



DECEMBER  
2023

## Kenya's 2022 Election Ruto's Win and Intra-Elite Struggles



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This study was produced in June 2023 and The opinions expressed in this text are the responsibility of the authors alone.

*It has been carried out within the partnership between the Observatory of Central and Southern Africa and the French Institute for Research in Africa (IFRA-Nairobi).*

*Study produced by Ifri for the Direction générale des relations internationales et de la stratégie du ministère des Armées.*



ISBN: 979-10-373-0786-6

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### **How to quote this publication:**

Mwongela Kamencu and Dr. Chloé Josse-Durand, “Kenya’s 2022 Election: Ruto’s Win and Intra-Elite Struggles”, *Études de l’Ifri*, Ifri, December 2023.

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1. My research work in Kenya has been made possible thanks to the financial support of Les Afriques dans le Monde (LAM, UMR 5115) and the French Institute for Research in Africa (IFRA-Nairobi), to whom I am grateful.

# Executive summary

This paper aims to highlight how and why William Ruto won the 2022 presidential elections against Raila Odinga by focusing on his political strategy before, during and after the campaign. The 2022 electoral contests took place in an unprecedented political setting. For the first time in Kenyan history, a presidential candidate won an election without the support of the incumbent president and the state apparatus. The paper discusses in detail the relative success of Ruto's populist narrative in putting the economy and a more vulnerable electorate – the Kenyan “hustlers” – back at the heart of Kenyan politics. It also emphasizes the new political and ethnic alignments that have enabled and followed his win, with a focus on the intra-elite struggles that have occurred since he started campaigning. It also discusses the power consolidation strategies of the new regime in the domestic, regional and international spheres.

The first part of this article delves into the appeal of the “hustler narrative” whose message was one of “economic upliftment” for Kenya's “hustlers” – the working classes comprising small-scale farmers and petty traders. This section analyses the political campaign waged by the two camps from this angle, questioning the factors that favored Ruto's win. It argues that the effectiveness of the “hustler narrative” lay in the ability of a “new elite” to present itself as ascendant from the ranks of the Kenyan masses and in touch with their interests, while portraying its opponents as a dynastic “old elite” responsible for Kenyans' economic woes and far removed from their struggles. Ruto's use of evangelical Christianity to legitimize his rhetoric in his campaign and his notable recourse to evangelical churches as an alternative means of patronage testifies to this strategy. Despite the economy being at the core of the campaign, ethnic politics still played a crucial role in these elections, as evidenced by the choice of Kikuyu running mates by the two presidential candidates.

The second part of the article focuses on the first eight months in power of William Ruto and the Kenya Kwanza coalition. We argue that despite his promises of change in political culture, ties of loyalty and patronage have been the main basis of his political entourage. The new administration officials are serving as channels of state patronage to the masses, a tactic that the regime has also used to gain a clear majority in the country's parliament. The article also posits that the above policies and changes in government have, respectively, adversely affected the economic interests of the elite in the opposition – primarily those who belong to Kenya's old independence elite – and the masses, leading to protests held against the incumbent regime from March to April 2023. It further observes

that the new regime has used Christian ideology, evangelical churches and the rule of law as a means of legitimizing its position.

We conclude our account of William Ruto's first eight months of in power by assessing foreign policy shifts to clarify the role Kenya is expected to play within the East African region as well as in international diplomacy over the next five years. It is our argument that these changes have been mostly informed by the administration's economic recovery agenda. Beyond the general continuity of the country's historically pragmatic approach in foreign policy, we also demonstrate that the new ruling elite's interests are playing a major role in driving these changes.

# Résumé

Cette étude vise à mettre en évidence comment et pourquoi William Ruto a remporté les élections présidentielles de 2022 face à Raila Odinga, en se concentrant sur sa stratégie politique avant, pendant et après la campagne. Les élections de 2022 se sont déroulées dans un contexte politique sans précédent. Pour la première fois dans l'histoire du Kenya, un candidat à la présidence a remporté une élection sans le soutien du président sortant et de l'appareil d'État. Cette étude examine en détail le succès relatif du récit populiste de Ruto, qui a permis de remettre l'économie et un électorat plus vulnérable – les « débrouillards » kenyans – au cœur de la politique kenyane. Il met également l'accent sur les nouveaux alignements politiques et ethniques qui ont permis sa victoire ainsi que ceux survenus à la suite de son accession au pouvoir, en se concentrant sur les luttes entre élites qui ont accompagné sa campagne. Il examine également les stratégies de consolidation du pouvoir du nouveau régime dans les sphères nationale, régionale et internationale.

La première partie de cette étude explicite le succès de la campagne de Ruto en faveur des « débrouillards », dont le message était celui d'une « amélioration économique » pour les « débrouillards » kenyans, en d'autres termes, pour les classes populaires composées de petits agriculteurs et de commerçants. Cette section analyse la campagne politique menée par les deux camps sous cet angle, en s'interrogeant sur les facteurs qui ont favorisé la victoire de Ruto. Nous y démontrons l'efficacité de ce discours en faveur des débrouillards (ou « hustler narrative ») a résidé dans la capacité d'une « nouvelle élite » à se présenter comme issue des rangs des masses kenyanes et en phase avec leurs intérêts, tout en dépeignant ses adversaires comme une « vieille élite » dynastique, responsable des difficultés économiques des Kenyans et éloignée de leurs luttes. L'utilisation par Ruto du christianisme évangélique pour légitimer sa rhétorique lors de sa campagne et son recours notable aux églises évangéliques comme moyen alternatif de patronage témoignent de cette stratégie. Bien que l'économie ait été au cœur de la campagne, la politique ethnique a continué de jouer un rôle de premier plan dans ces élections, comme le souligne le choix effectué par les deux candidats à la présidence de nommer des colistiers d'origine kikuyu.

La deuxième partie de l'étude se concentre sur les huit premiers mois au pouvoir de William Ruto et de sa coalition Kenya Kwanza. Nous soutenons que malgré ses promesses de changer la culture politique, les liens de loyauté et de patronage ont façonné son entourage politique. Les nouveaux fonctionnaires de l'administration servent de canaux de distribution du patronage d'État aux masses, une tactique que le régime a

également utilisée pour obtenir une nette majorité au Parlement. L'étude postule également que les politiques susmentionnées et les changements de gouvernement ont, respectivement, affecté négativement les intérêts économiques du leadership de l'opposition – principalement l'ancienne élite qui domine le paysage politique depuis l'indépendance du Kenya – et des masses, ce qui a conduit à des manifestations contre le régime de mars à avril 2023. Nous observons également que le nouveau régime a mobilisé l'idéologie chrétienne, les églises évangéliques et l'État de droit afin de légitimer sa position.

Nous concluons par le bilan des huit premiers mois de William Ruto au pouvoir en évaluant les changements qu'il a entamé en matière de politique étrangère, afin de clarifier le rôle que le Kenya est censé jouer dans la région de l'Afrique de l'Est ainsi que dans la diplomatie internationale au cours des cinq prochaines années. Nous postulons que ces changements ont été principalement influencés par le program de redressement économique auquel doit faire face la nouvelle administration. Nous soulignons la continuité d'une approche pragmatique, d'un régime à l'autre, de la politique étrangère kenyane, tout en démontrant comment les intérêts de la nouvelle élite au pouvoir jouent un rôle majeur dans ces changements.

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# Introduction

This paper emphasizes how William Ruto won the 2022 presidential elections by focusing on his political strategy before, during and after the campaign. It discusses in detail the relative success of its populist narrative in putting the economy and a more vulnerable electorate – the Kenyan “hustlers” – back at the heart of Kenyan politics. It also emphasizes the new political and ethnic alignments that have enabled and followed this win, with a focus on the intra-elite struggles that have occurred since he started campaigning.

The 2022 electoral contests have taken place in an unprecedented political setting: since the reintroduction of multiparty politics in Kenya in 1992, all General Elections have had a frontrunner presidential candidate from the Kikuyu community. For the first time in three decades, two politicians – William Ruto and Raila Odinga – from the Kalenjin and the Luo communities respectively, emerged as the strongest presidential candidates. 55-year-old Ruto is a younger politician who served as President Uhuru Kenyatta’s Deputy for two consecutive terms since 2013. He was vying for the first time for the presidency on a United Democratic Alliance (UDA) ticket, a partner party of the Kenya Kwanza (Kenya First) Coalition. 78-year-old Raila Odinga is a veteran statesman who has previously served as Prime Minister (2008-2013) and has been close to the then incumbent president Uhuru Kenyatta since 2018. On his fifth – and maybe last – attempt to win the presidency, he had been running under an Azimio La Umoja One Kenya Party Coalition ticket, which brought together his Orange Democratic Party (ODM) and Uhuru Kenyatta’s Jubilee Party, among others.

