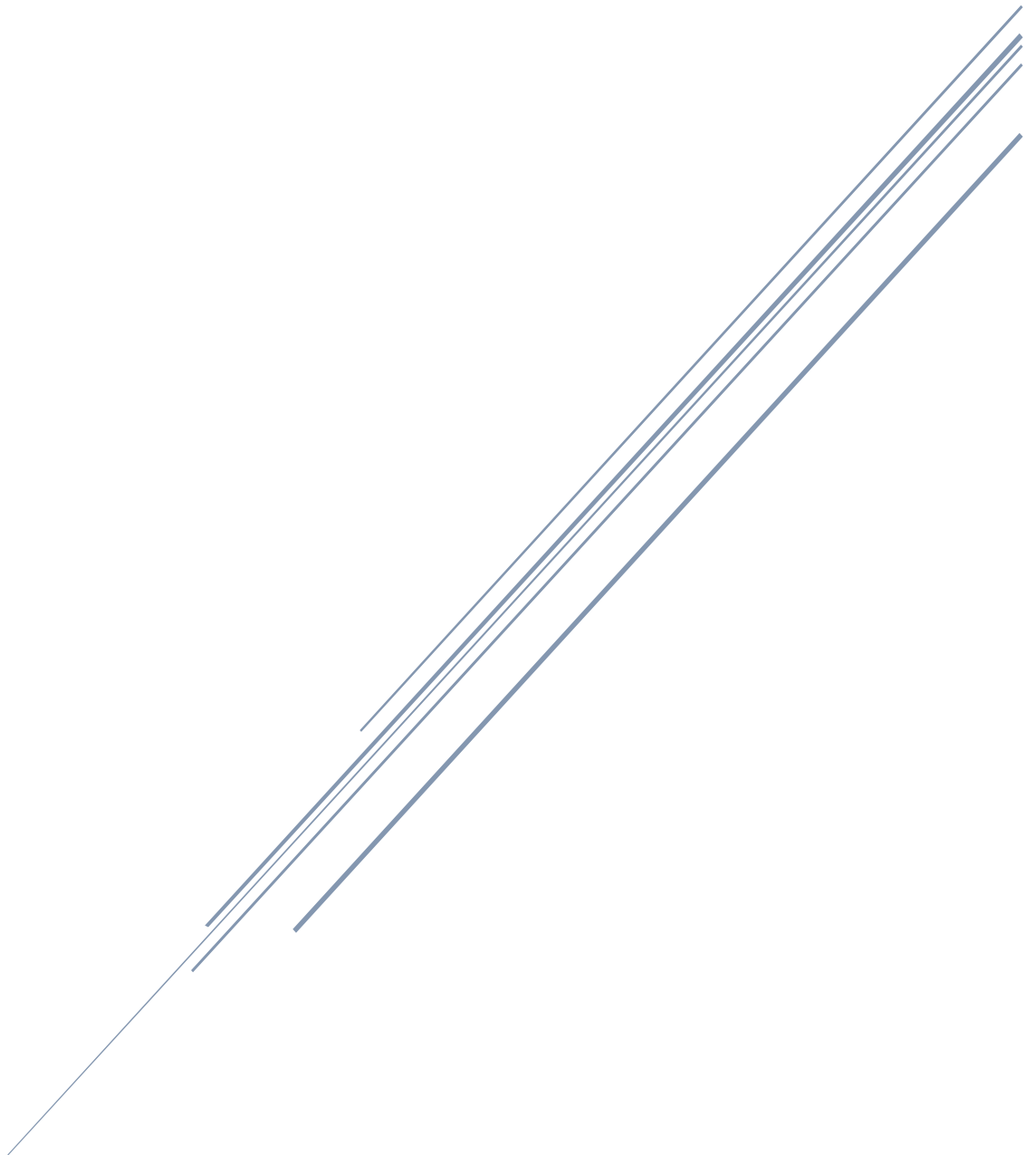


OVERVIEW OF KENYA'S POLITICAL SITUATION:

KENYA'S 2022 GENERAL ELECTION: THE PAST, PRESENT AND
THE FUTURE TRAJECTORIES, March 2022



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List of Abbreviation

ANC	Amani National Congress
BBI	The Building Bridges Initiative
DAP-K	Democratic Action Party – Kenya
FORD-K	Forum for Restoration of Democracy -Kenya
IEBC	independent Electoral Boundary Commission
ICC	International Criminal Court
KANU	Kenya African National Union
KNCHRs	Kenya National Commission on Human Rights
KPU	Kenya Peoples Union
LDP	Liberal Democratic party
NAK	National Alliance of Kenya
NARC	National Rainbow Coalition
NASA	National Super Alliance
ODM	Orange Democratic Movement
OKA	One Kenya Alliance
PNU	Party of National Unity
UDA	United Democratic Alliance
UDP	United Democratic Party

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1. BACKGROUNDER:

¹The 2022 presidential poll, “is an inflection point in the construction of the state...and the most consequential election since the republic was founded in 1964 all the country’s demons are primed to collide on August 9th! (Prof. Makau Mutua)

Kenya started its electioneering journey as a multi-party democracy with Kenya African National Union (KANU) and Kenya Peoples Union (KPU) participating in competitive politics. This was short-lived, as by 1969 the country became a one-party state, with KANU being the sole political party. Multi-party politics was reintroduced two decades later in 1992, following the repeal of section 2A of the constitution, thereby making Kenya a multi-party state. Section 2A of the Constitution had chained Kenyan political life to the lurching engines of one-party rule. The change enabled the introduction of term limits to the Presidency. A new constitution was introduced in 2010, and the first elections were held under it in 2013.

