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UNIVERSITY | Genocide Prevention Program

Guiding Framework for Preventing Electoral Violence

Applied Practice and Theory (APT) Series on

Genocide Prevention in the Africa Great Lakes Region

2013

Protocol for the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes Against Humanity and all forms of Discrimination

International Conference on the Great Lakes Region

29th November 2006

Article 38

The Committee's Mission

1. The Committee's mission is to prevent crimes of genocide, war crimes, and crimes against humanity in the Great Lakes Region.
2. For this purpose it shall be responsible for:
   A. Regularly reviewing situations in each Member State for the purpose of preventing genocide, war crimes, crimes against humanity, and discrimination;
   B. Collecting and analyzing information related to genocide, war crimes, crimes against humanity, and discrimination;
   C. Alerting the Summit of the Conference in good time in order to take urgent measures to prevent potential crimes;
   D. Suggesting specific measures to effectively fight impunity for these crimes;
   E. Contributing to raising awareness and education on peace and reconciliation through regional and national programmes;
   F. Recommending policies and measures to guarantee the rights of victims of the crime of genocide, war crimes, and crimes against humanity to truth, justice and compensation, as well as their rehabilitation, taking into account gender specific issues and ensuring that gender-sensitive measures are implemented;
   G. Monitoring amongst the Member States, where applicable, national programmes on Disarmament, Demobilization, Rehabilitation, Repatriation and Reinstallation (DDRRR) for former child soldiers, ex-combatants and combatants;
   H. Carrying out any other tasks that the Inter-Ministerial Committee may entrust it with.

Foreword

This work by the Genocide Prevention Program (GPP) at George Mason University is precious. Learning in a challenging environment is always difficult. But learning about ways to prevent genocide is an imperative duty for the International Conference on the Great Lakes Region and the Regional Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity and All Forms of Discrimination. This is the first institutional setting that took the challenge of preparing a response for genocide properly. This is the first time that we see states coming together to invest institutional and political capital to create a pattern of relationships that will support the actual prevention of horrifying crimes.

It is imperative for us to refuse the oversimplification, simply saying, "genocide is bad," without acting properly to diminish the chance of genocidal violence to emerge again. There is an imperative for all of us to distill and share the proper knowledge of what will make this horrendous experience of human destructiveness possible.

The link between the regional leadership and international higher educational institutions, such as George Mason University, is very fruitful. It allows for an understanding that is almost impossible locally to become clarified and clearly stated. The leadership of the Regional Committee in requesting the clarifications prompted a response by Ashad Sentongo and the Genocide Prevention Program that gathered talented researchers, coordinated by Tetsushi Ogata with the participation of Jean-Renold Altidor, Hilary Bullis, Ariana Harner, Bridget Moix, Klemens Van Schmidt, and April Umminger. In different ways, these researchers have distilled what is available internationally and made the current publication available widely in print, online, and in different languages, so that it can be verified and experimented with. Knowledge is not important just in itself; it is important when it is used by individuals and collectivities to make human action more effective and responsible.

There is a great urgency in using relational responsibility to respond properly to the challenges of genocide. We need to prevent something that is always prepared by

individuals and collectivities that see enmity and violence as the only answer to the threat that they perceive. And the response cannot be but collective, open, transparent, and engaged.

The report offers an attempt at systematizing knowledge available to relevant communities involved, at the local, national, regional and international levels within the mandate of the ICGLR. It contributes, therefore, to the integration of the four levels that will be and remain the horizon for our collective enterprise – genocide prevention – for years to come. The prudent use of technology and the dedicated emphasis on human agency are among the highlights of this report. The team remains at disposal of anyone who is committed to genocide prevention and wants to build on this first step. I present this contribution with profound gratitude to all the participants, especially Nathan Byamukama and Ashad Sentongo who have been supporting the Regional Committee tirelessly since its beginning in 2010.

Andrea Bartoli

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Introduction

The research team (called the Applied Practice and Theory – APT) at George Mason University's School for Conflict Analysis and Resolution, in collaboration with the Genocide Prevention Program (GPP), is pleased to dedicate its inaugural report, "*Guiding Framework for Preventing Electoral Violence,*" as part of the APT Series on Genocide Prevention in the Africa Great Lakes Region, to the work of the Regional and National Committees of the ICGLR concerning preventing electoral violence.

The ICGLR Regional and National Committees on Genocide Prevention, through Article 38 of the *Protocol for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity, and All Forms of Discrimination*, are committed to i) monitoring and assessment of risks, on an on-going basis, of genocide and mass atrocities, including discriminatory practices that entail genocidal dimensions and ii) domesticating the Protocol in each Member State in the region.

Preventing genocide and mass atrocities is therefore a shared commitment of the Member States in the region, but one should not conflate the two approaches – "preventing genocide and mass atrocities" and "preventing electoral violence." They are related but not synonymous. To be clear, genocide and electoral violence are different. While genocide prevention may or may not encompass the prevention of electoral violence, preventing electoral violence leads to one of the essential aspects of genocide prevention practices.

This report is focused on preventing electoral violence as part of genocide prevention, by providing analytical tools and practical recommendations for the ICGLR Regional and National Committees to monitor and assess risks of electoral violence and prevent them from occurring and escalating.

Based on the mandate of the Protocol with a view to preventing and mitigating electoral violence, there are two aspects of violence that the ICGLR Regional and National Committees should be particularly attentive. One is the violence targeted against

identifiable human groups. Second is the systematically organized violence. While the ICGLR Regional and National Committees shall work together with the national governments, the local law enforcement, and international and national elections monitoring teams to ensure safety and security of voters from spontaneous or sporadic riots, the Committees should be especially concerned with and prevent the *violence that is systematically targeting identity groups* in the electoral process.

To this end, the following sections of the report present the topics relevant to elections and genocide prevention:

- Training and capacity building measures for election monitors
- Effective warning and response systems for election monitoring
- Analysis of media and speech acts as preventive communication
- The role of law enforcement and accountability issues

Finally, the report draws from lessons learned from the Kenyan elections, both in 2007 and in 2013. It seeks to illustrate the lessons that can be applied to other Member States in the ICGLR region, when they are gearing toward preparing for upcoming elections.

Genocide Prevention Integration APT Team[1]

in collaboration with the Genocide Prevention Program

School for Conflict Analysis and Resolution

George Mason University

Disclaimer: The views expressed in this report are not those of the School for Conflict Analysis and Resolution nor George Mason University. They are of the APT researchers and presented as recommendations to the ICGLR Regional and National Committees. Furthermore, the report is not tantamount to the endorsement of the ICGLR Regional and National Committees.

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[1] Special thanks to Jean-Renold Altidor, Hilary Bullis, Ariana Harner, Bridget Moix, Tetsushi Ogata, Ashad Sentongo, Klemens Van Schmidt, and April Umminger who made this report possible.

Election Monitoring

Election monitoring and its associated activities are essential components in the maintenance of free and fair elections that are nationally and internationally legitimate. Election monitoring is complex; it is the responsibility of stakeholders across levels (international, regional, national, local) and should be implemented both structurally and operationally. Election monitoring can prevent voter fraud, detect problems or irregularities throughout the election cycle and on Election Day, serve as an early-warning system, and enhance the credibility of elections, thereby reducing/preventing violence and promoting peace.

The Great Lakes Region of Africa has had a troublesome history with election violence (i.e. Kenya in 2007-2008), and it is crucial that heads of state and other government and community leaders appreciate the importance of election monitoring and have a practical toolkit which they can use to facilitate the election monitoring in their own nation/community. This section on election monitoring will provide information on these key areas of election monitoring:

1. Training and Capacity Building
2. Election Monitors
3. Stakeholders, including
    a. The media
   b. Political parties and candidates
    c. Civil society

Please keep in mind that these subsets of the election monitoring sphere are only a few of many possible topics and are meant to provide introductory and succinct guidelines to help the Committees begin to develop their respective toolkit.

Credible elections are an integral part of sustainable peace in Africa; however, such elections are also a complex undertaking requiring the commitment and participation of all

aspects of society, clear rules and guidelines, adequate planning and preparation, and support of governments and leaders.

