



Kenya's 2022 Election: High Stakes

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What's new? Kenyans head to the polls in August amid acute intra-elite tensions. President Uhuru Kenyatta has united with opposition leader Raila Odinga against the campaign of Deputy President William Ruto, who is bitterly at odds with Kenyatta. Both candidates see a loss as posing existential peril to political and economic interests.

Why does it matter? Kenyan elections are often high-stakes affairs, with the politicians concerned eager to protect both their careers and their significant business interests. While social tensions are now at a low ebb, in past elections, claims of electoral malfeasance have triggered violence that killed hundreds and displaced tens of thousands.

What should be done? Ruto and Odinga should lower the temperature by committing to either accept the outcome of a fair vote or challenge it exclusively in the courts. Electoral institutions should resist interference; the authorities should invite in observers; and outside actors should stand ready to provide technical assistance and mediate disputes.

I. Overview

Kenyan elections are always hotly contested, but the forthcoming vote on 9 August promises to be especially bitterly fought. President Uhuru Kenyatta, who is serving out his second and last term, is at loggerheads with Deputy President William Ruto, who was instrumental in propelling Kenyatta to victory in two previous elections and is making his first bid for the top office. Instead of supporting Ruto as he had promised previously, Kenyatta has thrown his weight behind veteran opposition leader Raila Odinga, who at age 77 is staging his fourth and likely final run. Ruto is thus pitting his populist, insurgent campaign against a state machinery loyal to Kenyatta and his favoured candidate, Odinga; a scenario that promises to provide a stern test for Kenyan institutions. To avert a crisis, political elites should commit to accepting election results – or using the courts to arbitrate disputes – and agree that the loser will be treated fairly. Domestic and external observers should work to safeguard election integrity, including through parallel ballot tabulation, to help avoid a disputed vote and the fallout that could come with it.

While there are reasons to be anxious about the risks ahead, there are also reasons for cautious optimism. Of perhaps greatest concern, Ruto, Odinga and Kenyatta all command significant voter support and none appears willing to endure the exclusion from Kenya's patronage-driven politics that electoral defeat entails. Kenya's electoral institutions meanwhile remain weak, in part because of the authorities' failure to adopt all the prescriptions of commissions of inquiry that reviewed weeks of election-related mass violence occurring in 2007 and 2008. In particular, the Independent Electoral and Boundaries Commission (IEBC) is underfunded and in a state of flux. Commissioners only appointed a full-time executive in March, just five months before the polls. Parliament and the president have ignored expert advice that electoral laws should be in place at least two years before presidential and legislative contests. As late as mid-2022, several pieces of electoral legislation remained in debate within the chamber, leaving the electoral commission guessing about regulations it has to enact ahead of the vote.

The combination of high intra-elite tensions and weak institutions means that the outcome of the vote may well be contested if either of the main candidates rejects official results, claiming he has been cheated. A prime scenario for unrest would be if one or another group of Kenya's political leaders decides to play on existing ethnic and economic cleavages to drive voters into the streets rather than concede defeat. Such a situation would be still more combustible if voters feel that the polls have been rigged because ill-prepared electoral institutions are visibly struggling to fulfil their mandate. A similar scenario played out in the immediate aftermath of 2007 elections, leaving over 1,000 dead. While Kenyan institutions and civil society have since taken substantial steps to avoid a repeat, observers nevertheless see the broken relationship between the president and his deputy, as well as Kenyatta's determination to shape his succession, as significant potential threats to peaceful August polls.

At the same time, much has changed in Kenya since 2007 and these changes may help temper the risk of violence. The public holds Kenya's judiciary, one of the most ferociously independent in Africa, in high regard since it took the historic decision to annul the results of the 2017 presidential contest and order a rerun after finding irregularities in the electoral process. Candidates who are unhappy with the election outcome have precedent for turning to the courts rather than the streets in the event of a dispute. Tensions between ethnic groups, which reached a boiling point in 2007 and 2008 amid lethal intercommunal violence, are at a low ebb. Additionally, the general mood is one of indifference. Voter registration has been markedly low, probably a reflection of public exhaustion with the byzantine, constantly shifting alliances between heavyweights who have dominated politics and the economy for the better part of two decades.

Still, considering recent history, and especially in the fraught context of the Horn of Africa – where political instability in Sudan, civil war in Ethiopia and a grinding insurgency in Somalia already create too much turbulence – all involved should do their utmost to ensure a free and credible vote, and thereby enhance the chances that the election will unfold peacefully. In particular:

- ❑ Candidates and their backers should commit to either accepting poll results or hashing out any disputes in the courts.
- ❑ To tamp down the impression of existential stakes, Kenya's international partners should coax elites to ratchet down their rhetoric and agree to a pact in which they pledge, consistent with the rule of law and with respect for independent institutions, not to use slash-and-burn tactics to take the loser down a peg after the vote.
- ❑ Authorities should give electoral commissioners a free hand to run the vote and ensure that security forces and other institutions involved in election management maintain strict neutrality.
- ❑ Heeding Nairobi's invitation, outside actors should send observers to monitor the vote and support civil society efforts to track the vote. The AU observer team should be led by a prominent statesperson who can use good offices to resolve disputes.

While the presence of old and new aggravating and mitigating factors makes the precise level of risk surrounding the Kenyan election difficult to assess, it is sufficiently high – and the implications for regional stability are sufficiently great – that both internal and external actors should move quickly and purposefully to address potential sources of unrest and help steer the country peacefully through its pending transition.

II. Improving Institutions, Divisive Politics

Kenyan elections are among the most competitive in East and Central Africa, with politics dominated by personalities and money rather than first- or second-generation scions of an armed liberation movement who are reluctant to relinquish power, as in several other countries in the region.¹ Opposition candidates can campaign more freely than those in most nearby countries and outcomes are usually uncertain even days before voting occurs. An entrenched culture of leadership rotation, with presidents legally required to step down at the end of two terms, further sets the country apart from many in the neighbourhood.

These competitive votes sometimes strain the country's institutions to the breaking point, however. In December 2007, following a vote that international observers deemed deeply flawed, serious violence broke out when electoral authorities ruled that incumbent Mwai Kibaki had defeated opposition challenger Odinga.² Odinga supporters took to the streets to protest an outcome they viewed as fraudulent. During the next eight weeks, intercommunal clashes in various parts of the country and a heavy-handed police response killed close to 1,100 people and displaced over 600,000.³ The crisis eased in February 2008, when Kibaki and Odinga signed a power-sharing agreement brokered by former UN Secretary-General Kofi Annan. Under the terms

¹ For past work on Kenyan elections, see Crisis Group Africa Briefings N°129, *How to Ensure a Credible, Peaceful Presidential Vote in Kenya*, 2 October 2017; N°132, *An Election Delay Can Help Avert Kenya's Crisis*, 23 October 2017; and N°136, *After Kenya's Leaders Reconcile, a Tough Path Ahead*, 13 March 2018; as well as Crisis Group Africa Report N°248, *Kenya's Rift Valley: Old Wounds, Devolution's New Anxieties*, 30 May 2017.

