

Kenya 2017 General Elections: Possible Scenarios

EDITOR'S NOTE: This document is part of our series "Elections in Africa 2017", which for each country comprises of:

1. **A Short note** (2 pages, 3 months before the elections)
2. **Possible scenarios** (2 pages, 1 month before)
3. **Forecast** (1 page, 10 days before)



Kenyans will go to the polls on 8 August, to pick either President Uhuru Kenyatta or his main rival Raila Odinga, as well as other officials, including Members of Parliament and county governors. The upcoming polls hold high stakes for security, considering the country's recent history of election-related violence.

Government security agencies have marked counties such as Narok, Homa Bay, Kisumu, Uasin Gishu, Nakuru, Nairobi and Kajiado as susceptible to such violence, with Human Rights Watch and the EU issuing similar warnings.

The present report looks at some possible scenarios regarding the presidential election, as nearly 17.6 million Kenyans prepare to cast their ballots.

JUBILEE wins in the first round, NASA contests the results in the Supreme Court

Recent polls put President Kenyatta and his JUBILEE party ahead of main challenger, former Prime Minister Raila Odinga of the National Super Alliance (NASA) coalition. Although leading with a narrow margin (5%)¹, Uhuru's chances of retaining the presidency remain intact, though he may find it difficult to garner the required 50% + 1 votes cast, to avoid a run-off.

At the same time, confidence seems high in the opposing camp, with Odinga and his four NASA co-principals² believing that they are better positioned to win this year's bid for the presidency.

Yet, NASA has on multiple occasions accused JUBILEE of plotting to rig the 8 August election, and has clearly expressed doubts over the Independent Electoral and Boundaries Commission (IEBC)'s independence.

Among NASA's concerns is a possible link between Al-Ghurair Printing and Publishing company — which won the ballot printing tender — and President Kenyatta. There are fears — real or perceived — within the opposition camp, that the Dubai-based company is part of the ruling party's ploy to rig the election. Al Ghurair's past controversies (for example in Zambia in 2016) can only reinforce such distrust.

Moreover, the author of a yet-to-be-released book on 'vote rigging' was reported missing on 27 June, the day he was to officially launch his work.

¹ Standard Media, "President Uhuru leads in latest opinion polls" Available online at <https://www.standardmedia.co.ke/article/2001245478/president-uhuru-leads-in-latest-opinion-polls> (Accessed on 4 July 2017)

² Kalonzo Musyoka (Odinga's running mate), Moses Wetang'ula, Musalia Mudavadi and Isaac Ruto.

Odinga, who is making his fourth bid for the presidency, has in the past accused his opponents of “stealing” elections, subsequently challenging results in the courts. This is more likely to be the case this August, especially if Uhuru is to be proclaimed the winner in the first round.

JUBILEE wins, NASA proclaims itself the winner

The controversy surrounding the awarding of the ballot printing tender to Al Ghurair and NASA's distrust of the IEBC, among other things, have already set the stage for the main opposition to contest the results, should the incumbent win in the first round.

The way the IEBC will conduct the elections will have an impact on the general climate in the country. Technical failures, especially those which would require a manual vote count, will likely raise suspicions of fraud, and lead to contestations.

Odinga may proclaim himself the winner out of frustration, leading to street protests and chaos, as well as a heavy-handed response from the security forces. Such a situation could eventually set the country on the path to violence.

The 2013 elections were relatively calm, despite allegations of fraud, but the specter of 2007³ may come back to haunt Kenyans. Such a scenario should be considered rather seriously, considering a recent report by Human Rights Watch, documenting allegations of threats and intimidation between community members, in areas such as Naivasha (Nakuru county).⁴

Yet, although the presidential election will take the center stage, especially for outside observers, the potential for gubernatorial, parliamentary and local elections leading to intercommunal/ethnic violence should not be taken lightly.

Either of the two main contestants (JUBILEE or NASA) wins, the loser concedes defeat

This would be the most favorable — yet very unlikely — outcome. For it to happen, either (or a combination) of the following events must occur:

- Neither of the two main contestants must win in the first round.

As the campaign period has shown, this year's presidential election will be a tight contest between JUBILEE and NASA, neither being guaranteed a first-round win.

- The ruling JUBILEE party loses in the second round. This is possible, but unlikely, as such an outcome would set a precedent in Kenya's history.
- The election is conducted in a manner such that all stake holders deem it free and fair (very unlikely).

Conclusion

Despite the ongoing security threat posed by Al-Shabaab, Kenya's relative stability has created an environment conducive for tourism and foreign direct investment, in addition to making the country a regional hub of international humanitarian organizations.

³ Violence erupted in Kenya when main challenger Raila Odinga accused then incumbent, former President Mwai Kibaki, of “stealing” the election. Over 1,100 people were killed and several hundred thousand were left displaced, as politicians stocked outstanding inter-ethnic rivalries over political power and land.

⁴ Reliefweb, “Kenya: Intimidation Reports as Voting Nears” Available online at <http://reliefweb.int/report/kenya/kenya-intimidation-reports-voting-nears> (Accessed on 4 July 2017).

Yet outstanding ethnic grievances related to land ownership and political power can be a destabilizing force, especially when politicians exploit them in their attempts to access or keep power during election periods. As the fateful date approaches, many observers are hoping for the best possible scenario (the loser concedes defeat), to preserve the country's stability and investors' confidence.