On September 5, 2022, the Supreme Court of Kenya put an end to the disputed presidential elections by validating the electoral win of William Ruto who garnered 50.49% of the vote, against 48.79% for Raila Odinga. Since 1992, most of the electoral contests for the presidency have demonstrated that the backing of state machinery and support from the dominant economic elite are critical for a candidate to win the presidency. His victory therefore raises a crucial and original question: how was Ruto able to defeat a candidate backed by the incumbent President? What are the conditions which made this victory possible?

Given that William Ruto had the support of neither in the 2022 election, it is important to make sense of his victory which was enabled by the popularity of a populist “hustler narrative” and the disorganization of his competitors. How instrumental was the hustler narrative in Ruto’s win and does it inform the policies of Ruto and the Kenya Kwanza elites who

took power in 2022? How will the President-elect and a rather divided elite organize a “new” administration in charge of implementing a program which has created high expectations?

The first part of this article delves into the appeal of the “hustler narrative” whose message was one of “economic upliftment” for Kenya’s “hustlers” – the working classes comprising small-scale farmers and petty traders. It argues that the effectiveness of the “hustler narrative” lay in the ability of a “new elite” to present itself as ascendant from the ranks of the Kenyan masses and in touch with their interests, while portraying its opponents as a dynastic “old elite” responsible for Kenyans’ economic woes and far removed from their struggles. The class interests of this “new elite” are not fundamentally different from that of the “old elite” they departed from. Ruto’s use of evangelical Christianity to legitimize his rhetoric in his campaign testifies to this continuity, but his peculiar notable recourse to evangelical churches as an alternative means of patronage is innovative. Despite the economy being at the core of the campaign, ethnic politics still played a crucial role in these elections, as evidenced by the choice of Kikuyu running mates by the two presidential candidates. It is important to note that Ruto’s “economic upliftment” – sold by his camp as an “economic liberation” of Kenyans – was not a radical call for redistribution. Rather than the overhaul of an already unequal economic system, Kenya Kwanza’s campaign message of economic empowerment called for economic reform within it if Ruto and its leaders were elected to office.

The second part of the article focuses on the first eight months in power of William Ruto and the Kenya Kwanza coalition. We argue that despite his promises of change in political culture, ties of loyalty and patronage have been the main basis of Ruto’s political entourage. The new administration has been formed by appointing politicians and leaders who supported Kenya Kwanza to government positions, most of whom are from the coalition’s key ethno-political bases (Rift Valley and Central regions) while including fewer supporters from other regions (North Eastern Kenya) and the opposition’s base (Western Kenya region, Coast). In the process, William Ruto has replaced most of the top officials who were loyal to his predecessor Uhuru Kenyatta. These appointments are also informed by the need to ensure that the regions that the coalition got the most votes from (Rift Valley and Central Kenya) feel included in the new regime. We also argue that against the backdrop of profligacy and the rewarding of political supporters, the new administration is using an admixture of austerity measures and interventions in business to implement its promised program of economic empowerment and the ending of state capture – which it accused the previous President and its allies of perpetuating. The new administration officials are serving as channels of state patronage to the masses, a tactic that the regime has also used to gain a clear majority in the country’s parliament. The article also posits that the above policies and changes in government have, respectively, adversely affected the economic

interests of the elite in the opposition – primarily those who belong to Kenya's old independence elite – and the masses, leading to protests held against the incumbent regime from March to April 2023. It further observes that the new regime has used Christian ideology, evangelical churches and the rule of law as a means of legitimizing its position.

We conclude our account of William Ruto's first eight months of in power by assessing his government's foreign policy shifts in an attempt to clarify the role Kenya is expected to play within the East African region as well as in international diplomacy over the next five years. It is our argument that these changes in foreign policy have been mostly informed by the administration's economic recovery agenda. Beyond the general continuity of the country's historically pragmatic approach in foreign policy, we also demonstrate that the new ruling elite's interests are playing a major role in driving these changes.

# Kenya's 2022 elections

Kenyan elections are often read through the prism of recurrent ethnic-based violence and antagonisms. This can be explained by the fact that Kenyan politics has since independence been characterized by ethnic tensions between three of the larger ethnic groups (Kikuyu, Luo and Kalenjin). However, ethnic alliances within parties and coalitions are relatively flexible depending on the context of each election – e.g. Kenyatta and Ruto's "alliance of the accused" win in the 2013 elections neutralized the International Criminal Court (ICC) accusations made against them. The 2022 election campaign reinforces this argument as it was largely shaped by political and economic trends – the increase of public debt, the impoverishment of youth, the takeover of the State by the elites and its extraversion – that have particularly intensified in the last decade. Without excluding the ethnic factor, this first section examines the translation of these issues into the forming of pre-electoral alliances and a populist narrative embodied by William Ruto and a specific section of the elite who have rallied around owing to his ambivalent positioning as the candidate of the "hustlers". This section also investigates how Ruto's victory became possible given that his rival, Raila Odinga, enjoyed the support of the then incumbent administration which deployed state machinery in his support. We argue that Ruto's victory was informed by the popularity of a populist "hustler narrative" and the disorganization of his competitors.

## The making of pre-electoral alliances

The Independent Electoral Boundaries Commission (IEBC) had set May 29, 2022 as the official beginning of the electoral campaign. However, campaigns had virtually begun in earnest in 2018 with an important episode: a highly publicized gentleman's agreement between opposition leader Raila Odinga and President Uhuru Kenyatta.

Dubbed "the handshake", the agreement set in motion alignments and realignments within Kenya's political landscape after months of tension that followed the opposition's election boycott in 2017.<sup>2</sup> Raila Odinga, hitherto the chief critic of the Jubilee regime, became its defender while William Ruto, the regime's Deputy President, became a critic of the handshake, framing it as an attempt to maintain power for within Kenya's dynastic class – a reference to Raila Odinga and Uhuru Kenyatta's pedigree;

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2. "Kenyatta Sworn in after Months of Tensions in Kenya", France 24, November 28, 2017, available at: [www.france24.com](http://www.france24.com).

both men are the sons of Kenya's first Vice-President and first President respectively. This later laid the groundwork for political rhetoric presenting the "hustlers" as an alternative force to the "dynasties" that was used especially during political campaigns over the next few years.

As part of this symbolic "handshake", both antagonists agreed on the implementation of the Building Bridges Initiative (BBI) which included a "comprehensive reform process"<sup>3</sup> that called for a referendum in accordance with the Kenya constitution, that was perceived as a new power-sharing mechanism serving the interests of the elites. At a time when Kenya, saddled with enormous foreign debt, was experiencing inflation and a high cost of living, the two leaders behind the initiative were viewed as selfish and out of touch with the plight of the masses – a mood the then Deputy President capitalized on while rallying the Kenyan public against the initiative. Public discontent was further amplified by the suffering and diminishing fortunes of Kenyans in the wake of travel restrictions and curfews ordered by the government amidst the global Covid-19 pandemic between 2020 and 2021.

## Ruto's campaign: The "hustlers" vs. the "dynasties"

After the handshake, politicians started taking part in rallies and public meetings to galvanize their supporters against or in favor of Odinga and Kenyatta's entente and the BBI. The plebiscite's failure to take off ushered in realignments which ultimately served as a boon to William Ruto. His newly formed party – United Democratic Alliance (UDA) – campaigned for the economic empowerment of Kenya's "hustlers" – small-scale informal traders whose livelihoods were adversely affected by an increasingly high cost of living. By portraying himself as one of the "hustlers" (a self-made man born poor) with no notable pedigree, unlike his opponents,<sup>4</sup> the Deputy President was able to endear himself to the Kenyan public. This plebeian image he presented, however, was a well-thought-out political strategy. The defense of the hustlers' interests contrasted with his status as an elected politician who had served in different capacities under the Kenyan government for over two decades.<sup>5</sup> The considerable wealth he had acquired for himself and the manner in which he obtained it, and therefore the ambiguity of his political positioning, became a question of public debate. This ambiguity and his positioning also contributed to his political

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3. Republic of Kenya, Report of the Steering Committee on the Implementation of the Building Bridges to a United Kenya Taskforce Report, October 2020.

4. See N. Michalon, "President Ruto Grapples to Assert Power in the Face of Kenyatta Clans' Wealth and Moi Family's Prestige", Africa Intelligence, February 13, 2023, available at: [www.africaintelligence.com](http://www.africaintelligence.com).

