

## Reporting on Kenyan General Election 2017: A month to the polls

### 1. Past Kenyan elections

The 2017 General election will be the 11<sup>th</sup> general election in Kenya since its independence in 1963. Previous elections in Kenya have taken place in 1963, 1969, 1974, 1979, 1983, 1988, 1992, 1997, 2002, 2007 and 2013. The election in 1963, saw the late Jomo Kenyatta appointed as the Country's prime minister, later in that year becoming the first president upon attainment of Kenya's independence. After the banning of Kenya People's Union (KPU) in 1969 Kenya remained a one party state with the Kenya African National Union (KANU) as the only political party until 1988. KANU however remained in power for the next 14 years under the leadership of Kenya's second president, Daniel Toroitich Arap Moi who first ascended onto power after the death of the first president in 1978.

In 2002, after 24 years under President Moi's leadership, and 39 years of KANU's reign, Kenya's third president Mwai Kibaki was sworn in through the Party for National Unity (PNU) after squarely beating Uhuru Kenyatta who had been endorsed as KANU's presidential candidate. During this election, Raila Odinga rallied behind Mwai Kibaki, running an aggressive campaign to remove KANU from government. However, shortly after the election, President Kibaki and Raila Odinga fell out and this set the stage for Raila Odinga's run against Mwai Kibaki in the next election held in December 2007. No election has been more hotly contested as this one which took place against a backdrop of a deeply divided Kenya. Kenyans of Luo tribe felt betrayed by Kikuyus for the fall out between the two leaders. The luos felt that Raila, also luo, deserved to be handled better than Kibaki had done and that the Kikuyus were feeling entitled to the Country's leadership. Kenyan Kikuyus and Kalenjins have also long held disputes relating land injustices that came alive during the 2007 election period. To make matters worse, the election held that year was not deemed free and fair and president Kibaki who was defending a second term in office was sworn in under less than ideal circumstances. All these factors led the country through a period of anarchy and bloodshed, which saw more than 1,000 Kenyans were dead and over 500,000 displaced in the two early months of 2008.<sup>1</sup>

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<sup>1</sup> Human Rights Watch report, March 16 2008, Kenya: Justice vital to security: <https://www.hrw.org/report/2008/03/16/ballots-bullets/organized-political-violence-and-kenyas-crisis-governance>

The violence would only come to an end with the mediation of the international community, which provided a mediation forum through the former UN Secretary General Koffi Anan. This process gave birth to the National accord and reconciliation Act, that saw President Kibaki and Prime minister Raila Odinga in a strained power sharing deal that lasting the next 5 years. Notably during this period was the adaptation of a new constitution in 2010. The constitution provided for among other things a new devolved function that shifted the concentration of powers from the presidency.

## **2. Previous election 2013 dynamics**

The election in 2013 was the first since the country-wide violence that took place in Kenya after the 2007 election. It was also the first election since the new constitution was adopted. These were the two major factors shaping the politics at that time. Following the violence, Uhuru Kenyatta and William Samoei Ruto were among six Kenyans indicted for crimes against humanity at the International Criminal Court (ICC). Kenyatta and Ruto formed an alliance that would go around the Country blaming Raila Odinga for being behind their cases at the international court. This campaign won the two leaders widespread sympathy among their tribes who have the largest population in the Country, combined. This strategy worked at their advantage in their political campaign for the post of president and deputy president in the 2013 general election. Uhuru Kenyatta became president with William Samoei Ruto as his deputy in the closely contested election of 2013. The opposition disputed the election result citing tampering of the electoral system and doctoring of results. The case, handled by the Supreme court of Kenya which upheld Uhuru Kenyatta's win.

Another major factor in the 2013 general election was the Country's devolved status following the constitution that was adopted in 2010. While Kenyans welcomed this new system with open arms, majority of them had little or any understanding of what it would mean exactly and what the various roles they were voting for would be responsible for. As a result, many of the functions under the devolved system were filled by leaders without a clear understanding of their roles and lack of vision regarding their deliverables. Voters did also not know how to hold their leaders to account as they lacked the know-how.

