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Report

The 2012-2013 Kenyan Presidential Elections



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Uncertainty still lingers over Kenya's coming election date. This is largely a product of the 2010 Constitution adoption in a referendum that predetermined the election date but whose interpretation remains divisive and controversial. This coupled with the high complications emerging from the ICC case makes the forthcoming elections be a game of very high stakes. As a consequence, the elections, like the recent multiparty elections, are already bringing forth serious tensions. A key pointer is the confusion that politicians are in – struggling to find appropriate political vehicles for their "ethnic" groups.¹

Since the first multi-party elections in 1992, elections in Kenya have had devastating effects on the lives of people. It started as tensions between opposition and the then ruling party KANU. However it quickly gained its actual focus ethnic exclusion from particular zones. This was ostensibly to clean certain geographical zones of opposition elements; it was however clear that these were citizens from ethnic groups from which opposition leading lights took charge. It soon became clear even to the less discerning that there was a serious ethnic agenda.

The next presidential elections are due in a totally different environment. They are against a background of the disputed 2007 general elections that were contradictory in many respects – the elections were generally peaceful until the results were announced declaring President Kibaki the winner. Then it became tragic. In the end, there was serious violence and unparalleled levels of bloodshed. For a period of about a month there was mayhem everywhere. In its wake, the scope of destruction could only be described as appalling. In the end about 1,300 citizens killed and over 600,000 displaced in the midst of massive destruction of property.

It is this that gave birth to the Panel of Eminent African Personalities comprising of former UN Secretary-General, Mr. Kofi Annan (Chair), former President of Tanzania, Mr. Benjamin Mkapa and former South African First Lady, Mrs. Graca Machel. The team helped navigate the country back to sobriety but had large doses of medicine for the country. The main one being a reworking of a new constitution that has fundamentally shaken the country's governance structure with devolution and dispersal of powers being its main achievements. Above all the constitution, it would appear is very progressive – with its Bill of Rights being hailed. It has among others shaken the judiciary, parliamentary functions and roles as well as the Executive arm of government in equal measure.

Uncertainty over Elections but for Whom?

Kenya's next Presidential elections are due to be held in an environment of great uncertainty for lords of impunity and violence. The uncertainty is also on the new political game – that at the same time reduces the attraction to presidency for the resources it doled to the loyalists and sycophants. But also provides ethnic kingpins with the opportunity to operate within a limited sphere predominated by their ethnic groups. In this respect as many commentators have argued the 2012/3 presidential elections is likely to be historic in creating a significant transformation in the country's politics. This coupled with the recent involvement of the International Criminal Court (ICC) in the prosecution of the PEV suspects is further expected to contribute to changes within the country's political landscape. This is because the ICC prosecution has touched senior officials in the former and present governments, with the most precarious ones being two probable presidential candidates enjoying a relatively great political support from their populous ethnic groups.

Interestingly, opinion polls continue to indicate that a majority of Kenyans remain happy with the International Criminal Court (ICC) pursuing the suspected key perpetrators of the December 2007-February 2008 violence. Although the numbers are reducing there is still support for the ICC process. But more uncertainties remain both for the ordinary citizen and the political class. In particular state political discourses connecting

¹ Politicians often claim to be doing things for their ethnic communities yet it is for their own survival, this is ethnicity helps manipulate and mobilise ethnic support.

succession politics to the ICC involvement in Kenya have amplified public anxiety about uncertainties regarding the ICC outcome and the 2012/3 elections. Slow progress in the implementation of the constitution, addressing impunity as well as commissioning reforms envisaged in 2008 to thwart the repetition of violence contribute to the high levels of uncertainty in the citizenry.

Dynamics of Kenya's Presidential Elections

Election campaigns in Kenya have often focused on internal issues, often driven by ethnic agenda and lacking in regional or geopolitical focus. Indeed a recent discussion with a varied group of African enthusiasts revealed that Kenyan politics ignores what should be fundamental to the country's development – that is geopolitics. It is in this light that Kenya's involvement in Somalia has received mixed reactions from analysts with some seeing it as a positive step and an investment with great potentials both to the country and the region. On the other hand, others argue that for a country that has had no military combat of this nature the involvement is a reckless invitation of violence by Al Shabaab.

