

Wolfgang Ahner-Tönnis: Searching for a Winner – Kenya after the Polls

The elections held in Kenya at the end of 2007 were closely followed worldwide. The country attracted even greater attention when riots broke out afterwards which claimed more than a thousand lives and made many hundreds of thousands homeless. By now, things have calmed down in the African country, and it is hoped that the peace agreement that was concluded – not without international mediation – between the two opponents, Mwai Kibaki and Raila Odinga, on February 28, 2008, will have the desired effect.

The citizens' interest in the polls of December 27, 2007, in which Kenya's new president and parliament as well as its local administrations were elected, was greater than in the years before. And their desire for political participation was remarkable: 2600 candidates stood for the 210 parliamentary seats. However, the fact that the head of the electoral commission declared Mr Kibaki the winner some days after the election, only to admit shortly afterwards that he had made this announcement under pressure, triggered a wave of violence that has kept the media all over the world busy ever since. Going deeper than the polls, the cause of this unrest deserves special attention.

As late as July 2007, it seemed certain that Mr Kibaki would emerge as the winner of the elections, while Mr Odinga lagged far behind. As it turned out, however, this situation was changed by two developments: On the one hand, Mr Odinga and his fellow campaigner, Mr Ruto, left the opposition party ODM-Kenya because of internal disputes to found the ODM, which gave the opposition a new face and Mr Odinga a clear profile, sidelining his challenger of the ODM-K, Mr Musyoka. On the other, the then incumbent, Mr Kibaki, could not make up his mind as to which of 'his' parties, the DP or the NARC-Kenya, he wished to enter the race with. Therefore, he founded – practically overnight – the Party of National Unity (PNU), a new force which, however, remained a campaign machine without a profile. Moreover, it was unfavourable for the president that the NARC increasingly degenerated into a regional party, that the government partnership displayed signs of deterioration, and that Mr Kibaki himself lost much of his support among the population when he took on board the former national party from the times of the Moi dictatorship, the KANU.

In the election campaign, the ODM presented itself as one unit led by Raila Odinga and other politicians and succeeded in attracting many new voters even in urban regions by organising youth programmes. Its election platform was dominated by the announcement of a new constitution that provided for a stronger separation of powers, a fair distribution of government funds, and the plan to decentralise the country to the benefit of the provinces. In its campaign, the government side consisting of the PNU and diverse 'satellites' such as the NARC-K, the DP, and the SAFINA, focussed on the Central Province, Nairobi, and parts of Eastern Province. The PNU and its 'associates' sought to score primarily by highlighting economic growth rates and announcing that after the abolition of primary-school fees those for secondary schools were to be abolished as well. However, the ODM's campaign was thrown into disarray when the party's announcement to decentralise the political power under the slogan 'majimbo' was attacked by Mr Kibaki's side by saying that with their project, Mr Odinga and his supporters intended to guarantee a right of abode only to those ethnic groups who had traditionally been living in the provinces.

In July 2007, Mr Kibaki was supposed to be holding 46 percent or more of the vote. However, the truth was that Mr Odinga had taken the lead, a situation that was hardly changed despite the government's race to catch up that followed. According to the result of an interim count of the votes, the ODM did in fact win 99 seats in the election, while the PNU and its 'satellites'

obtained less than half. Meanwhile, the candidate of the ODM, Mr Marende, has been elected president of parliament with 105 to 101 votes.

Its success in the Rift Valley and Western provinces was vital to the victory of the ODM. It is remarkable that the party became the successor of the KANU as an advocacy group of the Kalenjin in the former province, and that the latter is the home of Mr Kibaki's vice presidents, Mr Wamalwa and Mr Awori. People in the Eastern province, however, proved resistant to the ODM's wave of success. In the Coast province, Mr Odinga's supporters emerged victorious; moreover, his party obtained a majority in the North Eastern province which is inhabited primarily by Muslims. Mr Kibaki suffered another defeat in Nairobi, with his parties taking the lead in only two of the seven constituencies. Without a doubt, Mr Kibaki and his supporters are the losers of the election. The former union party KANU which, after the introduction of democratic elections, succeeded in ruling for another decade also suffered defeat. It slipped to only 6.7 percent of the vote and should now be happy to be one of the junior partners in the Kibaki coalition.