## **3. 2<sup>nd</sup> election under a new constitution**

The upcoming general election to be conducted on 8<sup>th</sup> August 2017 will be the 2<sup>nd</sup> election under the Kenyan constitution 2010. Kenyans go to the polls armed with experience from the about to lapse term. Civil society organisations in Kenya have conducted vigorous civic education in the last five years, helping to sensitise Kenyans regarding the roles of various capacities within the devolved system and holding office bearers to account on their obligations.

Moreover, a new awakening in the upcoming election is that Kenyans have embraced independent candidates with more than 4,000 independent candidates for various positions, as compared to 350 independent candidates in the general election of 2013. This acute increase in independent candidates is a positive aspect in Kenya's democracy because Kenyans have previously tended to look down on independent candidates, preferring to vote only for candidates affiliated with political parties. Affiliation to a political party in Kenya is usually associated with one's tribal background as opposed to ideology, for a high chance to win an election. Additionally, politicians have in the past developed a sense of entitlement based on the political party they have attached themselves to. In this case, politicians have focused on pleasing political party leaders for endorsement, which in most cases gave them the ticket to the political office they sought. Consequently, such politicians have felt no need to address the issues that could affect the lives of their voters and once elected, only sought to progress their own circumstances to the expense of the citizen.

With the current wave of independent candidates, politicians have begun to address pertinent issues in their campaigns to win voters. This is the kind of politics needed in Kenya and should continue to be encouraged. This space has also made it more possible for more women and youth people to seek political office in various capacities. With the increase of women and young political candidates, there has been a shift from previous practice of bribing voters and instead, aspirants are seeking financial support from voters, to finance their campaigns. This is a progressive practice as it gives voters the power and confidence to vet and call their leaders to account once elected.

#### **4. Circumstances surrounding the upcoming election**

At the presidential level, going by opinion polls and media reports the two main contenders for the post are incumbent President Uhuru Kenyatta and former Prime Minister, Raila Odinga. Opinion polls show that the two are likely to run neck to neck, with rising debates over the possibility of a run-off for failure to obtain the 50%+1 vote required for any candidate to be declared the winner. The winning presidential candidate must also obtain 25% of the votes in at least 24 of the 47 Counties.

Some of the circumstances surrounding the election and campaign period are as follows;

##### **a) Hunger and increased cost of living**

Evidence shows a sharp increase in the cost of living in the last year ahead of the poll. This has affected individuals as well as businesses and corporations who have experienced loss or reduced incomes and profits during this period. Major business corporations have been forced to shut down or reduce their operations, leading to massive loss of jobs. Among them are the Nakumatt chain of stores that has been adversely affected, announcing closure of close to ten of its formerly vibrant supermarkets around the region.

Kenyans have also been affected by lack of maize flour, a food substance that is source of a staple food on many Kenyans tables. The price of maize flour has gone up to more than Ksh. 200 for a 2kg packet, previously going for about half that price. The government has had to intervene in this issue by importing maize and subsidizing the price of maize flour to an affordable amount. However there is still scarcity of the product and uncertainty regarding how long this problem is going to last. The political party forming government, Jubilee party has been accused of playing politics with maize flour by creating an illusion of scarcity and also using the product as handouts in its political campaigns for the presidency.

b) Serious allegations of corruption within the current government

The current government has suffered backlash over huge corruption scandals in the last five years. The National Youth Service (NYS) scandal has been the most serious of all with allegations that close to 20 billion shillings disappeared in unclear circumstances. The Eurobond scandal still looms over Jubilee's government and remains an unresolved mystery in the Country's treasury records.

Corruption scandals also sift down to the County governments with many county governors performing badly in the last 5 years. Many of these leaders have also been accused of corruption and misappropriation of funds meant for development projects.

c) Labour Strikes

Since the beginning of 2017, the country has experienced three major strikes by doctors, nurses and lecturers. The countrywide doctors strike which lasted 100 days caused deaths of some Kenyans who could not afford alternative sources of healthcare from public hospitals. County hospitals' nurses and lecturers have followed suit in separate strikes due to the government's failure to implement previous agreements to adjust their salaries.

These strikes are most likely strategically planned at this time as a way to force the government to comply with the workers demands. This expectation assumes that the president will grant the workers their demand to appease voters in his favour. Strikes also increase the amount of unrest and tension in the Country, affecting the already fragile state of peace being felt ahead of the election. A few days to the election, these challenges are yet unresolved.

d) Insecurity

The post election violence that took place in 2007 has not faded from the memory of many Kenyans. The truth, justice and reconciliation report, released as a requirement of the accountability component of the National and

reconciliation Act signed in the aftermath of this violence has faced serious challenges preventing its implementation. For this reason, the Country has become even more polarized than it was before the post election violence. Election periods have usually sparked animosity between tribes in Kenya and this year is no exception.