² Crisis Group Africa Report N°137, *Kenya in Crisis*, 21 February 2008.

³ "Disputed vote plunges Kenya into bloodshed", *The New York Times*, 31 December 2007.

of that deal, the pair were to lead a government of national unity, with Kibaki retaining the presidency and Odinga taking the prime minister's post.⁴

The 2008 agreement and the unity government it generated paved the way for deep institutional reforms that culminated in the adoption of a new constitution in August 2010.⁵ That charter, one of the most progressive on the continent, introduced significant changes to Kenya's system of government, most importantly by whittling down the presidency's remit and devolving powers and resources to locally elected leaders.⁶ It also gave parliament the authority to vet presidential appointees and strengthened the judiciary by insulating judges from executive pressure through the formation of an independent commission responsible for appointing judges and running judicial affairs.

Not all the reforms agreed to on paper have borne fruit, but some have. On one hand, parliament, which is dominated by the ruling Jubilee coalition, has hardly used its expanded powers to serve as a check on the executive and still mainly toes the government line. On the other hand, the judiciary has emerged as arguably the most important safeguard of the constitution.⁷ It is staffed by strong, independent judges, with a track record of ruling against the executive branch where warranted. Indeed, in 2017, the Supreme Court annulled the results of the presidential election because, the court determined, it was not conducted in full conformity with the constitution and electoral laws.⁸ Against this backdrop, candidates who feel aggrieved by the electoral process might seek recourse in the courts with some confidence that they will receive a fair hearing.

Despite the emergence of a stronger judiciary and other substantial institutional changes, Kenya remains highly vulnerable to episodes of pre- and post-election violence. That is mainly due to the polarised, ethnically-driven and personalist politics

⁴ Crisis Group Report, *Kenya in Crisis*, op. cit.

⁵ Crisis Group interviews, members of the Constitution Implementation and Implementation Oversight Committees, Nairobi, 22 September 2020. "Kenya votes 'yes' to new constitution", Reuters, 5 August 2010. See also Constitution of Kenya, Constituent Project, 26 August 2010.

⁶ The process of drafting the text, which had begun in 2004 before being derailed by political squabbles, involved significant public participation, including grassroots *barazas* (meetings), across the country. These gatherings created a keen sense of affinity for the constitution among Kenyans, reflected in public opinion surveys that have shown a resistance to efforts by the ruling elite to change the charter and claw back powers lost by institutions such as the presidency. See "Pulling Together to Move Forward: A National Opinion Poll on Devolution and Governance in Kenya", Transparency International Kenya, July 2015; and "Katiba at Ten: Distressed Yet Defiant", Amnesty International Kenya, based on polling done by Infotrak and Research Consulting, August 2020.

⁷ Crisis Group interviews, former senior official at the Office of the Chief Justice and civil society actors, Nairobi, June 2021; former Kenya Human Rights Commission official, Nairobi, 10 June 2021. See also Crisis Group, "The Court Ruling That Just Upended Kenyan Politics", The Horn (podcast), 2 June 2021; and "Kenya election: Kenyatta blasts court after vote annulled", BBC, 1 September 2017.

⁸ The Supreme Court in particular faulted the electoral commission for not relaying all results electronically. Odinga, who was defeated by Kenyatta and had challenged the election outcome, then refused to participate in a rerun, saying the electoral commission had not conducted the necessary reforms demanded by the court and thereby delivering an easy win for the Kenyatta-Ruto ticket in the repeat vote.

that has been a feature of electoral competition in the country for decades.⁹ Five potential drivers of violence are of particular concern as the 2022 electoral cycle approaches.

The most prominent is elite polarisation. As outlined below, relations between President Uhuru Kenyatta and his deputy, William Ruto, have seemingly broken down, perhaps irretrievably. Both men command substantial voter bases and the disillusionment in Ruto's camp – which had expected Kenyatta's endorsement and was bitterly disappointed not to receive it – coupled with Kenyatta's anxiety about a Ruto victory, mean that elites see the vote as essential for their political and economic survival.¹⁰ In September 2021, the Catholic Church urged the two to patch things up, saying their open differences were “dangerous for the prevailing peace and tranquillity in the country”.¹¹ In several interviews, diplomats and even senior figures in Kenyatta's and Ruto's camps pointed to these tensions, and in particular the sense that neither candidate feels he can afford defeat, as the biggest potential destabilising factor in the run-up to the election.¹²

Secondly, the Kenyatta-Ruto rift has contributed to perceptions that the security services may not play a neutral role during the electoral period. On a number of occasions, officials of the United Democratic Alliance (UDA), the party with Ruto on its ticket, have complained that the security forces tried to influence campaigning during the 2021 by-elections in favour of state-backed candidates.¹³ In July 2021, authorities temporarily suspended vote counting in a by-election in the central county of Kiambu after members of President Kenyatta's Jubilee party, accompanied by the police, stormed the tallying centre.¹⁴ Despite the incident, UDA candidate John Njurguna won, dealing a significant blow to Kenyatta given that the by-election unfolded in the latter's backyard. Yet UDA officials viewed the behaviour of the security officers as a worrying portent of their potential conduct during electioneering in August.¹⁵

⁹ “Kenyan elections are the domain of ethnic barons”, a senior former judicial official and longtime political observer said. “The names rarely change because these figures have established an almost unexplainable hold on their ethnic constituencies”. Crisis Group interview, September 2019.

¹⁰ Crisis Group interviews, senior members of the Kenyatta and Ruto camps, Western diplomats, academics and civil society actors, June-December 2021.

¹¹ “Nine Issues of Concern Catholic Bishops in Kenya Want Addressed to ‘Keep Hope Alive’”, Association for Catholic Information in Kenya, 15 September 2021. Many Kenyans share the Catholic bishops' concerns about the perils of elite polarisation. The rift between Ruto and Kenyatta has dramatically divided the ruling Jubilee party. Many parliament members allied with Ruto have signalled that they will defend their seats on the ticket of the deputy president's UDA party. Squabbles between lawmakers struggling to reach consensus on issues ranging from budget allocation to committee formation have derailed the ruling party's legislative agenda. In some instances, party members from the two factions have come to blows. “Blows and kicks rock House as MPs vote on Uhuru, Raila Bill”, *The Star*, 30 December 2021.

