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# Uwiano, machafuko au utengano: **The path towards August 2022 elections in Kenya**



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## **About Peace Actors Forum**

The Peace Actors Forum (PAF) is a network of individuals, national and international organisations engaged in peacebuilding work in Kenya. PAF was formed in 2013 to promote coordination among peace actors involved in conflict mitigation and peacebuilding. PAF mobilises the local peace capacities and networks in support of peace and wider governance reforms by undertaking various analytical, capacity-building and advocacy activities. PAF is coordinated by a team of co-convenors supported by a steering committee and the secretariat is hosted by Pamoja for Transformation Trust.

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## ABBREVIATIONS

<b>ASAL</b>	Arid and semi-arid lands
<b>BBI</b>	Building Bridges to Unity Initiative
<b>CSO</b>	Civil society organisations
<b>EWER</b>	Early warning early response
<b>EMB</b>	Elections management body
<b>EOP</b>	Elections operations plan
<b>FGM</b>	Female genital mutilation
<b>GBV</b>	Gender-based violence
<b>HRD</b>	Human rights defender
<b>ICC</b>	International Criminal Court
<b>IEBC</b>	Independent Electoral and Boundaries Commission
<b>IED</b>	Improvised explosive device
<b>IPOA</b>	Independent Policing Oversight Authority
<b>JCE</b>	Judiciary Committee on Elections
<b>MCK</b>	Media Council of Kenya
<b>MOI</b>	Ministry of Interior
<b>MRC</b>	Mombasa Republican Council
<b>NCIC</b>	National Cohesion and Integration Commission
<b>NSC</b>	National Steering Committee
<b>ODM</b>	Orange Democratic Party
<b>OKA</b>	One Kenya Alliance
<b>ORPP</b>	Office of the Registrar of Political Parties
<b>PAA</b>	Pamoja African Alliance
<b>PAF</b>	Peace Actors Forum
<b>PWD</b>	People living with disability
<b>SOP</b>	Standard operating procedure
<b>TJRC</b>	Truth, Justice and Reconciliation Commission
<b>UDA</b>	United Democratic Alliance
<b>VAWIE</b>	Violence against women in elections

# Executive summary

With fewer than eight months until the 2022 general elections, politics in Kenya is at fever pitch. At the national level, there is intense political activity with various political factions jostling to succeed President Uhuru Kenyatta. At the county level, succession politics are at play for the governors who have completed their second term. Even in places where the incumbent is eligible to run for another term, tensions are running high between the various political factions. The falling out between the president and his deputy, William Ruto, has reverberated and caused political divisions across all corners of the republic, down to the lowest elective offices. In this intense political environment, sporadic violence, unrestricted hate speech and a general sense of political chaos reign supreme.

While competitive elections are a hallmark of democracy, Kenya's elections have always been a flashpoint for conflict and violence. The country's post-independence history is replete with recurring episodes of election-related violence, in which thousands of people have died and hundreds of thousands more have been internally displaced. The elections in 1992, 1997, 2007, and 2017 were all marred with varying degrees of violence. Even when violence has remained low, as in 2002 and 2013, the political situation was very tense. There are growing fears that Kenya will once again plunge into chaos and violence in the run up to and after the 2022 elections unless Kenyans, both ordinary citizens and the political elite, come together to change the political situation.

As part of the mitigation measures towards an alternative narrative of electoral peace and security, the Peace Actors Forum (PAF) with support from International Alert hosted six regional dialogue forums in different regions in Kenya. The dialogue forums were attended by local peace actors from civil society and peace structures such as the District Peace Committees (DPCs). The objectives of the forums included:

- a) to undertake a peace and security context analysis in the region;
- b) to model likely scenarios in the run up to the 2022 elections;
- c) to identify existing peace resources including the early warning and early response (EWER) systems; and
- d) to develop coordination mechanisms between existing peacebuilding resources, including national and county government institutions.

The dialogues were conducted in the North Rift/Western Kenya<sup>1</sup>, Coast<sup>2</sup>, Nairobi<sup>3</sup>, Nyanza<sup>4</sup>, Central<sup>5</sup> and the North-eastern<sup>6</sup> regions, covering a total of 30 counties, which had been identified as potential hotspots from past electoral processes and ongoing political dynamics. Several conflict trends and dynamics were identified during the dialogues. Some were seen as generalised risks, covering much of the country's political landscape; others were particular to certain regions but with a high likelihood of causing localised conflicts. Among the generalised risks, the most salient were the constant political realignments and fractionalisation precipitated by the Building Bridges to Unity Initiative (BBI) and the subsequent disunion between the president and his deputy. This had led to intense political mobilisation along exclusionary ethnic lines often disguised as regional interests. At the sub-national political levels, right down to the ward level, new political identities were being reimagined, even where none previously existed, in this process of identity-based political mobilisation.

Another generic factor was the youth issue. Young people, particularly the unemployed, were increasingly self-organising either as illegitimate gangs and militia groups or as *boda boda* riders and other self-help groups in readiness for both legitimate and violent support to the political elite. Progressively, however, the line between legal and illegal political mobilisation was becoming foggier as the elections approached.

<sup>1</sup> This forum covered the counties of Nakuru, Nandi, Uasin Gishu, Trans-Nzoia, Bungoma and Kakamega.

<sup>2</sup> This forum covered the counties of Kwale, Kilifi, Mombasa and Tana River.

<sup>3</sup> This forum covered the counties of Nairobi, Kiambu, Kajiado and Machakos.

<sup>4</sup> This forum covered the counties of Kisumu, Homa Bay, Siaya, Migori, Kisii and Nyamira.

<sup>5</sup> This forum covered the counties of Nyeri, Kirinyaga, Laikipia, Meru and Murang'a.

<sup>6</sup> This forum covered the counties of Garissa, Wajir, Mandera, Isiolo and Marsabit.

Away from the general risk factors, the zero-sum approach to the presidential election outcome in certain regions of Kenya was seen as likely to cause localised conflicts depending on the outcome. In the North Rift dialogues, it emerged that some sections of the population were not willing to settle for any other outcome other than a win by the United Democratic Alliance (UDA) presidential candidate. The same headline sentiments were observed in the Nyanza regional dialogue in favour of the Orange Democratic Movement (ODM) party candidate Raila Odinga.

From the dialogues, both short- and medium-term recommendations were presented with the aim of addressing any risks that could cause electoral violence in the 2022 elections. The recommendations responded both to high-risk moments within the Independent Electoral and Boundaries Commission (IEBC)'s Elections Operation Plan (EOP) and more generally, to other factors within the electoral ecosystem that posed electoral risks. Some of the high-risk moments in the EOP included the resignation of public servants intending to contest for elective offices in February, party primaries in April, the campaign period from 29 May 2022 and the announcement of the election results in August 2022. The more general electoral risks were associated with the weakening of public institutions to the point where they were unable to discharge their mandate, such as the security agencies that seemed unable to deal with the growing level of criminality including the proliferation of gangs and militia groups.

Some of the most salient recommendations emerging from the dialogues are listed below. Other additional recommendations can be found in the Recommendations section of the report.

## **Recommendations for the IEBC**

- The IEBC must inspire confidence among Kenyans and other stakeholders that it can deliver a free, fair, credible, and peaceful poll in 2022. Towards this, it must take leadership of the electoral preparation process, increase its engagement and communication with the public and relevant agencies, and generally make critical decisions to secure the credibility of the polls. These would include amendments to the EOP to meet key targets such as the number of newly registered voters.
- To create an enabling environment for the 2022 elections, the IEBC must coordinate and collaborate with other agencies engaged in the elections including the judiciary, Parliament (to enact the necessary minimum legislation in good time<sup>7</sup>), the security agencies and other organs like the Office of the Registrar of Political Parties (ORPP) and the National Cohesion and Integration Commission (NCIC). This should be done professionally without compromising the integrity and/or independence of the IEBC. The IEBC must also ensure, through enforcement, strict adherence to the electoral law, particularly by political parties. A critical consideration in this regard will be compliance with the two-thirds gender rule by all political parties. The IEBC should enforce this rule by ensuring that all political parties' nomination lists for elective positions in the Senate and National Assembly are compliant; those that do not comply should be rejected.

## **Recommendations for the political parties and actors**

- Political parties must use their membership lists in the party nomination process to avoid claims of interference by other political actors in their internal affairs during the party primaries scheduled in April 2022.
- Political parties must ensure strict adherence to electoral law including the two-thirds gender rule among their nominees to avoid rejection of their nomination lists by the IEBC.
- Through the ORPP, political parties and the IEBC should hold regular and constructive dialogues to ensure that all hurdles and misunderstandings between the two critical institutions are addressed in a timely and effective manner.

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<sup>7</sup> A case in point was the Political Parties Amendment Bill 2021, which as of late January 2022 had not yet been finalised into law and had the potential to affect political parties' alliance building in a major way. As a result, some political parties were anxiously awaiting the outcome of the amendment process with only a few months to the elections.

- Political parties and actors must desist from using hate speech through social media platforms and political rallies to incite Kenyans along ethnic lines during the campaign period. Through the NCIC and peace actors, the political actors should sign and commit to peace charters to ensure peaceful elections.
- Political actors and parties should commit publicly to supporting the electoral institutions and process; respecting and calling on their supporters to respect election actors such as the IEBC and the judiciary.

## Recommendations for the security actors

- The security sector must gain the trust of citizens ahead of elections. While security sector reforms have largely stalled and are unlikely to be fully implemented ahead of the 2022 elections, the security agencies should prioritise actions that build community trust in the immediate term, including community dialogues and strategic communication.
- Security actors must work in close cooperation with IEBC staff at all levels to ensure their safety and security to safely conduct the election.
- The government's Independent Policing Oversight Authority (IPOA) must continue to document and refer cases of police brutality to the Office of the Director of Public Prosecution (ODPP). To strengthen its police oversight role, especially during elections, IPOA should work closely with community peace and security structures such as *Nyumba Kumi* and Human Rights Defenders (HRDs) for the effective collection of evidence on police brutality.
- Gender desks in police stations need to be equipped and properly staffed to deal with cases of violence against women in elections (VAWIE). They must also closely collaborate with community peace structures and EWER mechanisms such as Healthcare Assistance (HAK), which are especially dedicated to tracking gender-based violence (GBV) and VAWIE.

## Recommendations for the judiciary

- The judiciary under the Judiciary Committee on Elections (JCE) should ensure that electoral cases brought before courts are judiciously expended. Further, these cases should be prioritised to ensure that they do not adversely interfere with the EOP.
- Regarding electoral dispute resolution mechanisms, the ORPP should ensure that the parties understand when to turn to the IEBC, the Political Party Dispute Tribunal or the courts, respectively, to resolve electoral disputes. This can be achieved through training political parties and providing them with information. Given the extraordinary number of disputes anticipated, the Political Party Dispute Tribunal must be properly staffed and resourced by the government to carry out its mandate effectively.
- The judiciary must undertake public campaigns in the form of strategic communications and public outreach to restore public trust and legitimacy. The institution must also clear negative public perceptions including corruption and lack of professionalism.

## Recommendations for the peace actors,<sup>8</sup> including NCIC and Civil society organisations (CSOs)

- NCIC should adhere to the Roadmap to peaceful 2022 general elections,<sup>9</sup> in which it commits to collaborating widely with other stakeholders to curb incitement, hate speech and ethnic mobilisation. NCIC and other peace actors must work closely with political parties and actors encouraging them to sign and commit to peace charters to ensure peaceful elections and monitor their commitments.
- Peace actors including NCIC should put in place a robust EWER system that includes peace monitors at the community level who can monitor various aspects of electoral violence and escalate it to relevant enforcement agencies and conflict preventive mechanisms such as mediation structures.

<sup>8</sup> These are state and non-state institutions and individuals engaged in peacebuilding and conflict prevention in Kenya.

<sup>9</sup> NCIC, A violence free 2022: Roadmap to peaceful 2022 general elections, 2021, <https://cohesion.or.ke/index.php/resources/downloads>

- Both state and non-state peace actors should collaborate in identifying and positioning mediation actors at both national and county levels, who can be deployed as part of preventive diplomacy during crises and who, in turn, can influence the political elite towards a peaceful settlement of the electoral conflict.
- Peace actors should identify strategic service sectors to collaborate with in the event of electoral violence. These would be sectors like humanitarian response units and the medical fraternity (more so those dealing with the pandemic). The sectors should jointly develop standard operating procedures (SOPs) to seamlessly guide operations in case of an emergency response.

## **Recommendations for the media**

- Through the Media Council of Kenya (MCK), the media must ensure ethical reporting of the elections in accordance with the recently launched *2022 Election reporting guidelines*<sup>10</sup> and the *Media code of conduct*.<sup>11</sup>
- MCK, NCIC and CSOs such as the Peace actors forum (PAF) should explore ways of dealing with fake news and mis/disinformation, especially on social media, as it is a potent driver of electoral conflict. One such way can be through supporting some media institutions to monitor online electoral conversations and debunk any fake news in circulation.

The report is organised into two parts. Part one contains the peace and security analysis at both a generic national level and a specific regional level. Part two discusses the likely peace and security scenarios around the 2022 general elections and also provides recommendations on preventing and mitigating potential electoral conflict by different stakeholders.

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<sup>10</sup> Media Council of Kenya, (2021), <https://www.kenyanews.go.ke/mck-unveils-elections-reporting-guidelines/>

<sup>11</sup> Media Council of Kenya, (2021), <https://mediacouncil.or.ke/accreditation/guidelines>



# Part 1: Peace and security analysis

## General peace and security context

Unlike most of its East and Horn of Africa neighbours, Kenya has not experienced large-scale violent conflicts since independence. It has, however, experienced a high number of localised conflicts, taking various forms including intercommunal violence, gang-related violence, sexual and gender-based violence and cycles of election-related violence. Although conflict is spread across most parts of the country, the incidence, gravity and intensity vary, creating hotspot areas. Some of the traditional conflict hotspots include the Rift Valley, urban areas, more so in the informal settlements of Nairobi, Mombasa and Kisumu, the north-eastern pastoralist drylands and along the coastal belt.

The causes and triggers of violence in Kenya are many and overlapping. Most of them are, however, the issues that were elucidated in Agenda 4 of the Kenya National Dialogue and Reconciliation Act 2008. These long-term causes of conflict include historical injustices, marginalisation and regional inequalities, social strife including high levels of unemployment, competition over land and other resources, and a history of impunity.

Although violent conflict remains a constant feature of Kenya's socio-political landscape, it peaks in intensity and impact around elections. Kenya has repeatedly experienced election-related violence in 1992, 1997, 2007 and 2017. This electoral violence is driven by political manipulation of ethnic differences against a background of other structural causes, including lingering historical grievances (e.g. over land and other economic resources), and a stalled national conversation on wider societal injustices. These grievances are instrumentalised to mobilise people, frequently along ethnic lines, and prey on the fear of exclusion from political power, which confers many economic and psychological benefits. These historical issues largely remain unresolved and latent and are exacerbated by limited trust in many governance institutions. In a survey conducted by Infotrack on governance in August 2021, 54% of respondents rated the police service as performing very poorly in their duties. The Presidency and Parliament were similarly rated as poor performers by 26% and 43% of the respondents, respectively.<sup>12</sup>

As Kenya prepares for the 2022 elections, the same challenges that have triggered electoral violence in the past persist. Politics remains highly fractured, factionalised, and ethnicised, and already pockets of political violence are beginning to emerge in the traditionally conflict-prone regions of the country, especially in the Rift Valley. The stalled political reforms through the BBI have been highly contested and a further source of conflict. The coronavirus (COVID-19) pandemic further exacerbates the fragile political environment. The pandemic has deepened existing socio-economic vulnerabilities and political grievances as more people, especially the youth, lose their livelihoods due to the economic disruptions, attendant insecurity, and lack of social safety nets.