In addition to current unrest and tensions the country became a terrorist attraction since the first major attack that took place in August 1998. Kenya has continued to suffer terrorists attacks due to its proximity to Somalia and ties with Western states especially the UK and the US who both have military bases in the Country and also with Israel. There are fears of terrorist attacks during campaign rallies and on the election day itself, further raising tensions ahead of the polls.

The sudden death of the former Cabinet Secretary for Interior security and coordination, Mr. Joseph Ole Nkaiserry was shocking and of concern. With only few days remaining to the election, the president quickly appointed an acting Cabinet Secretary, Mr. Fred Matiang'i to prevent having a void in the position at this crucial time. Matiang'i has been the Cabinet Secretary for education, with an outstanding performance record. However, it can be argued whether the current acting Cabinet Secretary can be as effective as the former Cabinet Secretary who had gathered a lot of information and experience during his period of stay in the office. The late Nkaiserry also performed exemplarily in his docket.

e) Challenges associated with electoral processes and laws

The body charged with responsibility for elections, the Independent Electoral and Boundaries Commission (IEBC), has been faced with a number of challenges in its preparations. Some of the issues that have taken the IEBC to court in the past months include the voters register; The IEBC has been tasked to release the full list of registered voters to the public. Displaying this list allows Kenyans to scrutinize it for errors ahead of the election; Printing of the ballot papers is yet another issue that the IEBC has had to content with. The body was accused of giving the printing tender to a Company that would more likely be sympathetic to the Jubilee party. The case which was ruled by the high court in favour of finding a different printer for the presidential papers was later thrown out by the court of appeal; The IEBC has also been compelled to announce final results at the constituency level as opposed to transporting results to a central tallying center as was the case in previous election. The process of moving election papers with results from the constituency to the tallying center has created a gap allowing for manipulation of results in previous elections. It is hoped that this new system will reduce on electoral malpractices.

## 5. Calls for peace

The whole country is currently in a 'peace mode,' with everyone calling for and civil society mobilizing for a peaceful election. The government has been criticized for causing intimidation to citizens due to heightened military activity. There are allegations of increased military artillery and deployment in unusual numbers and areas. The opposition coalition, The National Super Alliance (NASA) has also pointed fingers at the Kenyan Defence Forces (KDF), raising concerns over the possibility of the government's use of military forces to interfere with results but these are unproved.

Due to this distrust of the IEBC, the opposition has claimed to have set up a parallel tallying center. While this is unconfirmed, the leader of opposition, Mr. Raila Odinga, during the presidential debate did not deny the allegation. If indeed there is a parallel tallying center inside or outside the country, this could be a major factor tipping a volatile situation into full blown violence. The state of peace ahead of the election is very fragile, and it can only be hoped that this situation will not crumble once the election results are in.

## Conclusion

Various media outlets and reports such as the Human Rights Watch report released on July 3<sup>rd</sup> 2017, indicate that many Kenyans are fleeing some of the areas most affected by the 2007/8 post election violence.<sup>2</sup> A report released by the Institute for Security Studies (ISS) similarly indicates that the current conditions in Kenya show similar patterns with the circumstances ahead of the 2007 general election.<sup>3</sup> These are credible sources of research and analysis indicating the high likelihood of a violent election. The recent murder of a senior IEBC manager responsible for ICT also leaves many questions as to the state of security in regards to the upcoming election. The government has emphasized on its preparedness but the indicators are that security is not guaranteed. It is up to Kenyans to make a decision as individuals not to be sucked into any divisive rhetoric, participate in voting and wait peacefully for the results. Any disputes should be handled through the established structures of justice despite existing dissatisfaction with how the last major election dispute from the election in 2013 was handled.

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<sup>2</sup> More information is available on; <https://www.hrw.org/news/2017/07/03/kenya-intimidation-reports-voting-nears>

<sup>3</sup> More information is available on: <https://issafrica.org/iss-today/signs-of-violence-ahead-of-kenyas-2017-elections>