Training and Capacity Building

The training of electoral staff is an integral aspect of ensuring a credible electoral process. While it's important that capacity building and training be an institutionalized part of national elections preparation, in reality most capacity building is locally based and community driven. Training and professional development promotes public trust in the electoral process, and electoral management bodies (EMBs) are responsible for ensuring credible elections which everyone accepts as legitimate. Electoral management body (EMB) is an organization or body responsible for managing some or all of the elements that are essential for the conduct of elections.
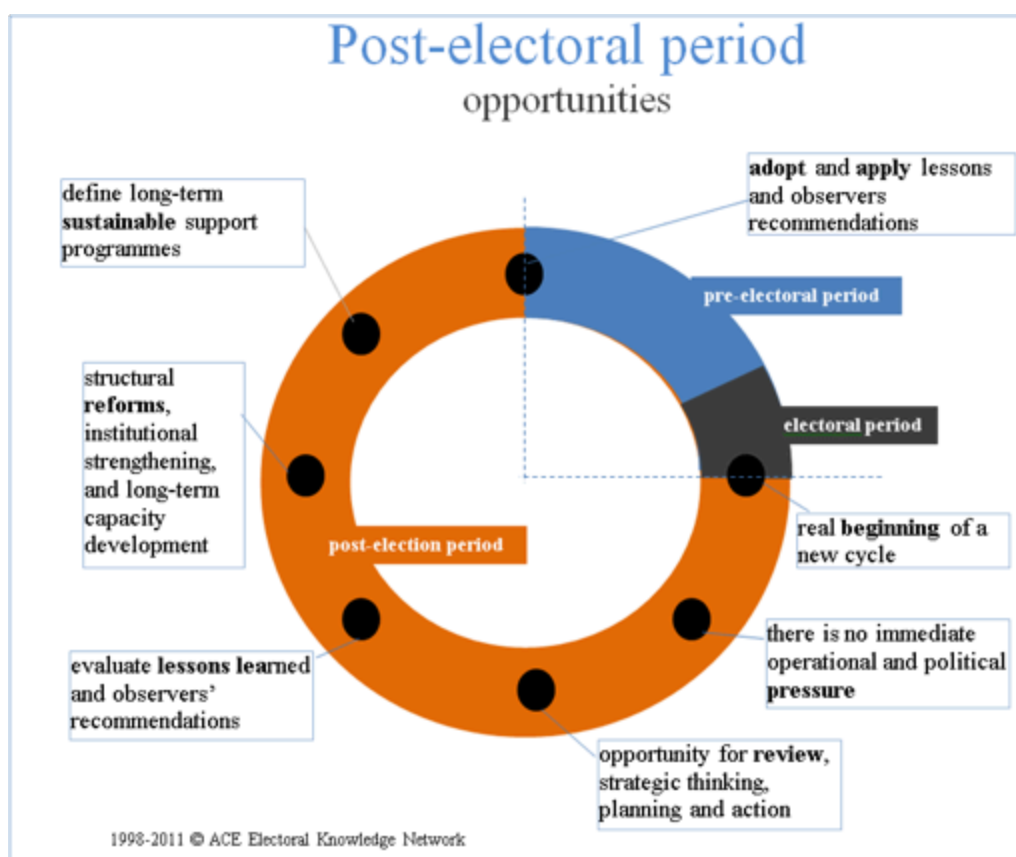
Being proactive and ensuring plans and preparations long before Election Day are effective ways to prevent problems and obstacles that may be difficult to mitigate in the short term.

Long-term capacity building that occurs primarily in the post-electoral period provides an opportunity to review, plan, evaluate lessons learned and observers' recommendations from the elections, and institute structural reforms into the electoral process. Some examples of long term capacity building tools and programs include *the Electoral Cycle Approach, BRIDGE, and eLearning*.

1. Electoral Cycle Approach

Designed to assist development agencies, electoral officials, and others in the electoral process, the Electoral Cycle was developed to encourage thinking ahead 5 to 10 years before elections occur and start planning early. This perspective rightly takes into account the importance of governance from electoral cycle to another, with the understanding that sources of violence do not rest only during the electoral period. The cycle is divided into three periods: *the pre-electoral period, the electoral period, and the post-electoral period*.

The pre-electoral period includes:

- planning (i.e., staff recruitment, logistics and security)
- training (i.e. operational training for electoral officials)
- information (i.e., voter and civic education, observer accreditation)
- registration (i.e., party registration, voter registration)

The electoral period includes:

- nomination (i.e. codes of conduct, media access)
- campaigning (i.e., dispute resolution, campaign coordination)
- voting, and results (i.e., ballot counting)

The post-electoral period includes:

- review (i.e., audits and evaluations)
- reform (i.e., archiving and research)
- strategy (i.e., EMB reform, institutional strengthening and professional development)

1998-2011 © ACE Electoral Knowledge Network
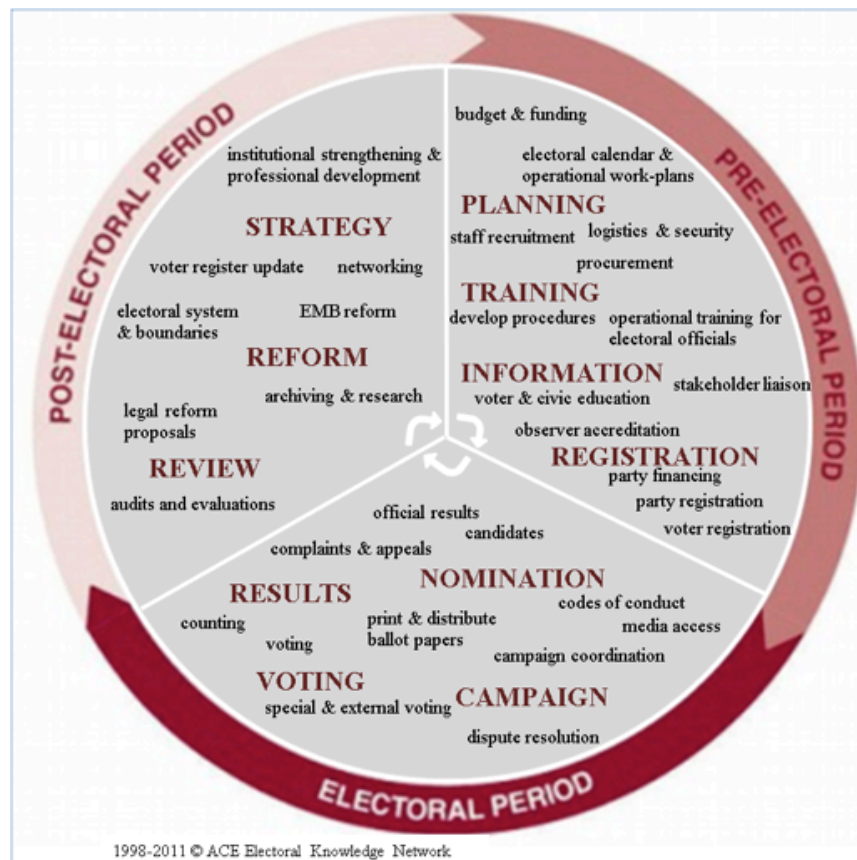
2. BRIDGE

Building Resources in Democracy, Governance and Elections (BRIDGE) is a comprehensive professional development course for election administrators that does the following:

- promotes international norms of democracy
- enhances skills of stakeholders in the electoral process
- increases awareness of tools and resources available for developing a sustainable electoral process

BRIDGE workshops use hands-on, activity-based approaches designed to promote ethics and understanding of best practices in the electoral process and provides access to a network of peers who are also investing time and dedication to this cause. Potential BRIDGE participants include, though are not limited to, election commissioners and election observers, political parties, civil society organizations, journalists, students, and

law enforcement. The BRIDGE curriculum consists of 24 modules that can be customized and designed based on the needs of the participants/community.

For additional information on BRIDGE and how to access the program, please visit http://www.bridge-project.org/.

3. eLearning

An eLearning course on Effective Electoral Assistance was created to develop the capacities of electoral assistance providers (international and national) as well as electoral management bodies and other national and community level stakeholders. The creators of the course aim to strengthen and expand electoral assistance knowledge in order to enhance citizen participation and further human development.

To find out more about Effective Electoral Assistance or to access the eLearning course, please visit http://elearning.ec-undp-electoralassistance.org/.

Election Monitors

1. Training Voting Operations Staff

Training of voting operations staff (which can include poll station monitors, vote counters, and other administrative roles within the electoral process) is a critical aspect of an election, as is ensuring that the staff is competent and impartial in their roles. The following are important to keep in mind when planning and implementing training:

- Staff must be able to implement the procedures they learn in their training and also must be able to perform in a high pressure, high stress environment.
- Training should not be carried out too far in advance of the election date.
- Staff must be educated on laws, regulations and procedures relevant to the particular election for which they will be working.
- Trainers must have a strong understanding of voting procedures and the capacity to teach and guide competency development in voting operations staff.
- Formal codes of conduct should be established and followed by all voting operations staff and should include the following:
    - provisions about major issues such as impartiality and integrity

        ○   proper maintenance of security of election materials
        ○   the value of treating voters with dignity
        ○   directives to reject and report any form of discrimination
        ○   warning against committing any acts of corruption

Independent observers are also a valuable aspect of every election. The training of independent observers does not typically fall under the responsibility of the EMB or national/local officials but instead under that of the observer group (giving EMBs responsibility of training independent observers may bring the 'independent' aspect into question).

Also note the main difference between *election monitors* and *election observers*:

- Election monitors can intervene in the electoral process and resolve conflicts or other issues that may arise.
- Election observers do not have the power to intervene and may only report any issues or irregularities they observe. Both of these positions must assess whether the election was carried out freely and fairly.

2. Citizen Reporters

Citizen reporters are novel to the electoral monitoring process yet they are becoming an integral aspect of election monitoring and preventing election violence. The African Great Lakes Initiative (AGLI) implemented and piloted citizen reporters in the 2010 Burundian elections with success and thus implemented a second time around in Kenya 2013 (discussed more under the Stakeholders: Civil Society section below).

Citizen reporters are members of civil society who are trained to observe their surroundings and environment throughout the election cycle (not only on Election Day) as much of the fraud, intimidation, discrimination, and political pressure can occur before the actual election date. Reporters are connected with call-in centers to which they can send any information they gather and observe in their community.

Citizen reporter training can occur through numerous mediums, and much depends on the resources and time that are available when the training is carried out. One example of training carried out by the AGLI included 38 participants and two facilitators and lasted

about five hours. The training included discussion, role play, guidelines for citizen reports, and security concerns.