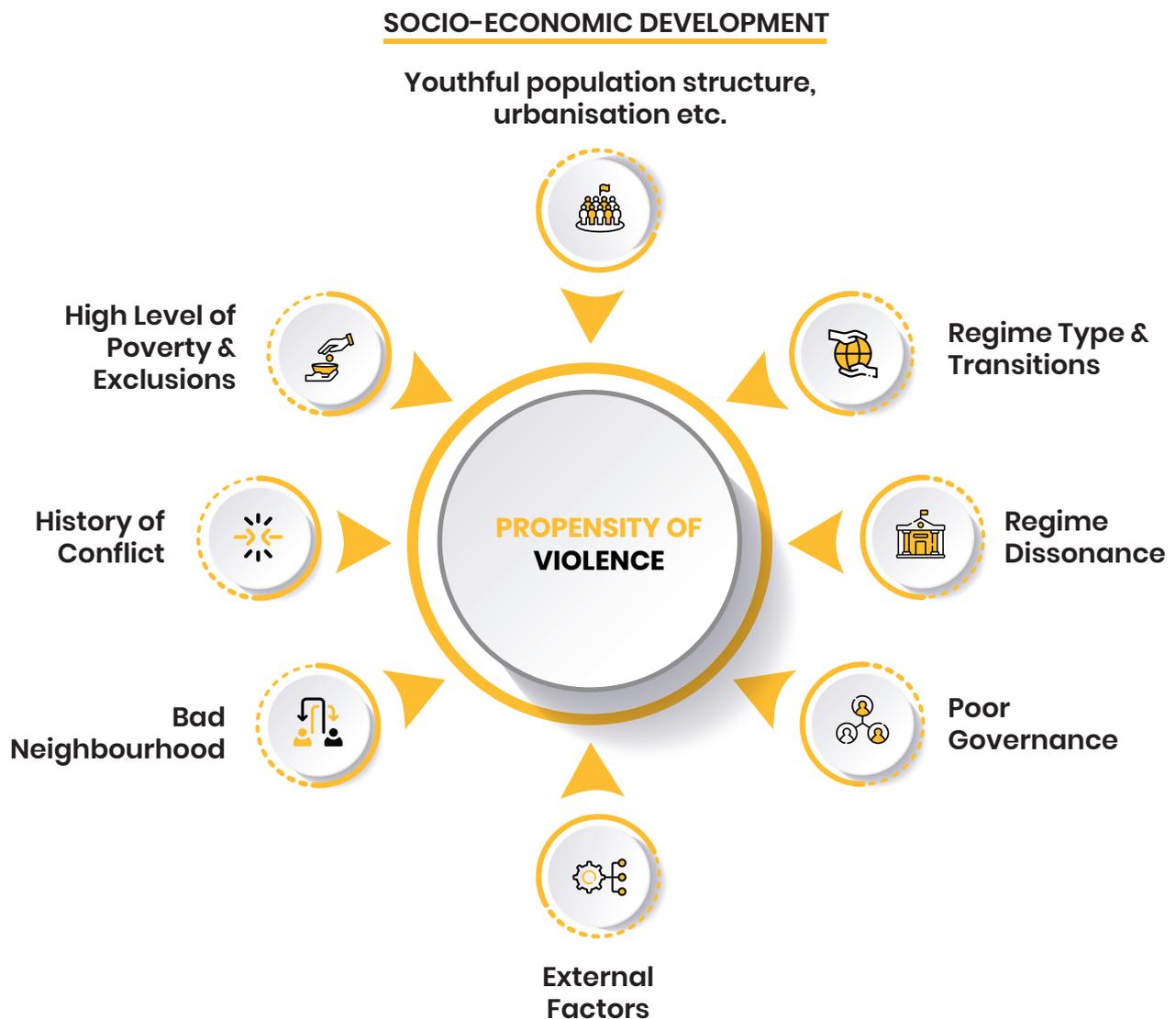
The promises of the 2010 Constitution and devolution, its greatest hallmark, seem too ambitious for many. A decade after its promulgation, little seems to have changed if the current patterns of conflict and violence are any indication. In fact it seems that the 2010 Constitution devolved mal-governance, corruption and ethnic divisions experienced at the national level to the county and local levels, as observed by participants in many of the regional forums. In Mombasa, participants observed that there were sharp divisions between communities native to the coastal region and people originating from elsewhere in Kenya (especially Kikuyu, Luo, and Kamba communities) with regards to sharing the county's resources. Similar conflicts plagued Isiolo and Migori counties among many others.

<sup>12</sup> Infotrack Research & Consulting, Public opinion poll on governance in Kenya, Nairobi, 2021

Moreover, the two elections held under this constitution have reproduced, although on a smaller scale, the tensions and violence of 2007 both at the national and county levels. The 2017 elections were especially violent and marred with serious human rights violations, including unlawful killings by police during protests and house-to-house security operations mostly in the opposition strongholds of western Kenya and Nairobi's urban informal settlements. The brutal crackdown on protesters and residents in the opposition strongholds was reminiscent of the 2007/08 post-election violence. In the aftermath of the violence, 92 people were reported to have been killed, mostly by the police, and dozens of others had been sexually assaulted.<sup>13</sup> Further, the decentralisation of power away from an imperial presidency that was expected with the new constitution is yet to be realised. Power continues to be centralised around the presidency creating intense competition among communities and elites for its capture and control.

Figure 1 sums up the complex socio-political and economic landscape in Kenya that is responsible for the incessant communal conflict and violence.

**Figure 1: Causes of state fragility and conflicts in Kenya**



Source: J. Cilliers, *Violence in Africa: Trends, drivers and prospects to 2023*, Pretoria: Institute for Security Studies, 2018

<sup>13</sup> Kenya Elections 2017, Human Rights Watch, <https://www.hrw.org/blog-feed/kenya-elections-2017>, accessed 28 December 2021

## The root causes of insecurity in Kenya

The root causes of insecurity in Kenya often interweave to create a mosaic of conflicts that cannot be attributed to a single cause, actor, or event; however, the major causes include the politicisation of ethnicity, poverty and unemployment, porous international boundaries, historical injustices, marginalisation and weak state institutions. Below is a discussion of some of these root causes and how they interact with elections to precipitate electoral violence.



### Exclusionary ethnic identity and victimisation

Ethnicity plays an important role in political mobilisation in Kenya. Ethnic affiliation is considered a critical source of patronage and has influenced voting patterns and political behaviour both in contemporary politics and during single-party rule.<sup>14</sup> National politics are largely perceived as competition between the major ethnic groups of Kikuyu, Luo, Kalenjin, Luhya and the amalgamation of coastal communities. At the local level, however, these groups are not monolithic; there are fractures along lower-level identities including origin, clan, and smaller sub-ethnic groups. These fault lines compound ethnic identity conflicts at the local level.<sup>15</sup> This has particularly been amplified following devolution where counties have become the new centres of power since 2013. Within this context, new minorities and majority ethnic groups are being constructed relative to county power, sometimes with very little correlation to national ethnic composition. In the Mombasa dialogue forum, it was observed that communities who originated outside the coastal region,<sup>16</sup> especially the Kikuyu, Luo, Kalenjin and Kamba, felt marginalised from county governance through the settler versus native dynamics.<sup>17</sup> The local native population in turn accused the settlers of exploitation and marginalisation from businesses and productive land, as discussed below in the section on land.

In the Rift Valley dialogues, the discussions noted that beyond the traditional ethnic fault lines between the Kikuyu and the Kalenjin communities, new conflicts were emerging among traditionally harmonious communities due to ethnic mobilisation for control of county power and resources. Ethnic groups such as the Luhya were being targeted for mobilisation through fear of eviction and violence should they refuse to support the dominant party, UDA.<sup>18</sup> As a result, members of the Kikuyu, Luhya and other immigrant ethnic groups have begun leaving the Rift Valley, especially from traditional hotspots like Turbo, Molo and Burnt Forest areas. This phenomenon was also observed in the wider Mount Kenya region where tensions exist in Meru (between the Imenti versus Tigania, and Igembe communities), Kirinyaga (Ndia and Gichugu), and Embu (Mbeere and Tharaka). These ethnic tensions are being exacerbated by national politics, especially the falling out between the president and his deputy and the subsequent realignment of the political elites at the regional levels.

<sup>14</sup> M. Bratton and M. Kaimenyi, Voting in Kenya: Putting ethnicity in perspective, *Journal of Eastern African Studies*, 2(2), 2008

<sup>15</sup> In two by-elections, held in March 2021 in Matungu and Kabuchai constituencies that are predominantly Luhya populated, there were many incidences of open violence that involved the police, politicians and local youths hired by opposing political groups. For more information see: Chaos, arrests and bribery claims mar by-elections, *The Star*, 5 March 2021, <https://www.the-star.co.ke/news/2021-03-04-chaos-arrests-and-bribery-claims-mar-by-elections/>

<sup>16</sup> The communities whose area of origin is not the coast are popularly referred to as settlers or immigrants, as opposed to communities that are indigenous to the coast, who are known as natives.

<sup>17</sup> Coastal politics has revolved around tensions between communities that settled from Kenya's inland, taking the most lucrative businesses and land courtesy of post independent political patronage. The majority of these are Kikuyu, Luo and Kamba communities. The natives, comprising a majority of coastal communities complain of marginalisation and disinheritance from their ancestral lands.

<sup>18</sup> UDA is a new party formed in 2021 by the deputy president after his falling out with the president and the Jubilee party that had sponsored him in the 2017 elections.



## The land and resource question in Kenya

Resource conflicts in Kenya, often associated with land, have a strong interplay with ethnic identity and territory. Kenya's land conflicts have been fundamentally informed by structural scarcity. Land ownership, access and use have been skewed since colonial times.<sup>19</sup>

Post-independence regimes exacerbated the problem through the excessive centralisation of land control in the executive branch of government and turning it into a patronage resource in favour of certain communities and elites in government. This largely reinforced the structural anomalies of the colonial period. Given that Kenya is largely an agrarian society, land has vital consequences for any social-political organisation; however, most of the deadly conflicts over land occur due to its politicisation. This is because land politics in Kenya is primarily a redistributive game that creates winners and losers, thus major land disputes in much of the country are focused on how the power of the national government has been used to allocate land. Struggles over land, therefore, play out as struggles to capture state power. This explains the close relationship between cycles of displacements of 'enemy communities' during elections. This is particularly true in the Rift Valley where land allocation is most visibly politicised and most bitterly contested with subsequent displacements in the 1991, 1997 and 2007 electoral cycles.

In Kenya's semi-arid regions, conflicts are primarily over grazing rights, exacerbated by the deterioration of land-carrying capacity due to climate change-induced stress, and more recently local power struggles at the county level.<sup>21</sup> As a result, there are a number of ongoing tensions and open conflicts in places like Marsabit county, Laikipia/Isiolo county borders, Turkana-Samburu conflicts and the complex Isiolo county conflicts.<sup>22</sup> The dry north-eastern counties of Wajir, Mandera and Garissa suffer the same fate.

Devolution has complicated the conflict landscape in Kenya. Most of the traditional communal conflicts have also acquired a boundary dispute angle because most counties have been carved along ethnic lines. Thus, beyond the boundary disputes over pastures and water in the pastoral areas, there are other traditional and emerging boundary disputes. Between the Luo and Kalenjin communities, there are boundary conflicts along the Nandi/Kisumu county border over contested land ownership and livestock grazing. Between the Luhya and Nandi communities along the Kakamega/Nandi border, the conflict is primarily over land succession cases that have remained unresolved for generations. These cases have also been ethnicised. The Kitui/Tana River counties boundary dispute is between herders and sedentary farmers with the latter accusing the former of invading their crops on a regular basis.

At the coast, there are rampant conflicts over access to land. In Tana River county, there are incessant conflicts between the Pokomo and Orma communities over access to land and the Tana River water. Furthermore, the purchase of huge tracts of land in the county by outsiders has exacerbated the land conflicts due to diminishing grazing land and blocked water access routes along the Tana River for herders. In Lamu, there are constant conflicts between immigrants and indigenous communities, especially in Mpeketoni. In Witu, land conflicts relate to the lack of title deeds for the native communities, constant threats of eviction by the government over large-scale infrastructure projects and the purchase of huge tracts of land by absentee property owners under unclear circumstances. This makes the natives' claim on their land tenuous.

<sup>19</sup> J. Wakhungu and E. Nyukuri, Land tenure and violent conflict in Kenya in the context of local, national and regional legal and policy frameworks (paper presentation), Consultative Conference Proceedings Report, Nairobi, 2008, [https://www.academia.edu/835633/Land\\_tenure\\_and\\_violent\\_conflict\\_in\\_Kenya](https://www.academia.edu/835633/Land_tenure_and_violent_conflict_in_Kenya)

<sup>20</sup> Boone, Catherine (2012), 'The political economy of democratic reform in Kenya: Land conflict and distributive politics', *African Studies Review*, 55:2, 75–103.

<sup>21</sup> Rohwerder, Brigitte (2015), *Conflict Analysis of Kenya*, Birmingham: GSDRC, University of Birmingham.

<sup>22</sup> These complex conflicts are webbed around different ethnic groups and clans living in Isiolo, including the Turkana against Samburu/Borana Meru and Meru against Samburu.



## Criminal gangs and militia groups

Beyond radicalisation into Al-Shabaab and Al-Hijra, several local militia groups operate in Kenya, drawing on the grievances of unemployment, marginalisation, state brutality and other socio-economic factors. Militia groups have always been part of Kenya's political landscape. In the urban spaces, some of the more prominent militia groups have included Jeshi La Mzee, Kamjesh, Jeshi la Embakasi, Kamukunji Boys, Taliban, Superpower, Siafu and Baghdad Boys among many others. Community-based militia groups frequently emerge in response to a perceived threat against the integrity of the community.

Some of these groups have also enjoyed state protection and sponsorship. The Kalenjin warriors were used to flush out the Kikuyu and Luo communities by the Moi state during the 1991 elections. This was primarily to stop the opposition from taking a foothold in the Rift Valley. Mungiki, a militia group associated with the Kikuyu, was founded to defend the community against these attacks.<sup>23</sup> It was also used for retaliatory attacks and to protect the Kikuyu community during the 2008 post-election violence.<sup>24</sup> The rise and proliferation of militia groups in Kenya have challenged the state in several ways including through undermining its monopoly in the use of force, illegal taxation and serious intimidation and predation on citizens.

The greatest challenge with militias, however, occurs during election time. They morph into political criminal groups for hire to the highest political bidder. They are used to mete violence on political opponents, regardless of ethnic affiliation. During the 2017 elections, for example, there were more than 100 militia and criminal gangs for hire in Mombasa county alone.<sup>25</sup> These groups were responsible for a spate of electoral violence and killings. Other criminal gangs arose in major urban areas, including Nairobi, Nakuru and Kisumu, to take advantage of the easily available political money. In some parts of the country, especially the urban informal settlements, some boda boda riders organised themselves into gangs available for hire.

The (re-)emergence of criminal gangs in readiness for the 2022 elections is being witnessed in various major urban settings, including Nairobi, Mombasa, Nakuru, Kiambu, Murang'a, Kirinyaga and Nyeri. A related challenge is the radicalisation into violent extremism mostly through religion. This radicalisation traditionally targeted male youths, but increasingly female youth are being radicalised. There are recruitment cells in various major urban centres, especially Mombasa, Nairobi, Nakuru, Kisumu and Nyeri.