¹² Crisis Group interviews, Nairobi, June-December 2021.

¹³ UDA officials in May 2021 accused Interior Cabinet Secretary Fred Matiang'i and other Jubilee members of deploying state resources to influence the outcome of by-elections in Bonchari, Kisii county, in the west. Matiang'i in turn accused UDA leaders of perennially crying foul to attract sympathy. Crisis Group interviews, UDA officials, 26 May 2021. “Ruto, Raila and Matiang'i lock horns in Bonchari by-election”, *The Standard*, 18 May 2021.

¹⁴ Crisis Group interviews, UDA officials, 26 May, 2 July 2021. “Low voter turnout, voter bribery claims mar Kiambaa by-election”, *The Daily Nation*, 15 July 2021.

¹⁵ Crisis Group interviews, UDA officials, 26 May 2021.

Thirdly, institutions with a critical role in elections management, notably the IEBC, are weak and insufficiently prepared for the polls.¹⁶ The Independent Review Commission, an international commission of inquiry appointed in the aftermath of the 2008 violence and headed by retired South African judge Johann Kriegler, prominently recommended that electoral laws and personnel to lead the electoral commission should be in place at least two years before polling day. Authorities have thus far ignored most of the commission's recommendations, however, including this one. Held back by divisions and foot dragging among commissioners, the electoral body's leadership took almost four years to appoint a chief executive officer after the previous office holder left in 2018.¹⁷ The IEBC finally named a new CEO in March.¹⁸

IEBC funding has also been a problem. The commission said it needed close to \$352 million to organise elections; it had received only a quarter of that amount by the end of 2021. In February, Kenyan lawmakers made \$191 million available for the August polls.¹⁹ In March, they approved an additional \$76 million, still well below the amount the commission believes is necessary to run a proper election.²⁰ In the meantime, national authorities' earlier resistance to external support has delayed and limited efforts by Kenya's international partners to give the IEBC direct assistance.²¹

Fourthly, bitterness about income inequality and Kenya's deteriorating economy runs deep, potentially making it easier to mobilise frustrated crowds in the streets, and also creating the risk that unemployed youth could be recruited into gangs to commit violence during electioneering. The high cost of living consistently ranks as a priority concern for Kenyans, many of whom accuse the government of profligacy during the past decade.²² Russia's war in Ukraine has pushed up global commodity and fuel prices, reversing the benefits of Kenya's tentative recovery from the COVID-19 pandemic, which obliterated an estimated 2 million jobs.²³ These worrying trends come against the backdrop of a high debt burden, with debt service costs consuming about half of projected revenue in Kenya's 2022-2023 budget.²⁴ In April, motorists faced rare, nationwide fuel shortages after the government failed to pay subsidies

¹⁶ A former senior electoral commission official said the commission was well behind in putting in place structures to manage the vote, including procuring crucial materials. He said preparations for the 2017 vote had advanced much further at a similar juncture in the run-up to that election. Crisis Group interview, former senior IEBC official, 27 May 2021.

¹⁷ Crisis Group interview, former senior IEBC official, 27 May 2021. "Queries raised over four IEBC directors in acting positions", *People Daily*, 14 February 2022.

¹⁸ "Marjan Hussein Marjan sworn in as new IEBC CEO", *The Standard*, 16 March 2022.

¹⁹ Crisis Group interview, former senior IEBC official, 27 May 2021. "Voters verification at stake as IEBC faces Sh4.5bn budget shortfall", *The Star*, 8 February 2022; and "MPs budget team approves Sh21.7 billion for IEBC", *Capital News*, 17 February 2022.

²⁰ "MPs budget team approves Sh21.7 billion for IEBC", op. cit.

²¹ Crisis Group interviews, Western diplomat, 1 September 2021; UN officials, January 2021, 24 May 2022.

²² Crisis Group interview, Kenyan researcher at the Institute of Development Studies, 6 October 2021. "High fuel, food prices main concern for Kenyans as treasury releases new budget", *Capital News*, 7 April 2022.

²³ Crisis Group interview, Kenyan researcher at the Institute of Development Studies, 6 October 2021. "Kenya's budget proposes to raise debt ceiling to fund recovery", *The East African*, 12 April 2022.

²⁴ Crisis Group interview, Kenyan researcher at the Institute of Development Studies, 6 October 2021. "SGR anomalies should prompt us to rethink war on corruption", *The Standard*, 21 June 2020. "Senate projects Kenya's debt to hit Sh8.7trn by end of 2021/22", *The Star*, 15 October 2021.

owed to oil marketing companies.²⁵ Additionally, Kenya is grappling with the consequences of its longest drought in decades, which has devastated crops, decimated cattle herds and left at least 2.8 million people in 23 counties in need of food relief.²⁶

Fifthly, the election is likely to swing in favour of one candidate or the other at the last minute, which heightens the risk that the losing side will feel something untoward has occurred. Public opinion polls show a tight race between Ruto and Odinga, with one fifth of Kenyans undecided about who they will vote for.²⁷ Although Ruto for months remained a marginal favourite in most surveys, Odinga has closed the gap of late and took the lead in some polls after naming a respected figure in Kenya's reform movement, Martha Karua, as his running mate in May.²⁸ In the past, particularly in 2007, tight elections and their sometimes violent aftermath stretched the capacity of institutions, such as the electoral commission, the police and the courts, to manage unrest. As noted, the latter performed well in 2017, but they could face new challenges in this cycle.²⁹ The behaviour of prominent political figures and in particular the signals they send to their supporters will thus be crucial for helping contain the risk of violence as the results are announced.

III. UhuRuto: A House Divided

The August 2022 presidential vote is mostly a two-way battle between Ruto and Odinga. Odinga is a veteran politician who served a long spell in detention in the 1980s for his agitation for multi-party democracy at a time when Kenya was still under strongman rule. He hopes to finally clinch the presidency after several unsuccessful bids. The 77-year-old commands name recognition throughout much of Kenya and has a loyal support base, particularly in cities, the west, parts of the east and the coast. He hopes that Kenyatta's backing will help him draw support from the Kenyatta-Ruto Jubilee party base, which propelled the incumbent to victory in the previous two elections.