5. Ruto was a KANU youth-winger who climbed the ladder during Moi's regime and has been involved in politics since the 1980's. See C. Baraka, "The Political Education of William Ruto", *The New York Review of Books*, March 2023.

legitimacy as it embodied the hopes of a constituency of “hustlers” among the electorate that he managed to galvanize during his campaign. Senior politicians such as Musalia Mudavadi of the Amani National Congress (ANC) and Moses Wetangula of Forum for Restoration of Democracy Kenya (FORD-Kenya) later joined the Deputy President with his party to form the Kenya Kwanza Coalition.

The Azimio La Umoja (Declaration of Unity) One Kenya coalition party chaired by President Uhuru Kenyatta was formed shortly after the formation of the Kenya Kwanza coalition. It comprised over twenty political parties and later merged with another coalition – One Kenya Alliance – to be renamed Azimio La Umoja One Kenya Coalition party. Raila Odinga was nominated as the coalition’s running mate. While some of his subordinates described his win as imminent because of Uhuru Kenyatta’s support, Kenya Kwanza leaders depicted him as a candidate imposed by the establishment on the Kenyans. Incumbent and former governors such as Alfred Mutua (Machakos County, Maendeleo Chap Chap party), Amason Kingi (Kilifi County, Pamoja Alliance) and Mike Sonko (Nairobi County, former member Wiper Party) attributed this elite arrangement as well as the high cost of living<sup>6</sup> to the “handshake” agreement and defected to the Kenya Kwanza coalition months before the election. They cited their frustration over the sharing of political seats<sup>7</sup> and political zoning<sup>8</sup> of the coalition parties with the Azimio La Umoja One Kenya Coalition Party leadership as the reason behind their decision.

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6. Prices of essential commodities such as flour and cooking oil and gas soared months to the 2022 election just as was the case in 2017. Annual inflation hit 7.9% in June 2022, with the cost of food rising by 13.8% during the same period, according to the Kenya National Bureau of Statistics.

7. C. Omulo, “Alfred Mutua: I Now Pledge my Loyalty to DP Ruto,” *Daily Nation*, May 9, 2022, available at: <https://nation.africa>.

8. M. Ongala, “Amazon Kingi’s PAA Party Leaves Azimio for Kenya Kwanza”, *Daily Nation*, May 9, 2022, available at: <https://nation.africa>.

## Kenyan leaders and their political camps from one election to the next (2017-2022)

Year of creation	2017		2022	
<b>Party/Coalition</b>	<b>Jubilee Party</b>	<b>National Super Alliance (NASA)</b>	<b>Kenya Kwanza Coalition</b>	<b>Azimio la Umoja One Kenya Coalition</b>
<b>Presidential candidate/Running mate</b>	Uhuru Kenyatta William Ruto	Raila Odinga Kalonzo Musyoka	William Ruto Rigathi Gachagua	Raila Odinga Martha Karua
<b>Coalition parties/Affiliate Parties</b>	Maendeleo chap Chap (MCC), Narc Kenya (NARC-K), Party of National Unity (PNU), Kenya African National Union (KANU)	Orange Democratic Movement (ODM), Wiper Democratic Movement, Forum for the Restoration of Democracy Kenya (FORD Kenya), Chama Cha Mashinani (CCM), National Rainbow Coalition, Progressive Party of Kenya, Chama Cha Uzalendo (CCU), Muungano Party (MP)	United Democratic Alliance (UDA), Amani National Congress (ANC), Forum for Restoration of Democracy Kenya (FORD-Kenya), Democratic Party (DP), Chama Cha Kazi. The Communist Party of Kenya, The Service Party, Tujibebe Party, The Farmers Party, Devolution Party of Kenya, Economic Freedom Party, Umoja na Maendeleo Party	Jubilee Party (JP), Orange Democratic Movement (ODM), Wiper Democratic Movement (WDM), Kenya African Union (KANU), National Rainbow Coalition, National Alliance Rainbow, Muungano Party, Maendeleo Chap Chap, Democratic Action Party-Kenya, Devolution Empowerment Party (DEP), United Party of Independent Alliance (UPIA) United Democratic Movement (UDM), United Progressive Alliance (UPA), Pamoja African Alliance, Kenya Union Party (KUP), United Democratic Party (UDP), Movement for Democracy and Growth (MDG), Kenya Reform Party (KRP), Chama Cha Uzalendo (CCU), Party for peace and Democracy (PPD), National Liberal Party (NLP), People's Trust Party (PTP), Ubuntu People's Forum (UPF).
<b>Status after Elections</b>	Won election to form government.	Lost election, later Raila Odinga (ODM) and Uhuru Kenyatta closed ranks	Won election to form government.	Lost election, member parties such as MCC and PAA left the Azimio Coalition to join the Kenya Kwanza Coalition before the election. They were joined by parties such as DEP, UDM, MDG, KUP and Muungano Party after the election.

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Another battleground of Ruto's campaign played a significant role in shaping political camps along religious lines. Continuing with his frequent visits and participation in fundraisers in Central Kenya that he started while Deputy President,<sup>9</sup> William Ruto made the institution of the Church his focal point for his 2022 campaign donations. This can be read as an attempt by Ruto to cultivate the support of the institution and its faithful in the face of the threat posed to him by Uhuru Kenyatta's support for Raila Odinga.

The source of Ruto's donations, given his disproportionately low salary, were linked by his political rivals to proceeds from corruption. Although churches such as the Anglican Church and Catholic Church later banned cash donations from politicians, the defense of Ruto for his donations by Embu diocese Bishop Paul Kariuki was an indication of split loyalties within Christian churches and Ruto's growing political

9. W. Ndungu, "Deputy President William Ruto's Central Kenya Trips Raise Eyebrows", *The Sunday Standard*, 2015, available at: [www.standardmedia.co.ke](http://www.standardmedia.co.ke).

legitimacy.<sup>10</sup> The mobilizing force impact of the corruption allegations appeared to be weak as Ruto's and Uhuru-Raila's camp were both seen as corrupt, but Ruto was perceived as more generous than Uhuru and Raila.<sup>11</sup> Ruto's charity marked him out as a strident supporter of the church and a politician doing the Lord's work. Another feature of the campaign was religiosity. Besides greetings, the Kenya Kwanza leaders engaged their supporters in Christian chants at the beginning of their campaign rallies. In addition, William Ruto's frequent quotation of Psalms 113: 7 – 8, which spoke of the Lord's elevation of the poor to "sit at the same table as the rich and the rulers", sought to legitimize his "bottom up" economic model.<sup>12</sup> Furthermore, quoting Psalms 20:7, he framed his rivalry with the "deep state" establishment as a battle between him, an underdog believing in a divine power, and "big men".<sup>13</sup> His consistent visibility in the church alongside other Kenya Kwanza allies also gave him an edge compared to his competitors who were not as visible on the same platform.

**One of Ruto's party UDA Headquarters in Nandi County, with the "Bottom-Up" motto visible on the right side, and the "Hustler's office" on the left. Another slogan of the party, "Kazi ni Kazi", which means "Work is Work" in Kiswahili, is also painted on the wall. Nandi Hills, Kenya, August 2022.**



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10. "Catholic Bishop Paul Kariuki Backs Tanga Tanga Team", Citizen TV Kenya, September 22, 2019, available at: [www.youtube.com](http://www.youtube.com).

11. P. Leftie, "Ruto the Son of a Pauper Who Is Too Generous with Money", July 3, 2020, *Nation*, available at: <https://nation.africa>.

12. Citizen TV Kenya, <https://web.facebook.com>.

13. "Wengine wanategemea system na deep state," K24TV, June 12, 2022, available at: [www.youtube.com](http://www.youtube.com).



## Economy first, ethnicity second?

The pre-eminence of the economic arguments in the 2022 campaign have led major analysts to depict the diminishing mobilizing power of ethnicity in this election.<sup>14</sup> This fairly innovative view draws on the context in which the elections took place – from the handshake's promises to the disruptions caused by the Covid-19 crisis – positing that Kenyans would vote for the economy and social justice first. Despite the introduction of devolution in 2013, voting patterns based on ethnic considerations remain very common in the presidential election. This is particularly strong in cosmopolitan counties and in constituencies where political divisions are aligned with sub-ethnic divisions – for instance, at the clan level. If the logic of political representation cannot be totally disconnected from ethnic affiliations, the opposite is also true: the parties' assemblage and the candidate's party (dis)alignment are crucial to determine where and how ethnic divisions are politicized during elections.<sup>15</sup>

Unlike previous electoral contests since the reintroduction of multiparty politics, the 2022 general elections had no frontrunner presidential candidate from the Kikuyu community. This extraordinary situation led the two presidential candidates to pick a Kikuyu running mate, which could speak to the interests of a section of the Kikuyu elite and the voters.<sup>16</sup> The nomination of the presidential candidate's running mates was therefore a significant development, and particularly for the Azimio Coalition. The pair of Raila Odinga and Martha Karua gelled well given their active involvement in the country's struggle for multiparty democracy in the 1980s and early 1990s. In addition, the strategists of Azimio thought the choice of Martha Karua would appeal to many Kenyans on account of her gender as well as her comparatively "clean" record in government. By contrast, the nomination of Rigathi Gachagua as William Ruto's candidate for Deputy President, was not as inspiring given his implications in various corruption and money laundering scandals. Both running mates hailed from the Kikuyu community, indicating consideration of the importance of the Mount Kenya voting bloc whose numbers (5.7 million) could swing the election.<sup>17</sup>

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14. G. Lynch, "Kenya Elections Are Proof of Change Since 2007 Violence but more Reform Is Needed", *The Conversation*, September 6, 2023, available at: <https://theconversation.com>.