## Corruption and insecurity in Kenya

The relationship between corruption and violent conflict is complex and significant. Corruption affects access to basic services, contributes to resource scarcity, and fuels organised crime. The government's Ethics and Anti-Corruption Commission (EACC) reported that 79% of Kenyans believed corruption was very high.<sup>27</sup> In the same report, the EACC reported that the country was losing a third of its state budget to corruption each year. President Uhuru Kenyatta described the extent of corruption in Kenya as a threat to national security. In a public interview in January 2021, the president admitted that the country was losing more than 2 billion Kenyan Shillings (KES) to corruption daily.<sup>28</sup> In the Infotrack survey of August 2021, 28% of the respondents identified corruption as the most dangerous threat to Kenya's economic and social stability.<sup>29</sup> The high level of corruption undermines citizens' trust in government, denies them access to basic services and results in growing frustration with the status quo.

<sup>23</sup> L. Spencer, Kenya's history of political violence: Colonialism, vigilantes and militias, *The Conversation*, 17 September 2017, <https://theconversation.com/kenyas-history-of-political-violence-colonialism-vigilantes-and-militias-83888>

<sup>24</sup> P. Waki, Commission of inquiry into the post-election violence report, Nairobi, 2008

<sup>25</sup> Act Change Transform (ACT), End of project report, Nairobi: Kenya Electoral Assistance Program, 2018

<sup>26</sup> T. Thompson and H. Khalid, Conflict prevention in Kenya: Combating corruption through non-violent action, Washington D.C.: United States Institute of Peace, 2019

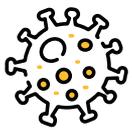
<sup>27</sup> EACC, National ethnics and corruption survey, Nairobi, 2017

<sup>28</sup> C. Gethi, Why BBI collapse could trigger fresh 2022 realignments, *The Star*, 17 May 2021, <https://www.the-star.co.ke/news/2021-05-17-why-bbi-collapse-could-trigger-fresh-2022-realignments/>

<sup>29</sup> Infotrack Research & Consulting (2021), Public Opinion Poll on Governance in Kenya, Nairobi.

State power capture achieved through corruption weakens and hollows out state institutions, including judiciary and law enforcement, which become predatory on the citizens, further increasing the levels of structural violence. In 2020, Transparency International identified Kenya Police and the judiciary as the most corrupt public institutions in Kenya.<sup>30</sup> The police service has often been accused of being a source of insecurity to many citizens, more so around elections when they are instrumentalised by the political elites and a partisan state. At election time, these state agencies, including the IEBC, which are perceived as compromised, are unable to generate enough trust among citizens, leading to electoral contestations and attendant violence.

Corruption fuels zero-sum political competition. Political offices in Kenya are perceived as avenues for primitive accumulation. Elections provide political elites with the opportunity to capture state power that they can deploy for personal aggrandisement with impunity. It is no wonder that campaigns are very expensive and marred with violence in this do-or-die game. Once politicians get into power, their first goal is to recover the resources deployed during campaigns through corruption. Attempts to regulate campaign spending have thus routinely been frustrated by the political class, with the latest attempts being annulled by the National Assembly.



## **COVID-19 induced vulnerabilities**

The COVID-19 pandemic has exposed the soft underbelly of Kenyan society as it has elsewhere in the world. The pandemic has resulted in further marginalisation and new vulnerabilities, compounding already existing socio-economic challenges, especially among the lower socio-economic cadres of society. The worst affected are people living in informal settlements and engaged in the informal economy, particularly women, youth, and other vulnerable groups including single-led households, children, the elderly and persons living with disabilities. The COVID-19 pandemic has and will only exacerbate the situation for these groups in the face of continued pandemic containment measures. The enforcement of COVID-19 rules by security forces has also exposed Kenyans to further abuse and brutality. The police have been accused of using excessive force while enforcing a night-time curfew, including causing extrajudicial deaths. By December 2020, at least 20 Kenyans had been killed by police during the enforcement of COVID-19 containment measures.<sup>31</sup>

Youth have been severely affected by job losses caused by the pandemic. Young people in Kenya were already disproportionately unemployed; youth unemployment was estimated to be as high as 39%, compared with the overall national unemployment rate of 9.3% before the pandemic.<sup>32</sup> Even for the youths who were employed, however, they were primarily found in the informal sector on precarious contracts or self-employed in vulnerable businesses that were the first to be adversely impacted by the COVID-19 restrictions and continue to be disrupted by ongoing containment measures. By September 2020, more than 1.7 million jobs had been lost in Kenya, with more than three-quarters of these held by young people.<sup>33</sup> This huge and growing number of unemployed young people are potentially available to be manipulated and mobilised by politicians for violence and other illegal activities come election time.

The COVID-19 pandemic has also led to an exponential rise in cases of GBV, increasing by a staggering 150% between March and August 2020.<sup>34</sup> While the country has a robust legal, policy and institutional framework for the prevention of and response to GBV, the COVID-19 crisis has aggravated the inequalities that women and the most vulnerable groups, including young people and children, continue to endure even in 'normal' times.

<sup>30</sup> Infotrack Research & Consulting, Public opinion poll on governance in Kenya, Nairobi, August 2021

<sup>31</sup> R. Ombuor, Police killed at least 20 Kenyans while enforcing coronavirus rules, Washington Post, 20 December 2020,

[https://www.washingtonpost.com/world/africa/coronavirus-kenya-police-shootings-curfew/2020/12/20/deb81d5a-3efc-11eb-b58b-1623f6267960\\_story.html](https://www.washingtonpost.com/world/africa/coronavirus-kenya-police-shootings-curfew/2020/12/20/deb81d5a-3efc-11eb-b58b-1623f6267960_story.html)

<sup>32</sup> Kenya National Bureau of Statistics, 2019 population and housing census: Distribution of population by socio-economic characteristics Vol. IV, Nairobi: Government Printers, 2019

<sup>33</sup> A. Wasike, Kenya: Rising unemployment leads people to line up for dirty jobs, 2020,

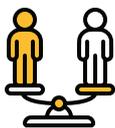
<https://www.aa.com.tr/en/africa/kenya-rising-unemployment-leads-people-to-line-for-dirty-jobs/1965212>

<sup>34</sup> The shadow pandemic: Addressing gender-based violence during COVID-19, IDLO, 3 December 2020,

<https://www.idlo.int/news/story/shadow-pandemic-addressing-gender-based-violence-during-covid-19#Kenya>

Teenage girls have been especially hard hit. Due to prolonged periods away from school, the rates of child marriages and teenage pregnancies have shot up significantly across the country. Statistics show that the rate of teenage pregnancy went up by 40% in 2020 because of the impact of COVID-19.<sup>35</sup>

Most of the teenage mothers did not go back to school, instead opting for early marriages or informal employment to support themselves and often their families. This reinforces the cycles of poverty and vulnerability exposing them and their children to abuse and GBV. In an environment where women have traditionally experienced VAWIE due to the patriarchal nature of society, the COVID-19-related rise in GBV in society has only worsened their vulnerability and susceptibility to violence during elections.



## Gender inequality in Kenya's political space

In Kenya, women generally lag behind men in almost all socio-economic and political indicators; however, this is not for lack of an enabling legal environment. The country enjoys a host of legal frameworks and policies that not only guarantee equality but also provide for affirmative action based on gender in fields such as politics where women have been historically disadvantaged. The 2010 Constitution under Article 81 (b) provides that “no more than two-thirds of the members of elective public bodies shall be of the same gender”. This provision is popularly referred to as the ‘two-thirds gender rule’. To operationalise this provision, Parliament is expected to enact the necessary legislation required to give effect to the rule. The 2013 and 2017 Parliaments have consistently failed to pass this legislation due to the lack of two-thirds of political will. As a result, the chief justice in 2020 advised the president to dissolve Parliament due to its failure to enact the gender rule, and therefore its illegal constitution as per the 2010 Constitution.<sup>36</sup> The president did not heed this advice.

Beyond the Constitution, the Political Parties Act 2011 provides that, as one of the conditions of registration, a political party must have a membership that reflects gender balance. Additionally, no more than two-thirds of the membership of the party's governing body can be of the same gender.<sup>37</sup> The Act also provides that any party that contravenes these constitutional requirements of promotion of gender equality and equity can be deregistered. The Elections Act 2011 also emphasises the centrality of gender equality in the conduct of elections. The Act calls on all registered political parties, referendum committees, candidates and agents to ensure the full and equal participation of women both as candidates and voters.<sup>38</sup>

Despite the robust legal regime, women continue to be marginalised in the political sphere. Currently, Kenya's female representation in Parliament stands at 21%.<sup>39</sup> This is inclusive of both the elective and the affirmative action seats. The country lags behind its East African neighbours. Rwanda leads with 61%, followed by Tanzania and Burundi at 36%, Uganda at 34% and South Sudan at 28.5%.<sup>40</sup> The surest path to addressing this gender gap is enforcement of the existing law by the IEBC at the party nominations stage. In a High Court ruling in April 2017, the judge directed political parties to formulate rules and regulations to actualise the two-thirds gender rule in Parliament within six months from the date of the ruling.<sup>41</sup> While many political parties have nominal guidelines on this, the political will to implement them remains the biggest obstacle. It is in this context that the chairman of the IEBC vowed to reject any party nominations lists that contravened this gender parity rule;<sup>42</sup> however, due to the current perceived weakness of the IEBC, few Kenyans believe that the chairperson will carry out this threat.

<sup>35</sup> Ibid

<sup>36</sup> Chief Justice's advice to the President on dissolution of parliament for failure to enact the gender rule, Kenya Law, 22 September 2020, <http://kenyalaw.org/kenyalawblog/chief-justices-advice-to-the-president-on-dissolution-of-parliament/>

<sup>37</sup> Government of Kenya, Political Parties Act 2011 (Cap. 11), Sections 7(2)c and d

<sup>38</sup> Government of Kenya, Elections Act 2011, Second Schedule

<sup>39</sup> J. Faria, Proportion of seats held by women in the national parliament of Kenya from 2000 to 2020, Statista, June 2021, <https://www.statista.com/statistics/1248316/proportion-of-seats-held-by-women-in-kenya-national-Parliament/>

<sup>40</sup> M. Kachambwa (FEMNET), Political participation for Kenya's women still a far cry from its constitutional provision, Women Deliver, 28 February 2018, <https://womendeliver.org/political-participation-kenyas-women-still-far-cry-constitutional-provision/>

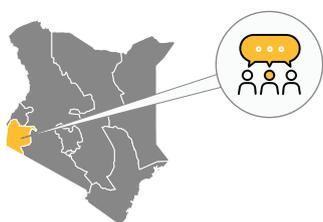
<sup>41</sup> W. Atieno, Kenya: IEBC says party nominations lists Must Adhere to Gender Rule, Daily Nation, 9 August 2021, <https://allafrica.com/stories/202108100095.html>

<sup>42</sup> Ibid

An alternative route to achieving gender parity in Parliament would be for the courts to declare the post-2022-election Parliament illegally constituted if it does not adhere to the two-thirds gender rule; however, the executive may disregard this declaration, as happened in 2020 when the chief justice advised the president to dissolve Parliament.<sup>43</sup> Women's political marginalisation is caused by many factors, but it is the patriarchal nature of Kenyan society where women's active political engagement is often frowned upon that is one of the leading causes. Women's positions as candidates and voters are both greatly affected; for example, their spouses may dictate how they vote or hide their IDs to stop them from voting altogether. Women who vie for political seats face potential intimidation by men. According to the UN, five in every 10 women in Kenya in the age bracket 15 to 49 (about 47%) have suffered a form of violence, with physical, sexual, emotional and economic violence the most common forms of violence experienced by women in Kenya. According to a report by the Truth, Justice and Reconciliation Commission (TJRC), acts of sexual and gender-based violence, such as rape, gang rape, forced nudity, and sexual harassment, were common in the violence surrounding the 2007 elections. The report also documented that female-headed households were singled out to be looted and torched.<sup>44</sup> Furthermore, women who aspire to political positions have been subjected to physical violence, including rape and sexual assault, as well as sexual harassment, hate speech, and intimidation.<sup>45</sup>

## Regional peace and security contexts

The series of regional dialogues organised by PAF in collaboration with International Alert ran from July to December 2021. They were aimed at analysing the regional peace and security dynamics, identifying peace and security resources in the regions, and providing recommendations to various stakeholders on preventing and mitigating potential electoral violence in 2022. The first of these dialogues took place in Kisumu between the 28 and 29 July 2021. The Nyanza dialogue brought together peace and security actors from the civil society sector from the six counties of Kisumu, Homa Bay, Siaya, Migori, Kisii and Nyamira.



### Nyanza regional dialogue forum

The regions covered in this forum display differing social-political realities with regard to the state. The Luo Nyanza counties of Kisumu, Homa bay, Siaya and Migori share historic grievances of marginalisation, underdevelopment and state-sponsored violence around elections; however, since 2018, the region seems to have undergone a radical shift with regards to relations with and grievances against the state. Currently, Luo Nyanza is largely in support of the incumbent president and as a result there have been several state-initiated development projects, which have reduced the grievances against the state. Kisii and Nyamira counties have traditionally enjoyed state patronage with key state persons, including the late Simeon Nyachae and the current Minister for Interior and Coordination of National Government, Dr Fred Matiang'i, originating from the region.

In the regional dialogue, some of the key peace and security concerns that were raised included:

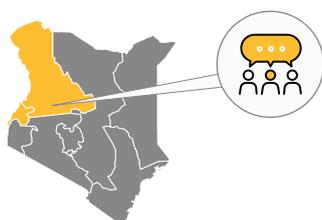
- hostile ethnic relations in multi-ethnic counties, including the Kuria and Luo communities in Migori county and between the Suba and Luo in Homa Bay county;
- incessant county boundary disputes, for example, along the Kericho, Vihiga and Nandi common boundary and the Kisumu and Kericho boundary;

<sup>43</sup> Kenya Law, 2020, Op. cit.

<sup>44</sup> TJRC Kenya, Report of the Truth, Justice and Reconciliation Commission, Volume 2C, 2013

<sup>45</sup> International Centre for Transitional Justice, Ending gender violence in elections, 2019, [https://www.ictj.org/sites/default/files/ICTJ\\_Briefing\\_Kenya\\_Women\\_Inclusion\\_Web.pdf](https://www.ictj.org/sites/default/files/ICTJ_Briefing_Kenya_Women_Inclusion_Web.pdf)

- marginalisation of some ethnic groups from access to county power and resources in different counties, including the Kuria in Migori, and other smaller communities not considered native to the region like the Kikuyu, Kamba, and Somali communities;
- political intolerance and rise of political violence due to support to different political parties and personalities, especially at the national level; there have been recurring clashes between supporters of Raila Odinga's ODM party and the deputy president's UDA party;
- socio-economic shocks created by the COVID-19 vulnerabilities, including a rise in unemployment and poverty especially among the youth and those living in informal settlements and in the informal economy; this in turn is leading to a rise in crime and the proliferation of gangs, especially in urban areas like Kisumu;
- large-scale corruption and lack of professionalism plaguing counties like Migori and Siaya; in 2021, the EACC accused the Migori governor of defrauding the county of KES2.6 billion through awarding tenders to companies belonging to his children and other proxies;<sup>46</sup> and
- the prevalence of state-sponsored violence on citizens, especially by the police during elections<sup>47</sup> and in the enforcement of the COVID-19 protocols.<sup>48</sup>



## North Rift and Western regional dialogue forum

These consultations brought together participants from the wider Rift Valley region and counties in Western Kenya. These included Nakuru, Nandi and Uasin Gishu from the Rift Valley and Trans-Nzoia, Bungoma and Kakamega counties in Western Kenya. The counties in the Rift Valley have experienced electoral violence since 1992 and were the epicentre of the 2008 post-election violence. As a result, they have deep narratives of trauma and an unfinished reconciliation agenda. The Western Kenya counties also have a history of violence between ethnic groups, especially around Mt. Elgon in Bungoma county and in the Chepchoina land settlement scheme in Trans-Nzoia county.

