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Kenya - Background Report January 2008

Before going to the polls on 27 December 2007, Kenya had the appearance of one of the successful democracies of East Africa. Since the landmark 2002 elections, the country has appeared politically and economically stable, serving as a “reliable ally” in the “global war on terrorism”. However, after the results of the parliamentary and presidential elections were announced on 30 December 2007, the country erupted in violence.

The elections were one of the most closely contested in Africa. It was the urban underemployed youth and members of marginalised tribes, who had most craved for change. Consequently, much of the incumbent President Mr. Kibaki's cabinet was swept away in the parliamentary elections. A number of inconsistencies were reported in the presidential elections, particularly from the Central province, which proved decisive for Mr. Kibaki's narrow 200,000 votes victory over Mr. Odinga. European election observers complained that the presidential elections fell short of international standards.¹ Human rights groups are now calling for a transparent recount or repeat of the presidential elections and accuse both sides of vote rigging. Shortly after the publication of the results, Nairobi's city centre was sealed and Mr. Kibaki was sworn in again as President – Nairobi's shantytowns exploded in outrage. Riots and lawlessness broke out in all major centres of the ethnically diverse country; the most intense opposition has been in the strongholds of Mombasa and the western provinces. In the Central province, dominated by Mr. Kibaki's Kikuyu tribe, members of Mr. Odinga's Luo tribe were displaced and had to take refuge, whilst elsewhere, the Luo and other tribes went against members of the Kikuyu in response to the suspected vote-rigging. In Eldoret, in the Rift Valley province, 30 Kujuyu were burned alive in the church in which they sought refuge. Approximately 600 people were killed and at least 250,000 were internally displaced. While in many parts of the country the violence appeared to be spontaneous, the Rift Valley province unrest appeared organised with only members of the Kikuyu being targeted.

Human rights groups have expressed their concern about the violence by opposition supporters and have criticised the governments for excessive use of force in its heavy-handed response.² The government has also been criticised for imposing a live broadcasting ban on the media and for restricting the freedom to assembly of opposition supporters. Sources give divergent accounts of responsibility for most of the killings. Some sources blame the security forces.³ Amnesty International relates many killings to politically motivated actions by armed groups of youth and expresses its concern about the increasingly ethnic lines along which the violence is directed. And, in the continued lawlessness, dozens of women and girls have been raped, and property looted and destroyed.

Background

Explanations for the violence in Kenya should be seen in the context of its history and socio-economic development. British settlement and colonialism was strongest in the Central province, where the Kikuyu are dominant. They had to endure most of British dispossession and socialization and were at the forefront of Kenya's struggle for independence. Centralisation of government and economic activity after independence led to the lasting dominance of the Central province and Kikuyu over government and business, which created resentments among marginalized groups and regions. However, it would be too narrow to view the tensions in Kenya exclusively along tribal lines. A presidential candidate cannot win (unrigged) presidential elections, if solely running on an ethnic platform in this multi-ethnic country. Whilst both candidates received overwhelming backing in their home provinces, the winning candidate must also have at least 25 percent of the votes in five of Kenya's eight provinces, which moderates the presidential campaigns. Ethnicity is of course used as a vehicle for power by the political elite, but predominantly on the local and provincial level. In the 2002 elections, Kenya freed itself from four decades of one-party rule. The National Rainbow Coalition, a loose bundle of opposition parties led by Mr. Kibaki, won over the Kenyan African National Union of President Moi. The coalition broke up into smaller units after rows about power sharing and access to government,

¹ Some examples of vote rigging: 8 January <http://news.bbc.co.uk/2/hi/africa/7175694.stm>

² HRW press release 4 January <http://hrw.org/english/docs/2008/01/04/kenya17688.htm>,

Amnesty international press release 4 January <http://www.amnesty.org/en/news-and-updates/news/kenyan-election-sparks-political-killings-20080104>

³ <http://www.pambazuka.org/en/category/features/45203>

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splitting into Mr. Kibaki's Party of National Unity and the Orange Democratic Movement of Mr. Odinga. Mr. Kibaki's 2007 presidential campaign highlighted the economic progress under his reign. Nevertheless, many Kenyans continued to feel excluded from the reported economic growth and an understandable desire to have a share of it. The impoverishment wide sections of society, in addition to the opposition's feelings of a stolen victory and latent tribal resentments, may have played an important part in the latest outbreak of violence.

Latest developments

The tallying process of the presidential elections has attracted widespread criticism. The Election Commission chairman, Mr. Kivuitu, is being cited, saying that he "does not know whether Mr. Kibaki actually won the elections".⁴ The Election Commissions role is extensively criticised for declaring Mr. Kibaki winner of the presidential election, despite the widely reported irregularities. In a joint press statement on 31 December 2007, the Kenya National Commission on Human Rights, and many other civil society groups, stated that they also held the Election Commission of Kenya (ECK) responsible for much of the violence.⁵ The groups say that the electoral process for the presidency was "heavily flawed" and criticised the swearing in of Mr. Kibaki as President.

In responses to the outbreak of violence, the presidential candidates were called upon to calm their supporters and to co-operate constructively to end the violence. Jendayi Frazer, top US official for Africa, highlighted that the people of Kenya were let down and "cheated" by their political elite. The Chairman of the African Union and President of Ghana, Mr. Kufuor, arrived in Nairobi on 8 January 2008, in order to mediate between Mr. Kibaki and Mr. Odinga. Mr. Odinga announced that he does not recognize Mr. Kibaki's presidency and cabinet and stated his unwillingness to follow Mr. Kibaki's invitation to join a government of national unity. He renewed his calls on Mr. Kibaki to step down as President and for a vote recount. However, despite these statements, media reports now state that Mr. Odinga might be softening his stand and agree to a shared government.⁶

On Thursday afternoon, 10 January 2008, unable to broker direct talks between PNU and ODM, Mr Kufuor departed Kenya. The AU chief did, however, issue a statement, announcing that both sides had renounced violent means and had agreed to work together with a panel headed by former UN Secretary General Annan.

Additional Sources: <http://allafrica.com/stories/200801080684.html>, Tribal debate: <http://news.bbc.co.uk/2/hi/africa/7168551.stm>

⁴ Daily Nation, 11 January http://www.nationmedia.com/dailynation/nmgcontententry.asp?category_id=1&newsid=114378

⁵ <http://www.khrc.or.ke/highlights.asp?ID=4>

⁶ The Standard, 11 January <http://www.eastandard.net/news/?id=1143980256&cid=4>