The independence party, KANU remained in power until 2002, when it was ousted by a united opposition front, which has hitherto been elusive - the Kikuyu-dominated National Alliance of Kenya (NAK) and the Luo-dominated Liberal Democratic Party (LDP), decided to unite and share power under a National Rainbow Coalition (NARC) with Mwai Kibaki as a single presidential candidate. This union enabled a political contest that did not clearly follow ethnic lines as the two main presidential candidates were both Kikuyu.²

Following the 2005 referendum on the draft constitution, in which the sitting government lost, and which saw the collapse of the National Rainbow Coalition (NARC) alliance; and the birth of the Orange Democratic Movement (ODM) with Kibaki's former ally Raila Odinga as leader. The promised post-electoral power sharing reforms under NARC had failed to materialize.

The outcomes of the 2007 elections were the most contested, between Kibaki’s Party of National Unity (PNU) and Raila’s ODM. Reports indicates that the 2007/08 post-election violence led to about 1200 deaths, 650,000 internally displace persons and properties/business of untold value were destroyed.

The intervention of the regional and international community midwived the birth of a National Accord and Reconciliation Act (2008), the setting-up of a Commission of Inquiry on Post-Election Violence (2009) (Waki Commission); Independent Review Commission on the 2007 Elections (the Kriegler Commission), and a Truth, Justice, and Reconciliation Commission. The National Accord created a Government of National Unity in which Kibaki remained President and Odinga assumed a new position of Prime Minister, while the established commissions were to examine the long-term underlying drivers of the conflict and recommend remedies.³

The Waki Commission attributed the country’s history of electoral violence to a combination of long-standing conflict drivers which included historic marginalization and associated inequalities, particularly land; a highly centralized and personalized executive power

¹ SUNY Distinguished Professor at Buffalo Law School and Spokesperson Raila Presidential candidate

² <https://www-cdn.law.stanford.edu/wp-content/uploads/2016/07/Cho-Connors-Fatima-Yalim-Preventing-Post-Election-Violence-Based-on-the-Kenyan-Experience.pdf>

³ Preventing Post-Election Violence Based on the Kenyan Experience Submitted by: Seung Yeon Cho, Erin Connors, Faizaa Fatima, and Utku Yalim Stanford University, March 13, 2015

and associated muzzling and compromising the independence and integrity of separation of power; a growing pool of unemployed educated youth and a deep-rooted culture of impunity despite clear recommendation from several reports.⁴

Among its raft of recommendations, the Waki Commission included establishment of a national special tribunal to prosecute perpetrators of the post-election violence, with an option of forwarding information collected by the Commission to the International Criminal Court (ICC), should nothing happen nationally within 6 months. This included the infamous sealed envelope containing the names of those suspected to be most responsible for the post-election violence.

With all attempts to establish the special tribunal through an Act of parliament having failed, thereafter the late Kofi Annan passed the sealed envelope to the ICC on December 15, 2010, and soon summons followed. Kenyatta and fellow ICC indictee William Ruto joined forces in December 2012 to win the 2013 general election and formed government under the Jubilee Coalition.

2. THE 2017 ELECTION OUTCOMES, THE HANDSHAKE AND THE BUILDING BRIDGES INITIATIVE (BBI)

Kenya's 2017 general election raised political controversy in the country to an all-new level. The election pitted the Jubilee Alliance against the National Super Alliance (NASA), an opposition coalition formed in 2017. In 2016, all the 11 Jubilee Alliance members merged to form the Jubilee Party to continue with the joint presidential election ticket of Uhuru Kenyatta and William Ruto for the term. NASA was therefore created specifically to oppose the Jubilee Alliance.

Ultimately, the country went through an unprecedented roller coaster of electoral process experience that included a record two presidential elections in less than two years. The first election was nullified by the Supreme Court of Kenya, headed by Chief Justice David Maraga, following a successful petition put forward by the NASA opposition coalition. A repeat election was ordered. The opposition party and leader boycotted the repeat Presidential election and instead took an 'oath of office' in public as a 'People's President', while the Jubilee Party presidential candidate was sworn into office by the State electoral machinery as the bona fide Country's President Elect. These unique incidences split the Country right in the middle and threats for political violence and unrests reached fever pitch.

In a dramatic twist of events on March 9th, 2018, the two protagonists – President Elect and "People's President" - did the now famous (if not infamous) *handshake*. The symbolic handshake was soon translated into a *Building Bridges Initiative (BBI)*, whose stated aspiration was to transform Kenya from '*a country of blood ties to a country of shared ideals*'!

The Building Bridges Initiative (BBI): Hopes and Despair

The BBI was to facilitate a dialogue among Kenyans on issues identified by the two Handshake Principals as the underlying drivers of animosity and discontent. These interrelated issues were summarized into a nine-point agenda document, which included: *Ethnic*

⁴ The Kiliku Parliamentary Committee (1992) and the Akiwumi Commission (1997), and the Kriegler Reports

Antagonism and Competition; Inclusivity, Shared prosperity, Divisive Elections; Devolution; Safety and Security; Corruption; Lack of National Ethos; and Citizens Responsibilities & Rights.

Thereafter, a Taskforce on the BBI process was established which brought together representatives from the President's side (Jubilee members sympathetic to the President's position) and NASA's side aligned to the leader of Opposition. The Taskforce collected and collated views nationally from Kenyans of all political persuasions and walks of life, through written submissions, town-hall conversations, and public rallies.

Overall, the BBI recommendations, such as devolution of more resources to counties, increased or enhanced political representation in certain regions, financial independence of the County Assembly, designation of Electoral Wards as the lowest unit of development and tax breaks for youths among others, appeared to be generally acceptable to majority of Kenyans.