15. E. Gadjanova, "Status-quo or Grievance Coalitions: The Logic of Cross-ethnic Campaign Appeals in Africa's Highly Diverse States", *Comparative Political Studies*, Vol. 54, No. n° 3-4, 2021, pp. 652-685, available at: <https://doi.org>.

16. Running mates are known to influence voters of their ethnic groups and/or region and are seen as the heirs of their presidential candidate and presidents-to-be. Once elected, they are often given the position of Deputy President, which makes them the principal assistant to the President who can deputize for him.

17. This bloc, widely regarded as a political monolith, includes the Meru and Embu communities who are considered "ethnic cousins" of the Kikuyu. See M. Kamencu, "How Ruto Won", *The Continent*, No. 96, August 20, 2022, p. 18.

The campaign and election results were surprising and counter-intuitive compared to previous elections. Central Kenya particularly reflects the complexity of the political alliances and strategies of the main candidates: as a region primarily dominated by Uhuru's Kikuyu co-ethnics, the Deputy President Ruto and his allies in the region spent more time campaigning against the president in office.<sup>18</sup> They highlighted Uhuru's dismal record as President, the wealth accumulated for his family businesses at the expense of the taxpayers including the Kikuyu whose livelihoods as primarily business people had been affected. Ruto's allies in the region also insisted on Uhuru's betrayal: prior to their falling out, Uhuru had pledged to support Ruto for President in 2022 in the same way Ruto had supported him in 2013 and 2017. The implication of this was that Ruto would then benefitted from the support that Uhuru had among the Mount Kenya communities – the Embu, Meru and the Kikuyu. Azimio's national reconciliation narrative was not very popular in the Central region, that followed the Kenya Kwanza camp in portraying Raila Odinga as a “project” of Uhuru Kenyatta. Uhuru's attempt to sell Raila Odinga to the leaders and voters of the area was largely unsuccessful given that he had spent the better part of his presidency portraying Raila as a “bogeyman”. His about-face was consequently viewed as disingenuous; his support for Raila's candidature was perceived to be motivated by the need to secure the economic interests of his family. Another historical and less visible factor that mitigated against Raila's bid in the region is the historical disdain felt by Mount Kenya communities towards Raila's Luo community, cultivated by the colonial administration as well as by many post-independence regimes – including Uhuru's administration.<sup>19</sup>

As the August 2022 elections approached, some of the messaging – particularly that of the Azimio La Umoja Coalition – changed noticeably. The Azimio Coalition had previously campaigned on a platform of national unity but later in their campaigns promised to turn the economy around and introduce social and economic welfare programs – such as “Baba Care”<sup>20</sup> health insurance, stipends for poor families and free secondary school education. This shift can be explained by the need for the coalition to align with Ruto's hustler appeal in an attempt to win more votes – including those of the Mount Kenya regions. The Kenya Kwanza coalition, on the other hand, promoted economic empowerment and pledged to free the economy from the Kenyatta family's stranglehold on various sectors of

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18. Central Kenya Results, Kiambu County: William Ruto 606,429 – Raila Odinga 210,580; Murang'a County: William Ruto 343,349 – Raila Odinga 73,526; Nyandarua County: William Ruto 189,519 – Raila Odinga: 49,228; Nyeri County: William Ruto 272,507 – Raila Odinga 52,052; Kirinyaga County: William Ruto 220,984 – Raila Odinga 37,909.

19. Three out of Kenya's five Presidents were Kikuyu, one of the communities from the Mount Kenya region. Since the return of multiparty politics in 1992, two of these presidents – Mwai Kibaki and Uhuru Kenyatta – relied on the Embu, Meru and Kikuyu voting base for their (re)election.

20. “Baba” meaning “Father” in Kiswahili and is Raila Odinga's nickname.

the economy. Some of the family's business interests that had been secured and or expanded under Kenyatta's reign included: a milk processing company known to buy milk from farmers at low prices, a banking company which served as a banker for the country's main telco operator which offered loans at high interest rates to Kenyans as well as the transfer of the country's main port in Mombasa city to an inland port located on Kenyatta's family land in Naivasha.<sup>21</sup>

## Peaceful voting, tense tallying

On August 9, 2022, approximately 22.1 million Kenyans were expected to vote.<sup>22</sup> The voting took place quietly and peacefully. Parties and candidates – including those without a party affiliation – had their agents in most polling centers, while national and international bodies observed the election. IEBC managed to administer the elections using controversial biometric machines to identify voters.<sup>23</sup> However, the misuse of digital electoral technologies and actors was less at the core of Raila Odinga's campaign than it had been in 2017.<sup>24</sup>

Despite visible support shown by Kenyans for both political camps in terms of attendance at the campaign rallies, a low voter registration rate was announced by IEBC. A low voter turnout of 65.4% was observed in the polling centers: it was substantially lower than that of the 2017 elections (79.5%). Abstention was particularly prevalent among the youth – despite representing 75% of the country's population they comprised 39.8% of the voters.<sup>25</sup> This abstention can imply apathy but has interestingly been analyzed as a deliberate way not to take part in an electoral masquerade.<sup>26</sup> It also reflects the disorganized campaign run by Raila Odinga's camp<sup>27</sup>.

Ruto got the support of the Mount Kenya region and his Rift Valley base, with over 70% of the vote in Kalenjin-dominated counties such as Uasin Gishu (78%) – where he was previously an MP for Eldoret North – Nandi

21. N. Cheeseman and M. Kamencu, "The Battle for Central: Ethnicity, Insurgent Citizenship and Issue Voting in Kenya's 2022 General Election," *Journal of Eastern Africa Studies*. [upcoming publication]

22. Since the 2013 elections and the implementation of devolution, Kenyans vote for six elective positions in one day: President, Governor, Senator, Women representative, Member of Parliament and member of County Assembly.

23. The 2016 Kenyan Electoral Law provided for the use of technology in a bid to remedy electoral deficiencies in three key electoral processes: voter registration, voter verification, and the transmission of results.

24. C. Passanti and M.-E. Pommerolle, "The (Un)making of Electoral Transparency Through Technology: The 2017 Kenyan Presidential Election Controversy." *Social Studies of Science*, Vol. 52, No. 6, 2022, pp. 928-953, available at: <https://doi.org>.

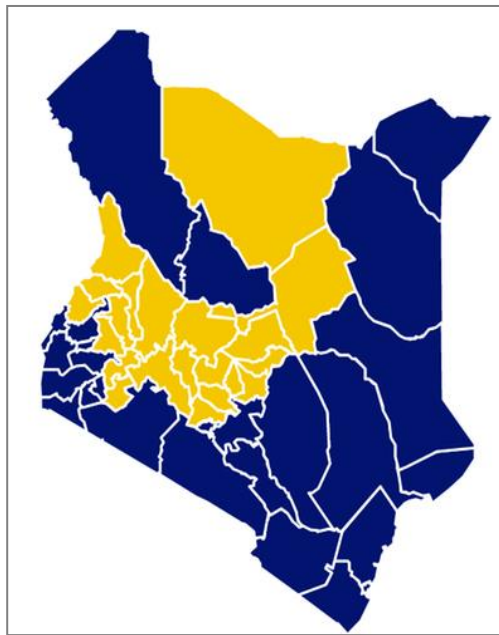
25. V. Abuso, "How Will the Low Number of Young Voters Play Out in August?," *The Africa Report*, June 23, 2022, available at: [www.theafricareport.com](http://www.theafricareport.com).

26. Z. Essa, "Voter Apathy Among the Youth Is Not a Sign of Political Apathy," *The Elephant*, August 26, 2022, available at: [www.theelephant.info](http://www.theelephant.info).

27. M. Simiyu, "Revealed: How Top CS, PS and Raila Aide Bungled Azimio's Election Plan", *Nation*, September 21, 2022, available at: <https://nation.africa> <https://ntvkenya.co.ke>.

