

18/2013

22<sup>nd</sup> March 2013

*Blanca Palacián de Inza*

### KENYA ON THE SPOTLIGHT: 2013 ELECTIONS

[Visit our WEB](#)

[Sign up for our Newsletter](#)

*This document has been translated by a Translation and Interpreting Degree student doing work experience, IGNACIO CUEVAS MARTÍNEZ, under the auspices of the Collaboration Agreement between the Universidad Pontificia Comillas, Madrid, and the Spanish Institute of Strategic Studies.*

## KENYA ON THE SPOTLIGHT: 2013 ELECTIONS

### Abstract:

*Uhuru Kenyatta has won the Kenyan presidential election. He barely made it past the 50 percent mark to avoid a runoff with his opponent Raila Odinga. Violence did not follow, as some warned, and the voter turnout was much higher than predicted.*

*Nevertheless, the risk of repeating the violence that marred its 2007 presidential election persists in a country ethnically very fragmented.*

### Keywords:

Kenya, Uhuru Kenyatta, Raila Odinga, International Criminal Court, ethnic groups.

## A BIT OF HISTORY

Uhuru Kenyatta, whose name means “freedom”, declared winner of the elections on March 4th 2013, will be the fourth president of Kenya.

He is the son of Jomo Kenyatt<sup>1</sup>, who governed Kenya since the country became independent from the UK in 1963, until his death in 1978. The second President, Daniel Arap Moi, who succeeded presidency after a failed coup attempt in 1982, and installed a single-party regime that did not start governing until 1991.

Moi won the elections again in 1992 and 1997. As the Kenyan constitution limits the number of terms, he was unable to stand for the 2002 elections. A KANU (Kenya African National Union) candidate, Uhuru Kenyatta, succeeded Moi. Yet, Uhuru did not win the elections, it was Mwai Kibaki, with whom commenced a period plagued by corruption and violent incidents.

During the 2007 elections, Kibaki was re-elected with little margin over his opponent Raila Odinga, along with strong allegations of fraud, a victory that was followed by two months of extreme riots with over 1,200 dead and half million displaced.

For this reason, the greatest fear of the international community, and Kenyans themselves, before the elections last March 4, was the resurgence of more tragedy followed by the above. Out of fear of potential riots, many supermarkets found their basic food reserves exhausted, and even families that lived in multi-ethnic neighbourhoods fled in fear of retaliation or violent acts<sup>2</sup>.

## 2007 ELECTIONS

Mwai Kibaki won the 2007 elections, celebrated on The 27th of December. His rival, Raila Odinga, claimed the process was fraudulent and followers of both candidates were involved



---

<sup>1</sup> Whose real name was Kamau wa Ngengi

<sup>2</sup> GETTLEMAN, Jeffrey: “Kenyans Flood Polls for Presidential Vote”, The New York Times, 04/03/2013 Available at: [http://www.nytimes.com/2013/03/05/world/africa/millions-vote-in-crucial-kenyan-elections.html?pagewanted=all&\\_r=1&](http://www.nytimes.com/2013/03/05/world/africa/millions-vote-in-crucial-kenyan-elections.html?pagewanted=all&_r=1&) Date consulted: march 2013

in confrontations that, within two months, had tragic consequences. More than 1,200 citizens lost their lives and more than half a million became refugees.

As usual, when sexual violence is mentioned, only estimates<sup>3</sup> about thousands of men and women being raped can be asserted. Unwanted pregnancies, intentional transmission of HIV/AIDS, circumcisions and genital amputations are some examples from the list of terrible consequences during those months..

Currently, as Kenya begins a new period in its history, no one has been imprisoned for these crimes. To Saida Ali, executive director of the Coalitions on Violence Against Women (COVAW) in Kenya, the victims' situation, the "potential daily confrontation with the rapist is the hallmark of one of the possible futures for Kenya: the vicious circle of impunity and violence, with little chance for Kenyans to do anything against this blatant injustice<sup>4</sup>."

### **ELECTIONS OF MARCH 4<sup>TH</sup> 2013**

These elections, under the protection of the new constitution adopted in 2010, were very complicated and innovative since they aimed to renew the administrative and governmental system, including the recently created senate. Nevertheless, as expected, the presidential race has attracted the most media and political interest, which may have greater repercussions on the international level.

Of the eight candidates running in the elections, the two with the highest possibilities to win this election were members of the reconciliation government, now coming to an end: Deputy Prime Minister Uhuru Kenyatta, and Prime Minister Raila Odinga.

### **THE IMPORTANCE OF ETHNIC GROUPS IN KENYA**

Kenya's ethnic diversity is the source of many conflicts and is a major contributor in the citizens' vote for they tend to vote "their guy". Since January 2012 ethnic violence has claimed hundreds of lives and more than 100,000 people have fled their homes<sup>5</sup>

---

<sup>3</sup> According to the Center for Rights Education and Awareness (CREAW) (2008): Women paid the price. Sexual and gender-based violence in the 2007 post-election conflict in Kenya, el 82% of the surveyed survivors from sexual violence did not report the incidents.