Nevertheless, a section of Kenyans including the *Linda Katiba Movement* thought otherwise. The group among others, held that BBI was a premature onslaught on the yet to be fully operationalized 2010 constitution. That, the proposed changes if adopted would weaken the hitherto enhanced principles of separation of powers and that the call for an expanded executive would be an unnecessary burden to the electorate. And, while the Draft BBI Bill was endorsed by 11 out of 12 County Assemblies' that considered it; the positive outlook was short-lived as the matter went to court.

The Demise of BBI

The Supreme Court has reaffirmed the earlier decisions by both the High Court and Court of Appeal that, overall, the Building Bridges Initiatives (BBI) was unconstitutional in many fronts. The fate of BBI became one of the points of departure for political campaigns and actors in the Country. The ODM leader for example, transformed the BBI from an impediment to his political career to a launch pad and rallying call for his political campaigns in crafting the so called *Azimio la Umoja Movement* (A Unity Resolution).

On the other hand, the Deputy President William Ruto has revelled in the defeat of the initiative he opposed and has built his campaign around the idea that Raila and Uhuru were intent on seeing the BBI through so as to dish out executive positions to the political elites and mutilate the country's constitution.⁵ The Deputy President is quoted in the local dailies saying, "That this election isn't a constitutional moment, but rather an economic moment". The statement is in response to President Uhuru Kenyatta's statement while addressing Kenyans during Madaraka Day (Self-rule) celebration, June 1st, 2021, in Kisumu, in which he stated that, "This is a Constitutional moment" in reference to the BBI and constitutional changes it proposed.

3. THE POLITICS OF COALITION MAKING AND COUNTER COALITIONS: KEY PLAYERS AND THEIR VEHICLES FOR POLITICAL MOBILIZATION -

⁵ The Standard Newspaper, Feb 17th 2022

The truth is that Kenya's political parties coalesce around individuals and ethnic communities rather than ideology. Therefore, political parties are temporal and political association is transient – shifting alliances among politicians is the order of the day. This has made the running of party primaries an arduous task as dejected aspirants often troop to rival political formations after losing in a primary. This means that parties must contend with the nightmare of shifting alliances close to the general election.

The Country has recorded the highest number of political parties and candidates enlisting for consideration in elective politics. According to the Registrar of Political parties in the country, a record 81 political parties were registered by May 2022. In addition another record on candidates seeking elective position as Independent candidates - 4,738 (44 of them bring presidential candidates) was attained (See Annex 1).

In addition, the ethnicization of political mobilization in the country has seen an increasingly growing role and influence of the respective traditional ethnic council of elders, in the quest of politicians to acquire ethnic 'legitimacy' in political representation.

Politicians not least being the president and patron of the ruling Jubilee party have consulted (about 3000 elders on March 26th). On Saturday, September 18, 2021 the Kikuyu Council of elders (the *Kiama Kia Ma*, National Gikuyu Cultural Association) has announced their commitment to support ODM leader Raila Odinga's 2022 presidential bid. The elders made a declaration, after meeting their Luo counterparts where the two groups agreed to be the bridge between former Prime Minister Raila Odinga and the vote-rich Mt Kenya region.

The Speaker of the National Assembly has for example been endorsed by one group of the Kikuyu Council of Elders, while another parallel council distanced themselves from the endorsement. The governor Kajiado County while defecting from the ruling Jubilee coalition to ODM, cited advice from the Council of Elders. In Narok County, the Narok County gubernatorial candidates are in a tussle over the role of the council of elders in determining direction of the community.⁶

a) The Split of Jubilee, the Birth of UDA and the Kenya Kwanza Alliance

The Deputy President (DP) has often contended that the handshake has come to derail the Jubilee Party's development agenda for the Country. "The BigFour Agenda has been taken captive by the leaders of opposition and are scheming to review the constitution for nothing other than creation of positions", once retorted the DP. On his part the President, and leader of the Jubilee party, holds the view that the handshake was necessary and inevitable given the incessant confrontation and antagonism associated with every election outcome in the country, including the disputed 2017 General elections outcomes which threatens national unity and peace.

The public exchanges between the Head of State and his Deputy reached fever pitch, with the President accusing his Deputy of undermining his authority, being corrupt, power hungry and over politicking at the expense of service delivery to Kenyans. These opposing positions taken by the two top leaders in the Country, soon degenerated into public altercation culminating in the President's public statement which was aptly captured by one of the local

⁶ Sunday nation, March 27th, 2022

dailies carrying the headlines “Raila is my Man, Ruto Bad for Kenya” (The Star, Thursday, February 24th, 2022).

Ultimately, ruling party Jubilee split into two factions - one aligned to the Party leader and other to its deputy. The DP soon became the default leader of a formation that came to be known as the ‘*Tangatanga*’ (loosely translated to ‘loitering aimlessly’) group of political leaders sympathetic to his political persuasion, while another formation allied to the President, going by the name *Kieleweke* (let it be understood) emerged. The tag *Tangatanga*, originated from the President himself, in reference to his conviction that his DP was over politicking at the expense of participating in efforts aimed at delivering the Jubilee promises to Kenyans. *Kieleweke*, is also a loaded term, often taken to mean a coded message to the DP, that it would soon be clear who actually controls the reins of power – between him and his party boss and President of the republic.

