



In brief: Kenya after the March 2013 elections

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The 4 March presidential elections saw Jubilee Alliance candidate Uhuru Kenyatta win a narrow victory in the first round, winning 50.07% of the vote. The Supreme Court upheld his win following complaints of irregularities by his opponent, Raila Odinga, who accepted the verdict – some in civil society are yet to do so. The reformed election machinery performed poorly in some important respects. While there was some violence in coastal areas, election time passed off largely peacefully, much assisted by the fact that the Alliance embraced the two ethnic groups – the Kikuyu and Kalenjin – involved in the worst violence following the 2007 elections. Kenyatta and his vice-presidential candidate William Ruto were both inaugurated on 9 April. The Alliance has put together a solid parliamentary majority and a Cabinet has been formed. It has a relatively large number of pro-business technocrats in it.

The victory of the ‘UhuRuto’ ticket has been attributed to its more effective and better resourced campaigning, which led to [higher turn-out](#) in its strongholds than Odinga and his allies in the Coalition for Reform and Democracy, who until this year had looked favourites to win, could muster in their own Luo/Kamba and Luhya heartlands. Its promise to promote economic dynamism and create jobs also attracted many voters. Last but not least, [Kenyatta](#) and [Ruto](#), both of whom are due to be tried by the International Criminal Court (ICC) in connection with the violence that followed the December 2007 elections, were able to mobilise domestic support during the election campaign by characterising the ICC as a Western agency, backed by Odinga, that threatened Kenya’s independence – although they were careful to add that they would cooperate with it fully if elected and reassured voters that they would be able to govern effectively even if required to attend trial in The Hague.

The victory of Kenyatta and Ruto has presented Western governments with a dilemma. During the run-up to the elections, they indicated that they would limit themselves to ‘essential contacts’ if the Jubilee Alliance ticket prevailed. But what this would mean in practice was always open to doubt. Kenya is an important Western partner in terms of trade (oil was recently discovered), anti-piracy and counter-terrorism (where it has 5,000 troops in southern Somalia as part of African Union Mission there).

President Kenyatta attended the Somalia conference held in London at the beginning of May, meeting David Cameron. While Western rhetorical support for the ICC remains strong, many in Kenya and beyond believe that [pressure is being exerted](#) on it ‘behind the scenes’ to soften its position so that the cases do not excessively impede Western cooperation with the new Government. On 11 March, the ICC announced that it was postponing the first hearing in the Kenyatta case to 9 July and that involving Ruto to the end of May. In recent days, the ICC has [postponed the Ruto case again](#) to 10 September. Through the African Union, the

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new Kenyan Government has waged a strong campaign to get the cases dropped entirely or referred back to the Kenyan authorities. Kenya's permanent representative to the UN has also submitted a request to the Security Council for the cases to be abandoned. The charges against one indictee, Francis Muthaura, were dropped in March. The ICC has recently indicated that it is willing to allow parts of the trials to be held either in Kenya or Tanzania. Human rights advocates continue to accuse the Kenyan Government of harassing and intimidating witnesses as part of efforts to weaken the ICC's case; many have died, been killed or withdrawn their offer to testify.

The ICC is not without cards of its own to play. The case against Ruto is said to be stronger than that against Kenyatta, leading some to wonder if the latter may eventually abandon Ruto to the ICC if the charges against him are dropped. But there is a real risk that this could lead to a renewal of violent conflict in Kenya. Ruto is a genuinely powerful political figure in his own right.

A significant section of Kenyan opinion continues to support the ICC process even if many also appear prepared to 'move on'. Its supporters might have been heartened by the publication of the [long-delayed report](#) of the Truth, Justice and Reconciliation Commission (TJRC) on 21 May, which reiterated many of the allegations made against the two men in connection with the 2007-08 post-election violence. However, the TJRC has lost much credibility since it was established. There is currently controversy in Kenya about whether the chapter on land was censored before the final version of the report was published at the request of a senior official in the Office of the President.

During the run-up to the March elections, supporters of the Jubilee Alliance accused the British High Commissioner, Christian Turner, of plotting to rig the elections in Raila Odinga's favour – an allegation that was forcefully denied. Despite tensions between Britain and Kenya over the ICC indictments of Kenyatta and Ruto and alleged British interference in the country's domestic politics, ties remain close. There is much to lose for both sides if relations deteriorate seriously. According to Richard Dowden, "[five of the top ten tax paying companies in Kenya are British.](#)" Kenya has been identified as one of the UK Department for International Development's 27 focus countries in its recent bilateral review, triggering a 72% increase in aid over the period 2011/12 to 2014/15. The British Army trains for Afghanistan in northern Kenya. The recent decision of the British Government to [offer compensation to Mau Mau survivors](#) who allege they were tortured when in British custody during the colonial era, rather than continue to contest the claims in the British courts, potentially removes another source of tension between the two countries.

Independent Kenya turned 50 on 2 June. Much uncertainty still hangs over its future. Anti-corruption campaigner John Githongo has claimed that "[as a nation-building exercise, the election failed badly](#)". The International Crisis Group has said: "[Many of the conflict drivers that fuelled violence in 2007 are yet to be adequately addressed.](#)" Kenyatta and Ruto have inherited a reform agenda that is rooted in a new Constitution passed in 2010. But it is unclear just how much they support key parts of that agenda – for example, on land reform and political and administrative [devolution](#) ('Majimbo'), where new county assemblies were also elected in March. There are concerns that the central government may not provide the funds that the new county governments need to set themselves up and operate effectively.

Further reading

["Kenya since the 2007/08 crisis"](#), Library Standard Note SN05733, 14 December 2012

International Crisis Group, "[Kenya after the elections](#)", 15 May 2013

[Kenya: Presidential Election](#), HL Deb 22 May 2013 c67-81