

## CONFLICT SNAPSHOT

SEPTEMBER 9, 2022

### Conflict Evolution

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Search for Common Ground (Search) in collaboration with the Human Rights Agenda (HURIA), Muslims for Human Rights (MUHURI), Kiunga Youth Bunge Initiative (KYBI), Tana River Peace, Reconciliation and Development (TRPRD) and Ijara Women for Peace has established an Early Warning and Early Response (EWER) system through embedded community observation and social media listening, with the aim to harness the shared information between communities, civil society organisations, and government authorities to identify and address imminent threats to peaceful elections, particularly looking at conflict trends, drivers and locations that could potentially trigger or experience violence. Social media listening monitors online conversations, with a focus on Facebook and TikTok, to track hate speech and misinformation trends and how these could potentially affect conflicts offline.

Between September 2 and September 9, 2022, Kenya's electoral context at the Coast and Garissa was marked by the verdict of petitions challenging the outcome of the August presidential election.

Kenya's supreme court has delivered an unanimous verdict upholding Hon. William Ruto's presidential election win, with the judges ruling that petitioners did not present a water-tight case to warrant the setting aside of the presidential election results, ending weeks of anxiety. In a strongly worded ruling<sup>1</sup> perceived by the opposition as 'using unduly exaggerated language', the 7-member judges found no significant irregularities, illegalities or unexplained discrepancies, validating the election under the constitution and electoral law. The ruling further termed the dispute amongst the IEBC commissioners as a 'last minute boardroom rupture', faulting the commissioners for participating, upto the 11th hour, in an opaque election.

The general context after the supreme court ruling and subsequent reactions from political leaders and kenyan was of mixed reactions.

True to his word on respecting the supreme court verdict, opposition leader, Hon. Raila Odinga accepted the verdict but peacefully disagreed with it vowing to continue with his fight for democracy in the country.

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<sup>1</sup> The East African, [Kenya poll petition: The highlights of Supreme Court ruling](#), September 05 2022

*"This judgement is by no means the end of our movement, in fact, it inspires us to redouble our efforts to transform this country into a prosperous democracy where each and every Kenyan can find their full belonging."*

**- Hon. Raila Odinga, on Twitter, 5 September 2022**

In a country where previously disputed polls resulted in chaos and violence, Hon. Odinga's acceptance is an important accomplishment that helped anchor stability in the nation. In expert opinion, Hon. Raila's legacy to democracy in Kenya is enduring, as his petitions contribute to important reforms and integrity in the electoral processes as well as contributing to shifts in attitudes amongst Kenyans in recognising the courts' paramount role in settling disputes.<sup>2</sup>

On the other hand, outgoing president, Hon. Uhuru Kenyatta, has assured his commitment to upholding the law and executing a Supreme Court ruling to ensure a smooth transition of power<sup>3</sup> though he maintained that his leader will always be Raila Odinga. He questioned the Supreme Courts' basis for the ruling, noting that it needed to be scrutinised for stronger democracy.

*"We must test them (institutions) for coherence. We must constantly scrutinise the coherence of the truth given by these institutions [...] has there been a consistent pattern from one election to another? Is it about numbers or is it about process?"*

**- Outgoing President Uhuru Kenyatta, Address to the Nation, 5 September 2022**

In Kenya's coastal counties and Garissa, calm was observed with celebratory/jubilations processions reported in Moi Avenue in Mombasa, Malindi town in Kilifi and Township in Garissa town, whilst residents in other coastal counties seemingly went about their ordinary duties. However, as duly stated by the Deputy Chief Justice Philomena Mwilu that some 6 million people will not be happy with the court's decision, disappointment was expressed with the ruling by supporters of Azimio La Umoja coalition. In most of the counties, electorates expressed fatigue, desiring that the electoral processes should end in order to move on with their lives as the economic crisis rages on.

Amongst the online community, discontent was expressed as a desire to never engage in electoral processes again while some outrightly rejected the results, terming the opposition contender as still their leader, portraying a population dejected by the outcome.

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<sup>2</sup> The Conversation, [Raila Odinga should be thanked - his election losses helped deepen Kenya's democracy](#), September 6, 2022

<sup>3</sup> AA, [Kenyan president gives assurances of smooth transition of power after apex court ruling](#), September 6, 2022

*"It is sad exercising a right then it is upturned, i will never vote again."*

- **Anonymous social media user**

*"Kura yangu moja isiwasumbue, sipigi kura tena!!!!" (In English: My one vote should not bother you, i will never vote again!!!!)*

- **Anonymous social media user**

*"Sina raha tuna tawaliwa na kabila mbili tu 70 years Kenya ni yao, sipigi kura tena wajipiye wenyewe..." (In English: I am not happy, we have been ruled by two tribes for 70 years. Kenya belongs to them, I will never vote again let them vote...)*

- **Anonymous social media user**

Further to this, our embedded observers reported volatile potential triggers to violence in their specific contexts. In Mombasa county, on September 6, a land dispute was recorded in Utange Bamburi Ward between the local residents and a developer accused of land grabbing. Despite the local residents claiming ownership of the disputed property through hereditation, they lack valid documentation of land ownership, pitting them against institutions, particularly the police, during enforcement resulting in several injuries.<sup>4</sup>

In Tana River county, the drought situation continued to deteriorate after the failure of four consecutive rain seasons affecting the livelihoods more than a half of the population in the county<sup>5</sup>, resulting in increased migration of persons and animals in search of water and pasture stressing the already diminishing sources, fuelling tension between local farmers, local herders and the migrant herders. On the political level, on September 8, a petition challenging the governorship results in Tana River was filed at the Garsen Law court reigniting competition and dangerous speech online as shown in the text box below.

*"Freedom is coming..." - Anonymous social media user*

*"Dado v/s Major mwizi (thief) Godhana tomorrow at Garsen Court..." - Anonymous social media user*

*"Watu wajipange...Hio ofisi waoshe hio maembe na samaki mapema mapema..." (In English: People be ready... That office should be cleaned of mangoes and fish in advance...)*

- **Anonymous social media user**

<sup>4</sup> Vibrant Media News, [Several injured as people fight over land in Kisauni](#), September 6, 2022

<sup>5</sup> Kenya Tribune, [Drought Ravage Tana river County](#), September 2022

In Kwale county, Vanga ward, some elders associated with the outlawed Mombasa Republican Council had issued eviction threats to non-locals in the area as they awaited the supreme court verdict of their preferred leader.

### **Risks and Opportunity Analysis**

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With the supreme court verdict putting an end to weeks of anxiety in the country, Kenya can celebrate a peaceful election process. Yet, a large number of Kenyans are discontented with the decision, affecting trust in electoral processes.

In the phase of electoral cycles, historic divides related to land and criminal gangs continue to manifest in the coastal counties, and have in the past attracted perceived heavy handed response further adding to grievances.

In the current context, there will need to be focus on national healing and reconciliation led by the president elect Hon. Ruto. He struck a conciliatory note when promising to extend "a hand of brotherhood" to his contenders, political leaders are key in sustaining stability of the nation.

### **Recommendations**

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At this stage, political leaders will have an important role to play in healing and reconciliation after highly polarised electoral phases. Despite the role politicians play in electrons causing divides, they are regarded as instruments of trust as they represent a large following in their communities. Their actions and utterances in the coming days should focus on reconciliation processes.



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