It was hardly foreseeable that the government camp would refuse to accept the result of the democratic ballot. That Mr Kibaki is not willing to learn became apparent after the referendum on the constitution held at the end of 2005, when he responded to his defeat with injured vanity and disregard for the will of the people. What also gives rise to concern is the country's incapability to establish continuity in the party system so that the political parties might serve as democratic institutions. A large number of the current MPs were elected to parliament for the fourth time – albeit on the list of different parties. 23 parties are represented in the newly elected parliament, most of them with no more than two MPs. Only one of the four larger parties was represented in the last parliament.

It certainly is especially tragic that the elections were followed by a wave of violence that claimed numerous lives. The country is divided, and reaching an agreement between the different ethnic groups in Kenya is currently impossible. The man responsible for this situation is Mr Kibaki who prohibited peaceful demonstrations years ago. Whereas the government admitted to one thousand deaths at the beginning of 2008, international observers talk of more than 3,000. 350,000 people were displaced or forced into refugee camps. In addition, there is the damage to the economy caused by the obstruction of transport and the losses in the tourist sector.

The riots were triggered by electoral fraud, or rather by the delayed publication of the results of the presidential election. However, the election campaign, in which content-related arguments were scarce, was marred by disputes not only between individuals but also between the country's ethnic groups. After the 'results' were published, the ODM and Mr Odinga raised an outcry which was answered by the police with brutal violence. At the same time, the attacks in the election strongholds of the ODM began. William Ruto, number two after Mr Odinga, had been agitating even earlier against the Kikuyus, who now fell victim to atrocities. As a response to that, young Kikuyus such as the notorious Mungiki sect took action. And the times are many when the police intervened in favour of violent criminals.

The conflict is old and complex and revolves around the land question: When the British left the country at the end of the colonial era, the question of land ownership remained unsettled. Kenya's first president, Mr Kenyatta, took possession of numerous estates and invited some of his dissatisfied comrades-in-arms from the days of the fight for independence to help themselves to land in the Rift Valley. As they had no knowledge about money and property, the Kalenjin living in those regions offered hardly any resistance. After all, there was enough land and there was no reason for competitive thinking: The Kalenjin lived on cattle farming, while the Kikuyus

concentrated on cultivation. However, when the Kalenjin started to take a hand in political and economic developments under Daniel arap Moi, they began to perceive the Kikuyus and other ethnic groups as intruders. This feeling increased until the first outbreaks of violence occurred in 1990. Now, after the latest excesses, it must be feared that the conflict between the Kalenjin and the Kikuyus will flare up again – and with even greater force.

For the fourth time, Kenya has seen free and fair elections. While the first two legitimised the dictatorship of arap Moi and the KANU by democratic means, the third election of 2002 not only brought about its end but also elevated the NARC opposition alliance under Mr Kibaki. Yet the first cracks in the fabric of the coalition appeared shortly afterwards. The result of the referendum on the new constitution was that Mr Kibaki broke with Mr Odinga and that the votes of the NARC dwindled. By now, the elections of last December have become a thing of the past, and violence has abated thanks to the peace agreement.

The most important part of the agreement is that which establishes the office of prime minister. He will be a member of parliament and the head of the strongest party or group represented in it. His deputies will be appointed by the parties of the coalition. The cabinet will be composed of the president and his deputies, the prime minister and his two deputies, and the ministers. The prime minister can be deposed by a vote of no confidence. Finally, both the act of reconciliation and the agreement itself are to be included in the constitution.

It is to be expected that Mr Odinga will be the new prime minister. However, the country still needs some time to calm down in a manner that promises internal security. It is said that within one year, the Kenyans will be presented with a new draft of the constitution. Whether this constitution is going to be a success and whether it will give the people in the country a future depends on whether the spokesmen of Kenya's parties and ethnic groups accord priority to common sense as well as on whether they are able to forge a lasting consensus.