In the regional dialogue, some of the key peace and security concerns included:

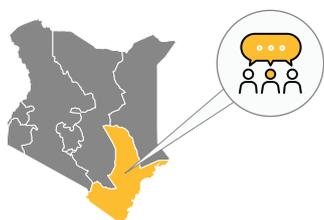
- communal conflicts related to the Mau Forest reclamation project between the Maasai and Kipsigis in Nakuru county, which threatens to be an epicentre of wider conflicts in the Rift Valley;
- ethnic tensions related to political realignments and the severance between the president and his deputy. Groups not native to the Rift Valley counties of Nandi and Uasin Gishu, especially the Kikuyu, Luo and Luhya communities, are afraid of potential violence due to political intolerance and the dominance of the UDA party and the perceptions that these groups may have their political loyalty in other parties; as a result, there is ongoing displacement of people from these communities from these counties in readiness for any electoral eventuality;
- the youth, especially *boda boda* riders, are regularly mobilised into a formidable force to escort politicians, more so those allied to the UDA party; this show of political might is often accompanied by violence, particularly against people perceived not to support the dominant political position within the region, namely the UDA party;
- in the western counties of Kakamega, Bungoma and Trans-Nzoia, political positions are still fluid; people are divided between the One Kenya Alliance (OKA), UDA and ODM parties. As a result, there are constant clashes and disruptions of political rallies by rival groups; the police seem to be largely helpless in controlling these political clashes;

<sup>46</sup> P. Ogemba, How scheme to defraud Sh2.6b from Migori county was unearthed, The Standard, 15 October 2021, <https://www.standardmedia.co.ke/national/article/2001426223/how-scheme-to-defraud-sh26b-from-migori-county-was-unearthed>

<sup>47</sup> See also Waki, 2008, Op. Cit.

<sup>48</sup> See also: Defenders Coalition, Situation of human rights defenders in Kenya in the wake of COVID-19: Violence, impunity and retrogress to police state, 2020, <https://defenderscoalition.org/wp-content/uploads/2020/05/Report-on-COVID-19-impact-in-Kenya-.docx.pdf>

- there is already a lot of propaganda in circulation among communities and intimidation of those not in support of UDA and threatening dire consequences should the deputy president not ascend to the presidency; and
- there are unconfirmed reports of illegal small arms being smuggled from Uganda through the Mt. Elgon border in readiness for any election eventuality.



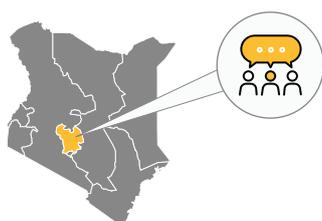
## Coast regional dialogue forum

The Coast regional forum was held on 13 and 14 September 2021. It brought together 25 peace and security actors from Kwale, Kilifi, Mombasa and Tana River counties. The Coast region continues to be plagued by militancy and violent extremism, both home-grown through local gangs as well as Al-Shabaab/Al-Hijra infiltration. Most of the county governments have been accused of patronage politics that have led to the marginalisation of ethnic groups who are not close to power, including those originating outside the region like the Kikuyu, Luo and Kamba communities. As a result, it is largely perceived by the coastal people that devolution has deflected, but not resolved, historical grievances that have traditionally fuelled militancy and marginalisation of the region from Kenya's mainstream politics.

A number of concerns to peace and security in the region particularly with regards to the 2022 elections were identified:

- The re-emergence of criminal gangs with political connections in Mombasa and Kilifi: from 2019, criminal gangs with covert political support and/or leanings have either re-emerged or proliferated. These gangs, usually made up of young men, are prevalent in Kisauni and Kilifi. They are easily mobilised to either mete out violence, disrupt rival political rallies or for a show of overt political force by politicians. The gangs have been accused of causing violence, deaths and brutalising ordinary civilians. Gangs also distribute drugs, carry out illegal taxation on citizens, forcefully control economic activities and act as neighbourhood security enforcers. In Mombasa county, some of the prevalent gangs include Geta, Wakali Wao, Congo by Force, Bad Squad, 88 Battalion, Young Turks, Wajukuu wa Bibi, Akili za Usiku, Buffalo, Born to Kill, Gater Family, Kapenguria Six, Chafu za Down Piyo Piyo and Waiyo.
- Radicalisation of young people either for deployment in Somalia or for local terror assignments continues to be a problem in the region: many families complain of disappearances of their young family members, suspecting either forced disappearances or extrajudicial killings by security forces or recruitment by Al Shabaab and Al-Hijra groups. The Mombasa Republican Council, a separatist militant movement on the coast, has also re-emerged and is recruiting among the disillusioned youth.
- Existence of native versus settler political dynamics: people from upcountry, more so the Kikuyu, Luo and Kamba, are accused of dominating business opportunities leading to perceptions of marginalisation and exploitation by the local community. In turn, these migrant communities accuse the Coast natives of marginalising them from county power and resources. Beyond this level of grievance are more localised marginalisation grievances among the native coastal communities. In Kilifi county, the Rabai, Kauma and Jibana communities complain of marginalisation by the dominant Giriama and Chonyi. These differences are used to mobilise people during elections, causing tensions and violence. In 2017, some migrant communities temporarily moved out of the Coast in anticipation of electoral violence. The same is expected to happen in the 2022 elections unless preventive measures are taken.

- Ethnic tensions over land, resources, and control of the county: in some areas on the coast, there are enduring tensions that sometimes turn into violence between communities. In Tana River county, for example, the tensions are between the agriculturalist Pokomo and the pastoralist Orma over grazing lands and access to the Tana River water. In Kwale, the tensions over political dominance are between the Digo and Duruma communities. These fault lines are exploited for political mobilisation during elections.
- Constant political realignments causing political tensions: in the last elections, the region primarily voted for the ODM party, but the area has subsequently become a hunting ground for votes with the UDA party making formidable inroads. This has led to open political hostilities and contestations over political positions by various leaders. The formation of a native political party, Pamoja African Alliance (PAA), has added further political confusion and calls for political homogeneity, which creates political intolerance for people perceived to have competing political loyalties. The PAA party is seen as a party for communities indigenous to the coast such as the Mijikenda, Pokomo and Orma. Its current leadership all hail from these coastal communities.
- Historical injustices persist, especially over land and other natural resources. Grievances over land continue with a lot of the coastal land owned by people outside the area and the majority of the communities being either landless or squatters. Land adjudication is still very slow, and a lot of the communal land has been leased away to outsiders without the consent or knowledge of the local communities. For example, after the expiry of the Vipingo lease in Kilifi, the locals were not informed or given an opportunity to buy back the land and its ownership was transferred to Centum, another firm owned by non-locals. Closely tied to this is the exploitation of local resources including minerals, forests, and ocean products, by outsiders without tangible benefits for local communities. These grievances are like a gun powder keg that could potentially be triggered into an explosion by a contested election.



## Central regional dialogue forum

The reflection workshop for the Central region was convened on 21 and 22 October 2021 and brought together participants from the five counties of Nyeri, Kirinyaga, Laikipia, Meru and Murang'a, popularly known as the Mt. Kenya region. Central Kenya has produced three out of the four post-independence presidents; as a result, the region is seen to be generally more developed than other parts of Kenya. Within the Mt. Kenya region, however, there are stark disparities with some areas such as Tharaka (Meru) and Kieni in Nyeri being highly underdeveloped. Laikipia, which lies outside the traditional Mt. Kenya region, has been a site of ethnic conflicts between herders and farmers over grazing lands, water, and concomitant manipulation of these differences. In Meru, there has been a series of ethnic conflicts, primarily triggered by border disagreements with communities from the neighbouring Isiolo county. Because the wider Mt. Kenya region does not currently have a formidable presidential candidate, it has become a hunting ground for votes by different political formations leading to constant political clashes and even deaths.

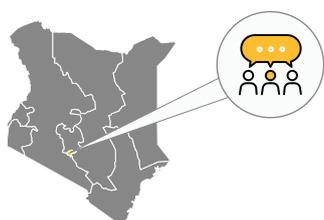
Some of the key peace and security threats with regards to the 2022 elections identified in the forum included:

- Intense political mobilisation along formations in support of the president and his ally Raila Odinga and the deputy president: this has created intense political rivalries and confrontations in Murang'a, Nyeri and Kirinyaga counties during political rallies. In Kirinyaga, the overt political wars between the incumbent Governor Ann Waiguru, the Women Representative Wangui Ngirichi and the Permanent Secretary for the Ministry of Interior Dr. Karanja Kibicho have generated particularly intense political conflicts in the county. These rivalries are, however, superficial, driven by personal greed for power and not based on any political ideologies. As such, there are constant shifts based on power calculations.

For example, the current governor, Ann Waiguru, was a staunch supporter of the president and Jubilee party; however, when the UDA party became popular in Kirinyaga county, she shifted her allegiance to the deputy president. Likewise, the Women Representative Wangui Ngirichi, vying for the gubernatorial seat, was a staunch supporter of the deputy president. When the incumbent governor joined the UDA party, her gubernatorial ambitions were threatened and she subsequently decamped from the UDA party. These shifts are expected to persist into the elections.

- Re-emergence of gangs and other criminal groups across the counties of Nyeri, Kirinyaga, and Murang'a: the prevalent gangs include Mungiki, Gwata Ndai, and Kenda Kenda. These gangs are a threat to the lives and livelihoods of inhabitants of these counties as they engage in extortion, violence, kidnappings and killings. Some *boda boda* riders in these three counties have also organised themselves into groups ready for political hire. They have routinely been used to cause violence and mayhem in rival political rallies.
- There is an ongoing religious radicalisation of mostly young jobless and disillusioned youths in Nyeri and Kirinyaga counties; Nyeri has emerged as one of the leading recruitment cells outside of the traditional recruitment grounds of the Coast and North-eastern regions.<sup>49</sup>
- Land disputes over ownership, adjudication and use: the region suffers from peculiar family intergenerational disputes over land ownership. Unlike many other parts of Kenya, land in Central Kenya is individually, as opposed to communally, owned. Due to the high population pressure and rapid urbanisation, the size of land holdings is diminishing exponentially. This has precipitated intense and deadly conflicts at the family level, especially in Meru, Nyeri, Kirinyaga and Murang'a counties. In Laikipia county, there are intense land conflicts between farmers, herders and conservationists. In Kirinyaga county, there are ongoing land disputes over allocation in Ngariama and the Mwea settlement schemes.
- There has been a proliferation of small arms and light weapons used by the criminals and also in deadly communal conflicts in Laikipia county and along the Meru/Isiolo and Meru/Tharaka Nithi county borders.
- High rates of youth unemployment, poverty and helplessness, leading to the prevalence of crimes, radicalisation and drug and alcohol abuse. The high rates of unemployment have been exacerbated by COVID-19 since most young people in the region were engaged in informal businesses before the pandemic. These were the first to be adversely affected. This huge, idle and disillusioned youth population is a fertile recruitment ground for political thuggery, criminal activities and radicalisation.

If these conflict risks are not addressed well ahead of time, the Mt. Kenya region could experience intense election-related violence for the first time in 2022.



## Nairobi regional dialogue forum

The regional forum was held on the 16 and 17 September 2021 and brought together 25 peace actors from Nairobi, Kiambu, Kajiado and Machakos counties. These are urban and peri-urban counties. Although their proximity to Nairobi means that they share certain influences from the capital, they generally demonstrate diverse socio-economic realities based on their cultural and geographic diversities. Much of Kajiado falls under a traditional pastoral economy with an attendant culture that is deeply patriarchal with prevalent GBV and female genital mutilation (FGM) practices.

<sup>49</sup> M. Wambui, Kenya's new terror hotspots raise alarm, Daily Nation, 24 November 2021, <https://allafrica.com/stories/202111250044.html>

These include social decay,<sup>50</sup> wide income inequalities, high unemployment and poverty rates, a huge youth population and intense political competition. These make the two counties perennial hotspots in electoral violence.

The forum identified the following key peace and security threats relating to the 2022 elections:

- Re-emergence and proliferation of militia and criminal gangs in Nairobi and Kiambu: these gangs create alliances with corrupt politicians and are variously deployed by the political class, including for information and security services, extortion, illegal protection of acquired land, and intimidation of opponents, rivals and even government agencies such as the police. There are many gangs in operation, particularly in Nairobi's informal settlements. These include Yes, We Can and Kenya Youth Alliance in the central business district. In Kawangware and Riruta areas, gangs such as Taliban, Kamukunji Pressure Group, Alsafa, Nubians, Kibera Battalion, J-10 and Siafu operate. The Superpower gang operates in Eastleigh and Kamukunji, while Gaza, Usiku Sacco, Siafu and Kamjesh operate within Kayole. In Kiambu, Mungiki and Gwata Ndai dominate.
- Numerous extrajudicial killings are blamed on the police and criminal gangs. According to the Missing Voices Initiative, 157 people were killed or disappeared in 2020 against the backdrop of COVID-19 enforcement measures.<sup>51</sup> These deaths mostly happened in Nairobi and Mombasa and were primarily blamed on law enforcement officers.
- There is a high rate of consumption of illegal brew in Nairobi and Kiambu among the poor. This leads to crime and low productivity, thus further deepening the challenge of poverty, especially among the youth
- High cases of GBV and FGM in Kajiado county: 78% of women in the county have undergone FGM, while the county has the highest rate of GBV in Kenya.<sup>52</sup> The crisis of GBV has been exacerbated by the COVID-19 restrictions, which have led to the loss of the small businesses that women controlled, making them economically dependent on men.
- As a border county into Tanzania, Kajiado county's porous border is often used for the unregulated and illicit movement of goods and people. These include human trafficking and smuggling, with the county being a source and transit corridor for victims into Tanzania and beyond. The porous Kajiado border has also allegedly been used to smuggle firearms into Kenya. Border security has often been accused of being complicit in these illegal activities.
- Climate-induced stresses: large sections of Kajiado, Machakos and Ndeiya in Kiambu are typically categorised as arid and semi-arid lands (ASAL). Due to climate change, frequent droughts in these areas have led to hunger and rising levels of poverty. In Machakos, for example, the absolute poverty level is high (61%) compared with the national average of 47%.<sup>53</sup>
- Politically, these counties are battlegrounds for various political formations, except for Machakos. Kiambu county, the home county of the President and with the highest number of registered voters after Nairobi, has witnessed intense and often violent clashes between supporters of the president and his deputy. In a by-election in May 2021 in Juja Constituency, the IEBC had to halt vote tallying due to political violence.<sup>54</sup> As the capital, Nairobi is home to most of the political formations in Kenya. Intense political competition and violence are being witnessed regularly between different political formations, especially in informal settlements where populations are easily mobilised through financial and other incentives. There are also land disputes between the county borders of Kiambu and Kajiado that often turn political.
- Another persistent challenge that poses a risk in an electoral context is the high rate of poverty and unemployment, particularly among the youth. This, as in other regions of the country, has been exacerbated by the pandemic. The high number of idle youths are easily mobilised by politicians at minimal cost to cause political violence, particularly in the sprawling informal settlements.

<sup>50</sup> This is characterised by cultural breakdown, rise in anti-social behaviour including criminality, and breakdown of family structures and other social support mechanisms.