For more information on the African Great Lakes Initiative's work to prevent election violence in Kenya, please visit http://kenyanelections2013.org/?p=109.

Stakeholders

1. Media

Journalists and members of the media play a key role in elections and preventing electoral violence. Election administrators and ECBs should work with the media, hold trainings and workshops, and conduct educational sessions in which they convey the necessity of free, open, and impartial media coverage. Journalists are often on the front lines traveling to even the most remote areas and providing a unique ability to serve as early-warning monitors and keep their radar up for instances of bribery, intimidation, fraud, or other criminal activities that could negatively impact the electoral process. Providing guidelines including specific words, phrases, actions for members of the media to be on the lookout for could help as well.

Using the media to promote a peaceful electoral process and discourage violence and conflict is practical and essential. Though not an election situation, in the 1994 Rwandan genocide, the radio and news media played an integral role in inciting animosity and violence, spreading hate speech, and encouraging the perpetrators of the genocide to find and kill their neighbors. The media should be used as a means to report only the realities and truths of the communities and areas in which they are monitoring.

> *"The words used by media to convey news and information are powerful tools in shaping opinions and perspectives. Often the words chosen by journalists to tell a story can carry judgment, or even bias, beyond just presenting facts. Words used in this manner have the potential to elicit a wide range of reactions from the public, including violence…When media coverage does contribute to conflict, the results can be devastating, as seen in places like Rwanda, Bosnia, and Kosovo over the past two decades."*
>
> *-United States Institutes for Peace*

2. Political Parties and Candidates

Political parties and candidates have the capacity to be both positive and negative functions in an election. This stakeholder group has the responsibility of being constantly on the public stage, and thereby must lead by example, play by the rules (i.e., no bribery, intimidation), abide by international and national norms and regulations, and encourage their constituency to do the same. The ACE Electoral Knowledge Project distinguishes 10 guiding principles to inform the practices of political parties and candidates, including the following:

- freedom of organization
- freedom to stand for election
- freedom of speech and assembly
- fair and peaceful competition
- plurality
- inclusion
- level playing field
- media access and reporting
- transparent and accountable political finance
- internal party democracy

For further information on what each of these guidelines means and entails, please visit http://aceproject.org/ace-en/topics/pc/pc20.

3. Civil Society

Civil society members are a central stakeholder group in preventing electoral violence as they are the people who would be subject to the violence and faced with the repercussions of conflict if it does occur. There are many possible forms of activities members of civil society can do to ensure a peaceful electoral cycle and local movements at the grassroots level and sustain it.

One such example of grassroots action and implementation are the African Great Lakes Initiative (AGLI) Democracy and Peace Groups. AGLI published a manual on how to create these peace groups based on its experience with Healing and Rebuilding Our Communities (a Quaker organization) during the Burundian 2010 elections. The peace groups aimed to support grassroots efforts and the development of citizen reporters to

facilitate peaceful elections, to build relationships and mutual cooperation in communities, and to provide useful information to the international community, United Nations, and other relevant non-governmental organizations.

To read more, please see the African Great Lakes Initiative's "[Manual for Creating Democracy and Peace Groups to Prevent Election Violence.](#)"

Challenges & Next Steps

Election observation and monitoring is a fundamental part of the electoral process in Africa. The institutions and processes that characterize free and fair elections must be impartial, transparent, and inclusive. International and regional organizations, national bodies, and local partners and groups all have key roles and responsibilities in marking sure elections are carried out freely and fairly and that violence and conflict is prevented.

There are ongoing questions and challenges that should be considered:

1. A collaborative relationship between regional (i.e., ICGLR) and local (individual citizens, local communities, or civil society groups) is essential not only to the electoral process but to a peaceful Great Lakes Region. An ongoing challenge is to build relationships between government and civil society in a mutually cooperative way. National and regional leaders and governments must be responsive and understanding of the needs of individuals and communities, and the different levels must work together to ensure an integrated system of conflict prevention, free and fair elections, and sustainable peace in the region.

2. Election monitoring is a complex process that, as discussed above, cannot be planned and implemented successfully in the short term. Election monitoring involves many regulations, processes, trainings, leaders, and volunteers in order to ensure everything runs smoothly in the months and years leading up to an election as well as on Election Day. An ongoing question remains regarding how to allocate resources and time appropriately and how to incorporate the needs of citizens and civil society to the broader goals of national and regional bodies.

Effective Warning & Response Systems

Increasingly, early warning and early response systems (EWER) are being developed and applied as a tool for preventing and mitigating potential elections-related violence. While these capacities remain in many ways still in their infancy, require context specific design and implementation, and will need further testing and refinement as they evolve, their application for genocide prevention in the context of electoral processes deserves dedicated attention and resources.

Article 38 (Sections 2a, b, & c) of the ICGLR Protocol mandates specific responsibilities for early warning and response to potential situations of genocide and mass atrocities to the Regional Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity, and All Forms of Discrimination. Responsibilities include regular reviews of situations in each Member State, collecting and analyzing relevant information, and alerting the Summit of the ICGLR in a timely fashion to mobilize action to prevent potential atrocity crimes.

To fulfill this mandate, the Regional and National Committees should draw on the evolving research on warning and response, develop systems unique to the specific contexts facing Member States in the region, apply innovative technology as appropriate, and strive to lead the global community in creating and integrated approach that systematically links local, national, regional, and international knowledge, policy, and action. This can help shift EWER from not just thinking about "*early*" but "*effective*" systems for preventing the escalation and outbreak of violence.

Integrated Warning and Response Systems: Turning EWER "Inside-Out"

After more than a decade of innovation efforts around EWER, understanding and development of monitoring and response systems is entering a new and important stage. Following increased recognition of the importance of identifying risk factors and gathering

data, the next phase of EWER development is characterized by efforts to integrate across local-national-regional-and-international levels, and to shift from outside-driven strategies toward approaches based on national and local ownership of EWER that can help close the "response gap" that has thus far persisted. This section considers three critical components for developing an integrated EWER system for the ICGLR:

- Understanding and Monitoring Risk Factors
- The Role of Technology
- Local-National-Regional-International Integration

1. Understanding and Monitoring Risk Factors

Thus far, early warning efforts have helped focus the international community on understanding and identifying key risk factors that might lead to genocide and atrocities. This important base of analysis for genocide prevention has led to the development of alert lists and horizon scanning of at-risk countries based on core political, social, and economic risk factors.

The Office of the UN Special Adviser on the Prevention of Genocide developed a framework of analysis based on eight core factors:[2]

1. Inter-group relations, including record of discrimination and/or other human rights violations committed against a group;
2. Circumstances that affect the capacity to prevent genocide (including institutional and governance capacities, impunity and accountability, and protection capabilities);
3. Presence of illegal arms and armed groups;
4. Motivation of leading actors in the State/region, including acts which serve to encourage divisions between identity groups;
5. Circumstances that facilitate perpetration of genocide (dynamic factors), including rising militarization, preparation of local population to participate in genocidal violence, rising hate speech or propaganda, legislative or other acts that create a permissive environment;
6. Genocidal acts themselves;
7. Evidence of intent "to destroy in whole or in part", including hate speech, widespread discriminatory practices resulting in human rights abuses, systematic rape, and targeted elimination of specific groups or leaders of groups; and,

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[2] See the Office of the Special Adviser on the Prevention of Genocide for the full description, at http://www.un.org/en/preventgenocide/adviser/index.shtml.

8. Triggering factors, including upcoming elections, political transitions, natural disasters or other sudden changes in political, social, and economic dynamics.

While individual states and some regional bodies have also developed lists of risk factors and undertake analysis with other frameworks, the UN Special Adviser's list offers an internationally recognized reference point for monitoring societal changes that point to a rising threat of genocide or mass atrocities. Pioneering work by scholars like Barbara Harff, Benjamin Goldsmith, and Benjamin Valentino has led to growing consensus around specific indicators and early warning forecasting models that are being utilized in the international system and by individual states concerned with mass atrocities and genocide prevention.[3] These systems overlap in some ways with broader conflict early warning systems that are also being developed at the African Union and elsewhere, but seek to focus more specifically on mass atrocities and genocide risk factors in particular.

Ongoing research continues to provide new insights into more specific indicators and challenges of forecasting potential genocide and atrocities, which can inform ICGLR's development of effective warning and response systems. At the same time, considerable research is still needed. The realities of complex conflict environments mean that data is often imprecise, difficult to attain, or intentionally manipulated. This raises ongoing issues of verification and trust, as well as response, which are further addressed below.

The recognition of elections as a key triggering factor points to the value of employing monitoring and response mechanisms in the lead up and throughout contentious or potentially volatile election cycles. The UN Special Adviser's framework specifically notes this should include attention to "associated activities such as voter registration or campaigning; revision of delimitation of electoral boundaries; a call for early elections or the postponement or cancellation of elections; disbanding of election commissions; imposition of new quotas/standards for political party or candidate eligibility."

To be effective, warning systems cannot rely on forecasting models alone, but should instead strive to integrate this externally driven data analysis with context specific

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[3] Barbara Harff (2003). "No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955." *American Political Science Review* 97(1): 57-73; Benjamin Valentino et al. (2004). "Draining the sea: Mass killing and guerrilla warfare." *International Organization* 58 (2): 375-407; Benjamin Goldsmith et al. (2013). "Forecasting the onset of genocide and politicide: Annual out-of-sample forecasts on a global dataset, 1988-2003." J*ournal of Peace Research* 50(4): 437-452.

knowledge, real-time monitoring and reporting, and a "local first" approach to mobilizing prevention and response capacities.

