



# ICPAK PRESS STATEMENT ON SUPREME COURT VERDICT ON THE 2017 PRESIDENTIAL ELECTION

7<sup>th</sup> September 2017

We wish to commend the three arms of Government for standing firm in the defense of constitutionalism in the country. This has provided a fertile ground from which democratic principles continue to thrive.

On 1<sup>st</sup> September 2017, the Supreme Court made a ruling to the effect that the Presidential election held on 8<sup>th</sup> August 2017 was null and void and ordered a fresh election within 60 days. The Judges cited illegalities and irregularities that eventually compromised the integrity of this election. We are cognizant of the fact that the decision was monumental in its entirety and has attracted praise and criticism in equal measure from all divides of the political establishment.

The Institute of Certified Public Accountants of Kenya (ICPAK) in recognition of the significance of elections in systems of governance and wishes to reiterate the following:

1. The Supreme Court decision on the presidential election, like all court decisions, needs to be respected by all Kenyans.
2. The summary ruling of the Court reaffirmed a fundamental transparency and accountability principle; that the process is as important as the result and that the end does not always justify the means. This is a significant message to all state agencies, organs, and state and public officers. As a country, we must strive to achieve excellence in all our processes and not settle for less.
3. As the country prepares for a fresh election as directed by the Supreme Court, all citizens and electoral institutions must support this process to ensure that it proceeds in accordance with the Constitution and all relevant applicable laws. An election remains the best expression of democratic will and a peaceful way of arbitrating and settling political contests. The effective working of institutions will shield our economy from any further downside effect of political uncertainty. We must all support our institutions of governance and give them the room to operate objectively and independently as contemplated in the 2010 Constitution.
4. IEBC should undertake a systems and process review before the new election takes place and determine what went wrong and how to remedy this. This will create confidence among stakeholders, including members of public that the Commission has the necessary infrastructure not just to deliver a credible election but to ensure strict compliance with the Constitution, laws and regulations relating to the elections. The public must be assured of the utmost integrity and efficacy of the technology that IEBC intends to deploy during the repeat election. We hope that the envisaged technology will address areas of concern cited in the Supreme Court ruling such as validity and accuracy of documents as well as results transmission.
5. Election observers remain critical to the integrity of elections. We urge all observer groups who will be accredited in the upcoming elections to carry out adequate risk assessments and focus their efforts on areas that are susceptible to most risk. Kenya's presidential elections disputes have historically revolved around vote counting, tallying and transmission and any observer reports without considering these areas could be missing important aspects of the electoral process.
6. All stakeholders and persons involved in the upcoming repeat election are reminded that they are bound by, and must apply fully, the national values and principles of governance as outlined in Article 10 of Kenya's Constitution - specifically openness of the public institution to scrutiny, integrity, transparency and accountability.
7. We urge all political parties and all Kenyans to exercise respect for one another and to remain calm during the campaign period and up to the election day and beyond.

The Institute of Certified Public Accountants of Kenya is fully committed to the full realization of these ideals that enhance credibility and accountability. ICPAK is a professional accountants body with over 20,000 members. If called upon by the IEBC, the Institute is ready to collaborate with the IEBC on systems and process reviews and any other support necessary to assure integrity of the electoral system.

**FCPA Julius Mwatu**  
**Chairman, Institute Certified Public Accountants of Kenya**