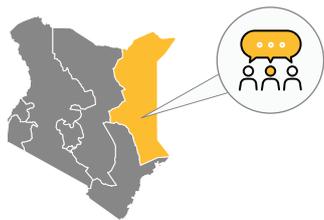
<sup>51</sup> Firm action can end extrajudicial killings in Kenya, Amnesty International Kenya, 29 March 2021, <https://www.amnestykenya.org/firm-action-can-end-extrajudicial-killings-in-kenya/>

<sup>52</sup> O. Kabisa, Her word – women living in Kajiado county respond to the COVID-19 pandemic, 21 May 2020, <https://sdgkenyaforum.org/media/blog/her-word-women-living-in-kajiado-county-respond-to-the-covid-19-pandemic-15052020>

<sup>53</sup> Ministry of Agriculture, Livestock and Fisheries, Climate risk profile Machakos county, Kenya county climate risk profile series, 2017, [https://cgspace.cgiar.org/bitstream/handle/10568/96283/Machakosf\\_Climate\\_Risk\\_Profile\\_Final.pdf](https://cgspace.cgiar.org/bitstream/handle/10568/96283/Machakosf_Climate_Risk_Profile_Final.pdf)

<sup>54</sup> G. Ng'ang'a, Kiambu Governor James Nyoro denies instigating violence in Juja, The Sunday Standard, 20 May 2021, <https://www.standardmedia.co.ke/politics/article/2001413357/governor-james-nyoro-denies-instigating-violence-in-juja>

Nairobi's informal settlements have often been an epicentre of electoral violence. The 2022 elections are not expected to be any different, given the factors discussed above.



## North-eastern regional dialogue forum

This regional forum was held on 1 and 2 December 2021 and brought together 35 peace actors from Marsabit, Mandera, Wajir, Isiolo, and Garissa counties. These counties are situated in Kenya's ASAL areas and have traditionally suffered from marginalisation and underdevelopment; as a result, conflict is endemic in the region. The conflict is complex and multi-layered and involves several actors both within and outside the region. Most counties in the region are either active sites of conflict or experience negative peace, as demonstrated by the high levels of polarisation, poverty and general underdevelopment.

Some of the specific drivers and manifestations of conflict and insecurity discussed in the regional forum included the following:

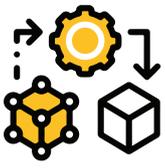
- Ethnopolitical tensions and violence: the region is home to ethnic tensions between different ethnic groups and clans, usually over natural resources and increasingly control of the power and resources of the county government. The current drought and 2022 politics have exacerbated the tensions. As a result, there is sporadic violence along the Garissa/Isiolo border, Isiolo/Meru border and even within counties along sub-county boundaries. These tensions are heightened by the ongoing repositioning ahead of the 2022 elections, more so because of the ongoing talks around negotiated democracy and how to share out elective posts in all five counties.
- Pastoralist-related, resource and land conflicts: depleting resources and access to land escalates inter-ethnic or inter-clan conflict over land, water and pasture. Land ownership and management remain an emotive issue in the northern region, just as in the rest of Kenya. Conflicts over land as a resource and a heritage are compounded by its politicisation, conflicting land tenure and land-use systems and incessant boundary disputes. Natural resources supporting the pastoral production system are increasingly dwindling due to harsh weather and recurrent drought linked to climate change. Incidences of livestock theft exacerbate this conflict. Resource-based conflicts often take ethnic dimensions and are worsened by creating new settlements, often in disputed areas, that carry clan or sub-clan identities due to the nomadic lifestyle.
- Radicalisation and violent extremism: The northern region is prone to radicalisation, and violent extremism due to internal and external factors including political and socio-economic marginalisation, porous borders with Somalia, poverty, youth unemployment, institutional weaknesses, and unregulated cultural education. The Dadaab Refugee Camp in Garissa has also been linked to terrorism acts in the past.<sup>55</sup> Terrorism makes the region highly insecure, with many terrorist incidents reported. These range from small-scale improvised explosive device (IED) attacks that target the security forces or people from outside the region to large-scale, well-orchestrated attacks such as the Garissa University attack in 2015 that killed more than 147 people.
- Cross-border conflict: The porosity of borders, illicit trade, spread of small arms and cross-border clan groupings produce complex conflict dynamics across countries and counties. The porous border with Somalia and clans that stride the poorly policed international boundary have led to a spill over of conflict and criminal activities from war-torn Somalia. Illicit trade, human trafficking and smuggling take place regularly across the Kenya-Somali porous border.

<sup>55</sup> L. Kimathi, The securitization of humanitarian aid: A case study of the Dadaab Refugee Camp in Kenya, in J. Dragsbaek Schmidt and L. Kimathi (eds.), *Refugees and forced migration in the Horn and Eastern Africa*, Springer, 2019, pp.65–80

- Violence against women and girls: The North-eastern region has the highest prevalence of FGM and high rates of child marriage; 98% of females aged between 15 and 49 years have undergone FGM in the region.<sup>56</sup> Sexual offences are often addressed through the traditional Maslaha system that disadvantages the female victims; as a result, most cases usually go unreported.
- Marginalisation of women from political power: the North-eastern region is highly rural and patriarchal. Women are not traditionally embraced in public and political spaces. Most women who venture into politics face discrimination and various socio-economic, cultural, and political barriers. Even in positions reserved for women such as the women representative seats, women are discouraged from open political competition and are instead appointed through the system of mediated democracy. This greatly discourages women from political participation.

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<sup>56</sup> UNICEF, A profile of female genital mutilation in Kenya, 2020, <https://data.unicef.org/resources/a-profile-of-female-genital-mutilation-in-kenya/>



## Part 2:

# Scenario modelling for the 2022 elections

Scenario modelling helps us anticipate possible future eventualities and implement interventions to mitigate against those that are unfavourable. For the favourable scenarios, it then becomes possible to design a set of actions that lead us to that defined and desirable endpoint. The process involves careful scoping of the key issues by scanning the internal and external environment to determine how past, present, and future trends have been and are likely to evolve over time. In addition to this, robust data analysis processes, expert opinion and discussions are held with a multi-stakeholder group to help identify key determinants of how the future will pan out. Scenarios are therefore not predictions about the future, but well-considered pictures of different and possible paths into the future.

## Modelling the scenarios

In building the scenarios, participants in the regional dialogues held robust discussions based on their knowledge of the socio-political and economic realities in their regions and extrapolating those into the 2022 electoral environment. They also discussed past electoral trends beginning with the 1992 elections where the country first witnessed electoral violence on a significant scale.

The scenarios are important because they will help the peace and security actors at both local and national levels prepare for any electoral outcomes in various ways including:

- a) Widening focus on factors that may grow or diminish in political influence and their interactions with the peace and security context around the 2022 elections: while the current political situation is largely a contest between two political formations, peace actors imagined various realignments and what they would mean for peace and security in Kenya.
- b) Scenario building will also help peace actors to anticipate and influence change. In places where electoral violence was anticipated, preventive measures were explored that would ensure that violence was prevented and mitigated against.
- c) These scenarios would also help major stakeholders including government, citizens, private sector, media, international actors, and other civil society groups to be better prepared to intervene and influence movement in new directions where necessary, especially away from destructive politics.
- d) Scenario building would also help stakeholders to think beyond traditional approaches to problem-solving and exploitation of opportunities. One of the most obvious facts across the regions was the need to work with non-traditional partners like the medical fraternity due to the pandemic and its health implications, more so during heightened political activities including mass rallies.

Public discourse and sentiment around the 2022 elections are defined by the following major issues:

1. Although the handshake of March 2018 restored political calm and halted economic ruin, the subsequent initiative born out of the handshake, the BBI, deepened rather than bridged social and political schisms across the country.
2. While electoral justice and reform has been the persistent central grievance in electoral violence in Kenya, there have been no serious attempts to address this, not even in the stalled BBI process. As a result, the IEBC remains vulnerable to political manipulation, and there are no clear modalities on how to ensure accountability at an individual and institutional level and the integrity of the vote.
3. Subsequently, electoral institutions including the IEBC, the security forces and even the judiciary suffer from a crisis of legitimacy, integrity and trust deficit by citizens.
4. The COVID-19 pandemic has increased the socio-economic and political vulnerabilities of Kenyans, making them more susceptible to political manipulation.
5. The (re-)emergence of criminal gangs in major urban areas such as Nakuru, Nairobi and Mombasa can easily be mobilised by politicians to cause political violence, posing a formidable threat to electoral peace and security.

## Scenario outlines by region

Given the state of peace and security in Kenya, as discussed in the regional forums, and the major issues driving public discourse around the 2022 elections, the following tables present the potential scenarios that could unfold between now and the elections, both at regional and national level, as discussed by participants in the dialogue forums. The scenarios presented in this report do not reflect the views of International Alert or PAF members. The perceptions from the different regions show similarities and points of convergence across all the regions based on the overall national socio-economic and political reality, as well as differences arising from regional specificities.

**Table 1: Scenarios in the Nyanza region**

ISSUE	BEST-CASE SCENARIO	WORST-CASE SCENARIO	MOST LIKELY SCENARIO
<b>Electoral institutions (security, judiciary, IEBC, political parties)</b>	<ul style="list-style-type: none"> <li>- Party primaries are fair and violence free</li> <li>- IEBC is reformed using the BBI recommendations</li> <li>- The presidential elections are not contested because IEBC will have run a free and fair process and the rightful candidate will have won</li> </ul>	<ul style="list-style-type: none"> <li>- No meaningful electoral reforms happen and therefore the institutions continue to be partisan and distrusted by Kenyans</li> <li>- Shambolic party primaries are held ushering in violence and uncertainties that affect the main election</li> </ul>	<ul style="list-style-type: none"> <li>- Elections are not perceived as free and fair due to lack of substantive reforms at IEBC</li> <li>- Party primaries are shambolic with massive rigging of candidates and voter bribery</li> <li>- Presidential and other elections are challenged in the judiciary without much success</li> </ul>
<b>The electoral system, reforms and processes</b>	<ul style="list-style-type: none"> <li>- The BBI process is revived by the Supreme Court</li> <li>- A referendum is held and BBI is passed</li> <li>- Elections are postponed to allow for referendum and implementation of envisaged BBI reforms</li> </ul>	<ul style="list-style-type: none"> <li>- The Supreme Court nullifies the BBI process</li> <li>- Elections are postponed with the sinister motive of prolonging Uhuru's term</li> <li>- Uhuru withdraws support from Raila to Ruto, thus betraying the former as happened in the post-2002 Kibaki government</li> <li>- IEBC remains ineffective and is used to rig elections at various levels</li> </ul>	<ul style="list-style-type: none"> <li>- While Uhuru does not overtly withdraw his support for Raila, he does not publicly endorse him leading to discontent in the Raila camp</li> <li>- The International Criminal Court (ICC) revives Ruto's case;<sup>57</sup> however, attempts to stop his candidature flop</li> <li>- Ruto wins the elections under circumstances of irregularities and manipulation that is also witnessed in the other elective posts including gubernatorial, senator, women's representative, member of parliament and member of county assembly seats</li> </ul>
<b>Social concerns</b>	<ul style="list-style-type: none"> <li>- Strict adherence to Ministry of Health (MOH) COVID-19 guidelines and mass vaccination</li> </ul>	<ul style="list-style-type: none"> <li>- High infection rates persist due to lack of vaccines and vaccine apathy</li> <li>- The COVID-19 protocols are used to restrict Raila Odinga's campaigns</li> </ul>	<ul style="list-style-type: none"> <li>- Rise of COVID-19 infections due to ineffective restrictions during campaigns and slow uptake of the vaccine</li> </ul>
<b>State of the economy</b>	<ul style="list-style-type: none"> <li>- The economic stimulus programmes turn the economy around</li> </ul>	<ul style="list-style-type: none"> <li>- The economy continues to deteriorate with youth and the poor worst affected</li> <li>- There's no adequate cushioning from the state and corruption continues unabated</li> <li>- In the ensuing electoral violence, there is food scarcity in the Nyanza region due to interrupted supply from Western and Rift Valley areas</li> </ul>	<ul style="list-style-type: none"> <li>- Economic stimulus packages continue to have mixed results, with the Nyanza region benefiting minimally</li> </ul>

<sup>57</sup> G. Brian, DP Ruto risks 5 years in jail for allegedly influencing witnesses in ICC case, K24, 25 November 2021, <https://www.k24tv.co.ke/news/dp-ruto-risks-5-years-in-jail-for-allegedly-influencing-witnesses-in-icc-case-51494/>

ISSUE	BEST-CASE SCENARIO	WORST-CASE SCENARIO	MOST LIKELY SCENARIO
<b>Security</b>	<ul style="list-style-type: none"> <li>- Strict adherence to rule of law including electoral law, thus absence of electoral violence</li> </ul>	<ul style="list-style-type: none"> <li>- Electoral violence, beginning with party primaries, escalates fuelled by a contested election and is worse than 2007/08</li> <li>- As in the past, the security forces are discriminately deployed in Nyanza and Western regions, killing many civilians</li> <li>- Cases of VAWIE and GBV increase especially in the urban areas of Kisumu and Migori</li> <li>- Peace actors are partisan and become delegitimised</li> </ul>	<ul style="list-style-type: none"> <li>- Gangs re-emerge in Kisumu and are deployed for political violence by politicians</li> <li>- As in the past, security forces are used to silence political dissent in the region</li> <li>- Political violence in Kisumu ensues but is soon controlled</li> <li>- Peace actors are uncoordinated in violence mitigation</li> <li>- Social media is used to spread hate speech against rival politicians and political formations</li> </ul>

**Table 2: Scenarios in the North Rift and Western region**

ISSUE	BEST-CASE SCENARIO	WORST-CASE SCENARIO	MOST LIKELY SCENARIO
<b>Electoral institutions (security, judiciary, IEBC, political parties)</b>	<ul style="list-style-type: none"> <li>- Political parties including UDA are allowed to carry out political activities without state interference</li> <li>- The presidential elections are not contested because IEBC will have run a free and fair process</li> </ul>	<ul style="list-style-type: none"> <li>- Ruto losses elections either because he is not on the ballot due to the ICC case or he is rigged out by the partisan IEBC</li> <li>- The state institutions including the judiciary are used to lock out UDA candidates from power</li> </ul>	<ul style="list-style-type: none"> <li>- Elections are not perceived as free and fair due to a lack of substantive reforms at IEBC</li> <li>- Party primaries are shambolic with massive rigging of candidates, voter bribery and intimidation especially in politically heterogeneous areas</li> <li>- The victory of the popular candidate is nullified by a partisan Supreme Court</li> </ul>
<b>The electoral system, reforms and processes</b>	<ul style="list-style-type: none"> <li>- The BBI process is nullified by the Supreme Court</li> <li>- Uhuru switches his support from Raila to Ruto</li> <li>- OKA supports a Ruto candidacy, which enables him to have an outright victory</li> </ul>	<ul style="list-style-type: none"> <li>- Uhuru openly declares his support for Raila and deploys the state machinery to enable his win</li> <li>- IEBC remains ineffective and is used to rig elections at various levels</li> <li>- OKA supports a Raila candidacy</li> </ul>	<ul style="list-style-type: none"> <li>- Uhuru does not openly declare his political support for either side</li> <li>- There is massive political realignment after February and a lot of strong candidates join the UDA party</li> <li>- ICC revives Ruto's case, but attempts to stop his candidature fail</li> <li>- OKA either splits or runs independently as an insignificant third force</li> </ul>
<b>Social concerns</b>	<ul style="list-style-type: none"> <li>- Strict adherence to MOH COVID-19 guidelines and mass vaccination</li> </ul>	<ul style="list-style-type: none"> <li>- High level of COVID-19 infections due to lack of vaccines and vaccine apathy</li> <li>- The COVID-19 protocols are used to restrict UDA campaigns</li> </ul>	<ul style="list-style-type: none"> <li>- Rise of COVID-19 infections due to ineffective restrictions during campaigns and slow uptake of the vaccine</li> </ul>
<b>State of the economy</b>	<ul style="list-style-type: none"> <li>- The economic stimulus programmes turn the economy around</li> <li>- Because of a peaceful election, there are minimal economic disruptions and emigration in the Rift Valley</li> </ul>	<ul style="list-style-type: none"> <li>- The economy continues to deteriorate with the youth and the poor worst affected</li> <li>- There is no adequate cushioning from the state and extensive corruption continues</li> <li>- There is massive emigration from the Rift Valley disrupting the local economy</li> </ul>	<ul style="list-style-type: none"> <li>- Economic stimulus packages continue to have mixed results</li> <li>- Forced and self-displacements of Luo, Kikuyu and other communities are significant in the Kalenjin-dominated parts of the Rift Valley</li> </ul>