Ruto, 55, has been deputy president since 2013. Over the past four years, the energetic campaigner has rallied significant sections of the Kenyan electorate to his side, casting himself as a self-made everyman who understands the grievances of the poor. Though one of Kenya's wealthiest politicians, he draws a contrast between his humble background and the privileged upbringing of Odinga and Kenyatta, both of whom come from political dynasties and have throughout their careers benefited

²⁵ "Fuel prices rise in Kenya as it battles worst shortage in decade", Bloomberg, 14 April 2022.

²⁶ Rainfall in Kenya was well below average for a fourth consecutive season, prompting the government in September to declare the drought a national disaster. Counties in the semi-arid north have reported massive livestock deaths and state interventions to ease the drought's harmful effects have been limited. Competition over water and pasture has already led to violent clashes in the worst-hit areas. Crisis Group interviews, residents, county officials and livestock researchers, Garissa, 13-16 March 2022. "2.8 million Kenyans face hunger as drought rages on", *The East African*, 25 March 2022.

²⁷ Crisis Group interview, poll expert and researcher, 28 May 2021. "The 2022 Elections: Presidential Contest", TIFA, 19 November 2021.

²⁸ "The 2022 Elections: Presidential Contest", TIFA, 19 November 2021. "Raila-Karua ticket most preferred – TIFA", Capital FM, 18 May 2022.

²⁹ Crisis Group, "The Court Ruling that Just Upended Kenyan Politics", op. cit.

from considerable family fortunes.³⁰ He positions himself as a “hustler” in tune with Kenyans struggling to earn a living, unlike his opponents whom he casts as out-of-touch scions of Kenyan aristocracy. Ruto has confounded many pundits by establishing a firm foothold in Kenyatta’s Mount Kenya home region. Many important political figures from this area back his campaign.³¹

Despite his efforts to distance himself from Kenyatta and Odinga, however, Ruto is himself part of Kenya’s rent-seeking elites. Kenyatta and Ruto formed a formidable alliance in 2012, appearing to be such close friends that the public dubbed the inseparable duo “UhuRuto”. That union brought together their populous voter bases, the Kikuyu and Kalenjin ethnic groups, respectively, allowing them to navigate their way to victory in March 2013 elections.³² At the time, the International Criminal Court had indicted the two for allegedly whipping up ethnic violence in 2007-2008.³³ Prosecutors later dropped the cases.³⁴

The precise source of the rift between Kenyatta and Ruto is difficult to pin down. In early 2018, only a few months after Kenyatta and Ruto bested Odinga to win a second term in the contentious 2017 election – which wound up in front of the courts – relations between the president and his deputy rapidly deteriorated. It was then that Kenyatta forged a sudden alliance with his erstwhile opponent Odinga, ostensibly to calm tensions in the country, but also sending a clear signal that he would not back Ruto as his successor.³⁵

Since then, the two have repeatedly accused each other of betrayal, but neither has offered a satisfactory explanation for their falling-out. An insider from Kenyatta’s camp said the president was concerned that a Ruto presidency would “spell disaster for Kenya”, citing past corruption allegations that have dogged Ruto’s career.³⁶ Kenyatta himself has offered a variety of reasons, including that he was miffed that Ruto resisted his alliance with Odinga and began campaigning for the presidency early on.³⁷

³⁰ Kenyatta is the son of Kenya’s first president, Jomo Kenyatta, who held power for fifteen years after independence in 1963. Odinga is the son of Kenya’s first vice president, Jaramogi Oginga Odinga.

³¹ These include former Kenyatta loyalists such as Kirinyaga Governor Anne Waiguru and National Assembly Speaker Justin Muturi. All the major candidates for governor in Kiambu, Kenyatta’s home county, including former Kenyatta allies Moses Kuria, William Kabogo and Kimani Wamatangi, have cast their lot with Ruto. A senior Kenyatta adviser told Crisis Group that Kenyatta’s camp acknowledged the deputy president’s strength in the vote-rich region but would campaign hard to turn the tide. Crisis Group interview, June 2021.

³² Crisis Group interviews, UDA officials, Nairobi, 26 May and 2 July 2021; Kenyatta adviser, Nairobi, 28 June 2021.

³³ Kenyatta and Ruto announced their alliance a few months before the start of their trials. The case was ruled a mistrial following allegations of witness intimidation and the refusal of Kenyan authorities to hand over evidence. The perceived support of Kenya’s Western partners for the ICC trials harmed their relations with Nairobi in the early days of the Kenyatta administration, but ties improved after the cases were terminated. “Uhuru Kenyatta and William Ruto confirm Kenyan alliance”, BBC, 3 December 2012. “Dismissal of case against Kenya’s Ruto huge blow to ICC”, BBC, 5 April 2016.

³⁴ “Kenya’s William Ruto’s case dismissed by ICC”, BBC, 5 April 2016; and “ICC drops Uhuru Kenyatta charges for Kenya ethnic violence”, BBC, 5 December 2014.

³⁵ “Joint statement by President Kenyatta, Raila on their partnership”, *Capital News*, 9 March 2018.

³⁶ Crisis Group interview, senior Kenyatta adviser and Western diplomats with access to Kenyatta, May-June 2021.

³⁷ Crisis Group interview, senior Kenyatta adviser, Nairobi, 28 June 2021.

For their part, Ruto camp insiders claim that Kenyatta sidelined his deputy because he wants to protect his family's extensive business interests, some of which are intertwined with the state, from an unpredictable Ruto presidency.³⁸ In this telling, the Kenyattas feel they will be safer under an Odinga presidency than one led by the younger and more ambitious Ruto. Although often unspoken, protecting the personal fortunes of politicians and their families is a key concern in Kenya's succession politics; virtually all major politicians, including Kenyatta, Ruto and Odinga, own large plots of land and a range of lucrative companies. This issue is the one that raises the stakes in Kenyan elections and the reason why political figures tend to view electoral contests as existential.³⁹ Ruto coyly referred to it in March, when he suggested he would protect Kenyatta's legacy if he becomes president.⁴⁰

Ruto and his circle also accuse Kenyatta of duplicity and betrayal. Ruto cites his many years of support for Kenyatta, notably in the 2002, 2013 and 2017 election seasons. His supporters often replay Kenyatta's public assurances on the campaign trail that he would back Ruto's candidacy in presidential elections later on. For instance, during his first term, Kenyatta famously declared in Kiswahili that he would support Ruto after two terms in office, saying: "Yangu kumi, ya Ruto kumi" ("Ten years for me and ten for Ruto").⁴¹

The Kenyatta-Ruto schism has dominated the Jubilee administration's second term, with implications for a key goal of the Kenyatta-Odinga alliance that emerged in 2018 – enactment of the Building Bridges Initiative (BBI). BBI was a proposal to introduce constitutional changes through a referendum in order to expand the Kenyan executive and, the proponents claimed, to step away from Kenya's winner-take-all politics by creating more seats at the table.⁴² Among other things, the bill proposed a new post of prime minister and as many as 70 extra seats in parliament.