2. The Role of Technology

The development and use of new technologies is further advancing the potential of EWER systems. Recent experimentation and application of technology like online communications and mapping platforms, open-source data collection, and simple cell phone SMS messaging have demonstrated both the enormous potential of new technology and the limitations and need for further refinement. Increasing public accessibility to communications technology and open source information is improving the ability of communities to recognize, communicate, and respond to early warning signs of violence or unfolding events. Nationwide technology-based EWER systems, such as the recent efforts in Kenya around the 2013 elections, can serve as a mobilizing mechanism for public engagement in preventive action and help strengthen governmental accountability.

Ongoing challenges to new technology applications for EWER include:

1. Distinguishing "noise" from "signal" in open-source platforms;
2. Ensuring adequate data verification mechanisms;
3. Effective training and support for participants using the technology;
4. Addressing the technology gap between urban and rural communities; and,
5. Integrating monitoring and data collection with rapid and proper response capacities.

In addition, Ushahidi and other innovators of EWER technology are, through continued experimentation and evaluation, recognizing a critical link between technology and relational networks that is necessary for success. The best technology will waste enormous resources to little effect without effective networks of individuals and organizations utilizing it for the right purposes. The most motivated networks of people and groups engaged in EWER will have limited impact without technology to extend their reach and broaden impact. Developing new technologies for EWER in synergy with strengthening and supporting good and strong local networks for EWER will be an important focus of developing the next generation of warning and response systems.

## 3. Local-National-Regional-International Integration

Thus far, development of EWER systems has been largely driven by outside international actors seeking to identify risk factors, gather data, and respond if situations begin to signal dangerous escalation. This outside-driven approach has had important value in making EWER an international project and in demonstrating a commitment to common values and norms on genocide prevention. At the same time, it has led to an inherent "response gap" that continues to plague the field. Growing recognition of the need to center first on building local and national capacities within the contexts where dangers might arise, and then integrating them with regional and international monitoring and response mechanisms is pushing toward a new generation of EWER systems development.

African states are leading the development of integrated EWER systems. ECOWAS's ECOWARN system is a recognized leader in regional early warning, and, along with systems like FAST International, has demonstrated useful approaches to integrating quantitative and qualitative analysis. The African Union's Conflict Early Warning System (CEWS) is developing greater forecasting and analysis capacities for the continent. Other regional systems, such as the Conflict Early Warning and Response Mechanism (CEWARN), are collaborating at the subregional level to link local-national-regional information sharing, conflict analysis, response, and preventive action. Since 2002, CEWARN has functioned as a collaborative platform of the seven IGAD states (Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Sudan and Uganda) to help prevent and mitigate violent conflict. It includes both governmental and non-governmental actors and has demonstrated success in helping reduce and prevent violent conflict in specific areas.

African communities are also leading the growth of community-based experiments in EWER. Community-based EWER experiments have been attempted in Burundi (2010 elections), Liberia (2011-present), Kenya (2013 elections), and are now under development in Nigeria (upcoming 2015 elections), to name a few examples. Increasingly, experts agree that shifting to locally-led, community-based approaches to warning and response is critical to address the challenges to current systems and ensure earlier "up-stream" prevention approaches, close the response gap, and strengthen long-term capacities and resiliencies against the threat of atrocities.

The potentials of community-based warning and response networks, properly integrated with national, regional, and international levels, include:

1. Context specific knowledge and understanding of risk factors;
2. Local capacities to verify quickly;
3. Integrated development of local response capacities alongside monitoring and data collection;
4. Lower cost and less high-tech systems; and,
5. Strengthening of longer-term resilience in peacebuilding and violence prevention.
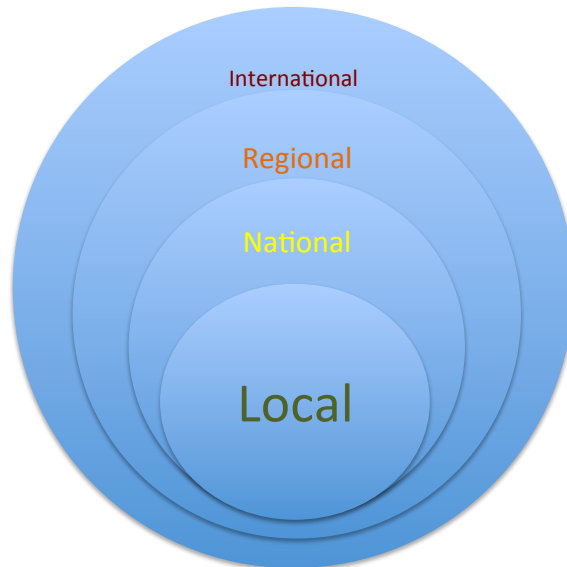
Integrated EWER model © Moix

Challenges & Next Steps

Challenges to community-based EWER remain:

1. Lower organizational capacities, particularly in areas that have been affected by conflict and may be hot spots;
2. Lack of dedicated resources; and,
3. Integration with national, regional, and international EWER.

ICGLR should actively gather lessons and good practices from the work of CEWARN, Kenya's 2013 elections, and ongoing efforts in Liberia, Nigeria, and elsewhere as it seeks to implement Article 38 of the Protocol and develop an effective regional early warning and response system. Gathering experiences, sharing best practices, and drawing lessons

from these and other community-based initiatives could be one valuable step toward developing more integrated EWER for the region.

Despite ongoing challenges, the emergence of integrated EWER systems that begin locally and connect with national, regional, and international capacities offers new promise for closing what has been a persistent "response gap" problem and building more sustainable capacities for genocide and mass atrocities prevention. Developing integrated EWER networks and linking them with proven risk factor analysis and new technology capacities will be key as ICGLR works to implement its regional early warning mandate and prevent the potential for elections-related violence that could lead to mass atrocities.

Hate/Dangerous Speech During an Electoral Cycle

In the context of Article 38 of the Protocol, this section addresses key elements concerning ways to prevent or mitigate hate speech or speech that may incite the audience to commit violence and atrocities, and how to monitor those forms of speech during an election cycle. Elections often present a period that is more prone to interethnic or intergroup animosity as political candidates start using words that are emotionally and psychologically charged to damage their opponents and ramp up their own political support. It is particularly dangerous when these words denigrate people on the basis of their group membership.

Definitions, Conditions & Processes

In a report prepared by the British Institute of Human Rights for the European Council about hate speech, the authors posited this definition:

> *"The term "hate speech" shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, homophobic, sexist, anti-Semitism, intolerance to other political views and disabilities, or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin."*[4]

As the picture below depicts, under this definition, the boundaries of hate speech are likely to fall outside the boundaries of criminalized speech and speech, which should not be restricted under freedom of expression.

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[4] British Institute of Human Rights. Mapping study on projects against hate speech online. Government Study, Strasbourg: Council of Europe, 2012.
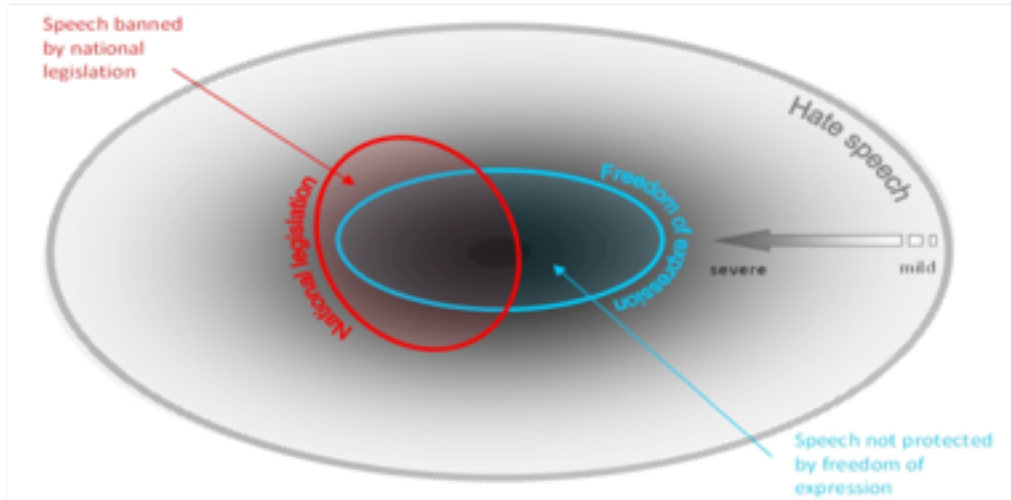
Boundaries of Hate Speech[5]

Susan Benesch focuses on a subset of hate speech that can catalyze to violence and refers to it as 'dangerous speech.'[6] She means: "When an act of speech has a reasonable chance of catalyzing or amplifying violence by one group against another, given the circumstances in which it was made or disseminated, it is Dangerous Speech."[7]

She further proposes a framework to evaluate and analyze dangerous speech. The framework takes into account five criteria that must be maximized in order for the speech to be dangerous. They are: a) the speaker, b) the audience, c) the content of the speech act itself, d) the social and historical context into which the speech is broadcast, and e) the means of dissemination.