ISSUE	BEST-CASE SCENARIO	WORST-CASE SCENARIO	MOST LIKELY SCENARIO
<b>Security</b>	<ul style="list-style-type: none"> <li>- Strict adherence to rule of law, including electoral law, resulting in absence of electoral violence</li> <li>- Communal violence in parts of the Rift Valley and Western region is sustainably addressed by the security forces and peace actors</li> </ul>	<ul style="list-style-type: none"> <li>- Electoral violence, beginning with the party primaries, escalates fuelled by a contested election and is worse than 2007/08</li> <li>- Rift Valley is the epicentre of electoral violence leading to heavy casualties and displacement, more than in 2008</li> <li>- Peace actors are partisan and delegitimised</li> </ul>	<ul style="list-style-type: none"> <li>- Kikuyu and Kalenjin ethnic militias cause violence and displacement but are soon contained</li> <li>- Ethnic divisions within the security forces make it impossible for massive deployment against the political conflicts in the Rift valley, leading to the deployment of the military</li> <li>- Political violence in urban areas and the Rift Valley ensues but is soon controlled</li> <li>- Communal violence in some parts of the Rift Valley and Western region mutates into political violence, fuelled by politicians</li> <li>- Peace actors are overwhelmed by prevailing violence and tensions</li> <li>- Social media is openly used to incite communal violence especially against groups perceived not to be supporting the UDA party</li> </ul>

**Table 3: Scenarios in the Coast region**

ISSUE	BEST-CASE SCENARIO	WORST-CASE SCENARIO	MOST LIKELY SCENARIO
<b>Electoral institutions (security, judiciary, IEBC, political parties)</b>	<ul style="list-style-type: none"> <li>- Party primaries are fair and violence free</li> <li>- Minimum reforms are undertaken to allow IEBC to conduct a free and fair election</li> <li>- The presidential elections are not contested because IEBC will have run a free and fair process</li> <li>- Coast leaders form a united political front that negotiates favourably for the inclusion of the region in the next government</li> </ul>	<ul style="list-style-type: none"> <li>- No meaningful electoral reforms happen and therefore the institutions continue to be partisan and untrusted by Kenyans</li> <li>- Shambolic party primaries are held, ushering in violence and uncertainties that affect the main election</li> <li>- Secessionist tendencies spearheaded by the Mombasa Republican Council (MRC) are revived</li> </ul>	<ul style="list-style-type: none"> <li>- Elections are not perceived as free and fair due to lack of substantive reforms at IEBC</li> <li>- Party primaries are shambolic with massive rigging of candidates and voter bribery</li> <li>- Presidential and other elections are challenged in the judiciary without much success</li> <li>- Attempts by Coast region leaders to form a united political front fail</li> </ul>
<b>The electoral system, reforms and processes</b>	<ul style="list-style-type: none"> <li>- Elections are held with transparent processes and whoever wins is accepted by a majority of the country</li> <li>- The Coast region forms part of the next government with the deputy president being from the region</li> </ul>	<ul style="list-style-type: none"> <li>- Elections are postponed with the sinister motive of prolonging Uhuru's term</li> <li>- The Coast region is locked out of the next government</li> <li>- IEBC remains ineffective and is used to rig elections at both national and local levels</li> </ul>	<ul style="list-style-type: none"> <li>- While Uhuru does not overtly withdraw his support for Raila, he does not publicly endorse him leading to discontent in the Raila camp and his supporters in the Coast region</li> <li>- ICC revives Ruto's case, but attempts to stop his candidature fail</li> <li>- The 2022 electoral outcome is contested and there are various court cases in the Coast region</li> </ul>

ISSUE	BEST-CASE SCENARIO	WORST-CASE SCENARIO	MOST LIKELY SCENARIO
<b>Social concerns</b>	<ul style="list-style-type: none"> <li>- Strict adherence to MOH COVID-19 guidelines and mass vaccination</li> </ul>	<ul style="list-style-type: none"> <li>- High COVID-19 infections persist due to a lack of vaccines and vaccine apathy</li> <li>- The COVID-19 protocols are used to restrict political action, especially for those opposed by the state at both national and sub-national levels</li> <li>- Localised containment measures lead to lockdowns in the Coast region</li> </ul>	<ul style="list-style-type: none"> <li>- Rise of COVID-19 infections due to ineffective restrictions during campaigns and slow uptake of the vaccine</li> </ul>
<b>State of the economy</b>	<ul style="list-style-type: none"> <li>- The economic stimulus programmes turn the economy around</li> <li>- The massive infrastructural projects at the Coast, including the Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET) Corridor project, generate substantive employment for the local economy. This leads to the lowering of economic grievances and lessens the pool of idle youth available for recruitment into electoral violence</li> </ul>	<ul style="list-style-type: none"> <li>- The economy continues to deteriorate with the youth and the poor worst affected</li> <li>- There is no adequate cushioning from the state and high levels of corruption continue</li> <li>- The state withdraws from the ongoing massive infrastructural projects turning them into white elephants</li> <li>- Economic marginalisation and grievances escalate and are tapped into by politicians to mobilise the Coast region into electoral violence</li> </ul>	<ul style="list-style-type: none"> <li>- Economic stimulus packages continue to have mixed results</li> <li>- Poverty and youth unemployment continue to rise in the Coast region, while the benefits of the infrastructural projects are disproportionately enjoyed by people from elsewhere</li> <li>- Economic marginalisation and exploitation continue to be a rallying political theme for the coastal inhabitants against perceived 'settlers'</li> </ul>
<b>Security</b>	<ul style="list-style-type: none"> <li>- Strict adherence to rule of law including electoral law, resulting in the absence of electoral violence</li> <li>- Security forces and peace actors collaborate to address any threats to peace and security</li> </ul>	<ul style="list-style-type: none"> <li>- Electoral violence, beginning with the party primaries, escalates fuelled by a contested election and is worse than 2007/08</li> <li>- The Coast region is a theatre of electoral conflict with heavy casualties and massive displacement of people</li> <li>- There are many cases of extrajudicial killing and forced disappearance</li> <li>- Gangs with political connections proliferate and are used to cause violence by politicians</li> <li>- Peace actors are partisan and therefore delegitimised</li> <li>- Al-Shabaab, Al-Hijra and local militant groups such as the MRC stage attacks against electoral processes leading to the postponement of elections in some areas</li> </ul>	<ul style="list-style-type: none"> <li>- Gangs re-emerge in many parts of the Coast, especially Mombasa and Tana River, and are deployed for political violence by politicians</li> <li>- As in the past, security forces are used to silence political dissent in the region</li> <li>- There is some electoral violence, but it is soon controlled after the elections</li> <li>- Political assassinations and kidnappings are reported in the region</li> <li>- Where electoral violence is very intense, local peace structures are overwhelmed</li> <li>- There is ongoing incitement against settlers and non-natives by the political elite. This leads to attacks and violence against 'settler' communities, particularly the Kikuyu in Lamu</li> <li>- Militant groups including MRC threaten electoral processes but are contained by the security forces; fear, however, leads to low voter turnout in certain areas</li> <li>- Social media is openly used to incite communal violence especially 'settler' communities</li> </ul>

**Table 4: Scenarios in the Central region**

ISSUE	BEST-CASE SCENARIO	WORST-CASE SCENARIO	MOST LIKELY SCENARIO
<b>Electoral institutions (security, judiciary, IEBC, political parties)</b>	<ul style="list-style-type: none"> <li>- Party primaries are fair and violence free</li> <li>- Minimum reforms are undertaken to allow IEBC to conduct a free and fair election</li> <li>- The presidential elections are not contested because IEBC will have run a free and fair process</li> <li>- Mt. Kenya leaders form a united political front that negotiates favourably for the inclusion of the region in the next government</li> </ul>	<ul style="list-style-type: none"> <li>- No meaningful electoral reforms happen and therefore the institutions continue to be partisan and untrusted by Kenyans</li> <li>- Shambolic party primaries are held ushering in violence and uncertainties that affect the main election</li> <li>- There is massive rigging into the power of unpopular leaders at the county and parliamentary levels</li> <li>- There is a lot of localised violence between supporters of the president and his deputy</li> </ul>	<ul style="list-style-type: none"> <li>- Elections are not perceived as free and fair due to lack of substantive reforms at IEBC</li> <li>- Party primaries are shambolic with massive rigging of candidates and voter bribery</li> <li>- Presidential and other elections are challenged in the judiciary without much success</li> <li>- Attempts by Mt. Kenya region leaders to form a united political front fail</li> </ul>
<b>The electoral system, reforms and processes</b>	<ul style="list-style-type: none"> <li>- Elections are held with transparent processes and whoever wins is accepted by a majority of the country</li> <li>- The Mt. Kenya region forms part of the next government with the deputy president being from the region</li> </ul>	<ul style="list-style-type: none"> <li>- The Mt. Kenya region is locked out of the next government</li> <li>- IEBC remains ineffective and is used to rig elections at both national and local levels</li> </ul>	<ul style="list-style-type: none"> <li>- The Mt. Kenya region remains a rich vote hunting ground leading to political confrontations and violence</li> <li>- The 2022 electoral outcome is contested and there are various court cases</li> <li>- Voter apathy leads to very low voter turnout</li> </ul>
<b>Social concerns</b>	<ul style="list-style-type: none"> <li>- Strict adherence to MOH COVID-19 guidelines and mass vaccination across all the counties</li> </ul>	<ul style="list-style-type: none"> <li>- High levels of COVID-19 infections due to lack of vaccines and vaccine apathy</li> <li>- The COVID-19 protocols are used to restrict political action, especially for those opposed by the state at both national and sub-national levels</li> </ul>	<ul style="list-style-type: none"> <li>- Rise of COVID-19 infections due to ineffective restrictions during campaigns and slow uptake of the vaccine</li> <li>- Infection rates are manageable due to the high level of vaccination in most counties</li> </ul>
<b>State of the economy</b>	<ul style="list-style-type: none"> <li>- The economic stimulus programmes turn the economy around and gainfully occupy the many idle youths</li> <li>- The massive road infrastructural projects currently going on throughout the region link up the region to markets in Nairobi and elsewhere spurring the local agricultural economy and drying up the pool of idle youth used to cause political violence</li> </ul>	<ul style="list-style-type: none"> <li>- The economy continues to deteriorate with the youth and the poor worst affected</li> <li>- There is no adequate cushioning from the state and a high level of corruption continues</li> <li>- The government is unable to complete the ongoing infrastructural projects</li> <li>- Displaced Kikuyu community members in the Rift Valley and elsewhere camp in the region generating land conflicts</li> </ul>	<ul style="list-style-type: none"> <li>- Economic stimulus packages continue to have mixed results</li> <li>- The massive road infrastructure project and other Big Four<sup>58</sup> ongoing projects are completed, giving hope to economic revival for the region. This lessens the number of idle youth available to cause political violence, meaning that political violence, while still present in the region, is far less than anticipated</li> </ul>
<b>Security</b>	<ul style="list-style-type: none"> <li>- Strict adherence to rule of law including electoral law resulting in absence of electoral violence</li> <li>- Ongoing communal conflicts in Laikipia and Meru border areas are sustainably addressed</li> </ul>	<ul style="list-style-type: none"> <li>- Electoral violence, beginning with the party primaries, escalates fuelled by a contested election and is worse than 2007/08</li> <li>- There are many cases of extrajudicial killing and forced disappearance among youth associated with militia groups and gangs</li> <li>- Gangs with political connections proliferate and are used to cause violence by politicians</li> </ul>	<ul style="list-style-type: none"> <li>- Ethnic militias and gangs are deployed for political violence by politicians</li> <li>- Intense political competition over votes in the region gives rise to high cases of political violence</li> <li>- Communal violence in Laikipia and Meru areas mutate into political violence, fuelled by politicians</li> <li>- Political assassinations and kidnappings are reported in the region</li> </ul>

<sup>58</sup> This is a socio-economic empowerment agenda by the Jubilee Government with four pillars: food security, affordable housing, universal healthcare, manufacturing and job creation.

**Table 5: Scenarios in Nairobi region**

ISSUE	BEST-CASE SCENARIO	WORST-CASE SCENARIO	MOST LIKELY SCENARIO
<b>Electoral institutions (security, judiciary, IEBC, political parties)</b>	<ul style="list-style-type: none"> <li>- Party primaries are fair and violence free</li> <li>- Minimum reforms are undertaken to allow IEBC to conduct a free and fair election</li> <li>- The presidential elections are not contested because IEBC will have run a free and fair process</li> </ul>	<ul style="list-style-type: none"> <li>- No meaningful electoral reforms happen and therefore the institutions continue to be partisan and distrusted by Kenyans</li> <li>- Shambolic party primaries are held ushering in violence and uncertainties that affect the main election</li> <li>- There is massive rigging at county and parliamentary levels leading to localised violence</li> <li>- Peace infrastructure is overwhelmed, and others become partisan</li> </ul>	<ul style="list-style-type: none"> <li>- Elections are not perceived as free and fair due to lack of substantive reforms at IEBC</li> <li>- Party primaries are shambolic with massive rigging of candidates and voter bribery</li> <li>- Presidential and other elections are challenged in the judiciary without much success</li> <li>- Pockets of electoral violence emerge and cases of police brutality rise in an attempt to quell the violence</li> <li>- Peace actors work to contain the violence, especially at the local level</li> </ul>
<b>The electoral system, reforms and processes</b>	<ul style="list-style-type: none"> <li>- Elections are held with transparent processes and whoever wins is accepted by a majority of the country</li> <li>- Elections are inclusive of more women and youth, especially in patriarchal counties such as Kajiado</li> </ul>	<ul style="list-style-type: none"> <li>- IEBC remains ineffective and is used to rig elections at both national and local levels</li> </ul>	<ul style="list-style-type: none"> <li>- Political realignments intensify causing further political confusion</li> <li>- The 2022 electoral outcome is contested and there are various court cases</li> </ul>
<b>Social concerns</b>	<ul style="list-style-type: none"> <li>- Strict adherence to MOH COVID-19 guidelines and mass vaccination across all the counties</li> <li>- VAWIE and other forms of violence against women is sustainably addressed</li> </ul>	<ul style="list-style-type: none"> <li>- High level of COVID-19 infections due to a lack of vaccines and vaccine apathy</li> <li>- The COVID-19 protocols are used to restrict political action, especially for those opposed by the state at both national and sub-national levels</li> <li>- High levels of VAWIE, GBV and FGM are reported among the urban poor and in Kajiado county</li> </ul>	<ul style="list-style-type: none"> <li>- Rise of COVID-19 infections due to ineffective restrictions during campaigns and slow uptake of the vaccine</li> <li>- VAWIE and other forms of violations on women continue during the electoral period, but attempts are made to address these issues</li> </ul>
<b>State of the economy</b>	<ul style="list-style-type: none"> <li>- The economic stimulus programmes turn the economy around and gainfully occupy the many idle youths</li> <li>- The economic programmes under the Big Four agenda are carried out leading to more job creation in Nairobi and surrounding counties</li> </ul>	<ul style="list-style-type: none"> <li>- The economy continues to deteriorate with the youth and the poor worst affected</li> <li>- There is no adequate cushioning from the state and extensive corruption continues</li> <li>- The government is unable to complete the Big Four programme</li> <li>- Drought continues to adversely affect sections of Kiambu, Machakos and Kajiado leading to starvation</li> <li>- The level of debt is unsustainable leading to the near collapse of the economy</li> </ul>	<ul style="list-style-type: none"> <li>- Economic stimulus packages continue to have mixed results</li> <li>- Gangs and militia groups proliferate fuelled by poverty and idleness among the youth; this, in turn, increases criminality and political violence in the counties</li> </ul>