By December 2021, the DP and his allies had registered a new political party - the United Democratic Alliance (UDA). This is the platform on which they’d seek their re-elections in the 2022 general election. Soon after, Mr Moses Wetangula of FORD-Kenya and Amani National Congress Leader, Mr Musalia Mudavadi joined the DP William Ruto to form the Kenya Kwanza Alliance. Kenya Kwanza Alliance so far brings together the United Democratic Alliance (UDA) led by Deputy President William Ruto, Musalia Mudavadi’s Amani National Congress (ANC) and FORD-Kenya led by Bungoma Senator Moses Wetangula. Increasingly, many more political parties joined the Kenya Kwanza Alliance, leading to a broad-based grand coalition boasting of about 20 political parties.⁷

The *Kieleweke* President’s side of the ruling Jubilee Party, rebranded and re-organize its governance structures, party logos, slogan and reached out to other political parties to revamp and re-energize the party.

b) The One Kenya Alliance (OKA), its Collapse and Emergence of Kenya Kwanza Alliance

The National Super Alliance (NASA) political formation on which the former Prime Minister, Raila Odinga made his presidential bid in 2017, collapsed soon after the handshake happened in 2018. The NASA constituent parties soon went their individual ways scouting for ‘like-minded’ political parties to court in the build up towards the 2022 General election.

The Amani National Congress (ANC), of one Musalia Mudavadi, FORD-K’s Moses Wetangula and The Wiper party, Leader Kalonzo Musyoka - all former NASA principals - came together to form the One Kenya Alliance (OKA). OKA was soon joined by KANU Chairman, Gideon Moi, NARC-Kenya’s Martha Karua and Cyrus Jirongo of United Democratic Party.

The OKA political formation was short-lived. As the 2022 campaigns gathered momentum, the OKA alliance members found themselves pulled in different directions compelled by the pressure from the two heavier political formations – the UDA of DP Ruto and Azimio la Umoja of Raila and the President.

⁷ Chama Cha Kazi, associated with Moses Kurua; The Service Party associated with Mwangi Kiunjuri; Democratic Party of Justin Muturi; African National Congress (ANC) associated with Musalia Mudavadi; Ford Kenya associated with Moses Wetangula; United Democratic Alliance (UDA) of William Samoei Ruto; Safina,

The ANC and FORD-K leaders have since bolted out of the OKA and joined the DP with his UDA alliance. The two politicians hail from the 2.1 million rich Western blocks of the Country. This realignment gave birth to the Kenya Kwanza Alliance.

c) The ODM, Azimio la Umoja Movement and Azimio one Kenya alliance

The ODM and opposition leader Raila Odinga crafted the Azimio La Umoja Initiative as an umbrella political movement for his 5th pitch at the country's presidency. The Opposition party chief, capitalized on the *Handshake* with the President to establish the Azimio la Umoja movement. The Azimio la Umoja umbrella brought together the handshake sympathizers from across the political divide. This included the *Kieleweke* aligned members of parliament from Jubilee party.

A section of OKA political parties and politicians, including The Wiper Party of Mr Kalonzo, KANU Chairman, Gideon Moi, NARC-Kenya's Martha Karua and Cyrus Jirongo of United Democratic Party threw their weights behind the ODM and Azimio la Umoja Presidential candidate.

Another Presidential candidate hailing from Western Kenya, Dr. Mukhisa Kitui of *Party of Growth and Prosperity* has also shelved his presidential ambition in favor of the Azimio presidential flag bearer Mr Odinga. The Western region has also birthed another political formation under the Democratic Action Party – Kenya (DAP-K) associated with Defense Cabinet Secretary, Mr Eugene Wamalwa. This too, threw its weight behind the Azimio La Umoja candidate. On 12 March, 2022 Azimio la Umoja, grand coalition bringing together more than 20 political parties, unveiled the ODM party leader Raila as the coalition's flag bearer in this year's presidential election.

In addition, the new look and reloaded Jubilee faction associated with the President, which has entered into coalition agreement with a conglomeration of seven other regional parties⁸ is part of the Azimio la Umoja political machine. And, on April 1st, 2022, the Azimio one Kenya alliance was born, to reflect the identity of the OKA signings.

4. THE CAMPAIGN AGENDAS 2022: REAL OR IMAGINED

The UDA political movement crafted the '*hustler nation*' narrative and the '*bottom-up economic*' approach, as a rallying call for what they represent in terms of development agenda(s). The *Wheelbarrow* logo of the UDA party, and motto of *Kazi ni Kazi* (Means to a livelihood is the issue, not the source/not the nature of work) is meant to symbolize the daily life's struggles and aspirations of those at the bottom of the pyramid – a whopping 15million Kenyans of whom 4million are said to be jobless. The approach has been received with admiration and criticism in equal measure.

On its part, the Azimio La Umoja movement and ODM's leader, Raila Odinga, unveiled the movement's ten-point manifesto.⁹ This includes i) *Inua Jamii, Pesa Mfukoni* (a social protection programme that will deliver Ksh6, 000 per month to two million of the country's

⁸ PAA. Associated with Kilifi Governor Amason Kingi; UPIA associated with Treasury CS Ukur Yattani; ; UPA led Herbert Mwachiro; KUP led West Pokot Governor John Lonyangapuo; PNU. Associated with Peter Munya; Democratic Alliance Party– Kenya, associated with Defence CS Mr Eugene Wamalwa; United Democratic Movement (UDM) led by Cyrus Jirongo; NARC Kenya, Wiper Party

⁹ The Azimio La Umoja Convention, held at the Kasarani International Stadium on Friday, December 10.

most needy families; ii) *'BabaCare'* **that** will scale up the Universal Health Care pilot programmes to the rest of the country; iii) *Kazi Kwa Wote*: a job creation programs; iv) *Uchumi Kwa Akina Mama*: access to financing for women-led businesses; v) *"Hashtag Inawezekana"*: invest in preparing youth for a secure future; vi) *"Waste not a Single Child"*: Quality education is to be guaranteed and non-negotiable; vii) *Fukuza Njaa*: ensuring food security and enhanced agricultural productivity; viii) *Maji Kwa Kila Boma*: guaranteeing access to water to every Kenyan household; ix) *One County, One Product*; x) *The Principle of Administrative Continuity*: managing transition and advancing existing accomplishments.

