmission process should be carefully reviewed to ensure that it, as directed by the court, conforms to constitutional and statutory requirements", promotes transparency, accountability, and is verifiable;
- The Government of Kenya and the international community to make available to the IEBC the financial resources and cooperation necessary to fulfill the Court's mandate;
- The candidates and their political parties to cooperate with the IEBC in conducting the re-run election, and to call for and ensure peaceful campaigning;
- The Government and its security forces to fully respect the rights to peaceful assembly, political expression, and political participation, including those of the electoral contestants, their supporters, the media and civil society organizations;
- The media, both traditional and social platforms, to convey accurate information and fair coverage concerning the electoral process, including about the contestants and the IEBC;
- Civil society and religious leaders to continue to impartially monitor the election process and to encourage the people of Kenya to fully participate in the electoral process.
- All electoral actors to make extraordinary efforts to ensure the credibility and peacefulness of the presidential re-run election as a means to further the country's democratic path under the 2010 Constitution of Kenya.

NDI will continue to monitor the post-election process and will issue further statements as necessary. The Institute restates its longstanding principle that NDI does not seek to interfere in Kenya's elections and recognizes that it is the people of Kenya who ultimately will evaluate the integrity of their elections.