<sup>4</sup> ALI, Saida: "Kenya: We Need Justice for 2007 Victims" All Africa, 28/02/2013

<sup>5</sup> Al Jazeera exclusive on the elections. Available at:

<http://www.aljazeera.com/indepth/interactive/2013/03/20133112123533362.html>

The largest group is the Kikuyu with 22% of the total population, followed by the Luhya with 14%, Luo 13%, Kalenjin with 12%, 11% of Kamba, Kisii and Meru the 6% each, other African groups account for 15% and non-African 1%.

Raila Odinga, of the Coalition for Reforms and Democracy (CORD) belongs to the Luo ethnic group. This is the only major group that has not yet ruled Kenya. The millionaire heir Uhuru Kenyatta from National Alliance (TNA) is from the Kikuyu tribe. The support of William Ruto, the number two of the party, from the Kalenjin ethnic group, conveys the merging of interests of two large groups, fierce rivals in the fightings of 2007.



Foto 1: Statue of Jomo Kenyatta in front of the Supreme Court. Source: Wikimedia / JimSlim

### **Kikuyus against Odingas**

The rivalry between Uhuru Kenyatta and Raila Odinga dates back to their parents, both deceased. Jaramogi Odinga Oginga was Jomo Kenyatta's vice president, until disagreements forced him to abandon the KANU party (Kenya African National Union) in 1966 and create the opposition party KPU (Kenya People's Union).

In 1969 Odinga was jailed for two years for having insulted, the then President, Jomo Kenyatta, in a public act. The friction between both, their successors and their ethnic groups (kikuyus and luos) has persisted since.

## UHURU KENYATTA'S VICTORY AND THE INTERNATIONAL CRIMINAL COURT

The International Criminal Court imputes Uhuru Kenyatta, as well as his number two William Ruto. He is charged for his alleged responsibility, as indirect co-perpetrator, in crimes against humanity such as murder, deportation or forced displacement, rape, persecution and other inhumane acts<sup>6</sup>. The opening of the trial, originally scheduled for April, has been delayed until the 9th of July of 2013.

Uhuru Kenyatta has been declared the winner of these elections, with 50.07%<sup>7</sup> of the votes in his favour. This is a reduced margin, Raila Odinga has obtained 43.28%, but it has been enough to avoid a runoff. Odinga<sup>8</sup> has announced that he does not accept this result, yet fortunately in a calm manner and will protest peacefully resorting to the Supreme Court.

Despite irregularities during the process, the European Union Observation Mission commissioned to these elections, in its preliminary report, declare that they have been "pacific, transparent and credible"<sup>9</sup>. This report congratulates Kenyans for their responsibility and civility, and, despite violent incidents in some parts of the country, the atmosphere was generally very calm.

Therefore, with the electoral result, Uhuru Kenyatta becomes, at 51, the youngest president in the Kenyan history and the second head of state in Africa with a pending case at the International Criminal Court, the first being Sudan's President Omar al-Bashir.

## INTERNATIONAL REPERCUSSION

Kenya is not only an economically relevant country to Europe and the United States, as it is on the most industrialized and democratic countries in Sub-Saharan Africa. It is also a valuable ally for anti-terrorist operations against Al-Shabab and for the distribution of aid and troops in the region.

Uhuru Kenyatta' accusation by the International Criminal Court has not hindered his victory, due to the Supreme Court of Nairobi's decision. Facing possible economic sanctions,

---

<sup>6</sup> International Criminal Court Case ICC-01/09. Available at <http://www.icc-cpi.int> Date consulted: March 2013

<sup>7</sup> Uhuru Kenyatta won the elections with 4100 votes, in a process where 307.000 of the votes have been considered null.

<sup>8</sup> GRESTE, Peter. "Kenya's Odinga takes election case to court." Al Jazeera. 14/03/2013

<sup>9</sup> Document available at <http://www.eueom.eu/kenya2013> Date consulted: March 2013

international isolation or trade obstacles, especially intense with the United Kingdom, the current president of Kenya declared that "as one door closes so another opens"<sup>10</sup> alluding to his good relations with China.

## CONCLUSIONS

For some experts, the indictment of the International Criminal Court has encouraged ethnic division, since it has been interpreted as a persecution towards the entire community<sup>11</sup>. Even though one must admire the Kenyan people for having conducted a relatively peaceful electoral process, despite all odds, the country is still deeply fractured.

In any case, regardless of the interpretation of the electoral process, the divisions and ethnic rivalries constitute the main challenge to tackle in Kenya in order to achieve not only social stability, but also the necessary economic development in a context obviated of nutritional insecurity. For this purpose, it will decide how the on-going judicial processes against the new president and the rest of the accused unfolds in the International Criminal Court.

*Blanca Palacián de Inza*  
*IEEE Analyst*

---

<sup>10</sup> MEO, Nick. "Uhuru Kenyatta, Kenyan presidential candidate, faces trial for crimes against humanity the day after election". The Telegraph, 09/02/2012.

<sup>11</sup> KIMENY, Mwangi S. "Kenya's Elections: Implications of Ethnic Rivalries and International Intervention", Brookings, 12/02/2013