ISSUE	BEST-CASE SCENARIO	WORST-CASE SCENARIO	MOST LIKELY SCENARIO
<b>Security</b>	<ul style="list-style-type: none"> <li>- Strict adherence to rule of law, including electoral law, resulting in absence of electoral violence</li> <li>- Security forces and peace actors are able to stop the proliferation of gangs and militia groups</li> </ul>	<ul style="list-style-type: none"> <li>- Electoral violence, beginning with party primaries, escalates fuelled by a contested election and is worse than 2007/08</li> <li>- There are many cases of extrajudicial killing and forced disappearance among youth associated with militia groups and gangs</li> <li>- Gangs with political connections proliferate and are used to cause political violence</li> <li>- Peace actors become partisan and distrusted by communities</li> </ul>	<ul style="list-style-type: none"> <li>- Ethnic militias and gangs are deployed for political violence by politicians</li> <li>- Intense political competition over votes gives rise to high cases of political violence</li> <li>- Political assassinations and kidnappings are rampant especially in Nairobi</li> <li>- Peace actors variously work to contain electoral violence</li> <li>- Social media is openly used to incite violence against rival politicians and political formations</li> <li>- Some sections more so in the informal settlements are declared zones of particular parties and 'no go' zones for others</li> </ul>

**Table 6: Scenarios in the North-eastern region**

ISSUE	BEST-CASE SCENARIO	WORST-CASE SCENARIO	MOST LIKELY SCENARIO
<b>Electoral institutions (security, judiciary, IEBC, political parties)</b>	<ul style="list-style-type: none"> <li>- Party primaries are fair and violence free</li> <li>- Minimum reforms are undertaken to allow IEBC to conduct a free and fair election</li> <li>- The presidential elections are not contested because IEBC will have run a free and fair process</li> <li>- North-eastern leaders form a united political front that negotiates favourably for the inclusion of the region in the next government</li> </ul>	<ul style="list-style-type: none"> <li>- No meaningful electoral reforms happen and therefore the institutions continue to be partisan and distrusted by Kenyans</li> <li>- Shambolic party primaries are held ushering in violence and uncertainties that affect the main election</li> </ul>	<ul style="list-style-type: none"> <li>- Elections are not perceived as free and fair due to lack of substantive reforms at IEBC and the persistence of negotiated democracy that is enforced in favour of some communities and men in general</li> <li>- Party primaries are shambolic with massive rigging of candidates, transfer of voters from Somalia into Kenya and voter bribery</li> <li>- Attempts by North-eastern leaders to form a united political front fail</li> </ul>
<b>The electoral system, reforms and processes</b>	<ul style="list-style-type: none"> <li>- Elections are held with transparent processes and whoever wins is accepted by a majority of the country</li> <li>- Rampant boundary disputes in the region are resolved by the elders and the IEBC and other players ahead of the 2022 elections</li> <li>- Negotiated democracy is used to effectively engage women and other marginalised groups in power</li> </ul>	<ul style="list-style-type: none"> <li>- The North-eastern region is locked out of the next government and continues to be marginalised from national politics</li> <li>- IEBC remains ineffective and is used to rig elections at both national and local levels, creating localised conflicts in the region</li> <li>- Negotiated democracy leads to an escalation of violence pitting the dominant clans against the minority over control of power and resources</li> <li>- 2022 elections introduce platforms for greater tension and polarisation among leaders and between them and the communities. Leaders and communities are likely to advance hate speech and ethnic negativity through social media</li> </ul>	<ul style="list-style-type: none"> <li>- While Uhuru does not overtly withdraw his support for Raila, he does not publicly endorse him leading to discontent in the Raila camp and his supporters in North-eastern region</li> <li>- ICC revives Ruto's case, but attempts to stop his candidature fail</li> <li>- The 2022 electoral outcome is contested and there are various court cases in the region</li> </ul>

ISSUE	BEST-CASE SCENARIO	WORST-CASE SCENARIO	MOST LIKELY SCENARIO
<b>Social concerns</b>	<ul style="list-style-type: none"> <li>- Strict adherence to MOH COVID-19 guidelines and mass vaccination</li> <li>- Women are supported and facilitated to run for elective positions</li> <li>- The government works together with non-state actors to sustainably address violence against women in the region</li> </ul>	<ul style="list-style-type: none"> <li>- High COVID-19 infection rates persist due to a lack of vaccines and vaccine apathy</li> <li>- The COVID-19 protocols are used to restrict political action, especially for those opposed by the state at both national and sub-national levels</li> <li>- Localised containment measures lead to the cutting off of the North-eastern region from the rest of Kenya</li> <li>- Various forms of violence and discrimination against women continue unabated, including systematic marginalisation, VAWIE, FGM and GBV</li> </ul>	<ul style="list-style-type: none"> <li>- Rise of COVID-19 infections due to ineffective restrictions during campaigns and slow uptake of the vaccine</li> <li>- Efforts by government and non-state actors to address violence against women in North-eastern region produce minimal results</li> </ul>
<b>State of the economy</b>	<ul style="list-style-type: none"> <li>- The economic stimulus programmes turn the economy around</li> <li>- Operationalisation of rangeland policies for better management of rangeland resources</li> <li>- Reopening of Kenya-Somalia border facilitates trade and better relations between communities</li> </ul>	<ul style="list-style-type: none"> <li>- There is massive drought, starvation and destruction of the local pastoralist economy</li> <li>- There is no adequate cushioning from the state and high level of corruption at the counties level continues</li> <li>- Migration of pastoralists following the severe drought in search of water and pasture triggers conflicts</li> </ul>	<ul style="list-style-type: none"> <li>- Continuing drought without any systematic redress measures leads to increased levels of household poverty, rising crimes and radicalisation</li> </ul>
<b>Security</b>	<ul style="list-style-type: none"> <li>- Strict adherence to rule of law including electoral law results in the absence of electoral violence</li> <li>- Security forces and peace actors collaborate to address any threats to peace and security</li> <li>- The security agencies working closely with the community are able to stem radicalisation and any terrorist threats in the region</li> </ul>	<ul style="list-style-type: none"> <li>- Electoral violence, beginning with party primaries, escalates fuelled by a contested election and ongoing drought</li> <li>- More farmer-herder conflicts on the Garissa-Tana River border (Somalis and Pokomo)</li> <li>- Gangs with political connections proliferate and are used by politicians to cause violence, using easily available small arms from Somalia</li> <li>- Peace actors are partisan and therefore delegitimised</li> <li>- Increased terrorist attacks following the rainy season and the heightened electoral tensions</li> <li>- More attacks from Al-Shabab lead to loss of lives, withdrawal of teachers and security officers</li> <li>- Electoral boundary conflicts become heightened, especially along the borders with Isiolo: Wajir-Isiolo, Garissa-Isiolo, Laikipia-Isiolo, Isiolo-Meru</li> <li>- Continuing instability in Somalia spills over into Kenya leading to an influx of refugees, localised conflicts and terror attacks</li> </ul>	<ul style="list-style-type: none"> <li>- There is general insecurity due to rising terror attacks and lack of cooperation between security agencies and the community</li> <li>- Ongoing communal violence especially in Marsabit and Isiolo morphs into electoral violence leading to the displacement of some communities</li> <li>- Where electoral violence is very intense, local peace structures and security forces are overwhelmed</li> </ul>

## Overall likely peace and security scenarios

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### **Best-case scenario: *Uwiano*<sup>59</sup>**

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**Peace and security:** The ongoing peace and reconciliation work spearheaded by NCIC, civil society including PAF and the general infrastructure for peace in Kenya will be successful. In this context, the conflict will be managed through resolving current communal conflicts and proactively engaging with any arising conflicts through the many early-warning systems led by a revamped *Uwiano* platform and preventive diplomacy. There will also be concerted efforts at elite consensus spearheaded and supported by the religious and other elements of civil society to resolve any political disputes that could plunge the country into chaos. There will be enhanced coordination between security agencies and community members through community policing. This will allow for sustainable handling of security threats including gangs and militia and any cases of violent extremism. Civic education will also be widely provided to Kenyans to help them make informed choices in electoral processes including party primaries and the general election.

**Social and economic status:** There is increased availability and uptake of the COVID-19 vaccine, with more than 50% of the population fully vaccinated by February 2022, and the positivity rate stabilises at below 5%. Some of the social ills that plague elections, including VAWIE, GBV and FGM, are preventively addressed through combined efforts by civil society and government agencies at both national and county levels. Women, youth, PWD and other marginalised groups are effectively included in electoral operations both as voters and candidates. This will have been achieved through sustainable advocacy and an enabling legal and operating electoral environment.

The economy will operate at near pre-pandemic levels with very few pandemic restrictions as a result of high vaccine uptake and other health interventions. The government creates an enabling environment to jumpstart the economy and offers more economic stimulus packages leading to stable livelihoods among many Kenyans including the youth. This reduces levels of absolute poverty and helplessness among Kenyans. Other economic shocks including drought are sustainably addressed through coordinated efforts between county and national governments and development partners.

**Electoral institutions and elections:** The ongoing efforts at institutional strengthening by various civil society programmes and the government lead to more legitimate electoral institutions. The IEBC, ORPP, the national police and the judiciary are properly constituted and professionalised. Necessary minimum legal reforms and other electoral preparations are undertaken in good time with the support of Parliament. Any disputes and anxiety arising from the BBI process are adequately dealt with ahead of the 2022 elections, so that they do not adversely affect the electoral environment. The party primaries by various political parties are held credibly, devoid of violence and confrontations because of strengthened political parties and an enhanced legal environment. Stable political coalitions are formed leading to a convincing and clear win by the winning coalition as a result; the 2022 elections, held in a peaceful environment, are deemed credible by a majority of the stakeholders. Any arising disputes are settled judiciously.

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<sup>59</sup> *Uwiano* is a Kiswahili word meaning peace and harmony.



## Worst-case scenario: *Machafuko*<sup>60</sup>

**Peace and security:** Cases of communal violence in the traditional hot spots of the Rift Valley, the Coast and urban informal settlements continue to rise fuelled by intense political tensions. The government, unable to address the root causes of the conflicts peacefully and sustainably, continues to employ brutal tactics that only serve to fuel the conflicts. At the county level, the intense struggle for power and succession politics acts as new conflict fault lines even in counties that previously did not have conflict. Peace actors and other institutions like the NCIC are either weak, distrusted, or irrelevant in the face of rising communal conflict. Due to the rising cases of unemployment and helplessness among the youth, criminal gangs, militia groups and general levels of crime continue to soar in wider society. Guns and other weapons continue to be easily accessible through the porous borders with Somalia, while the security forces are either unable or unwilling to carry out their legal mandate. In this weakened security environment, Al-Shabaab and other terror groups take advantage and launch attacks on various targets in the country, further increasing the climate of fear and insecurity.

The falling out between the president and his deputy, and intense political competition among various political factions, continue to heighten political tensions and precipitate sporadic violence. The political environment is further made fluid by intense elite factionalisation and realignment. The pact between President Uhuru and opposition leader Raila Odinga crumbles and each political group is left scrambling for new alliances, causing further confusion and tensions in the already chaotic political environment. To this, the *Hustler vs Dynasty*<sup>61</sup> narrative continues to add fuel, and is localised in some areas generating local conflict. The country is zoned into political spheres with some regions being declared as 'no go' zones for certain political formations and actors. All these negative political actions threaten to explode the country socially and politically.

**Social and economic status:** The COVID-19 crisis persists, fuelled by new virus mutations, lack of vaccines, vaccine apathy and grand corruption within the Ministry of Health. The positivity rate remains high as the health sector is threatened with imminent collapse. The COVID-19 containment measures continue regularly to be put in place without social safety nets for the vulnerable, and the police continue to enforce these measures brutally. The containment measures are also used to curtail freedom of expression and speech especially among the political factions not favoured by the deep state. As the death rate and frustrations rise due to a non-responsive government, there is widespread discontent and civil unrest among ordinary civilians, especially among young people in the urban informal settlements, even as communal violence rages in other parts of Kenya. The country wavers on the brink of civil war.

On the economic front, continuing corruption robs the country of any resources that could be deployed to turn around the economy, provide social cushioning, or generate employment and incomes. This leads to the continued rise in unemployment and poverty. In the face of large-scale corruption, donors suspend aid to the country and the International Monetary Fund insists on tough austerity measures that further hurt ordinary Kenyans, leading to further disillusionment and negative coping strategies among the local population. The economy is on the brink of total collapse.

**Electoral institutions and elections:** Electoral institutions continue to be deliberately weakened and hijacked by whatever political faction has an influence on them. This further delegitimises them and any ensuing electoral processes. There is bickering and open disagreement among these institutions at the multi-agency electoral preparedness platform made up of the judiciary, IEBC, security services and the Ministry of Interior, among other state agencies.

<sup>60</sup> *Machafuko* is a Kiswahili word meaning conflict.

<sup>61</sup> *Hustlers* are supporters of the deputy president who regard themselves as poor Kenyans while *dynasties* are the political elite and other Kenyans who have acquired wealth due to their proximity to political power. This labelling is used by supporters of the deputy president, especially in opposition to supporters of the president and Raila Odinga.

IEBC withdraws from the multi-agency electoral preparedness team, further casting doubt on the readiness and willingness of the state to facilitate fair and credible elections. As violence spreads in traditional hot spots including the Rift Valley, urban areas and the Coast, the government uses the security situation together with the pandemic as excuses to postpone the elections. The postponement further feeds into the general discontent and escalating civil unrest and violence.



### **Most likely scenario: *Utengano*<sup>62</sup>**

**Peace and security:** Kenya continues to be threatened by high conflict vulnerability. The period between now and the August 2022 elections will be a tightly managed transition, with shifting political alliances and processes. Electoral justice will become a centrepiece of dialogues and conversations at all levels of society without tangible outcome. The continued severance between the President and his Deputy precipitates sporadic violence and high tensions in the lead up to the ballot. Such violence remains localised in the country's most ethnically heterogeneous areas such as the Rift Valley, the Coast and pockets in urban areas. Gangs and other militia groups continue to proliferate due to the unholy alliances between them and some politicians and the security forces. The peace actors remain engaged and are able to achieve a certain level of cohesion; however, politicians continue to undo much of the gains through violent political mobilisation, hate speech and impunity in the face of impotent state enforcement institutions. Parliament continues to enact hurried electoral reforms that cause confusion in the electoral legal environment.

**Social and economic status:** Although COVID-19 infection rates remain manageable, the health system is highly strained and constantly on the brink of collapse. The pandemic containment measures continue to be enforced inconsistently without any clear logic or framework. While there is a robust legal protection regime against GBV, VAWIE and other electoral-related violations of women and other marginalised groups, the full realisation of their rights and protection continues to be hampered by weak enforcement from law enforcement agencies and other publicly mandated institutions.

The economy continues to limp on without any systematic plan from the government on its revival or cushioning Kenyans from the pandemic impact. More and more Kenyans continue to suffer in silence as inflation and poverty rise, becoming disengaged from the state. This situation pushes more impoverished youth to join gangs and criminal activities, exponentially growing their numbers and activities towards the elections. The government struggles to complete some of the envisaged programmes under the Big Four agenda, although this is hampered by the growing and increasingly unsustainable public debt.