The Game of Numbers and the battle ground

For the first-time since independence, the political arena is missing a candidate from Mt. Kenya, or the Kikuyu community which has produced 3 of the last four presidents in the Country since independence. The current DP hails from one of the other communities– the Kalenjin - who've interspersed the reign of Kenyans from the Mountain.

It is now a game of numbers in what has historically been a tribe-based electoral contest. But where are the numbers? There were 19.6 million voters in the electoral register in 2017 and over 27 million Kenyans above the age of majority in 2019 (CoK 2019 census). Kenya now has at least 14.7 million youth aged between 18-35. This accounts for 52% of the adult population, all of whom ought to be enlisted.

The bulk of new voters are in the expansive Central Kenya and Rift Valley regions, strongholds of President Uhuru Kenyatta and his deputy William Ruto, which propelled them to victory. Leaders from the larger Mount Kenya region (that comprises Meru, Embu, Tharaka Nithi, Nakuru, Laikipia and the five central Kenya counties) have been packaging the entire bloc as the 'political bride of 2022'. Combined, they had 5.3 million voters in 2017 and this number could rise to 7.3 million voters, making it the single most influential region in the 2022 election.¹⁰ On the other hand, Central Kenya seeks to capture over 1 million new voters in its five counties (Murang'a, Kiambu, Nyeri, Kirinyaga and Nyandarua). This would push its voter population to 4 million. Central Kenya's five counties have predominantly voted as a bloc.

The Rift Valley region, with 14 counties, is targeting to enlist over 1.7 million new voters out of a national total of 7.2 million. This would push its total number of registered voters to 6.4 million. The Rift Valley whose well-dispersed and multi-ethnic 14 counties have attracted different political persuasions.

The two top presidential hopefuls are aware of the significance of the Mount Kenya vote. In recent weeks, Ruto and opposition leader Raila Odinga have crisscrossed the region several times, sometimes returning to a county that the other visited the previous day or weekend, ultimately engaging in political checkmating. Raila has for example (28 September 2021) engaged a group of wealthy and influential businessmen from Mount Kenya to discuss their interests in the 2022 general election.

Aside from the mountain and the Rift valley regions, other blocs are positioning to register as many voters for what will be political negotiations.

Nyanza region for instance, which has six counties (Siaya, Kisumu, Homa Bay, Migori, Kisii and Nyamira) could register 3.7 million voters if an estimated one million new voters enlist. Nyanza has predominantly backed Raila since the 2007 general election.

¹⁰ <https://www.theafricareport.com/135143/kenyas-elections-let-the-game-of-numbers-begin/>

Western Kenya's four counties (Vihiga, Bungoma, Kakamega and Busia) could raise its stakes to 2.6 million registered voters should more than 700,000 new voters sign up. Vihiga County is home to Mudavadi, leader of the Amani National Congress (ANC) and a presidential hopeful.

For presidential contenders to be assured of a formidable run in Kenya, they require a convincing backing from their home region. Western Kenya, however, is a battlefield where Raila has wielded significant influence in previous elections (2007, 2013 and 2017).

The Coast region is hoping to enlist over 600,000 new voters to raise its stakes to 2.3 million. It has some of the poorest and least educated populations – in Mombasa, Kwale, Kilifi, Tana River, Lamu and Taita Taveta counties – despite its recognition as a top tourism destination and gateway to the Kenyan economy through the Mombasa port.

On the other hand, the Ukambani region (comprising Machakos, Makueni and Kitui counties) has consistently voted with Musyoka, a former vice president and leader of the Wiper Democratic Movement. It could raise its voting numbers to over two million should more than 560,000 new voters enlist. The three main political parties in the region include, Wiper led by Kalonzo, NARCK-Kenya led by Ngilu, Maendeleo Chap Chap of Alfred Mutua. The Wiper Democratic Movement and the National Rainbow Alliance Coalition (NARCK) – Kenya are leaning towards the Azimio alliance, while Maendeleo Chap Chap, shifted recently to the UDA political formation.

For the Northeastern region (that encompasses Mandera, Wajir and Garissa counties) 185,000 new voters would raise its voting population to 687,000. Though not as high a number as other regions, the votes are still significant for a presidential election that can be decided by just one vote above the 50% mark, as per the constitutional threshold.

A winning candidate must also secure at least 25% of the valid votes in at least 24 counties across the country.

a) Integrity of the Electoral process and Outcomes:

Firstly, the readiness of the Independent Electoral & Boundary Commission to conduct the upcoming general elections has been variously questioned. And, for good reasons. By March 8th, 2022, the Commission was still recruiting its Chief Executive Office, 5 months to the August 9th Election. There was even a petition brought to court seeking for ejection of the current IEBC chair out of the office for allegedly failing to open the 2017 election results servers.¹¹

Second, there has been allegations and counter allegations on the possibility of rigging the electoral process in favour of one or either of the candidates. To this end, the DP and leader of UDA, while in an unofficial trip to the US and UK, raised an alarm over an alleged plot to rig the election. The DP held that, the scheme entails use of state officers and institutions such as the interior ministry and Kenya Revenue Authority (KRA) to intimidate, particularly all UDA proponents, and by interfering with independence of the IEBC.

“My Votes Cannot be Stolen. I'm not the type they Can steal votes from. Its impossible” the DP Ruto, asserted while in London.¹² Overall, the Kenya Kwanza leaders insist that the election will be rigged, through intimidation, in favour of the Azimio candidate and have

¹¹ The Standard, Saturday, March 19th, 2022

¹² Daily Nation Newspaper March 8th, 2022

recently promised that they'll set up a parallel tallying centre to check the transmission of the results from polling stations to the election headquarters in the August 9th polls.