(89,6%), Kericho (95%) and Bomet (95,2%), while Raila obtained the similar support in his strongholds in Western Kenya (Kisumu, Siaya, Homa Bay, Migori counties) and the coastal region. The map below shows the counties where Raila Odinga's Azimio Blue and William Ruto's Kenya Kwanza Yellow were leading in the vote count announced on the 15<sup>th</sup> of August.

**The 2022 election results:  
Kenya divided along blue (Azimio) and yellow (UDA) lines**



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Ruto's victory, with 233,211 votes more than Odinga, evidenced the neck-to-neck competition between the two candidates. While there have been cases of election-related violence in most previous elections in Kenya – particularly when it looked like a tight race –, widespread violence did not erupt this time. The violence was, for the most part, concentrated at the Bomas of Kenya tallying center and happened solely among political elites. This ties in with our argument that these elections are particularly indicative of intra-elite struggles and political changeover.<sup>28</sup> Chaos erupted at the national tallying center located at Bomas of Kenya, Nairobi, on the night of August 13, after political tensions built up during the six days of the vote tallying and vote counting exercises. These tensions were exacerbated by the Kenyan media, which displayed inconsistent interim tallies of the results of the presidential election. There were several clashes between Azimio coalition's agents and politicians with IEBC officials and members of Kenyan security forces that led to the exclusion of a number of Azimio's leaders and party representatives from the tallying process.

28. Notably Raila Odinga's chief agent, Saitabao Ole Kanchory, who clashed with the police that had denied him access to the tallying area.

## The contestation of results by Raila's camp

Soon after the announcement of the results, political conflicts resumed between the two camps. Once again in 2022, Raila Odinga alongside civil society actors challenged the results right from their announcement, raising doubts about the credibility of the election as well as the neutrality of the electoral commission. With support from Uhuru Kenyatta and the State machinery, Raila Odinga had seemed like a shoo-in with opinion polls predicting a win for him<sup>29</sup> – even though opinion polls in Kenya have been proven wrong before.<sup>30</sup> But this time, Kenyans seem to be exhausted by the long campaign and more indifferent to the candidate's claims. Led by IEBC Vice Chairperson Juliana Cherera, four IEBC commissioners addressed the press on August 15-16, stating that they could not “take ownership of the results”.<sup>31</sup> This decision, they argued, was informed by the opaque nature with which the election results had been handled by the IEBC Chairman Wafula Chebukati.<sup>32</sup>

Alongside his running mate Martha Karua, Raila announced his intention to submit a petition filed under Azimio's name. It was presented to the Supreme Court on August 22<sup>th</sup>. In the meantime, Ruto was strengthened by several defections of elected politicians in favor of Kenya Kwanza: 10 independent candidates joined him on August 17<sup>th</sup>, and the United Democratic Movement (UDM) party left Azimio for Kenya Kwanza on August 18<sup>th</sup>, taking with it 45 elected politicians (including two governors, two senators and 7 members of parliament). The main concern it raised was about the voting process: forms 34A were changed on the IEBC portal by hackers associated with Ruto and votes were added to the presidential ballots in certain constituencies.<sup>33</sup> Claims were also made regarding the validity of the final results, which were declared before all 34A forms<sup>34</sup> were “received, uploaded and made publicly available for

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29. A. Silas, “Raila Leads Ruto in Latest Tifa Opinion poll”, *Daily Nation*, July 29, 2022, available at: <https://nation.africa>.

30. T. Wolf, “Why Opinion Polls May Not Always Predict Election Outcomes in Kenya”, *The Elephant*, May 14, 2022, [www.theelephant.info](http://www.theelephant.info).

31. “Four Commissioners Distance Themselves from Results,” Citizen TV Kenya, August 16, 2022, available at: [www.youtube.com](http://www.youtube.com).

32. They pointed out that the total tally surpassed 100% of the valid votes cast by 0.01 %, a figure they alleged would make a significant difference to the final results.

33. An accusation that was raised by Raila's camp in the aftermath of the 2017 elections followed by the Cambridge Analytica scandal in 2018. In February 2023, unchecked revelations were made about the meddling of an Israeli team of Hackers known as “Team Jorge” in the 2022 Kenyan elections, among others.

34. Form 34 A is the form filled in by a Presiding Officer at a polling station, used to tabulate the results of the presidential election.

scrutiny”.<sup>35</sup> Azimio aligned behind a reading of the Constitution’s ambivalent “50% +1” rule,<sup>36</sup> stating that Ruto failed to secure a first-round victory since he did not attain 51% of the total votes and adding that when manual votes are included, Ruto had only secured 49.997% of the popular vote. The Alliance leaders also affirmed that the postponing of the gubernatorial races in Kakamega and Mombasa was done on purpose, with the “ulterior motive” of reducing turnout in Raila Odinga’s strongholds.

**Raila Odinga (on the right) and his co-petitioner Martha Karua (on the left) submit their petition with a box of evidence to challenge the presidential elections results to the Supreme Court on August 22, 2022.**



© Richard Munguti, Nation Media Group.

On September 5, William Ruto’s victory was unanimously upheld by the Supreme Court. Ruto had been confident throughout the judicial process. Despite his record of threatening Supreme Court judges in 2017,<sup>37</sup> he praised the judiciary for upholding the “will of the people”. His address after the ruling was peppered with sarcasm and indirect references to Raila Odinga and Uhuru Kenyatta – he said that his government would look after them in

35. Azimio Press briefing, see “Raila: We Reject Presidential Results”, *Daily Nation*, August 16, 2022, available at: <https://nation.africa>.

36. Article 138 (4) of the Constitution dictates that the presidential winner must have garnered 50% of the total votes plus one more vote. The candidate must also have attained a 25% win in the majority of the counties.

37. “Kenya President, Deputy Hit Out at Supreme Court”, *The East African*, September 2, 2017, available at: [www.theeastafrican.co.ke](http://www.theeastafrican.co.ke).

retirement,<sup>38</sup> a statement that somehow successfully concluded his campaign with references to the “dynasties” retiring from politics.

In response to the ruling, Uhuru Kenyatta expressed his misgivings about the Supreme Court ruling while congratulating all leaders who had been elected in the general elections, without mentioning William Ruto by name. Raila Odinga and Martha Karua said that they respected the Court's ruling although “they vehemently disagreed with their decision”.<sup>39</sup> Their declaration put an end to the fear of violence and riots that might have taken place throughout the country for some time – until Raila's call for demonstrations in March 2023.

It is important to note that Kenya's institutions – particularly the electoral commission and the Supreme Court – have matured and gained a modicum of credibility over time. In the case of the electoral commission, a 2017 ruling by the Supreme Court determined that election results at the polling station were final and could not be altered. This set a precedent for the commission to carry out its work. This ruling also provided a basis for the Supreme Court ruling to nullify the 2017 presidential elections<sup>40</sup> and to uphold William Ruto's victory in 2022.<sup>41</sup> The Supreme Court's nullification of the 2017 presidential elections whose results favored the then incumbent president demonstrated that the institution was not an appendage of the executive – a departure from 2007 when the opposition refused to seek judicial redress.<sup>42</sup> Although some of the leaders of the Azimio Coalition criticized the ruling, its commitment to follow due process demonstrates a level of credibility of Kenya's institutions. They, however, revisited the issue of electoral justice months later in their demonstrations against the new regime.

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38. J. Mueni, “President-Elect Ruto Says He Will Respect Outgoing President Kenyatta in Retirement”, Capital News, September 5, 2022, available at: [www.capitalfm.co.ke](http://www.capitalfm.co.ke).

39. “Raila: I Respect Supreme Court Ruling Although I Vehemently Disagree”, Citizen Digital, September 5, 2022, available at: [www.citizen.digital](http://www.citizen.digital).

40. The IEBC chair ignored results from a polling station.

41. M. Kimotho, “Maina Kiai: The Man Whose Case Has Swayed Presidential Petitions,” NTV Kenya, September 6, 2022, available at: <https://ntvkenya.co.ke>.

42. “Kenya's Kibaki Says Courts Must Settle Dispute,” Reuters, February 1, 2008, available at: [www.reuters.com](http://www.reuters.com).