1. **Speaker.** It takes a powerful speaker with influence over a targeted audience to sway the group to revert to violence. The speaker may draw power from the kind of relationship he/she holds with the audience. This could be as a benefactor, a political, cultural, civic or religious leader.

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[5] British Institute of Human Rights, 2012.

[6] Susan Benesch is a Senior Fellow at the World Policy Institute's (WPI). She is the Project Director for "Dangerous Speech on the Road to Mass Violence."

[7] Susan Benesch, "Proposed Guidelines on Dangerous Speech." Voices that Poison - Defining Inflammatory Speech and Limiting its Effects. February 23, 2013. http://voicesthatpoison.org/proposed-guidelines-on-dangerous-speech/ (accessed June 20, 2013).

2. **Audience.** The targeted audience may be limited to the listening or viewing area of a radio or television station respectively. It could be as small as few people who gather to hear the speaker. It could also be as vast as the entire population of the country. The audience more vulnerable to commit violence will probably be one that: a) is fearful; b) identifies with the technique of 'accusation in a Mirror;' c) is from the same ethnic group as the speaker; d) has suffered from economic disparity such as inequitable land distribution; or e) has the means to commit violence.

3. **Speech Act.** During an election cycle speakers tend to dehumanize their opponents and use words that identify them as other than human. The primary techniques used in speech acts to incite violence are to:

- Dehumanize victims and describe them as vermin, pests, insects, or animals. During the 1994 Rwandan genocide, perpetrators used words like "inyenzi" or "cockroach" when referring to Tutsis.[8]
- Use the technique of 'accusation in a Mirror.' It normally occurs when a speaker tells his group that another ethnic group is planning to kill, or exterminate them.

The following are samples of coded speech that have been used over the years:

- In Rwanda the term "go to work" was an execution order to go kill a person or groups of people.
- Hitler called the Jews 'parasites, plague, cancer, tumor, bacillus, bloodsucker, blood poisoner, lice, vermin, bedbugs, fleas, etc.
- In the 1970's, the Khmer Rouge regime in Cambodia used terms such as "microbes", "parasites", "worms" and cancer to stigmatize their victims.
- Ironically, victims of Serbian genocide in Kosovo themselves killed many belonging to Roma minorities, whom they described as "majupi," or lower than garbage.
- The Agence France Press (AFP) published some hate text messages that were used in Kenya during the 2007-2008 violence: "If your neighbor is Kikuyu, throw him out of his house. No one will hold you responsible."

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[8] The term "inyenzi" was coined in the 1960s to refer to Tutsi rebel fighters who conducted night-time attacks in Rwanda and then disappeared before daylight into neighboring countries. In the early 1990s the term referred to the Tutsi rebels of the Rwandan Patriotic Front (RPF), but it also came to mean perceived enemies of the Hutu government, and later any Tutsi person. "In-yenzi" was a leitmotif of Mugesera's speech (Benesch, Vile Crime or Inalienable Right: Defining Incitement to Genocide 2008).

4. **Socio-Historical Context.** The socio-historical context of the message refers to the wounds that a certain group may have suffered at the hands of another group. This context relates to inequities in sharing the available resources in the country such as political power, land distribution, etc. During the electoral cycle, politicians would play on these emotions and say things to bolster their ethnic group hatred toward the other groups and denigrate or dehumanize them.

   Of particular importance is the role of political representation and dynamics of the majority and minority groups. The significance and meanings attached to the act of speech can vary depending on the ethnic, social, or political groups of the speaker. Therefore, the context that surrounds the speech act and the speaker should be disaggregated.

5. **Means of Transmission.** The speech's mode of transmission is very important when determining if the speech is dangerous. From the era of the Nazi propaganda to the 1994 Rwanda, during the run up to genocide, perpetrators usually try to eliminate competing media organs. When the moderate voices are silenced, the public loses access to voices of counter-narratives and of reason. Ensuring the public has alternate access to news and information is therefore the key during the electoral process. Additionally, music can be a powerful venue to propagate hate or dangerous coded messages.

Challenges & Next Steps

As demonstrated above, 'dangerous speech' under certain conditions is a possible catalyst to violence. Thanks to the works of Susan Benesch and others, several variables that, when maximized, may lead to mass violence have been identified. Based on these variables (the speaker, the audience, the message, and the mode of dissemination), the following can be recommended as action agenda for the Committees to engage in preparation for the electoral cycle:

1. Build civil society's capacity including the media. Train civil society to become resilient when faced with dangerous speech and resist the temptation to propagate it. Media literacy should be part of any education program.

2. In the era of growing Internet and social media usage, hate or dangerous speech has moved to cyberspace. If feasible, develop means to monitor the online traffic, especially social media, of signs of hate or dangerous speech. During the 2013 election cycle in Kenya, Ushahidi, Uchaguzi, and UMATI developed and implemented a comprehensive program to monitor hate speech online: http://blog.ushahidi.com/2013/02/24/online-media-monitoring-phase-1-oct-2012-jan-2013-umati-report-released/.

3. Develop a training program for government officials and public safety officers in order to recognize instances or key words of hate speech and how to prosecute perpetrators. In Kenya, the NCIC (National Cohesion and Integration Commission) has developed a Training Manual on the Enforcement of the law on Hate Speech. It can be accessed at: http://www.cohesion.or.ke/.

4. Develop a means to inject a positive spin into the narrative of the targeted group. Benesch recommends the inoculation of the audience with other speeches and tactics to make it less susceptible to incite. See her proposed guidelines at this link: http://voicesthatpoison.org/proposed-guidelines-on-dangerous-speech/.

5. Create or sustain balanced channels of information dissemination by ensuring the presence of moderating voices or countering narratives.

6. Counter the hateful speech with prosecution of the speaker, corrective speeches, and political sanctions.
    6.1. For example, according to a BBC report in September 2012, the director of public prosecutions in Kenya ordered the arrest of MP Ferdinand Waititu for alleged incitement and hate speech against ethnic Maasai.
    6.2. Bring influential speakers to provide other speeches that can counter the inciting message and sway public opinion.

6.3. In February 2006, according to IRIN – Africa news, the United Nations has placed individual sanctions on three political figures in Cote d'Ivoire for making public statements advocating violence against United Nations personnel.

7. Be aware of religious laws that may muffle certain voices. Avoid using religion to impose silence on others. For example, 'blasphemy laws' should be discouraged or abolished.

8. Encourage and protect space for dialogue fostering an increased understanding of differing identity groups.

Media and Strategic Communication During an Electoral Cycle

Article 38 of the Protocol touches up the responsibility for several monitoring functions that the media undertake, including the "collecting and analyzing information related to genocide, war crimes, crimes against humanity, and discrimination," "contributing to raising awareness and education on peace and reconciliation through regional and national programs," and "monitoring amongst the Member States, where applicable, national programs on Disarmament, Demobilization, Rehabilitation, Repatriation and Reinstallation (DDRRR) for former child soldiers, ex-combatants and combatants."

Though the media does not function solely to support the various mandates of Article 38, a healthy and functional media in the Great Lakes region does increase the probability that violence will be avoided, and electoral violence will be curbed.

Elections depend heavily on the media to reach and engage people, as well as present a complete, balanced and accurate account of events. At the same time, the media may have a polarizing effect on electoral processes, particularly in regions prone to violence, where tensions and unrealistic expectations are already mounting. The dependency of people on the media for information can function as a catalyzer for violence when not used sensitively. The media represents the diversity of opinions, views, and peoples of the society. But the diversity needs to be presented, through various outlets of the media, in a responsible manner.

To this end, there are several points to keep in mind based on legacy media coverage in the most recent elections in Kenya, and moving forward in media monitoring in the Great Lakes Region and future elections.

1. **Media monitoring.** The National Democratic Institute issues guidelines and guardrails from which media monitoring should depart. Four principle issues to consider include:

I.   How the government acts to ensure the news media's right to gather and impart information and ideas;

II. How the government and the news media act to provide access to political parties and candidates so that they may effectively and directly communicate with the public during election campaign periods;

III. How the government and the media act to ensure accurate and fair coverage of political parties and candidates in news and information reporting;

IV. How the government and media act to educate the electorate about how and why to vote; and

V.   How external organizations, such as the Organization for Security and Cooperation in Europe, the Carter Center, and the United Nations Department of Public Information, can not only act as a resource to fact check the information reported by domestic media regarding elections and events, but also can act as a resource to journalists seeking information remotely, or in areas that are not accessible.

2. **Media as educator or tool of government.** A recent report by the United Nations Development Programme points to the design of political systems, the mandate and powers of electoral laws and election monitoring as key measures to sustaining peace. The role of civic education, media and civil society in informing voters also helps to reduce the likelihood of election-related violence. The exception is that when media is controlled by special interests, it can have a "destructive role in promoting narrow interests, inflammatory political rhetoric and retarding democratic processes," according to the UNDP.

Recent topics of media scrutiny related to the Kenya elections revolved around coverage of the International Criminal Court proceedings, due process and the validity of the 2013 election results, and general issues of security tied to Election Day and the coast area, specifically. There are also dozens of national and international media sources, with circulation greater than 500,000 readers in the Great Lakes Region. The volume of media sources, their variety, various owners and shareholders, as well as the sensitive nature of the topics that are covered contribute to a seemingly healthy media landscape in the region.

However, though this is the picture that emerges from a cursory look at the most recent election in the Great Lakes region, determining who controls the media is one of the

primary factors that must be determined to assess the quality of information circulating in the country.