Third, there was also confusion on the status of leaders elected in different political party tickets in the last general election, 2017, but who have since shifted their allegiance to different political parties, including actively campaigning against their sponsoring party.

It's a season of political defection. Candidates, while still holding office are shifting allegiance to other political parties often seen as strategic vehicles to deliver the much sort after political victory in the August 9th general election. The political candidates' defections is triggered by weak party structures, organizational discipline and the absence of a political ideology – transparent rules of political mobilization, decision-making, election ticket distribution and building grassroots parties. The defection is fueled by the distorted notion that when one's kinsmen is in power, they're in government too.

The High Court seating in Nakuru ruled in favour of the politicians, stating that despite the defection and shifting political alliances the politicians still retained their current elective seats (ibid).

In response to concerns over potential rigging of the upcoming election, the Kenya National Commission on Human Rights (KNCHR) has assigned 100 elections monitors to 24 Counties in readiness to ensure free, fair and peaceful general election.

Evidently, the Kenyan politicians are living true to Thomas Sowell "Politics is the art of making your own desires and ambition, seem like that of national interest."¹³ This short-sighted and ethicized approach to politics in the country comes at the expense of efficient healthcare systems, clean and safe water, good road network, equitable resource allocation, as well as favorable business environment for citizens.

b) Corruption Agenda

If there was any common concern that the key political actors in the country, appear to agree on - at least in public rhetoric - it is on the runaway corruption and urgent need for requisite action. Corruption has bred extreme inequality and marginalization, unequal access to jobs, capital, education, and healthcare. The reality of less than 8,300 Kenyan's owning more wealth than 44million others is testimony to this sad situation.¹⁴ Blames and counter blames have been traded, with each political side of the divide blaming the other for some corruption scandal or the other.

The President in what came to be known as Sagan III¹⁵ - a meeting convened to share his reflections on reasons for which he was leaning towards the opposition leader as his successor as opposed to his Deputy – laid the blame of perceived rampant corruption in his regime squarely on his Deputy. The President held that, his Deputy had sabotaged his development agenda including the ruling political party's Jubilee aspirations from within. This, in the President's view, occasioned the handshake with the leader of opposition which in turn had birthed a peaceful political environment making it possible for passage of parliamentary bills opposed by the DP and his lieutenants.

¹³ (Caleb Korir, Readers Corner, The Standard Newspaper, March 19th, 2022).

¹⁴ Standard newspaper, 19th March 2022).

¹⁵ A State Lodge in Central Kenya

On corruption, the President and his sympathizers cite the Kimwarrar and Arror dams scandal in which money meant to construct dams at Elgeyo Marakwet county is alleged to have been looted to the last cent. The project involving a whopping 63b in which a former CS Treasury, an insider and sympathizer to the DP is under prosecution in local courts, is often associated with the DP.¹⁶

The DP's side of the political divide counter corruption allegation directed at them, retorting that the war on corruption is politicized and skewed to target the DP and those allied to his political ideologies. The UDA brigade cite the infamous Kenya Medical Supplies Agency (KEMSA) scandal, christened the "COVID-19 Billionaires" as a classical case in which selective application of the law is witnessed in the fight against graft.

The leader of opposition and the Azimio La Umoja flag bearer during his recent trip to London, said "We acknowledge that even our troubles with debt are in part caused by corruption, kleptocracy and state capture. We will mount a serious war on corruption. Nobody will be indispensable in government" (Hon. Raila Odinga, March 16th, 2022, Chatham House, London). Corruption had spread to the criminal justice system and investigative agencies, ultimately delaying delivery of justice to/for Kenyans.

c) The Environment agenda:

While issues of the environment appear generally peripheral in the campaign agendas of most candidates in the lead up to the 2022 General election – the Maasai Mau forest question remains one area of interest.

The Mau Forest Complex is the country's biggest forest ecosystem which struts several counties in the rift valley. The Forest complex is a vital water tower which is being undermined by encroachment of human settlement, soil erosion and politics, even as studies show an environmental disaster is unfolding.

The Maasai Mau Forest is the biggest of the 22 forest blocks comprising the Mau Forest complex, spurning about 400,000 hectares. The livelihoods of millions of Kenyans who depend on the forest are threatened as rainfalls patterns begin to change in the surrounding areas. The rivers originating from this expansive forest are also receding and are heavily polluted, by surface run-off from pesticides, herbicides on irrigated farms along river banks for commercial use.

The effects of its degradation are being felt across the borders in Tanzania, where authorities are said to be concerned over the destruction of the forest. The Mara River, with its source in Mau Forest, stretches into Tanzania and is a crucial source of water for the Serengeti National Park in Tanzania.

The restoration process of the Maasai Mau forest has been hampered by political interference from leaders, with politicians opposed to the restoration of the Kenya's biggest water tower in the search for votes. The government had evicted those who have encroached into different sections of the forest land in 2005, 2009 and recently in 2019. The political divide that benefited from the votes of the forest settlers, feel aggrieved and routing for the resettlement of the evictees.

¹⁶ Daily Nation, Friday March 25t, 2022

d) State of the Economy and Public Debt.

The debate on the huge country debt is another front of heated political exchanges in the country. Parliament had capped the Country's national public debt ceiling at Ksh. 9Trillion. Data from the Central Bank (CBK) shows that the public debt stands at shs.8.2Trillion as at end of Dec. 2021 and was projected to rise to 8.8Trillion by June 2022.

The debt was at 1.9Trillion by the time the immediate former President Mwai Kibaki's budget came to an end in June 2013. By April 2018 it was at 5Trillion, an increase of 163%. Between April 2018 and December 2021, it increased by 64% to Shs. 8.2Trillion.