# Kenya Kwanza in power

There is a class distinction between the top leadership of the Kenya Kwanza and the Azimio coalitions. The former is largely a newer ascendant political elite<sup>43</sup> with relatively newfound wealth while the latter has two components – a more powerful aristocratic elite<sup>44</sup> supported by a less economically strong class of leaders<sup>45</sup> of different ages. The wealth of the aristocratic elite is generational; amassed before and since the independence years with a section of it – particularly that of the Kenyatta family – undergoing significant expansion during Uhuru Kenyatta’s tenure as President. The protection of the business interests of the Kenyatta family has been cited as one of the reasons why the outgoing President did not endorse his former deputy; his family suspected that Ruto would destroy the family business once elected.<sup>46</sup>

The victory of William Ruto in the 2022 elections had major implications with regard to administrative continuity in Kenya given that many top officials of the outgoing administration supported his rival, Raila Odinga. In addition, several officials who served in positions in the country’s internal security apparatus took charge of the harassment of Kenya Kwanza leaders in the run up to the 2022 general election.<sup>47</sup> It is also important to mention that Kenya Kwanza campaigned against the record of Uhuru Kenyatta’s regime, accusing it of abetting state capture, interfering with independent offices and using public servants for political ends. The outgoing regime was also criticized for the high cost of living,

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43. Musalia Mudavadi and Moses Wetangula who fell out with Uhuru Kenyatta and Raila Odinga are exceptions, they have served in different regimes from the late eighties and early nineties respectively. William Ruto served from the late nineties onwards while his Deputy Rigathi Gachagua joined elective politics in 2017. The political careers of leaders such as Moses Kuria, Ndindi Nyoro, Kimani Ichungwa, Aden Duale, Alfred Mutua and others are hardly two decades old.

44. Uhuru Kenyatta and Raila Odinga are the Azimio La Umoja One Kenya party Chairperson and Azimio La Umoja One Kenya Coalition Party leader respectively. Although Gideon Moi, son of Kenya’s second President, does not have the political clout that each of these leaders have, he played a role in persuading former Vice-President Kalonzo Musyoka to join the coalition.

45. This includes leaders such as former Vice-President Kalonzo Musyoka, Raila Odinga’s former running mate Martha Karua, former Kakamega County governor Wycliffe Oparanya, former Laikipia county governor Ndiritu Muriithi, Ali Hassan Joho, Sabina Chege. Sabina Chege has since declared her support for William Ruto while Hassan Joho has not been heard of since the 2022 election.

46. D. Kahura, “Cain and Abel Politics: What Killed the Bromance Between Uhuru and Ruto?”, *The Elephant*, February 28, 2020, available at: [www.theelephant.info](http://www.theelephant.info).

47. In the run up to the 2022 elections, several Kenya Kwanza leaders were arrested and/or summonsed by various government agencies such as the Ethics and Anti-Corruption Commission, the Kenya Police and the Directorate of Criminal Investigations. Officials such as the Inspector General of Police Hillary Mutayambai and the head of the Directorate of Criminal Investigations, George Kinoti, were accused by Kenya Kwanza of working under the auspices of the former President Uhuru Kenyatta. Ruto once described Mutayambai as the most incompetent Inspector General in the world. See [www.youtube.com](http://www.youtube.com).



something which the Kenya Kwanza leaders promised to address along with the domination of Kenya's economy by Chinese nationals.<sup>48</sup> Against the backdrop of generated expectations and the humiliation of some of their leaders, the Kenya Kwanza regime was inclined to make certain policy and administrative changes once it took over to strengthen its hold on power. Perceived ties of loyalty and patronage have been the main basis on which the new administration has been organised. The new regime has also used evangelical churches and the rule of law as an ideological underpinning to legitimize its position.

## Power consolidation under the guise of the rule of law

William Ruto's confirmed victory has provided the impetus for more realignments in favor of his Kenya Kwanza coalition. Despite the marginal lead that the Azimio Coalition had in the country's National Assembly, the announcement of Ruto's win as well as the Supreme Court's upholding of the result, tipped the scale to give Ruto's coalition an edge.<sup>49</sup> The election of a Kenya Kwanza candidate as the Speaker of the National Assembly is an indication of changing loyalties of independently elected members of parliament as well as those from the Azimio Coalition. The Kenya Kwanza coalition's majority in Kenya's Upper House, the senate – 24 seats to Azimio's 22 – made it easier for the coalition to secure the Speaker's position.<sup>50</sup> However, the control of the leadership of both houses by Kenya Kwanza has not proved enough in its quest to strengthen its influence.

Ruto's regime seems to be making a concerted effort to co-opt members of parliament from both Raila Odinga and Uhuru Kenyatta's bailiwicks. In February 2023, over thirty members of parliament from former president Uhuru Kenyatta's Jubilee Party of Kenya decamped from the opposition and declared their support for the regime after being hosted at the President's official residence. This was followed by an attempted takeover of Kenyatta's party which had the hallmarks of the regime's support.<sup>51</sup> These developments alongside the visits of nine members of parliament and unelected politicians from Raila's bailiwick to State House have given the impression that the opposition is struggling to retain its support among the political class. These realignments are

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48. K. Barlett, "After Anti-China Campaign, Kenya Ruto Does About-Face", *Voa*, September 29, 2022, available at: [www.voanews.com](http://www.voanews.com).

49. The Kenya Kwanza Coalition previously had 163 elected members of parliament but with the defection of Azimio's UDM, KUP and MDG to the coalition and the alignment of ten of the twelve members of parliament elected on an independent ticket, the coalition shored up its numbers in the National Assembly to 190. Azimio remained with 155.

50. There is also one independent Senator.

51. Selected interim party officials are allied to the regime, changes validated by Kenya's registrar of political parties.

arguably informed by financial benefits for the legislators and development projects which they can secure for their constituents to secure their political bases. The Kenya Kwanza Coalition's control of the executive arm of government has enabled this access to state patronage in exchange for the support of the members of parliament.<sup>52</sup> Changes within the government's executive arm in the early months of Ruto's reign have also demonstrated the building up of clout by the new establishment.

Within weeks in office, the regime replaced the Inspector General of Police and the head of Kenya's Directorate of Criminal Investigations (DCI), police chiefs they were uncomfortable working with.<sup>53</sup> These changes are consistent with coalition's leaders' criticism of Uhuru Kenyatta's regime for using the police and administrators to harass its supporters during the campaign. Once in office, the regime used the rule of law as a justification for further purges of the pro-Azimio elements within the police service and the electoral commission. A police unit accused of orchestrating extrajudicial killings was disbanded while a tribunal was appointed to deal with the removal of the four IEBC commissioners who refused to endorse Ruto's win – two of the commissioners later resigned. Other appointments and the replacements of "Kenyatta men" in the executive have raised questions concerning the new regime's commitment to the rule of law. Appointments to his cabinet of two politicians who had pending criminal cases in court and two business magnates who were facing tax evasion charges to serve as public servants shows how the regime has sacrificed the rule of law on the altar of cronyism.<sup>54</sup> Their appointments can be read as a means of rewarding the regime's cronies for their respective political and financial support with the possible expectation that they will continue providing their support against a well-financed opposition. Constitutional stipulations on gender,<sup>55</sup> ethnic,<sup>56</sup> and regional balance in appointments have been

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52. This has been prevalent in Kenyan politics since the independence years when KADU leaders were wooed by the KANU administration. In the 1990s, opponents of the ruling administration such as Raila Odinga were coopted. See C. Thibon's chapter on the "Emerging Elites, Oligarchy and the Kenyan Middle Classes" in M.-A. Fouéré, M.-P. Pommerolle, and C. Thibon (eds.), *Kenya in Motion 2000-2020*, Paris/Nairobi: Africae, 2021. Doi: 10.4000/books.africae.2390.

53. "Pres. Elect Ruto to Kenya Kwanza MP's: Be Careful, They Could Arrest You Just to Reduce Our Numbers", Citizen TV Kenya, available at: [www.youtube.com](http://www.youtube.com).

54. The politicians are Mithika Linturi and Aisha Jumwa while the businesspeople are Humphrey Kariuki and Mary Wambui. Their charges were said to be a sanction by the Kenyatta regime for supporting William Ruto's presidential bid. Their cases later collapsed within months of the new regime coming to power.

55. W. Wanyoike, "Four Reasons Why Ruto's Cabinet Is Unconstitutional", *The Elephant*, September 30, 2022, available at: [www.theelephant.info](http://www.theelephant.info).

56. An analysis done by *The Standard* on 97 key appointments made by President Ruto revealed that Kalenjin and Kikuyu communities each took 21% of the appointments (42% in total), Somali 12%, Luhya 10% and Luo 8%. This reveals not only reveals disparities between Kenya's major communities (in 2016, the Kikuyu, Kalenjin, and Luhya comprised 11% of the national population) but also between bigger communities and smaller communities, a trend that was also observed in the previous administration. See F. Sunday, "Fact Checker: State Jobs Skewed to Favor Country's Major Tribes," *The Standard*, May 11, 2023.

ignored by the president with most of his appointees coming from the Kalenjin and Kikuyu communities whose regions voted overwhelmingly for the Kenya Kwanza administration. The regime's selective use of the rule of law for power consolidation has also been repeated in its dealings with Kenya's Judiciary, part of which validated Ruto's win in the 2022 elections. This has set the tone for the relations between the upper echelons of Kenya's new executive and Kenya's judiciary.