**Electoral institutions and elections:** The electoral institutions continue to be deliberately weakened; however, some reforms are carried out to allow for the bare minimum needed to carry out the 2022 elections. Continued disagreements between the IEBC and the other institutions in the multi-agency electoral preparedness team cast doubt on the ability of the country to hold free, fair and credible elections in 2022. Political parties that continue to be personality-driven host shambolic party primaries in April 2022 and further add to the doubts of a free and fair election in August 2022. Ethnicised politics, similar to 2007 re-emerge. Elite (re)alignments continue at alarming rates, further confounding an already complicated political environment. Sporadic political violence continues to be experienced in different parts of the country although the security agencies are able to largely contain it. Hate speech proliferates both on social and legacy media. The Directorate of Criminal Investigations, NCIC, peace actors and the security agencies attempt to address the wrongdoing, but are largely hampered by the impunity of the political elites and/or a constraining legal environment. Sections of the population remain highly disillusioned and politically disengaged, while others are ethnically mobilised. Within this context, the country stumbles its way towards the August 2022 general elections; it is a divided and demoralised nation.

<sup>62</sup> *Utengano* is a Kiswahili word meaning division and disharmony.

Both the worst case and most likely scenarios point to some measure of electoral violence. This could be either generalised and uncontrollable in the short term, as happened in the 2008 post-election violence (*machafuko* scenario), or it could be localised in urban areas and other hot spots, both traditional and emerging (*utengano* scenario). Given the weak electoral institutions and attendant lack of civic trust, ethnicisation of politics and the lack of credible electoral reforms, against a background of poor and worsening socio-economic conditions for a majority of Kenyans, electoral violence is imminent unless urgent, robust and targeted electoral conflict prevention and peacebuilding interventions are undertaken. This should include a number of well-planned, coordinated and targeted actions by different stakeholders in the pre-, during- and post-election phases. These are presented in the section below on recommendations.

The role of peace actors, both state and non-state, is especially salient in preventing and responding to electoral conflict in Kenya. Peace actors refer to state and non-state institutions and individuals engaged in peacebuilding and conflict prevention. Kenya has traditionally enjoyed a robust civil society that has acted as a bulwark against state excesses, provided services in areas where the state was too shallow or non-existent, and where local peacebuilding efforts needed to be bolstered. Peacebuilding civil society spans both the national and local spaces and is engaged in various interventions to build cohesion, address injustices and create sustainable peacebuilding and conflict resolution institutions. These non-state actors work closely with state peacebuilding institutions.<sup>63</sup> The state peace infrastructure primarily consists of peace committees that cascade from the national to the local level through a series of peace committees organised as Provincial Peace Forum (PPF), District Peace Committees (DPC), Divisional Peace Committees (DvPC), and Location Peace Committees (LPC). The state-sponsored peace infrastructure works closely with civil society, including the religious sector, to deliver a holistic approach to peacebuilding in Kenya. In the past, these multi-agency efforts have been coordinated by the *Uwiano* Platform for Peace, particularly during elections. In the run up to the 2022 elections, however, the platform remains ineffective, creating a critical coordination gap. While PAF has been coordinating the civil society sector, it is increasingly reaching out to the private sector and government agencies to address this gap and ensure coordinated responses towards any anticipated electoral conflict and violence.

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<sup>63</sup> Government of Kenya, Sessional paper no. 5 of 2014 on national policy for peace building and conflict management, Nairobi: Government Printers, 2014



## **Conclusion**

Kenya continues to face governance challenges, despite having a constitution that many have hailed as among the most progressive in the world. In the years following the promulgation of the new constitution, the political elite has been able to manipulate its implementation by watering down some of its more progressive provisions, such as Chapter 6 on ethics and integrity. As a result, the political elite has reproduced some of the old oppressive networks, grievances and malpractices in various forms, so the old challenges that have bedevilled the nation-state project in Kenya persist, as do the challenges that have precipitated electoral violence in 1992, 1997, 2007 and 2017.

Existing socio-economic challenges, including poverty, criminality and youth unemployment, have been further exacerbated by vulnerabilities created by the current COVID-19 pandemic. As a result, while political tensions are peaking due to the BBI processes and the 2022 elections, more and more Kenyans, especially the youth, continue to experience socio-economic shocks. This combination, if not properly mediated, could precipitate political violence and/or a disenfranchised public that is apathetic towards politics. Furthermore, with no signs of meaningful economic safety nets and a highly divided political elite, the country is likely to stumble its way into the August 2022 general elections as a divided and demoralised nation. This will have serious consequences for the electoral environment because it could lead to contested elections and trigger electoral violence. This situation is made more likely because currently electoral institutions, in particularly the IEBC, are suffering from a legitimacy deficit and the window to repair the trust deficit is fast closing.

There are various efforts at preventing and mitigating this apocalyptic scenario. State and non-state peace and security actors in various parts of the county are collaborating with other stakeholders to ensure that peace prevails ahead of, during and after the highly contested 2022 elections. Civil society actors too are working with electoral institutions towards institutional strengthening and electoral preparedness; however, a lot more effort and coordination are needed, given the intensity of the threat. Peace actors need to be much more coordinated, among themselves and with the electoral institutions. Advocacy towards better electoral preparedness needs to be amplified, robust and more visible. It is into this space that PAF can prove especially pivotal towards securing the 2022 election.

With membership across the country, in various civil society organisations and with individuals that have gravitas and longstanding relations with different electoral institutions, the PAF platform can harness these positive energies and build synergies that demonstrably advance a national narrative and initiative towards peaceful, credible and legitimate 2022 elections.



## **Recommendations**

The peace and security discussions in this report demonstrate the fragility that surrounds the upcoming 2022 elections. Even if electoral violence does not manifest to the levels projected in the scenarios, there is sufficient evidence that demands a strong contingency plan focused on the prevention of likely crises. The plan should be anchored on prevention, mitigation and response to possible electoral violence, through actions such as consolidating peace, cohesion building, institutional strengthening and diffusing tensions in the run up to, during and after the elections. This will be achieved through a whole-of-society approach that involves all stakeholders both at national and local levels working together. It is the primary responsibility of the state to protect its citizens from electoral violence through measures such as safeguarding electoral integrity by institutions such as the IEBC, the judiciary, NCIC, and police. Other stakeholders such as the political elite, the media (both legacy and social), religious leaders, civil society and the private sector must come together to support the cause of peace ahead of 2022. Concerted efforts based on a comprehensive violence prevention strategy will be able to reduce substantially the risks of electoral violence.

The following section contains various recommendations for different electoral stakeholders on reducing the risk of electoral violence. The stakeholders include national government agencies (NCIC, police, judiciary, IEBC) and county governments, media, PAF, other civil society organisations, and the private sector. These recommendations, both short- and medium-term in nature, should be implemented not only in this electoral year to address any potential risks that could cause electoral violence in the 2022 elections, but they may also apply beyond 2022 to avoid violence in future elections. They respond to high-risk moments within the IEBC's EOP and generally to other factors within the electoral ecosystem that cause electoral risks. Some of the high-risk moments in the EOP include the resignation of public servants intending to contest for elective offices in February 2022, the party primaries in April 2022, the campaign period from 29 May 2022 and the announcement of the election results in August 2022. The more general electoral risks were associated with the weakening of public institutions to the point where they were unable to discharge their mandate. This included institutions such as the security agencies that seemed unable to deal with the growing level of criminality including the proliferation of gangs and militia groups.

### **Recommendations for the IEBC**

- The IEBC must inspire confidence among Kenyans and other stakeholders that it can deliver a free, fair, credible, and peaceful poll in 2022. Towards this, it must take leadership of the electoral preparation process, increase its engagement and communication with the public and relevant agencies, and generally make critical decisions to secure the credibility of the next polls. These would include amendments to the EOP to meet key targets such as numbers of newly registered voters.
- To secure an enabling environment for the 2022 elections, the IEBC must coordinate and collaborate with other agencies engaged in the elections including the judiciary, Parliament (to enact the necessary minimum legislation in good time), the security agencies and other organs such as the ORPP and NCIC. This should be done professionally without compromising the integrity and/or independence of the IEBC.
- The IEBC should adhere to the EOP, developed jointly with other electoral stakeholders, and communicate transparently and effectively with the public on the progress of its implementation to promote accountability. Where challenges arise, as will inevitably happen, the IEBC should be able to communicate this to the public (without compromising its operations), but also communicate what it is doing to address the challenges. This can be enabled by strategic partnerships with the media through the MCK. Direct public outreach should include robust, proactive and rapid-response communication through social media platforms.

- The IEBC must also ensure strict adherence to electoral law, particularly by political parties through enforcement. A critical consideration in this regard will be the adherence to the two-thirds gender rule by all political parties. The IEBC should enforce this rule by ensuring that all political parties' nominations lists for elective positions in the Senate and National Assembly are compliant. Those that are not compliant should be rejected.

## **Recommendations for the political parties and actors**

- Political parties must use their membership lists in the party nominations process to avoid claims of interference by other political actors in their internal affairs during the party primaries in April 2022.
- Political parties must ensure strict adherence to electoral law including the two-thirds gender rule among their nominees to avoid rejection of their nominations lists by the IEBC.
- Political parties must ensure that all their aspirants are well versed with the inter- and intra-parties dispute resolution mechanisms to avoid conflicts among aspirants that are often caused by lack of information. This can be achieved through training.
- Political parties must ensure a level playing field for all aspirants in the party primaries through engagement and sensitisation across all interest groups, including women and PWDs.
- Political parties should strengthen their National Election Boards through training, professionalisation and capacity enhancement, to ensure that the party primaries are conducted in a transparent way and electoral law is enforced.
- Through the ORPP, political parties and the IEBC should hold regular and constructive dialogue to ensure that all hurdles and misunderstanding between the two critical institutions are addressed in a timely and effective manner.
- Political parties and actors must desist from using hate speech through social media platforms and political rallies to incite Kenyans along ethnic lines during the campaign period. Through the NCIC and peace actors, the political actors should sign and commit to peace charters to ensure peaceful elections.
- Political actors and parties should commit publicly to supporting the electoral institutions and process, respecting and calling on their supporters to respect election actors such as the IEBC and the judiciary.
- Political actors during their campaigns should rally Kenyans towards peaceful elections and transitions in 2022. Political actors should participate in peace platforms organised by different peace actors.

## **Recommendations for the security actors**

- The security sector must gain the trust of citizens ahead of elections. While security sector reforms have largely stalled and are unlikely to be fully implemented ahead of the election period, the security agencies should prioritise actions that build community trust including community dialogues and strategic communication.
- Security actors must work in close cooperation with IEBC staff at all levels to ensure their safety and security to safely conduct the election.
- Gender desks in police stations need to be equipped and properly staffed to deal with VAWIE cases. They should do this through close collaboration with community peace structures and EWER mechanisms such as Healthcare Assistance (HAK) that are especially dedicated to tracking GBV and VAWIE.
- The IPOA must continue to document and refer cases of police brutality to the Office of the Director of Public Prosecution. To strengthen its police oversight role, especially during elections, the IPOA should work closely with community peace and security structures such as Nyumba Kumi and HRD for effective collection of evidence on police brutality.
- The county government and county security teams must coordinate effectively in developing and supporting county-specific measures that address localised conflicts and violence at the county level. This team should also include other actors such as civil society who run EWER systems and who address conflicts in non-securitised ways.

## **Recommendations for the judiciary**

- The judiciary under the JCE should ensure that electoral cases brought before courts are judiciously expended. Furthermore, these cases should be prioritised to ensure that they do not adversely interfere with the EOP.
- Electoral dispute resolution mechanisms: the ORPP should ensure that the parties understand when to turn to the IEBC, the Political Party Dispute Tribunal, and the courts, respectively, to resolve electoral disputes. This can be achieved through training political parties and providing them with information. Given the extraordinary number of disputes anticipated, the Political Party Dispute Tribunal must be properly staffed and resourced by the government to carry out its mandate effectively.
- The judiciary must undertake public campaigns in the form of strategic communications and public outreach to restore public trust and legitimacy. The institution must also clear negative public perceptions including corruption and lack of professionalism. This will be critical in the event of a contested presidential election that ends up in the Supreme Court. Continuing mistrust of the judiciary could easily precipitate violence in the event of a critical decision on elections especially directly affecting the presidency.

## **Recommendations for the peace actors including NCIC and civil society organisations**

- NCIC should adhere to the *Roadmap to Peaceful 2022 General Elections*,<sup>64</sup> in which it commits to collaborating widely with other stakeholders to curb incitement, hate speech and ethnic mobilisation. NCIC and other peace actors must closely work with political parties and actors, encouraging them to sign and commit to peace charters to ensure peaceful elections, and should regularly monitor their commitments.
- Peace actors including NCIC should put in place a robust EWER system that includes peace monitors at the community level who are able to monitor various aspects of electoral violence and escalate it to the relevant enforcement agencies and conflict preventive mechanisms such as mediation structures.
- Peace actors should strengthen community EWER structures, like *Nyumba Kumi*, that directly interface with the security agencies and provide security oversight at that local level. The strengthening should be through training and equipping them with necessary tools like handsets and airtime for regular communication among themselves and with security agencies whenever the need arises.
- The peace actors should develop accountability mechanisms to ensure that the various response structures including the security agencies, NCIC and other electoral institutions carry out their mandate effectively. There should be sanction mechanisms where failure to act happens including public naming and legal action.
- Peace actors should advocate by engaging with members of parliament for the passage into law of the National Cohesion and Peace Building Bill 2021, which would strengthen NCIC, giving it more powers to rein in hatemongers and enhance national cohesion.
- NCIC, NSC, PAF and other CSO actors should work together in revamping, and capacitating through training and logistical support, community peace structures including *Nyumba Kumi* and the DPCs. These should be at the frontline of gathering early warning data and responding to localised electoral violence.
- Peace actors should invest in collaboration and partnership building across geographic spaces such as county level to avoid duplication, unhealthy competition and enhance information exchange. The county coordinating mechanisms that worked especially well in the 2017 elections should be revived and revitalised where possible.

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<sup>64</sup> NCIC, 2021, Op. cit.

- Peace actors should identify strategic service sectors to collaborate with in the event of electoral violence. These might include humanitarian response units and the medical fraternity (especially those dealing with the pandemic). The sectors should jointly develop SOPs to seamlessly guide operations.
- Peace actors should support political parties, through training, capacity enhancement and monitoring, to implement the two-thirds gender rule in their nominations. CSOs should also work with party structures, security agencies and community peace structures to ensure that female candidates and voters are not subjected to VAWIE.
- Both state and non-state peace actors should collaborate in identifying and prepositioning mediation actors at both national and county levels who can be deployed as part of preventive diplomacy during crises, and who, in turn, can influence the political elite towards a peaceful settlement of the electoral conflict.

## **Recommendations for the media**

- Through the Media Council of Kenya (MCK) the media must ensure ethical reporting in elections in accordance with the recently launched 2022 Election Reporting Guidelines<sup>65</sup> and the Media Code of Conduct.<sup>66</sup>
- MCK, NCIC and CSOs such as the PAF should explore ways of dealing with fake news and misinformation, especially on social media because it is a potent driver of electoral conflict. One such way could be through supporting some media institutions that will monitor online electoral conversations and debunk any fake news in circulation.
- Through MCK the media should ensure shared commitments not to report hate speech or incitement and form networks to manage such issues in real time as the campaign crescendos until the conclusion of the election process.

## **Recommendations for the private sector**

- The private sector must be meaningfully engaged to secure the 2022 elections because in instances of electoral violence it is one of the sectors that loses the most. It is therefore in the interests of the sector to work with other stakeholders to mitigate electoral violence. This can be done through multi-agency platforms that bring together state and non-state electoral actors.
- The private sector should fund strategic initiatives and electoral preparation activities that lessen the likelihood of crises and electoral violence.
- As in 2017, the private sector should identify trusted individuals and good offices that can be relied upon to broker peace in protracted electoral crises.

## **Recommendations for development partners**

- Development partners ensure that, while they remain engaged in support of an overall conducive electoral environment, they must remain non-partisan and respect the sovereignty of the county. This will ensure that they are not perceived as unduly influencing the outcome of the election.

<sup>65</sup> MCK, 2021, Op. Cit.

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