Kenyatta campaigned for the proposal for months, labelling the BBI the central feature of his second-term legislative agenda and presenting it as an effort to unite

³⁸ Crisis Group interviews, Ruto aides, Nairobi, 2 July 2021. The Kenyatta family owns a substantial business empire in Kenya with stakes in several neighbouring countries.

³⁹ For example, politicians from the coastal county of Mombasa allied to Ruto reportedly promised to reverse contracts at the Kenya Port Authority they claim favour powerful individuals in the Kenyatta administration once Ruto takes office, illustrating how business and politics intermingle in Kenyan politics. "Nyali MP Mohammed Ali dismisses Raila's promise to resolve Mombasa port issues if elected president", video, YouTube, 20 April 2022.

⁴⁰ "Ruto: I'll protect Kenyatta family interests", *The Daily Nation*, 26 March 2022. Another theory holds that the Kenyatta family hopes to check Ruto's rise to the presidency in favour of Gideon Moi, son of Kenya's second president Daniel Moi and, like Ruto, a Kalenjin. Crisis Group interviews, academics and analysts tracking Kenyan politics, July 2021.

⁴¹ "DP William Ruto: I will not resign", *The Standard*, 16 April 2021.

⁴² Despite some devolution of power in the Kenyan system, the Kenyan presidency remains strong with the winner having command of major decisions on economic management and security matters. Had the BBI process been handled better, said a University of Nairobi governance expert, it could have offered an opportunity to address the constitution's shortcomings and latent political fissures in the country, including by expanding the executive to create positions for figures who would share some power with the president. The Supreme Court ruled that the proposal was illegal and unconstitutional because the president was not allowed to push for extensive constitutional changes without adequate popular consultation. Crisis Group interview, governance expert and lecturer at the University of Nairobi, Nairobi, 25 August 2021. "What you need to know about BBI", *The Standard*, 27 November 2019.

the country, but to no avail. Many Kenyans lost interest in the BBI campaign because they found the particulars of the proposal hard to understand, while persistent rumours that Kenyatta hoped to shape his succession through the initiative made it largely unpopular.⁴³ Ruto staunchly opposed the bill, saying it was little more than a ploy to influence the 2022 election.⁴⁴ In March, Kenya's Supreme Court deemed the bill illegal and unconstitutional, sparking celebrations in the Ruto camp and defiance among Kenyatta-Odinga allies. Overall, rather than bridging divides, the controversial bill led to fragmentation of political coalitions at the national and local levels.

The Kenyatta-Ruto rift has also sharpened the tone of Kenya's intra-elite relations. The bad blood between president and deputy led to increasingly bitter recriminations from each side, with Ruto's camp alleging it is the victim of a campaign of state intimidation. In January 2020, the Directorate of Criminal Investigations reopened a 2004 case accusing Ruto of defrauding the Kenyan state of over \$2 million. Ruto had already been acquitted in the case nine years earlier due to lack of evidence.⁴⁵ In August 2021, authorities replaced the elite General Service Unit officers guarding Ruto's residences in Nairobi and Sugoi with lower-level police.⁴⁶ Kenyatta rarely includes the deputy president in public meetings where he is present.⁴⁷ The cabinet did not meet for over two years, reportedly because Kenyatta did not want to engage with his deputy. Security forces have cancelled or disrupted some of Ruto's public meetings, sometimes citing public health concerns.⁴⁸

The Ruto camp has decried these moves, portraying them as part of a Kenyatta campaign to shape his succession at all costs. In August 2021, the deputy president said:

That [many deputy presidents are undermined by their bosses] is an unfortunate situation. Given an opportunity, I will not allow my deputy president to be humiliated the way former deputy presidents have been humiliated and the way I have been humiliated.⁴⁹

⁴³ "TIFA poll: BBI popularity drops as many Kenyans say referendum is unlikely to happen", *People Daily*, 1 July 2021.

⁴⁴ An important Ruto ally claims that Kenyatta sought to build a broad alliance with key ethnic leaders in order to take on Ruto. Crisis Group interview, Hassan Omar, UDA Mombasa governor candidate, Nairobi, 6 September 2021.

⁴⁵ Crisis Group interviews, UDA officials, Nairobi, 2 July 2021. "DCI reopens Ruto land fraud case nine years after acquittal", *The Standard*, 22 January 2020; and "DP William Ruto's Fears Ahead of Key 2022 Elections", *The Daily Nation*, 30 May 2021.

⁴⁶ "DP William Ruto's GSU security withdrawn, replaced by AP officers", *The Standard*, 26 August 2021.

⁴⁷ Crisis Group interviews, UDA officials, Nairobi, 2 July 2021. "Uhuru did not invite me to crucial State House meeting", *The Star*, 19 February 2021.

⁴⁸ Crisis Group interviews, UDA officials, Nairobi, 2 July 2021. "Teargas as Ruto's Jacaranda rally disrupted, vows he won't be intimidated", *Capital News*, 16 January 2022; "Matiang'i condemns Ruto rally disruption", *The Standard*, 24 October 2021; and "Police disrupt Ruto's rally in Nyamira", *The Standard*, 9 October 2020.

⁴⁹ "I would never allow my deputy to be humiliated the way I've been humiliated," says DP Ruto", Citizen TV, 16 April 2021.

The falling-out between Kenyatta and Ruto has played out prominently in the Mount Kenya region, the country's most populous electoral constituency and Kenyatta's political base. The region is populated primarily by the Kikuyu, Kenya's largest ethnic group. In one of the more confounding features of the 2022 electoral cycle, Ruto, an ethnic Kalenjin, has brought many of Kenyatta's traditional Kikuyu supporters onto his side through his spirited campaign. In 2021, his UDA party won several parliamentary and ward by-elections in the region against Kenyatta-backed candidates. Many in the region cite the need to repay Ruto's earlier loyalty to Kenyatta when explaining their decision to stick with Ruto despite Kenyatta's decision to part ways with him.⁵⁰