Amidst emerging complex regional dynamics, there are emerging internal sobering political dynamics with a new generation of young urban citizens that consider themselves as distinctly different from their older counterparts, least bothered about ethnic affiliations and therefore difficult to manipulate using tribal messages. A positive sign is that politicians have been forced re-energize and re-evaluate their ideologies and campaign tactics. As a consequence, the messages emerging from the politicians are likely to be more sober. But this group has contributed to increased use of the social media and ICT applications such as the internet, face book, twitter and other interaction platforms. The ICT is thus a critical influential factor in the race for the 2012 presidential elections in Kenya. Interestingly, this is a constituency that was largely ignored in past elections. It is no doubt that future elections in neighbouring countries will borrow in large measure from the Kenyan.

In a country where political parties have historically mobilized constituents based on ethnicity, even an externally driven process, like the ICC's, cannot escape this reality. Kenyatta the politician is considered first and foremost a member of the Kikuyu community, the largest ethnic group in Kenya. While Ruto, a Kalenjin, enjoys considerable support from that group. In their pursuit for a United Nations (UN) Security Council deferral of the ICC charges, Ruto (Kalenjin), Kenyatta (Kikuyu), and Vice President Musyoka (Kamba), founded the "KKK" political alliance. This later metamorphosed into the Group of Seven (G7), extending the KKK alliance to more political players. Its main logic is that an umbrella party would make it easier to win the presidency against Odinga. The alliances in their shifting formations are aimed at crafting an ethnic vehicle capable of capturing the state. As social commentators like Professor Ogude of the University of the Witwatersrand rightly argue Kenya's forthcoming elections will still be influenced to a large extent by ethnic manipulations.

In the midst of all the intensifying political competitions with several factors shaping the race to Kenya's State House, the next presidential elections will have far reaching effects in the region. Kenya like many countries in sub-Saharan Africa is home to diverse ethnic groups. In many African countries, however, since the period of decolonisation, many of the countries have remained as scenes of significant inter-ethnic conflict leading to political instability, civil wars, and mass atrocities including genocide. For several decades following its independence, the Republic of Kenya stood somewhat apart from this norm and was widely regarded as one of the most stable countries in an otherwise volatile region. But as has been observed this reputation began to change following the beginning of a transition to multi-party democracy in the early 1990s. The new power contests presented by elections provided a political outlet for the long-simmering ethnic rivalries which now threaten to periodically escalate into inter-ethnic violence. Could the 2007/8 violence be classified as such – this begs the answers.

A key element in Kenya's presidential elections is the role of personalities in elections. In the past the candidates have had significant influences on the campaigns and voting

patterns. But the forthcoming Kenyan 2012/3 Presidential race is unlike any other previous one. For in the coming elections the rules have been overhauled. For instance, there will no longer be lone horse candidates. Instead, Kenyans will vote for a package comprising of the Presidential Candidate and his or her running mate, now to be known as the Deputy President. The essence of having a candidate for Deputy President who is qualified to be President emanates from the fact that unlike in the past when the Vice-President was not the automatic successor in case the President died or got incapacitated in office, under the new constitution the Deputy President automatically takes over to complete the remainder of the term.

Anticipated Impact of Kenya's 2012-2013 Elections on the Region

Kenya's influence in the East African region is often looked at from its contribution to peaceful referendum in South Sudan. Yet next door there remains a festering war that promises to engulf most of the East African countries – the Somalia war. A war that is undefined or difficult to define. Is it ethnic, clan, religious or political? Despite the basic difficulties it promises to destabilise Kenya and the kidnapping of tourists in Kenyan coastal town of Lamu clearly pointed to that. Kenya had prior to military involvement been busy at war with the Somalia war lords of impunity – and Dr. Sichange of Association of Professionals in East Africa is quick to add, it has been the war of changing the minds of young men and women from Somalia through liberal Kenyan education system that encourages liberty and social justice. The military invasion of Somalia in October although seen by critics as chaotic should be seen as an attempt to help complete the task of helping Somalia back on its feet.

Young Somali citizens living and studying in Kenya are expected to greatly influence a future Somalia – thus a peaceful election in Kenya guided by among others an independent electoral commission and a progressive constitution as they watch will have greater impact in influencing the way the country will move forward. But these may be views of an overly patriotic citizen – for the wake of Kenya's foray into Somali there appeared to be glaring inconsistencies on regional organisations' cooperation with Kenya. For instance, Somalia's President Sheikh Sharif Sheikh Ahmed followed his initial and cautious welcome for the operation with a statement that his government objected to the presence of foreign forces in the country. The fact that Kenya has sought and obtained UN approval for its forces to be added into the AMISOM "peacekeeping" mandate makes it clear that the Kenyan government does not have intentions to achieve any predetermined goals, declare victory and withdraw. This creates an important dynamic in regard to the Kenyan election.