Most of the loans borrowed in the first term of the Jubilee regime (2013 – 2017) were very expensive with high interest charges and shorter repayment tenors. The huge borrowing is happening against constrained national economic growth, in-optimal tax collection, and disproportionately high percentage of the public debt against the total size of the economy. In addition, debt service as a percentage of GDP is high; with the country's export earning exhibiting minimal growth, thereby constraining foreign currency inflows that would have helped in debt servicing.¹⁷

The sorry state of the economy has triggered a contest of blames and counter blames on both sides of the political divide. The heated debates recently played out in the National Assembly during parliamentary debate on the Public Debt Managements Authority Bill 2022. The Opposition side of the house (ODM) selectively blamed the skyrocketing debt on the borrowing of the Jubilee government in their first term in office (2013 – 2017). The DP's allied side of the house, conveniently, held that debt increased after the handshake, March 2018 from 4.5 Trillion to 11.7Trillion – a period coinciding with when the DP fell out of favor with his Boss, the President.

The inflation occasioned by the poorly performing economy is reflected in the upwards trends of the prices of common commodities in the market. The cost of living has consistently remained high, amidst an inflation rate of 5:7% in dec. 2021. The situation is worsened by failure of the short rains– October - December 2020, drying wells and rivers.

The cost of farm inputs such as fertilizer and fuel are shot up with cost of staple food items such as rice, maize flour on the rise. Prices of critical commodities increased by 5.56% in March compared to 5.08% in February e.g. cooking oil due to depressed production of Palam oil, with a 33% increase in price 246 to 336 per litre. Prices of cereals and dry foods are particularly high, with some like lentils, maize shooting up by 25% in the past two months, at retail level. For example, 1Kg Maize flour shot from kshs. 80 to 100 and Lentils from kshs. 200 to 250 per Kg.¹⁸ Importing rice, for example, became cheaper than growing it locally.

Milk prices have risen sharply following persistent drought, leading to a drop of processed milk from 30 – 50% in production. The supply of milk has dropped sharply against a rising demand. According to the Kenya Dairy board scarcity and low production, depletion of national milk reserves is intensifying rationing by supermarkets. Kenya has the highest per capita milk consumption in Sub-Saharan Africa at 110litres. With annual demand of about 8billion litres, with small scale farmers producing 56% of milk output.

Food insecurity in the country is therefore a slow-burning national crisis, According to the National drought Management Authority, and Oxfam more than 600,000 are acutely

¹⁷ The Standard, Newspaper, Thursday March 17th 2022

¹⁸ Daily Nation Newspaper February 24th, 2022

malnourished and more than 3million Kenyans are in urgent need of food relief. The affected are neglected because they have never been viewed as full members of the Kenyan political community - people within Arid and Semiarid Lands.

The housing situation isn't any different only 15% of the Country's population own homes, while more than 10million people are slum dwellers. This is despite the demand for housing far outstripping its supply.

The Russia Ukrainian war isn't helping the state of the economy either. In 2019 alone, the two embroiled countries had increasingly become strategic trading partners for Kenya. Trade between Kenya and the two European waring nations prior to the war has been upward looking.¹⁹ All these is now comprised.

The country is still smarting from ravaging impacts of covid-19 and its containment measures - salary cuts, unemployment and increase and unsustainable tax burden that has overstretched the retail industry/small scale sector. The pain is felt hardest in the poorest areas.

e) The Threat and Concerns Over Electoral Violence

The Country has gone through 11 election cycles since Independence to-date.²⁰ With exception of the 2002 and 2013, most other elections in the country were repeatedly associated with ethnic tension and violence around election time.

The country has witnessed sporadic incidences of conflicts leading to violence associated with regional political mobilization across the country. Violent confrontation leading to lose of lives, destruction property and disruption of livelihoods have reported in areas such as Laikipia north, and Samburu, Baringo Turkana and West Pokot. The insecurity has for example interfered with learning in schools, including during the national exams.

The fragile security situation in the country came to the fore during a campaign event by the Azimio la Umoja flag bearer Mr Raila Odinga, when his Helicopter was stoned in Uasin Gishu County while condoling with an aggrieved family. During the incident which took place on Friday 1st April 2022, the Airshield of his Chopper was broken by rowdy youths.

One in every two Kenyans do not believe there's equality under the law and twice as many Kenyans fear police more than poverty, a situation attribute to the high incidences of extra judicial killings and forced disappearances.

As a result, many initiatives to ensure there is harmony in the country, before, during and after the 2022 general election. The Nation Media group did for example, initiate The *MimiMkenyaInitiative* which is focused on calls for peaceful campaigns and avoidance of divisive politics, issued based politics, including denying space to inciters and hate mongers in the campaign trail. The National Cohesion and Integration Commission (NCIC) supports this initiative and is running similar campaigns.²¹

The Judiciary is also beefed-up efforts to ensure speedy delivery of justice on matters related to electioneering. The Chief Justice and President of the Supreme Court, Justice Martha Koome has directed fast-tracking of hearing of all pending hate speech cases and their conclusion

¹⁹ The Standard, Saturday, March 19th, 2022

²⁰ 1969, 1974, 1979, 1983 and 1988, 1992, 1997, 2002, 2007, 2013, & 2017

²¹ Daily Nation, Thursday 24th February 2022

within four months. In addition, the Judiciary has set up courts to deal specifically with such crimes in select hot spots areas/the traditional epicenters of election violence, which includes Nairobi, Mombasa, Kisumu, Nakuru and Eldoret,

f) Gender Inclusivity

The constitution guarantees women representation in politics as art. 27(8) requires that the state shall take legislative and other measures to implement the principle that no more than two-third of members of elective or appointive bodies are of the same gender. Attempts to operationalize this principle have come a cropper.