- State controlled media
- Private broadcast media
- Private print media
- Social media and citizen reporters

3. **Outlets & subjects to monitor.** In media monitoring, it is important to know where voters are getting the information that informs their election behavior and voting decisions, whether political contestants are getting a fair chance to persuade voters to support them or otherwise influence their behavior. It can be difficult to distinguish between government activities, campaign events, and calls-to-action. In monitoring media, the primary focus should be limited to activities that have relevance to the upcoming elections, and ones that have been historic triggers for violence. Once the campaign begins, it is also important to distinguish between data, statements, and information distributed by the state versus private media, academics or informed citizens.

Challenges & Next Steps

There remains a fundamental misunderstanding of the role of the media during an electoral cycle, and their role of how to integrate media into conflict mitigation strategies. In the past few election cycles in the Great Lakes Region, there have been many efforts to use different media as peacebuilding tools, however, this is not their chief role. The challenge of the role of the media and their job of reporting the news accurately, while not contributing to or inciting violence will be a difficult line to walk in the future. General awareness of hate speech, words and historic events that are likely to trigger violence, and deep fact checking of hear-say events are topics to keep in mind.

A second challenge not to be overlooking is the shift of trained journalists covering elections to the rise of citizen reporters and social media driving the narrative of stories. As traditional newsrooms see their resources shrink, governments of countries in the Great Lakes Region should consider a way to vet and validate hybrid and social media who may be regularly reporting on events in the region and elections.

Election Security

Security of people and voting processes are a key aspect to ensuring a free and fair election. Providing appropriate and proportionate rule of law is of the utmost importance during elections and can have far reaching effects, both beneficial and detrimental. Unfortunately, this task is far easier said than done, as demonstrated by the high incidence rates of electoral violence globally, not just in the Great Lakes region, where a history of partisanship, fraud, and excessive force underpin the relationship between the citizenry and law enforcement during electoral cycles. There are three areas for which priority should be given to ensure effective electoral security, which are relevant to the future electoral processes in the Great Lakes Region. They are *Corruption, Respect for the Constitutional Process, and Accountability*.

Corruption

Corruption is defined as the illegal use of legitimate authority and can come in many forms. Giving someone power that law enforcement officers yield can be overwhelming for even the ethically minded people. Corruption has many primary and tertiary ramifications that have proven in many places to be difficult to overcome. However, it is not impossible to make strides in preventing and curtailing corruption. Here a few suggestions to get started:

- **Recruit:** Stopping corruption begins with recruitment of officers involved in electoral policing. Have standards in place during the hiring process that will bring in officers with integrity.
- **Educate:** Knowledge is another cornerstone to combatting and preventing a corrupt police force. Knowing what corruption is, what it looks like, and how to avoid it will help officers navigate around this pitfall.
- **Establish Zero-Tolerance:** Supplement your strategy with measures such as enforcement of anti-corruption policies, and developing and implementing consequences for disobedience as a safeguard.

Respect for Constitutional Process

Law enforcement plays a critical role in supporting, promoting, and protecting respect for the constitutional processes that preface or follow an election. Serving as interlocutor and having the most overt government presence, law enforcement has a duty to be deferential towards the judiciary and to avoid inciting doubt among the public by maintaining order while the courts do their job. This will be achieved by educating officer in constitutional processes specific to elections and making sure election related laws are understood and being implemented through official channels.

Accountability

Accountable law enforcement will come, in part, from heeding the aforementioned recommendations. It will also be achieved through enforced top-down policies, which set parameters to elicit compliance from officers. However, being accountable does not simply mean to apply laws within the police ranks, but also to the public. Some capacities that will help this are:

- **Communication:** Open channels of communication between supervisors and officers, as well as established mechanisms for public outreach will help limit the spread of rumors or misinformation, reduce response time of officers to problems that arise, and keep citizens abreast of what is usually a fluid environment. Law Enforcement should also find establish linkages with Effective Warning & Response Systems (EWRS) efforts on a local level where officers have relationships with community members. These EWRS connections will increase the effectiveness of both parts to mitigate conflict as it arises, control the spread of rumors, and will reinforce the aims of a free, fair, and peaceful election.
- **Professionalism:** A professionalized force will have several prominent characteristics including a sense of duty to serve and protect, a propensity for taking initiative, and integrity.
- **Impartiality:** Impartiality is not only linked to accountability and legitimacy, it will also make law enforcement more effective in providing security and responding to crises. Partisanship should be a priority for conduct of officers at all ranks.

In a broader rule of law context, it is not just law enforcement, but also judicial systems that need to be accountable. The judiciary has a responsibility to defend the laws they put in place in an apolitical, transparent fashion. Regardless of the outcome of election related

cases, it is the perception of a just decision that matters, which will ascribe legitimacy to them in the eyes of the public.

Security forces maintaining presence at a polling station during the 2013 Kenyan election.

Challenges & Next Steps

There is a lot to do to ensure a safe and peaceful election that is free and fair. The key to success to undertake a thorough process of preparation as early as possible. This groundwork should include:

- **Co-ordination** with elections officials, other law-enforcement agencies
- **Identification** of clear chains of command
- **Formulation** of operations planning
- **Procurement** of resources (radios, vehicles, gas, uniforms, etc.) sufficient to the needs of security forces

And come Election Day, law enforcement should fill the primary tactile roles of:

- Protecting citizens, electoral officials, and candidates
- Maintaining order in and around the polling and vote tallying locations

- Securing election materials at polling stations and during transportation before and after tallying

Law enforcement is often a contributing, if not primary factor for outbreaks of electoral violence, and a lack of public trust in them fuels this cycle. The key to success is to be sensitive to these short comings and among other things, always endeavor to improve the efficiency and efficacy of the police force which will help to gain the confidence of the communities they serve and to whom they are upholding the law.

Kenya Case Study

Introduction

This case study will expand upon the earlier topics previously outlined within this document as they relate to the 2013 Kenyan general election. It is the intent that as elections are approaching, the Genocide Prevention Program (School for Conflict Analysis and Resolution, George Mason University), in collaboration with the ICGLR, will publish additional case studies as part of the *Series on Genocide Prevention in the Africa Great Lakes Region* for the remaining Great Lakes counties as their respective elections approach. It is also intended as additional case studies are produced, some common themes and lessons learned will revile themselves as to create guides in aiding with deliberate and improved preparations that minimize the occurrence and effects of violent conflict (genocide and gender based violence) that sometimes accompany much anticipated elections.

Summary

Kenya's general elections were held on March 4, 2013. As passed by the 2010 Kenyan constitutional referendum (August 4, 2010), the office of the President and the seats for Senators, County Governors, Members of the National Assembly (290 seats), Civic Wards and Women County Representatives were up for vote. This was the first election held under the new constitution and was a marked change from earlier elections, which usually focused on electing only the President and the members of the National Assembly. Additionally, this was the first general election run by Kenya's Independent Electoral and Boundaries Commission (IEBC). And in a decision that was to be very fortunate, Kenya's Supreme Court indicated it would hear and determine within two weeks of the election any disputes on Presidential election results. With the exception of two televised presidential debates, the remaining parties were marginalized in the local media and did not receive any international mention. In other words, once the real campaigning for votes started, the two primary parties (and players) became the major contenders, leaving the remaining candidates far behind.

Much to gain, but much more to lose

The relatively 'peaceful' 2013 Kenyan elections represented one of the most brightest and recent deliveries of a renewed expression of self-determination and affirmation in Africa. In his March 9, 2013 victory speech, then President-elect Kenyatta said, "Today, we celebrate the triumph of democracy, the triumph of peace, the triumph of nationhood. Despite the misgivings of many in the world, we demonstrated a level of political maturity that surpassed expectations. That is the real victory today. A victory for our nation. A victory that demonstrates to all that Kenya has finally come of age. That this, indeed, is Kenya's moment." Kenyatta also called for unity and pledged co-operation with international institutions but also said that he expected the world to respect Kenya's sovereignty.

Continued peace following the 2013 elections only served to reinforce the importance of the 2010 constitution, which was seen as a vital step in avoiding the repetition of the violent outbursts after the 2007 presidential election. It was the wide-spread acceptance of the constitution by the Kenyans themselves that ultimately led to the importance of 'Rule of Law, Security, Election Monitoring, and Effective Warning & Response Systems' that will be highlighted later in this Case Study.

Former Prime Minister (and defeated 2013 presidential candidate) Raila Odinga highlighted in an interview with *Al Jazeera* that if Kenya could overcome its divisive ethnic politics it would be able to maintain its status as an African powerhouse. Kenya current position is as one of East Africa's competitive economies, with a steady and positive annual Gross domestic product (GDP) growth rate. The primacy of its currency (Kenyan shilling) in the international and African community has managed to remain relative stable in trading with the U.S. Dollar over the last ten years. Fears of violence prior to the March 2013 elections caused it to lose significant value. The Kenyan shilling underwent similar election-related shocks following the violence that occurred after the 2007 election.

Kenya also maintains uninterrupted and productive operations of its seaport and container terminal in Mombasa (which also service Ugandan and Tanzanian exports). Its government is also in talks with the Government of South Sudan to install oil pipelines transiting both Kenya and Rwanda to reach ocean-going tankers in both the port cities of Lamu and

Mombasa. An increase in an intense competition and rivalry between political parties (and associated tribal connections) would only increase the likelihood of even more widespread violence that would only fracture, reverse or erase any social, political, and economic gains made over the last five years.