Kenya's role in the liberation of South Sudan remains significant. As South Sudan struggles to stabilize as a sovereign state amidst tension with Sudan it is increasingly becoming clear that a regional arbiter is needed. Ethiopia has been hosting the process of resolving with former South Africa President Tambo Mbeki being the main negotiator. But regional governments need to play the more critical role of influencing the two governments towards finding a peaceful resolution to their differences. Kenya's role will be central in this respect. But that will depend on the next President of Kenya. In the meantime, Kenya's forthcoming election promises to focus the country's attention to internal matters. This leaves countries such as Somali and South Sudan that need Kenya's support without any.

The stability of Kenya after the 2012-2013 elections will be vital for the entire Sudan's economic development. Kenya already provides human resource, technical skills, as well as several other governance assistances, particularly to the South Sudan. Most of the countries neighbouring Kenya within the larger EAC has interests at stake and will be directly affected by Kenya's stability or instability after the coming elections. The case of Uganda during the 2007 post elections violence point to this as well as a considerable number of states within the East African Community. The strategic importance of Kenya in the region was demonstrated by the demolition of Kenya-Uganda rail way line in Kibera in Kenya's city of Nairobi. Above all, having led the regional Intergovernmental Authority on Development (IGAD) peace process that yielded the CPA, Kenya has a particularly strong interest in the South Sudan. As the economic powerhouse in the

region, with time, it stands to benefit from the development of a considerable market and major infrastructure in the South Sudan including as a conduit for oil.

In the past Kenya managed to be pro-South without being anti-North, but diplomatic relations with Khartoum have recently shown signs of strain as its Southern leanings have become increasingly clear. Peaceful elections and political stability in Kenya is more likely to increase the ties with Southern Sudan, given it is an important oil resource. It is observable that Kenya and South Sudan are moving towards development of a massive transit infrastructure for oil as well as create links to the rest of EAC states including Ethiopia. The possibility of a free boundary movement is also clear depending on Kenya's next President.

A key thing after peaceful elections in Kenya will be regional security particularly given the volatile situation in Somalia. Kenya will increasingly realize that in order to achieve its potential gains and ensure peaceful co-existence in the area, then policy coherence between IGAD and the African Union (AU) is crucial. The weight of the AU – an instinctively pro-unity institution – and the importance of its recognition cannot be ignored. While the new Sudan and South Sudan are critical the broader regional context is important as well. The two Sudans do not exist in a vacuum; rather, their post separation negotiations and bilateral relations are situated within a regional context.

Kenya attempts to avoid directly antagonizing the Khartoum regime. In fact, when the Kenyan High Court issued an arrest warrant for President Bashir, there was a push back from within the Kenyan government to avoid the deterioration of Kenyan-Sudanese bilateral cooperation. The ruling precipitated a diplomatic spat in which Sudan threatened to expel Kenya's ambassador in Khartoum. However, a Kenyan court has since upheld the decision despite the government's appeal. The ruling requiring Bashir's arrest should he set foot in Kenya still stands. Kenya, being one of the neighbors with the most interest and capability to influence the outcome of future bilateral relations between the two Sudans, stands to play a unique role in organising regional actors in a concerted effort to bolster existing efforts, both regional and international, concerning Sudan and South Sudan. Its new government must thus continue to drive efforts forward within relevant regional bodies, including the AU and the Nile Basin Initiative, concerning issues of regional importance, and in particular, border security, management and the Nile River. The new government after the elections will also need to push for a reduction of violence in and permanent solutions to the conflicts in Darfur, Blue Nile, and South Kordofan.

Conclusion

The demons and wounds that the 2007-2008 post-election violence still remain and require urgent remedial actions to be treated. There have been attempts at transforming the state towards good governance and politics. In this respect, since the chaos of 2007/8 there has been some meaningful socio-economic progress. However, ethnicity continues to be prioritised in the political domain with widespread corruption and impunity still well entrenched. In this struggle the political elite remain inadequately inclined to addressing the structural imbalances that permeate Kenyan life.

There is no doubt that there is a need for concerted efforts from both the civil society and the private sector to lobby for a positive course in order to create awareness amongst the local citizens and ensure the laws under the new constitution are followed to the letter. It is further needs to be appreciated that the role of these bodies towards mainstreaming institutions and initiating transformations cannot be over emphasised. In the end, local and international institutions will need to combine efforts to help achieve the desired results. These will include pursuing peaceful elections as well as keeping the political leaders in check. Overall, Kenya's forthcoming Presidential election promises to be very competitive and likely to impact very strongly on the neighbouring countries.

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