On the heels of the Supreme Court ruling which confirmed his win, Ruto, in his inaugural address, praised the judiciary and pledged to increase the institution's budgetary allocations by Ksh 3 billion (approximately 23 million euros) – a pledge he repeated less than two months after his inauguration. On his first day in office, William Ruto appointed six Court of Appeal Judges whom his predecessor had declined to appoint amid a frosty relationship between the previous executive and the judiciary. The leadership of the judiciary, given its reception of the President in parliament two months ago, seems to have warmed to the executive's charm offensive. The attempted portrayal of the Kenya Kwanza leadership as law-abiding, however, contradicts the history of some of the regime's leaders as well as some of the recent pronouncements and appointments made by its leadership. Ruto's pronouncement that he would reinstate the Constituency Development Fund (CDF) – a fund for development projects in constituencies overseen by members of parliament and therefore a source of patronage for them – which was declared unconstitutional by the Supreme Court on the eve of Kenya's poll, arguably shows his willingness to trade off constitutionality for political support. The disbursement of some of the funds to the members of parliament following their protests earlier in the year<sup>57</sup> and an extra allocation to the fund in Kenya's current financial year<sup>58</sup> further shows his determination in following through with his pronouncement despite the Supreme Court ruling on the unconstitutionality of the fund. This could stem from the executives need for political support in parliament.

This selective application of the rule of law shows that “legal lawlessness”, a key element in E.S Adhiambo's “ideology of order” (1987: 189), is a preserve of the ruling elite or can be sanctioned by it primarily in pursuit of or in maintenance of political support. This has been further revealed by the selective implementation of the rule of law at play, with favor shown to a section of the regime's political base. A recent crackdown to contain noise pollution in Nairobi's residential areas ordered by Nairobi governor Johnson Sakaja and supported by the President saw many pubs and nightclubs closed for noise pollution while churches were spared. It is

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57. B. Murimi, “MPs Resume Induction Seminar after Treasury Releases KES 4 Billion NG-CDF Funds”, NTV Kenya, January 25, 2023, available at: <https://ntvkenya.co.ke>.

58. D. Mwere, “Big Win for MPs as CDF Kitty Raised by 10 Billion,” *Daily Nation*, March 16, 2023, available at: <https://nation.africa>.

important to note that evangelical churches, which signed a pre-election Memorandum of Understanding with Kenya Kwanza, have amassed considerable influence over the elected government over the past eight months, raising concerns over the disregard of the secularity of the Kenyan state as stipulated by the Constitution. The selective application of the law stems from the administration's need to maintain and expand part of its constituency – its Christian support base.

## Increasing entrenchment of evangelical christianity in political life

The relationship between the church and past regimes in Kenya has been generally cordial. This cordiality, particularly under the Kenyatta regime, has been attributed to family and ethnic ties shared between church leaders and those in power. Under the presidency of Daniel Moi (1978-2002) however, church-government relations became significantly strained from the late 1980s as his regime attempted to integrate sections of society into Kenya African National Union (KANU) party ranks.<sup>59</sup> Several Christian leaders from mainstream churches agitated for the introduction of political pluralism, which put them at odds with the regime.<sup>60</sup> Leaders from the less established, evangelical churches offered their support to the then one-party regime while dissociating themselves from the National Council of Churches, an umbrella group that brought all churches together.<sup>61</sup> These churches which enjoyed the regime's patronage maintained their close relationship with the Moi administration after the reintroduction of multiparty politics in Kenya. Further divisions within churches continued under the Kibaki regime (2002-2013) with a notable trend revealing itself the early years of Uhuru Kenyatta's and Ruto's mandates (2013-2022). Mainstream churches laid the foundation of a "pentecostalization of political life" through which Pentecostal ideology was woven in the political sphere of the country. This phenomenon was supported by both Uhuru Kenyatta and William Ruto in order to rally citizens against the International Criminal Court where they were both

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59. G. P. Benson, "Ideological Politics and Biblical Hermeneutics: Kenya's Protestant Churches of the Nyayo State", in H. Bernt Hansen and M. Twaddle (eds.), *Religion and Politics in East Africa*, Oxford: James Currey, 1995, pp. 177-195. See also David Throup's chapter in the same book.

60. It is important to note that some of these leaders faced sanction for their criticisms within their own churches. Mainstream churches therefore did not as institutions clamor for the reintroduction of multiparty politics – it was a few leaders within the churches.

61. D. Throup, "Render Unto Caesar the Things That Are Caesar's: The Politics of Church-State Conflict in Kenya 1978-1990, in H. Bernt Hansen and M. Twaddle (eds.), *Religion and Politics in East Africa*, *op. cit.* p. 151.

facing charges on crimes against humanity.<sup>62</sup> This set the scene for the close relationship between evangelicals and William Ruto.

Under Kenya Kwanza, the church and Christianity have gained more prominence than in any other Kenyan regime in the last twenty years.<sup>63</sup> Since their swearing in ceremony, both William Ruto and his DP Rigathi Gachagua have continued with the pre-election rhetoric they used in their campaigns – that God stood by them as they battled with the powerful establishment. They have pandered to their “Christian constituency”, asking them to pray for them, effectively cultivating a relationship which vitiates the social contract that they were elected on and highlights their status as co-adherents rather than elected political leaders. The regime’s leaders also packaged a ruling by the country’s Supreme Court which upheld the right to freedom of association of LGBTIQI+ Kenyans as a Christian issue, thereby condemning it. These pronouncements hint at the use of rhetoric to legitimize their rule in the eyes of Christian adherents. Further entrenchment of Christianity in political life despite the existence of other religions suggests that the regime is attempting to create a modicum of a Christian state legitimizing its leadership.<sup>64</sup> Under the new administration, Christian functions have been packaged as state functions.<sup>65</sup> Broadcast live on the state-owned media, church leaders have been appointed to government positions and churches have increasingly become avenues for the distribution of patronage by the ruling elite. The regime and a section of the church, particularly evangelicals, have adopted a patron-client relationship through which a section of the church and its leadership stands to gain through appointments and donations to fundraisers by the new ruling elite.

The contributions made by the regime’s leaders seem to be made in the mold of Ruto’s previous donations to churches while Deputy President (2013-2022), which endeared him to the church but drew criticism from opposition leaders who questioned the source of his contributions. Through the donations made by Ruto, his subordinates and appointees, the regime has created new Christian-based patronage networks, particularly in the Rift valley and Mount Kenya regions where they got most of their support from. A series of public meetings in the form of

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62. S. K. David and M. T. Katola, “The Church State Relationship in Kenya After the Second Liberation Struggle”, *Journal of Educational Policy and Entrepreneurial Research*, Vol. 3, No. 12, 2016, pp. 52-54.

63. While it is customary for politicians to use the church as a platform, the Moi regime co-opted various churches. The post-crisis 2013 elections also played a crucial role in bringing Christianity forward in politics, see H. Maupeu, “La CPI, Dieu et les élections kényanes de 2013. De la pentecôtisation de la vie politique à une démocratie autoritaire”, *Afrique contemporaine*, No. 247, 2013, pp. 33-51, available at: <https://doi.org>.

64. See the extensive work of Dr. Damaris S. Parsitau on the link between religion and power in Kenya, as well as her analysis in *The Elephant*: “The Clergy and Politicians: An Unholy Alliance”, April 9, 2021, available at: [www.theelephant.info](http://www.theelephant.info).

65. The regime has presided over several services including one in State House Nairobi and a National Prayer Day for rains.

prayer rallies, fundraisers and thanksgiving services have been held in these regions, where in some cases local appointees have been paraded to show their inclusion in the new regime. Nevertheless, the regime recently had to hold back on its enthusiastic support for evangelical churches after it was revealed that a former evangelical pastor instructed hundreds of believers to fast to death. Paul Mackenzie Nthenge has since been apprehended and various government leaders have condemned his activities.<sup>66</sup>

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66. K. Rajan, "Fasting to Death: Former Pastor in Shakahola Village Under Scrutiny", NTV Kenya, April 16, 2023, available at: <https://ntvkenya.co.ke>.

# Ruto's follow-up on electoral promises

Ruto's campaign's promises to the hustlers have not translated into policy directives aimed at addressing their struggles. In the domestic sphere, the new administration in power is using an admixture of austerity measures and interventions in business to implement its promised program of economic empowerment. It seems that the new regime's policies are directed to adversely affecting the old elite's economic interests as pronouncements have been made by officials to indicate that more of the old elite's wealth will diminish. In the international and regional spheres, Ruto has put a brake on his asymmetric relationship with China to embrace a pragmatic foreign policy aimed at securing interests for its elite.