There is a benefit to this dynamic: while acrimony between national politicians has in the past stoked inter-ethnic tensions and election-related violence, the Kikuyus' surprising embrace of Ruto in both Mount Kenya and the Rift Valley means that tensions between the Kikuyu and Kalenjin have thus far been limited.⁵¹ Whether the calm endures in the immediate aftermath of the election will depend to a large extent on politicians' behaviour, however. Although the falling-out between Kenyatta and Ruto follows a well-worn pattern of shifting alliances among Kenyan elites, there is widespread (and reasonable) concern about the extent to which one candidate or the other might try to game the system given the perceived sky-high stakes of the August vote for both. For Kenyatta, that could mean using state power to influence the election, while for Ruto's camp, it could mean mobilising street protests to reject an unfavourable outcome.⁵²

In some respects, the enmity between Kenyatta and Ruto has left Odinga in an awkward position, but he is working assiduously to parlay it to his advantage. Having previously always campaigned on an anti-incumbent platform, Odinga is now running as the establishment candidate with Kenyatta's blessing. But he is also looking elsewhere for support: he has attempted to forge a broad alliance by wooing major opposition figures, such as Kalonzo Musyoka, leader of the Wiper Democratic Movement, and Gideon Moi of the Kenya African National Union. The veteran leader's camp is quietly confident. Their mood was boosted in mid-May after Odinga picked his running mate – who, as noted above, is Martha Karua, a highly regarded former minister from central Kenya. They hope she might woo some Kikuyu back into the

⁵⁰ Crisis Group interviews, prominent Kikuyu figures close to Kenyatta and Ruto as well as Kikuyu voters in Nairobi, 2019-2022. Another possible reason for Ruto's success in Mount Kenya is a sustained propaganda campaign that aimed to tarnish Odinga's reputation when he was Kenyatta's main opponent. Many residents may therefore resist switching to Odinga's camp despite Kenyatta's about-face. In 2017, for instance, Kenyatta branded Odinga a "mad man" who needed to retire from politics. "Social media on fire after Uhuru called Raila a 'mad man'", Tuko, 22 June 2017.

⁵¹ A poll conducted by the research company Trends and Insights for Africa shows that after the Central Rift, Ruto's home region, the deputy president and his UDA party are most popular in Mount Kenya. See "The 2022 Elections: Presidential Contest", TIFA, 19 November 2021. Ruto has also sought to broaden his support base outside traditional Jubilee party strongholds by forging alliances with a number of leaders from western Kenya, most notably African National Congress leader Mursalina Mudavadi and Ford-Kenya leader Moses Wetang'ula.

⁵² Crisis Group interviews, Western diplomats, local political researchers and academics, Nairobi, March-November 2021.

Odinga fold while bringing along some undecided moderates.⁵³ The optimism appears to go deeper than that, however. “Odinga knows how to win elections; he has a broad support base and now at least the state is not working to stop him”, Paul Mwangi, Odinga’s longtime legal adviser, told Crisis Group.⁵⁴

IV. Avoiding Another Crisis

Regional observers view Kenya’s forthcoming elections with considerable trepidation. Given the country’s position as East Africa’s main transport and commercial hub, violence tends to have a ripple effect across much of the region. Days after elections-related ethnic violence broke out in January 2008, long queues formed at fuel stations in the capitals of landlocked Uganda and Rwanda, which depend on supplies from the Kenyan port of Mombasa. In the eastern Democratic Republic of Congo, which also relies on imports passing through Kenya, aid agencies reported running out of stock.⁵⁵ Amid civil war in Ethiopia and the entrenched political crisis in Sudan, the region can ill afford another surge of unrest, much less one at the centre of the region’s economic and political life.

Fortunately, Kenya may be well positioned to dodge this bullet. Crisis Group research over the past three years in various parts of the country has found little appetite for intercommunal violence. Society does not seem to be as on edge as it was in the months before the 2007 and 2013 elections.⁵⁶

For better or worse, the overall public mood is one of mixed indifference and resignation, particularly among young Kenyans, though the disposition among the latter is understandably sour.⁵⁷ Some polls show more younger voters expressing a preference for Ruto’s candidacy, but the overall mood is one of disillusionment verging on apathy.⁵⁸ “The youth are disappointed in the major candidates and fear that none can bring about the sort of quick change they need on a wide array of issues, including unemployment and the high cost of living”, Nerima Wako-Ojiwa, the director of Siasa Place, an organisation that promotes youth civic education and political participation, told Crisis Group.⁵⁹ Voter registration drives in 2021 and 2022 captured only 2.5 million new voters, well below the target of 6 million and one of the country’s worst scores since the reintroduction of multi-party elections in 1992.⁶⁰

⁵³ “In the iron lady of Kenyan politics, a statement of belief”, *Daily Nation*, 27 May 2022. Ruto also picked a running mate from central Kenya. Rigathi Gachagua, a MP from Nyeri County, is viewed as a less inspiring pick. But, given his reputation as a political brawler, he could help Ruto shore up his numbers in Mount Kenya, where many pundits expect the election to be won or lost.

⁵⁴ Crisis Group interview, 17 December 2021.

⁵⁵ Crisis Group Briefing, *How to Ensure a Credible, Peaceful Presidential Vote in Kenya*, op. cit.

⁵⁶ Crisis Group interviews, residents of various parts of the country as well as community leaders, 2019-2021.

⁵⁷ Crisis Group telephone interview, youth development specialist, 25 August 2021.

⁵⁸ “Ruto is top preferred candidate, Raila second – TIFA poll”, *Daily Citizen*, 17 February 2022.

⁵⁹ Crisis Group interview, Nerima Wako-Ojiwa, CEO of Siasa Place, Nairobi, 14 April 2021.

⁶⁰ “IEBC registers paltry 1m voters against 4.5m target as exercise ends”, *The Standard*, 7 February 2022.

Moreover, divisive, ethnically laced narratives are not as prevalent as in previous electoral cycles, with a few exceptions.⁶¹ Although national politicians continue to attack one another with barbed comments, they have shown a welcome reticence to use hateful rhetoric as a campaign tool. In January 2022, when Meru senator and Ruto ally Mithika Linturi made inflammatory remarks that evoked the kind of ethnic slurs politicians used during the 2007-2008 crisis, leaders across the political divide, including Odinga and Ruto, swiftly condemned his choice of words.⁶²

That there is no major Kikuyu candidate in the presidential race for the first time since 1992 may also be helping tamp down tensions. Among other things, it has helped dampen public perceptions of Kikuyu dominance in Kenyan politics and Kikuyu elite control of the economy, which Kenyatta's opponents exploited to whip up grievance in prior elections.⁶³ In a welcome development, rather than appealing to ethnic allegiances, Odinga and Ruto appear to be banking on bagging cross-ethnic support – Odinga, by positioning himself as a mellowed father figure who could be a safe pair of hands, and Ruto, by branding himself as a champion of the downtrodden. Moreover, both candidates have chosen Kikuyu running mates, making it more difficult for either to play the anti-Kikuyu card against the other.