Summary of 2007 Election and violence

The 2007–08 Kenyan crises erupted after incumbent President Mwai Kibaki was declared the winner of the 2007 presidential election (December 27, 2007). Clashes erupted between rival political supporters that left 1,300 people dead and 600,000 homeless. Electoral manipulation was reported to have been perpetrated by both parties and was widely confirmed by international observers. The clashes ended in April 2008 with a power-sharing deal that made opposition leader Raila Odinga prime minister, while President Kibaki remained head of state.

The first round of violence was protest against the results of the presidential vote. Looting and vandalism were reported in Nairobi, Mombasa and Kisumu, but the extents of the protests were limited. A widespread police operation was conducted to prevent the civil disobedience from gathering momentum. The second round of violence was in response to the protests, resulting in an excessive and violent counter-response by the police, who reportedly used live ammunition, excessive force, and fired indiscriminately at the protesters. The third round proved the most malevolent. After the announcement of Kibaki's victory, 'planned' attacks were conducted against entire communities. It is widely suspected that the election was used to rekindle preexisting conflict over land, power and wealth. The bulk of the violence occurred in the Rift Valley and the Western Provinces that suffered a similar fate in the 1990's.

In 2007, gun ownership in the country was low; many of those fatalities occurring after the election were victims hacked to death with machetes. The Waki Commission (The Commission of Inquiry on Post Election Violence (CIPEV), an international commission of inquiry, was established by the Kenyan Government in February 2008 to investigate the clashes following the disputed Kenyan elections. The Commission noted "while women normally are the main victims of sexual violence when order breaks down, men too had experienced horrid types of sexual violence after the Kenyan election. Between hearing of women who had been gang raped and mutilated, the accounts of ethnically driven sexual violence against certain men was also horrifying."

Preparation for the 2013 Elections

As detailed in the previous sections of this paper, there are several election related aspects that had significant importance in the shaping of the environment of the election and possibly breaking the cycle of violence itself.

Election Monitoring in Kenyan Election

Citizen Reporters - Citizen reporters and monitors played a crucial role in the Kenyan 2013 election. In addition to independent organizations and national/regional/international observation groups, citizens participated in the election monitoring process by being the eyes and ears on the ground and in local communities. The African Great Lakes Initiative and the Friends Church Peace Teams (AGLI/FCPT) implemented one such effort to get citizens more involved in the electoral process and trained them as citizen reporters (with well over 1,000 individuals trained) who would be connected with a call-in center to which they could text information gathered in the community during the months and weeks leading up to Election Day. AGLI/FCPT also trained over 1,000 community observers (many of whom had served as reporters) to observe polling stations and the surrounding areas on Election Day.[9]

Technology - A new technology that was developed specifically for monitoring the Kenyan 2013 election is Uchaguzi, a free tool used for on-the-ground information collecting and interactive mapping. Kenyan citizens used Uchaguzi by texting information about an incident (violent or otherwise) along with their location, which was received by someone who verified the details and responded (or contacted the appropriate individual/group to respond). This process is also known as crowd sourcing and is becoming a popular way to involve citizens in the election monitoring activities.

Uchaguzi, developed specifically for the 2013 Kenyan elections, was created from a program called Ushahidi which uses crowdsourcing for social activism, public accountability, citizen journalism, and geospatial information like crisis mapping. Ushahidi was originally created in the aftermath of the 2007 Kenyan election and has been used in Haiti, Chile, Russia, among other places.[10]

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[9] To read more about AGLI/FCPT citizen reporters, please see http://kenyanelections2013.org/.

[10] To read more about Uchaguzi, please visit https://uchaguzi.co.ke/. To read more about Ushahidi, please visit http://ushahidi.com/.

Civic Education and Voter Information - Evidence of effective civic education and voter information programs emerged only a month before Kenya's 2013 Election Day. The European Union Election Observation Mission to Kenya reported little evidence of effective voter education prior to the month leading up to voting. Topics for civic education included peaceful campaigns, making sound choices, and voting procedures. Since the materials were distributed late in the electoral cycle, they lacked the significant impact, which might have occurred if citizens received the materials earlier. Although materials were well designed, they were only produced in English and Swahili, creating obstacles for many citizens who did not speak those languages (Kenyans speak over 60 other languages). Mock elections were held throughout Kenya, a practice which was found useful as a simulation exercise for polling staff.

All of these citizen-based initiatives were directed at the prevention and mitigation of violence, fraud, bribery, and other events detrimental to free, fair, and peaceful elections. However, it is useful to provide recommendations which may improve upon procedures and strategies of the past.

Effective Warning & Response Systems

In preparation for the 2013 elections, a number of warning and response systems were set up in Kenya which illustrate both the promise and the challenges of creating effective and integrated mechanisms. The commitment and investment of actors at all levels, from the Kenyan government and international donors to local communities across the country, in developing systems for monitoring possible indicators of violence through the electoral process to respond to threats or incidents was in itself an important success. However, the problems of coordination and integration of local-national-regional-international efforts to engage in verification and response, persisted.

At a national level, Kenya established the Uwiano Peace Platform, an information-sharing and coordination mechanism for early warning and response funded largely by the UN Development Program, Sweden, and UN Women. Kenyan government, civil society, and multilateral partners met regularly to share information, update one another on activities, and coordinate prevention and response activities when possible. The Kenyan government's participation through its National Steering Committee on Peacebuilding and Conflict Management, as well as the Independent Electoral and Boundaries Commission,

and openness to collaboration with civil society organizations, was critical for the platform's success.

The envisioned ideal feedback loop where the information sourced from the crowd also goes back to inform the crowd.[11]

In addition, a still uncounted number of community-based warning and response systems were created which sought to mobilize immediate conflict prevention and mitigation action to problems by communities themselves. The US government supported and sought to connect some of these local EWER systems through funding and technical assistance. But some efforts operated largely on their own, without direct connection to the national level efforts or donor support. One example is the work of the African Great Lakes Initiative and Friends Church Peace Teams in the Rift Valley. Local community leaders created a call-in center, trained over 1,200 citizen reporters, created locally-led response teams, and worked directly with communities where incidents happened to find solutions. For example, quick response and concerted follow up with communities in Mt. Elgon – where few others were working - in response to politically motivated killings in the run up to elections helped fill a gap that the national system did not address. However, they suffered

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[11] From the Uchaguzi Evaluation Report, July 2013, iHub Research.

from not being linked up with national and international systems and, had violence erupted, might have easily been overwhelmed at the local level.

Aftermath of 2013 Elections

Initially there was a delay in conducting a final tally of both presidential and local election results. Though the election was on March 4, 2013 (Monday), because of a breakdown in a new vote-transmission system, results that should have been received and tabulated by March 6 (Wednesday) were finished until later in the week, keeping the country on edge, creating all kinds of fears, frustrations and conspiracy theories. And when they were released, it was reported that the presidential election polls were too close to be definitively verified and were quickly contested. But when the tally was completed on March 9, Uhuru Kenyatta (Jubilee Party) was confirmed as the winner of the presidential election, gaining 50.07% of the votes (12,330,028 votes casted; 86% turn-out) and narrowly avoiding a run-off. The Coalition of Reforms and Democracy (Coalition of Reform and Democracy (CORD)) presidential candidate Raila Odinga (with 43.31% of the presidential votes) challenged Uhuru's win in the Kenyan Supreme Court, saying there were "massive irregularities" in the final election tally.

Elections rules were such that if no presidential candidate earned more than half of all votes cast countrywide, a fresh election could be held as early as April 5, 2013. But many feared that in the 30 days that would past there might be a repeat of the 2007/2008 violence. Kenyans immediately took precautions to protect themselves against any outbreaks of electoral violence. Nationwide, businesses and individuals initiated measures to protect themselves against the looting and torching of their stores and homes that happened after the 2007 polls. Businesses were to stay closed for three days.

As a result of Odinga petition and after some delay (March 26), Kenya's Supreme Court ordered a partial recount of ballots. The court ruled that the presidential results at polling stations in 22 of the country's 291 constituencies be recounted, and forms indicating results in all 33,400 polling stations be checked for accuracy. The Supreme Court ruled on March 30 that Uhuru and his running mate, William Ruto, were validly elected. Both were sworn in as Kenya's Fourth President and Vice-President on April 9, 2013.

The Role of the Media (2007 versus 2013 elections)

The attention shown to the 2013 Kenyan elections and resulting media coverage may be viewed as a byproduct of the violence resulting from the 2007 election, which took much of the world by surprise.

A media audit of eight Kenyan media outlets and 14 international outlets from February to April 2013 showed that more than 300 stories were written about various topics surrounding the election during this period of time.

Articles were tracked and evaluated based on keywords related to the ICC, international events, external events, narratives, process, the Presidential debate, and violence. The objectivity of articles were evaluated on the scope of information covered, the number of perspectives presented, and whether stories connoted a positive or negative view of the subject.

When evaluating national versus international outlets, violence from Kenya's 2007 election were largely under-represented in national publications. However, the violence and number of deaths were a key component of coverage in the international media.