Women account for 50.31 of Kenya's population (GoK, Census 2019), while making up 23% of representation in the national assembly and the senate (a quarter in the national legislative assemblies). Despite women comprising more than half the country's population, and constitutionally guaranteed gender equality and women's rights, they remain underrepresented in the leadership of political parties, legislative bodies, public service decision-making positions, as well as in outcomes of political processes.

Since 2010, no prominent candidate has had a female running mate, three women have run for president in the past – Prof. Wangari Mathai (1997), Charity Ngilu (1997) and Martha Karua (2013). To empower women, affirmative action policies have been adopted that would increase the number of women in political leadership positions.²²

For the first time in Kenya's political history, one of the frontrunners in the Country's Presidential race has nominated a woman a Deputy President running mate. While the Hon. Raila, the Azimio la Umoja One Kenya Alliance has nominated Ms Martha Karua as his running mate, Hon. Ruto of Kenya Kwanza Alliance has signed a 'charter' with a section of Kenyan women promising to reserve at least 50% of his cabinet to women, should he win. This has elevated the women agenda in the leading to the 2022 general election.

Female envoys in Kenya to explore the progress made and obstacles yet to be overcome. Despite notable improvement of women representation at County Assembly level, the country still lags behind in terms of women representation in the national assembly, when compared with other east African countries²³.

Political parties have been identified as critical institutions, whose structures, processes, and practices have a great impact on gender equality. Lack of support from political parties is considered a key barrier to women. The process of candidates' recruitment and nomination is probably the most important for political parties to address women's participation and representation in politics and leadership. This is because political parties are the main gatekeepers that determine who should enter the ballot or party lists, and thus the proportion of women elected to political office. Candidates' identification, nomination and selection fundamentally influences the electoral fortunes of the party as well as the quality of legislatures and governments)²⁴ impact on gender equity and women representation at all levels of leadership in the country.

²² Daily Nation, Newspaper March 8th, 2022

²³ Standard Newspaper, Wednesday April 13th, 2022

²⁴ CMD-Kenya, International Idea And Nimd Political Parties' Strategy On Gender Equality In Candidates' Nomination In Kenya Dr. Richard Moegi Bosire - Consultant
E-mail: bosirerm@gmail.com; r.bosire@uonbi.ac.ke Feb. 2017

In response to these not so encouraging scenarios, there has been roundtable on 'Women in Society, Women in politics' held on March 7th, which brought together Women leaders and Critical is campaign resources, guaranteed security during campaigns, nomination by political parties. The fulfillment of the 2/3 gender rule in this election will be the biggest reward for promoting women candidates. thought leaders, media, institutional heads, political parties must provide space for women representation and engagement

5. CONCLUSION AND RECOMMENDATION:

Political parties play a central role in aspirations towards a vibrant democracy, ensuring peaceful elections and promotion of social justice and inclusion in political representations. On-going political parties' activities in the lead-up to the August 9th, 2022, general election has introduced a new threat to the aspirations of democratic ideals, in general and, the exercise of the sovereign will of the people, in particular. Through the so called 'Consensus' leading up to direct nomination of certain candidates by the sponsoring political party, has shunted people's voices and agency in political representation. As a result, the country has witnessed the highest number of aspirants registering as 'Independent Candidates' in forthcoming general election. The long-term implication of this trend is a weakening of political parties as instruments of political representation and mobilization, and ultimately, the absence of ideological and philosophical approach to politics and development.

Sustained Investment in efforts to ensure integrity of electoral management institutions including the judiciary by enhancing their effectiveness and independence is critical in building citizens confidence in such institutions ultimately mitigating the risk of election-related violence. Ensuring for example that the governance oversight (IEBC Commissioners) and all administrative organs are well constituted well in advance of the electoral period and timely and commensurate budgetary allocation, are essential.

The national government should go beyond technical aspects of establishment of appropriate institutional designs and legal frameworks to guarantee a strong political will to ensure long-term robust functioning of these mechanisms in actual practice. The envisioned political will should facilitate participation of civil society and the media.

More coordinated joint planning, implementation and monitoring of electoral processes and outcomes by all key stakeholders including state's electoral bodies and security system, political parties and contestants, development partners, research bodies and Civil Society Organizations (CSOs) is crucial. Such collaborative efforts would contribute to effectiveness of interventions, joint conflict analysis, synergize activities, promotion of peaceful co-existence. These collaborative efforts should extend beyond the capital to the Counties and Subcounty.

Establish a long-term commitment horizon and vision to conflict mitigation, so as to effectively deal with the underlying drivers of conflict; particularly those with serious consequences for the potential of future violence. Funding for peaceful elections should be made part of a larger, long-term strategy of support for conflict mitigation.

While technology is increasingly playing an important role in electoral processes, such as electronic transmission of election results, online hate speech monitoring, and peace messaging, programming that includes the use of technology should be informed by local needs

and capacities. Furthermore, effective implementation should start early to ensure ample time for testing before public deployment.

Legitimate dissent and debate are key elements of a democracy. Civic education programming should be given equal priority to peace messaging to ensure citizens feel well informed but also confident in their ability to express differing views and debate core issues or an election outcome without inciting violence.

Civil Society Organizations (CSOs) play an integral role in the successful functioning of a democratic electoral system by championing the interests of members and the public. These roles relate to addressing concerns over misinformation and disinformation through provision of civic education on effective participation of voters, political candidates, and election administrators. The over 2700 NGOs, in the country is powerful force of socio political and economic change through employment, programming and expertise.

Civil Society Organizations (CSOs) play a key role in the promotion of free, fair, credible, and peaceful elections. including through facilitation of dialogue, advocating for the advancement of the reform agenda, and holding government accountable. Efforts should therefore be enhanced to promote an enabling environment for CSOs thriving and, pushback current trends towards shrinking democratic space for CSOs in the country.