Another mitigating factor is the growing awareness on the part of government, corporate and multilateral actors of the expanding role of social media in electoral politics and the potential for online platforms to catalyse violence. Politicians increasingly use platforms such as Twitter and Facebook to reach the over 12 million Kenyans who follow social media.⁶⁴ Social media campaigning has had some important benefits, enabling a bigger number of politicians to enhance their reach. For good or ill, it also creates a mechanism for the public, who increasingly mistrust the traditional press, to obtain information from what many see as a more reliable source.⁶⁵

Both official actors and their partners are also conscious that social media has expanded opportunities for spreading misinformation or inflammatory language and are working to manage the attendant risks of violence.⁶⁶ This problem was pronounced

⁶¹ Exceptions include Marsabit county in northern Kenya, where local politicians have mobilised communities against each other to strengthen their grip on power. Similarly, in the coastal region of Lamu, competition over resources and historical land grievances led to flare-ups in early 2022. Indigenous Swahili feel that Kikuyu have been resettled in the county at their expense and fear that a Kikuyu candidate winning the Lamu governorship will worsen the inequities they perceive in access to land and services. Crisis Group interviews, residents and businesspeople, Isiolo, Marsabit and Samburu counties, November 2020. Crisis Group interviews, Swahili community members, Lamu, August 2020.

⁶² Linturi used the Kiswahili word *madoadoa*, meaning spots or blemishes. Many heard him as implying that those in the Rift Valley who do not support Ruto and the UDA are like “spots” that need to be removed. The term was reminiscent of inflammatory rhetoric used in 2007-2008. Linturi later said he was referring to political rivals who should be voted out of office. “Linturi apologises, says ‘madoadoa’ expression was misunderstood”, *The Star*, 9 January 2022.

⁶³ Crisis Group Briefing, *How to Ensure a Credible, Peaceful Presidential Vote in Kenya*, op. cit.

⁶⁴ “Digital 2020: Kenya”, Data Reportal, 18 February 2020.

⁶⁵ “Dwindling trust in media raises concerns ahead of Kenya’s general election”, Media Innovation Network, 6 March 2022.

⁶⁶ “Social media influencers cash in as presidential election approaches in Kenya”, *Africa News*, 5 May 2022.

in 2017, when a British consulting firm rolled out mass disinformation campaigns to get Kenyatta re-elected.⁶⁷

Today, parts of the Kenyan government seem acutely aware of the potential dangers of social media. In particular, the National Cohesion and Integration Commission and criminal intelligence service have formed a unit to monitor and deter hate speech online.⁶⁸ Meta – the parent company for the Facebook platform – is taking steps to control hate speech during the elections by working with different experts and civil society groups to improve its content reporting and moderation mechanisms to better identify what constitutes incitement. Meta says its team aims to offer a platform for free political speech while “actively removing content that could lead to either imminent physical harm or voter suppression, or contain hate speech”.⁶⁹ The UN has also developed a strategy, together with the information technology ministry and civil society, to address hate speech while minimising infringement on free expression.⁷⁰

Finally, the judiciary – while far from a perfect institution – has emerged as a credible arbiter of electoral disputes.⁷¹ The courts have shown willingness to challenge the executive branch on its view of the constitution by asking for a rerun of the vote in 2017 and, most recently, by rejecting the BBI even in the face of an effort to intimidate judges, including through an online campaign of slander against jurists in the weeks ahead of the delivery of the BBI judgment.⁷² That the judges stood up to these imprecations will strengthen their hand as credible arbiters of major electoral disputes should they arise.

Still, complacency would be unwise. As outlined above, few observers foresaw the large-scale violence that erupted in late 2007. Although the last two elections unfolded peacefully in comparison and some factors likewise augur well for the forthcoming polls, that result is hardly guaranteed. The risks remain non-trivial, the possibility for an unforeseen event that triggers a surge in tensions cannot be excluded, and institutional bulwarks intended to preserve the rule of law – while in some cases gathering impressive credibility – are still young and will be sorely tested in the event of a disputed election amid intra-elite polarisation. Most critically, the electoral commission is in a state of typical dysfunction with only months to go, meaning that swathes of the public are likely to endorse claims of vote rigging by either of the main candidates in the event of a disputed election. Certain moves by key parties, including efforts to sway the election in their favour, could too easily trigger a surge

⁶⁷ “How Cambridge Analytica poisoned Kenya’s democracy”, *The Washington Post*, 20 March 2018.

⁶⁸ “NCIC rolls out plan to monitor social media ahead of 2022 polls”, *The Standard*, 29 August 2021.

⁶⁹ Crisis Group telephone interview, Mercy Ndegwa, Meta spokesperson, 6 June 2022. Crisis Group is a partner of Facebook, and in that capacity has been in contact with Facebook (and its parent company) regarding misinformation on the platform that could provoke deadly violence.

⁷⁰ Crisis Group interviews, UN staff and partners, Nairobi, 4 May 2022.

⁷¹ The judiciary stood its ground against attempts by the state to pass the unpopular BBI bill. In one of the most significant rulings in recent Kenyan history, five High Court judges dismissed the proposal in May 2021 as “irregular, illegal and unconstitutional”. In August, the Court of Appeal upheld this ruling, saying “the days of [an] unaccountable presidency are long gone”. The Supreme Court concurred in a majority judgment. The IEBC has also won praise for its impartial management of recent by-elections.

⁷² “Kenyan influencers paid to take ‘guerrilla warfare’ online”, BBC, 13 September 2021. “Inside the shadowy world of disinformation for hire in Kenya”, Mozilla Foundation, 2 September 2021.

of unrest in the August vote. Domestic and external actors should therefore take the following steps to maximise the chances of a smooth election.

