

## Kenya after the elections

On Tuesday evening the Evert Vermeer Foundation organized 'Africa in Focus'. After an interesting debate on land grabbing in Tanzania the second panel, which consisted of Antony Otieno Ongáyo (PhD Researcher), Wouter Dol (Programme Manager Kenya, NIMD) and Alpha Sesay (Legal Officer, International Justice Open Society Justice Initiative), took the stand and discussed Kenya after the recent elections.

On the 4<sup>th</sup> of March Kenya held elections. After a couple days of insecurity and complaints about irregularities in the voting process Kenyatta was declared as the winner by the electoral commission on the 9<sup>th</sup> of March. Kenyatta, the elected president and his running mate Ruto are facing trial at the ICC in July of this year for alleged responsibility of post- election violence in 2007-2008. The three gentlemen shed their light on the situation.

Wouter has a clear vision on the process of the recent elections. According to him Kenyatta has received most of the votes, but he does not believe that Kenyatta received more than 50% of the votes, which was needed to win the first round of the elections. He thinks that Kenyatta received a bit less than 50% of the votes, but certainly more votes than Odinga. In his opinion the Electoral Commission decided to avoid a second round and proclaim Kenyatta as the winner after the first round of election because they were afraid of more tension and violence. The fact that Kenyatta received more votes than Odinga is probably the reason that people accept the outcome. Moreover, the elections in Kenya divide the country amongst tribal groups, which means a drawback in solidarity.

Antony stated that the elections and the situation in Kenya is not comparable at all with the situation in The Netherlands, amongst others because of tribalism. He explained himself by using the following example: If Jan Peter Balkenende (former prime minister of the Netherlands) would originate from Zeeland, then the minister of Finance, Education etcetera would also originate from Zeeland and moreover the Chairman of for example the University of Amsterdam would also originate from Zeeland. Also the roads and other infrastructure constructions would be build to and around Zeeland. Therefore tension remains in Kenya between different ethnic communities, as there is always a certain group and area that benefits from an incumbent president. He added that it is very important for Kenya to create a community of inclusiveness instead of dissension.

Because of the post-election violence in 2007, which was according to the guests also fed by the media, this election period was dominated by a peace narrative. There media did not, or in a limited manner, communicate about tension and violence. Also the main candidates, Raila Odinga and the winner of the 2013 elections Kenyatta stated multiple times publicly that they would accept the decision of the Kenyan voters and if they did not agree they would use the official judicial way and not go out on the streets. This is also what Odinga has done. He has filed an official complaint at the Court in Kenya on irregularities of the election process. The Court will come with a decision in the first week of April. All panellists agree that it is hard to predict the outcome of this case. Yet, they are afraid that violence can still occur after the decision of the Court as tension remains.

Also the situation around the allegation of Kenyatta at the ICC was discussed. According to Alpha the situation would have been completely different if the ICC had start its process about a year ago, for which many NGO's had lobbied. During election time there were hearings via video stream, which can raise the expectation that the case can continue like that. Moreover, it is a very interesting case as it will be the first time that somebody faces trial at the ICC who just got elected as president. Alpha is not sure whether Kenya will keep on participating with the ICC now that Kenyatta is elected as president, but the future will tell. Furthermore the situation with witnesses is very worrying. Alpha says that they are being influenced and Antony adds that witnesses are withdrawing their statements and are disappearing. For now the case continues but the future of it will be unsure.

We will keep you posted on the situation in Kenya