When laddering back to violence and hostile undercurrents in the 2013 elections, similarly the hostility and prejudice toward the costal Kenyans as expressed in the discriminatory phrase "the coast is not Kenya," is reported in international outlets, but not reported in the national media. Last, President Kenyatta's trial for crimes against humanity were not mentioned in the national media, and only appeared in a few international stories.

When auditing the national media's coverage of the 2013 elections, the majority of articles were related to violence, narratives, and process. Stories from outlets considered conservative were not vastly different in tone or content from Kenya's most independent news source (the Star).

Key differences from coverage were most obvious in: the reporting of deaths, either by total, incident or number of police; issues of fraud in the elections themselves, which were mentioned by nearly all national media, but only reported in-depth by the Nation; issues of fraud as related to police presence, the increase of which was reported by all national outlets, but the presence of "fake police" was, again, only reported by the Nation.

Hate/Dangerous Speech during the 2013 Kenyan elections

A vigilant civil society's willingness to shun hate speech and a government watchdog's determination to pursue perpetrators made the difference in the level of violence between the aftermath of the 2007 election cycle and that of 2013.

Since independence, land distribution has been a major point of contention between the various ethnic groups in Kenya and is always at the forefront of the political narrative each time there is an election. The violence that took place following the 2007 election was so remarkable that it created anxiety within the international community that was eager to see a quick end to it. Several different issues including hateful and dangerous speech fueled the violence that erupted subsequent to the elections.

Members of certain ethnic groups were calling for the removal of another ethnic group from their usual habitat. For example, members of the Kalenjin people were calling for the removal of Kikuyus from lands in the Rift Valley. The Agence France Press (AFP) published some hate text messages that exemplified such incidences: "if your neighbor is Kikuyu, throw him out of his house. No one will hold you responsible." Obviously, in the proper context, a message such as this one has a higher propensity to incite a specific audience to take action against that ethnic group. That created a mass migration of Kikuyus from the Rift Valley to other areas. According to genocide experts, forced mass migration is also an indicator of an ongoing or impending genocide.

Dangerous speech figured prominently as one of the drivers of the violence. The Kenyan government and civil society realized that lasting peace, sustainable development and harmonious coexistence among Kenyans require deliberate normative, institutional and attitudinal processes of constructing nationhood, national cohesion and integration. In an attempt to curb instances of hate speech and reduce discrimination, the Kenyan government created a statutory body called the National Cohesion and Integration Commission (NCIC). Chief among the mandates of the Commission is the elimination of all forms of discrimination based on ethnic, racial, religious, and social origin in Kenya.

The government's anti-discrimination watchdog – the NCIC – challenged all government officials making statements that can be construed as being hateful or even borderline dangerous. As a result, several high government officials were indicted for perpetrating hate speech. The NCIC continued to apply pressure on the Kenyan society during the run up to the 2013 election cycle. The Commission deployed a robust plan to educate civil

society as well as the media to recognize hate speech and take steps to isolate those perpetrating it. NCIC aggressively monitored media outlets to include social media in an attempt to identify perpetrators of hate speech. In fact several bloggers were arrested and charged for perpetrating dangerous speech. Moreover, several non-governmental organizations such as Ushahiddi, Uchaguzi, and Umati launched programs to monitor hate speech online. Consequently, although a number of incidences of hate speech was confirmed online, that did not materialize to acts of violence in the streets.

Election Security

The 2007 presidential election in Kenya was chaotic and violent, resulting in over 1,300 deaths. The police perpetrated much of the violence with heavy-handed tactics and facilitated by an overwhelming sense of impunity. Despite human rights violations before, the pervasive and blatant nature of what transpired during and after the December 2007 election served as a tipping point, which led to an approved constitutional overhaul in 2010. The reforms had a strong focus on human rights and rule of law and sought to end impunity and increase accountability for the actions of police officers.

These changes were ratified under three pieces of legislation in 2011. The first was the National Police Service Act, which created a hierarchical structure that pulled the 2 police services, the Administrative Police and the Kenya Police Service under a new authority, the Inspector General of Police (IGP). The National Police Service Commission Act established a civilian board to oversee recruitment and appointments of police officers, review standards and qualifications, and to receive and refer complaints from the public. The final piece of legislation for police reform was the Independent Policing Oversight Authority Act created a body with police oversight responsibilities and gave latitude to conduct investigations into police complaints and to recommend disciplinary actions.

Although these policy level changes were established well ahead of the following election, the actual implementation process was inert from their passage in mid-2011 until the end of 2012. As the country and international community began preparations for the March 2013 elections, stagnation on police issues drew justifiable scrutiny. It was not until late 2012 that many of the new police leadership were named, including the crucial IGP in December, due to partisan quarreling. This short timeline eliminated a chance for real institutional changes to take root before the polls opened. In spite of these set backs and

lack of forward progress on police reform ahead of time, the elections were widely seen as successful with relatively few incidences of police violence.

In the absence of systematic changes in the police ranks on in the weeks leading up to and following March 4, several measures were taken which contributed to the overall peaceful election period. The IGP put together a Contingency Action Plan (CAP), which outlined where and in what capacity police would be deployed. They augmented their numbers, by supplementing from other security agencies, including the Prison, Wildlife, Forestry, and Youth services and were able to deploy almost 100,000 officers to polling centers and established police presence in the days leading up to the election in areas prone to violence, as laid out in the CAP. The police also had heightened security at tallying centers in all counties to deter attempts to disrupt or undermine the process.[12] These efforts were aided by a countrywide ban on demonstrations and large public gatherings.

Challenges and Way Ahead

On Election Monitoring in Kenyan Election

1. Citizen reporters and monitors are essential in electoral processes; they serve as the eyes and ears on the ground and reside in remote parts of the country where election observers and other officials cannot monitor. Increasing the quantity of monitors as well as their training and resources are practical recommendations for the future. The more monitors and the better educated and equipped they are, the more effective they will be reporting irregularities on voting day and leading up to the voting.

2. Although Ushahidi and Uchaguzi provide an effective and valuable way for citizens to get involved in the electoral process and to report activities like voter intimidation, election violence, or other election-related problems, some notable aspects of such technologies call for improvement. In the next election, the 'response' aspect of the reporting should be improved upon. Call-in centers and the individuals in charge of receiving the texts and calls from citizens need an enhanced capacity to quickly and appropriately respond to the information they receive. Increasing awareness is

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[12] See Conduct of the Police in Kenya's 2013 General Elections at
http://journal-of-conflictology.uoc.edu/ojs/index.php/journal-of-conflictology/article/view/vol4iss1-shaka.

important, but the ability to respond effectively is also crucial to the success of these citizen-based technologies.

3. Ensuring that citizens have the proper education and voter information regarding electoral procedures and decision-making is vital to a successful election. In the future, education programs should begin earlier in the electoral cycle (not a month prior to Election Day) in order to educate as much population as possible on key election-related topics. The materials should be of high quality and should be distributed throughout the entire country so that every voter has the knowledge he or she needs to make a valuable contribution to the democratic process.

On Effective Warning & Response Systems

Gathering lessons and applying learning from the Kenya case, as well as others in the region, to improve future efforts to establish integrated and effective warning and response systems in the context of elections and mass atrocities prevention is important.

1. Establish integrated platforms for information sharing, communication and coordination of response across government, international, and civil society actors, and from local-national-regional-international levels.

2. Invest in the relationship-building, trust-building, and continued support of these platforms to ensure they function early in the lead up to elections, through the entire electoral process, and as ongoing mechanisms for warning and response.

3. Harness the power of developing technologies by connecting them with integrated networks and relationship-based communication and response coordination.

4. Gather lessons from Kenya and other experiences in electoral violence prevention efforts to inform regional best practices and continued learning.

On Hate/Dangerous Speech

There are several actions that can be taken in an effort to counter the indicators of hateful messages. In the fight to curb and prosecute hate speech, Kenya is probably a pioneer in developing a means to counter this phenomenon and prosecute perpetrators. The Kenyan government instituted the NCIC to develop training program for civil society, government

officials and law enforcement officials. Here follows a couple of recommendations to successfully tackle hate or dangerous speech:

1. Silence/counter the speaker with prosecution/corrective speeches, and political sanctions. Inoculate the audience with other speeches and tactics to make it less susceptible to incite.

    1.1. Corrective speeches can be effective by introducing influential speakers to provide other speeches that can counter the inciting message and sway public opinion.

    1.2. Develop a mean to inject a positive spin into the narrative of the targeted group. This can be done with the use of media propaganda. Develop soap operas to show the public that both sides can be at fault for perpetrating violence. This technique embeds certain vocabulary in the psychology of the audience so when they are faced with a particular speaker attempting to sway their opinion, they will recognize the tactics and in turn resist such temptations.

2. Capacity building. During the 2013 election cycle, Kenya has made great strides in its capacity building program and it should be sustained. This program trains:

    2.1. Civil society on how to become resilient when faced with dangerous speech and to resist the temptation to propagate dangerous languages.

    2.2. The media on election reporting and that it is their duty to resist any attempt to sensationalize reports that may catalyze to violence.

    2.3. Government officials, public safety officers, officers in charge of crime, investigators, and prosecutors in order to recognize instances of hate speech and how to prosecute perpetrators.

On Election Security

1. Examine legislation related security sector reform and establish an implementation plan so that new institutions and laws will be in place and enforced during the election period.

2. Begin planning for the elections as soon as possible. Ensure officers have appropriate training as it pertains to elections, as well as routine procedures so they will perform their duties confidently and lawfully.