- ❑ **The candidates should agree on the rules of the game.** Given the sway they have over the electorate, the main candidates, Odinga and Ruto, as well as the incumbent Kenyatta, will have to conduct themselves judiciously. In contentious elections elsewhere on the continent, including in Nigeria in 2015, public commitments by the main candidates to accept an electoral outcome, ideally issued together, have served to substantially lower tensions and ease public anxiety. Ruto and Odinga should likewise commit to accepting the election results or to seek redress exclusively in court should they dispute the outcome, bearing in mind that Odinga's 2017 decision to challenge Kenyatta's victory in court proved key in preventing violence.
- ❑ **Authorities should permit public institutions to administer the election and adjudicate differences transparently and impartially, and without interference.** A strong performance by state institutions such as the judiciary, the IEBC and security forces will be key in ensuring credible polls and preventing electoral violence. Authorities should steer clear of efforts to influence electoral commission decisions – and desist from issuing public statements in support of Odinga that undermine confidence in the electoral process.⁷³ The commission should be as transparent as possible while conducting its affairs, including by regularly briefing political parties on each step of electoral preparations.⁷⁴ The security forces should maintain strict neutrality and allow all candidates at the national and local levels to campaign unhindered. The judiciary should continue to publicly convey its preparedness to handle electoral disputes.
- ❑ **The candidates and their circles should commit not to act vengefully against each other if they win the election.** Kenya has enjoyed a reputation for stability relative to its neighbours because of an entrenched culture of elite pacts that has seen several incumbents peacefully leave office because they sought to protect their or their family's fate. Previous handovers of power were often based on a tacit understanding between the incumbent and the incoming leader that the former's future in Kenya was safe and secure. Before President Jomo Kenyatta died in 1978, he was confident that his successor Daniel Arap Moi would guarantee the security of his family. Likewise, when Moi handed over power in 2002 after 24 years as president, he received assurances that President Mwai Kibaki would not touch the fortune his family had amassed. Finally, Kibaki was certain that Kenyatta would protect his interests when he handed over power in 2013.

⁷³ In early May, Joe Mucheru, a minister in charge of ICT, Innovation and Youth, stirred controversy after saying his ministry was working closely with the Odinga campaign to ensure his victory. Ruto's UDA subsequently demanded his resignation as by law Kenyan ministers are supposed to be non-partisan and should not be involved in campaigns. "UDA wants IEBC to censure Mucheru for leaning towards Odinga in polls", Capital FM, 6 May 2022.

⁷⁴ The 2017 vote was annulled after the Supreme Court ruled that the IEBC broke electoral laws by disregarding an electronic transmission system it was required to use. Instead, the commission used SMS messages and photos of irregular, manually filled-in forms to deliver election results.

But given the serious breakdown of the relationship between Kenyatta and Ruto, and their allies by extension, the dynamics of this electoral cycle are different. The apparent absence of an informal understanding between Kenyatta and Ruto is one of the reasons why some see the vote as fraught with risk. In this regard, and in line with the Catholic Church's above-referenced recommendation that they mend ties, quiet mediation bringing Kenyatta, Ruto and Odinga together could help. Ideally, prominent business or religious figures who command the trust of all three men could broker such talks, potentially with backing from external actors, such as the African Union (AU) and the UN, as well as major Western partners, such as the U.S., EU and UK. Mediators should seek assurances from Kenyatta that state institutions will allow a free and fair vote while securing an undertaking to Kenyatta from both Ruto and Odinga that whoever emerges as winner will steer clear of slash-and-burn tactics against the other's business empire – consistent, of course, with respect for the rule of law and independent institutions.

- **Kenyan authorities should cooperate with domestic and international observers.** Kenyan elections typically attract large observer missions and significant international media attention. In the present cycle, however, Nairobi was notably reluctant to accept the presence of observer missions. One reason is the awkwardness between Nairobi and Western capitals since both Kenyatta and Ruto were indicted at the ICC, a decision which in the politicians' perception Kenya's Western partners supported.⁷⁵ Kenyan authorities did invite EU observers in April, an important if belated step to improve domestic and international confidence in the vote's integrity in an environment marked by mistrust.

Just as it did in the 2017 electoral cycle, the AU should deploy an observer mission and ensure that it is led by a senior African statesperson, preferably a former head of state, who has the stature to mediate between parties in case of an electoral dispute. That figure could also engage with all the parties to encourage them to maintain a civil tone ahead of the vote, as did the AU observer mission head in 2017, former South African President Thabo Mbeki. Despite the difference in methodologies, the EU and the AU should coordinate efforts and their messaging so as to give their respective observer missions added credibility.

The EU and other partners should meanwhile offer support to Kenyan civil society organisations involved in civic education and other elections-related activities, including the Elections Observation Group, a civil society organisation that has played a key role in tracking past elections by running a parallel vote tabulation to check the integrity of official results.⁷⁶

⁷⁵ Kenyan authorities offered invitations to key observer missions, including those from the European Union, only a few months before the election. Crisis Group interviews, Nairobi, April 2022. The EU is preparing to send an observer mission and hopes it will soon agree on the terms of deployment with Nairobi. Crisis Group interviews, Nairobi, April 2022; European diplomats and electoral experts, Brussels, 30 May-2 June 2022.

⁷⁶ Crisis Group interviews, civil society leaders and organisers, Nairobi, 25 August 2020; judicial expert, Nairobi, 16 March 2021.

V. Conclusion

The forthcoming high-stakes presidential election is likely to be one of Kenya's most closely contested in recent history. Ensuring that the vote unfolds peacefully will depend heavily, not just on the performance of government institutions and civil society, but also on the conduct of political elites that have dominated Kenya for decades and hold considerable sway over supporters. Given the tensions in the Horn, it will be especially important for all involved to do their best to ensure the vote passes off peacefully. In particular, Kenyatta, Odinga and Ruto and their close circles should publicly signal that they will accept the outcome of a fair vote – and avoid taking steps that might undermine the capacity of electoral institutions to deliver a free and credible election. Each of Odinga and Ruto should also commit that, whichever of them wins, he will treat the loser and his interests fairly. Finally, Kenyan authorities should invite international monitors into the country as a further election integrity safeguard and the AU should send a team led by a prominent regional statesperson who can also mediate disputes that arise.

Nairobi/Brussels, 9 June 2022

Appendix A: Map of Kenya



Appendix B: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 80 situations of conflict or potential conflict around the world.

Crisis Group's reports are distributed widely by email and made available simultaneously on its website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

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Comfort Ero was appointed Crisis Group's President & CEO in December 2021. She first joined Crisis Group as West Africa Project Director in 2001 and later rose to become Africa Program Director in 2011 and then Interim Vice President. In between her two tenures at Crisis Group, she worked for the International Centre for Transitional Justice and the Special Representative of the UN Secretary-General in Liberia.

Crisis Group's international headquarters is in Brussels, and the organisation has offices in seven other locations: Bogotá, Dakar, Istanbul, Nairobi, London, New York, and Washington, DC. It has presences in the following locations: Abuja, Addis Ababa, Bahrain, Baku, Bangkok, Beirut, Caracas, Gaza City, Guatemala City, Jerusalem, Johannesburg, Juba, Kabul, Kiev, Manila, Mexico City, Moscow, Seoul, Tbilisi, Toronto, Tripoli, Tunis, and Yangon.

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