## Ruto's unfulfilled promises to the "hustlers"

Over the last decade, Kenyans have had to face rising food prices, but also a debt crisis. As of November 2022, more than 4 million of them were banned from accessing credit for not paying mobile loans which they had taken out. Throughout his campaign, Ruto and his allies promised financial help dubbed the "hustler fund" directed to the youth and others engaged in small and medium enterprises and promised a review of the high interest rates on loans given to millions of Kenyans by mobile money lenders. For the stake they owned in these loan facilities through their partially owned NCBA bank, Uhuru Kenyatta and his family were blamed by the Kenya Kwanza coalition leaders for exploiting working class Kenyans.

The regime, once sworn in, seems to have adopted a dual strategy in reducing the returns profits from the facility. First, mobile bank lenders including the NCBA bank came under pressure by the regime to reduce the interest on the facility and to write off half of the amount of loans advanced through the facility and other mobile loan facilities. In November 2022, the bank wrote off Ksh 11 billion (approximately 77 million euros) as a result.<sup>67</sup> This represents a blow to the economic interests of the Kenyatta family.<sup>68</sup> Second, the regime launched the "hustler fund" which had earlier been

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67. "NCBA Writes Off Ksh 11bn Fuliza, M-shwari Loans", *Business Daily*, November 25, 2022, available at: [www.businessdailyafrica.com](http://www.businessdailyafrica.com).

68. Uhuru Kenyatta is still the chairperson of the Azimio Coalition despite demands from supporters of William Ruto for him to retire from politics.

presented in the Kenya Kwanza campaigns as an interest-free loan that would be free and accessible. The facility turned out to be a low interest loan with a short repayment period (14 days). The amount Kenyans can borrow – between Ksh 500 to Ksh 50,000 (approximately between 3,88 to 388 euros) – is limited by their financial situation and their loan history. The “hustlers fund” has nevertheless generated controversy over its legality and ownership.<sup>69</sup>

The regime has presided over tax increases and has announced its plan to broaden the country's tax base to service the country's external debt. The country's tax collecting body – Kenya Revenue Authority – was given higher targets to achieve by the executive with various sectors of the economy targeted for taxation.<sup>70</sup> In a media interview on January 4, 2023, Ruto's allusion to the previous regime's tax waiver on a merger between NIC bank and the Commercial Bank of Africa, a bank partially owned by the Kenyatta family, underscored the lengths to which the new administration would be prepared go to in the collection of tax. Despite the regime's claim to have inherited empty coffers from its predecessor, its profligacy<sup>71</sup> against the backdrop of heavy borrowing<sup>72</sup> in recent months indicates that the dismantling of its rivals' empire is a bigger priority than financial austerity.

The businesses of Uhuru Kenyatta's ally, Raila Odinga, have also been targeted. Rigathi Gachagua, had previously put Uhuru Kenyatta and Raila Odinga on notice for their family business' domination of the milk and cooking gas industries. Perhaps this is what informed the new regime's decision to offer Tanzanian billionaire Rostam Aziz a license to set up a cooking gas plant and storage facility in Mombasa which he was unable to get in the previous regime. This could be an indicator of new alliances between the new regime and international capital.

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69. A lobby group has challenged its legality. In addition, different government officials have given varying accounts of who runs the fund. See C. Kubwa, “Lobby Moves to Court to Challenge Hustler Fund”, *The Star*, 8 December 2022, available at: [www.the-star.co.ke](http://www.the-star.co.ke); “Government Or Private Sector? Confusion Emerges over Who Runs the Hustler Fund”, *Citizen Team*, March 9, 2023, available at: <https://citizen.digital>.

70. P. Mburu, “Salaried Kenyans, Youth Hit Hard in Ruto's Tax Plan”, *Daily Nation*, May 5, 2023, available at: <https://nation.africa>.

71. Over a three-month period since its swearing-in, it was reported to have splurged billions on luxuries. See P. Mburu “Hustler's Budget: How Ruto's Government Spent Ksh 4bn on Luxuries After Poll Win”, *Nation*, February 8, 2023, available at: <https://nation.africa>. Also see Statement on The Financial Year 2022/2023 Supplementary Estimates No 1, Republic of Kenya, The National Treasury & Planning, January 2023, Annex I & Annex II, available at: <http://parliament.go.ke>.

72. P. Mburu, “Ruto Government Borrows 137 Billion in Three Months”, *Nation*, January 28, 2023, available at: <https://nation.africa>.



## Interest-based shifts in Ruto's foreign policy

The regime seems to have embraced a pragmatic foreign policy aimed at securing interests for its elite (favoring agribusiness, exports, foreign investments, new partnerships, etc.) and rewarding its political constituency partially in line with its campaign promise of economic liberation. Perhaps this informed Ruto's pronouncement of his readiness to work with more Tanzanian investors during a groundbreaking ceremony for the aforementioned cooking gas plant. This shift from the previous regime does not indicate a radical change in the high degree of extraversion of the Kenyan state that mostly benefits its elites.<sup>73</sup>

The pressure that a Chinese-owned shopping store – China Square – recently faced from government and citizenry<sup>74</sup> illustrates this. In the wake of the pressure, it later emerged that there was a rivalry between the shopping complex and a Kenyan company over the ownership of a trademark,<sup>75</sup> suggesting involvement by powerful individuals in government. Demonstrations against China Square at the time harked back to the anti-Chinese campaign<sup>76</sup> that William Ruto ran aligned to the promise of economic liberation for working class Kenyans whom he depicted as victims of the Chinese business incursions. The new regime, however, to a large extent has not taken a radical anti-China position.<sup>77</sup> Nevertheless, it appears that the regime is looking to diversify Kenya's foreign trading partners to reduce dependency on China.

William Ruto's administration seems to be looking to strengthen relationships with Western nations, indicating a slight departure from the "Look-East policy" started during President Mwai Kibaki tenure (2002-2013) and continued by Uhuru Kenyatta – and himself as a Deputy President – while trying to distance themselves from the 2013 ICC case and the Western powers that they accused of ruling it against them. Pressure

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73. H. Maupeu, "State, Economy and Development in Kenya", in M.-A. Fouéré, M.-E. Pommerolle, and C. Thibon (eds.), *Kenya in Motion 2000-2020*, *op. cit.*

74. Kenya's Cabinet secretary for trade, Moses Kuria, proposed that a local University purchase the shopping center. Some of the store's goods were later seized by Kenya's Anti-counterfeit Authority. There were anti-Chinese demonstrations held by traders from Nairobi city's Nyamakima area who mostly happen to be of Kikuyu ethnicity that buy good from China Square. The hawkers chanted Rigathi Gachagua's name.

75. "Goods Worth Ksh. 50 Million Seized by Counterfeit Authority from China Square as Moses Kuria Digs In", Citizen TV, February 27, 2023, available at: [www.youtube.com](http://www.youtube.com).

76. Ruto threatened to deport Chinese nationals who take the jobs of Kenyans away. See A. Schipani, "China's Role at the Heart of Kenya's Election Campaign", *The Financial Times*, August 3, 2022, available at: [www.ft.com](http://www.ft.com).

77. K. Bartlett, "After Anti-China Campaign, Kenya's Ruto Does About-Face", *Voices of Africa*, September 29, 2022, available at: [www.voanews.com](http://www.voanews.com).

from the West<sup>78</sup> as well as negative publicity of Chinese engagements with Africa – the so-called “debt diplomacy” are two other reasons of this shift. Foreign Affairs Cabinet Secretary Alfred Mutua stated that Kenya would engage both the West and the East “in specific areas of common interest” and would expand its bilateral relations with the West “while retaining friends from the East”.<sup>79</sup> The new regime has shown keenness to expand relations with the International Monetary Fund (IMF) despite the tough economic conditions the financial agency has imposed on Kenya.

Ruto has also warmed up to UK Premier Rishi Sunak on the sidelines of the COP27, signing a deal to fast-track British investment projects in green energies, agriculture and transport.<sup>80</sup> Alongside Presidents Museveni (Uganda), Kagame (Rwanda) and Suhulu (Tanzania), Ruto met with American Secretary of State Antony J. Blinken in mid-December 2022 on the sidelines of the U.S-Africa Leaders Summit in Washington. The latter then stressed the importance of the U.S strategic partnership with Kenya, acknowledging the country’s leadership in addressing the security challenges the region is facing in Somalia, Ethiopia, South Sudan and more recently, in the Democratic Republic of Congo (DRC).

The deployment of Kenyan troops in the DRC is indicative of Ruto’s ambitions for Kenya to play the role of an ‘anchor state’ in the Region. The new president of Kenya has been justifying his decision to send troops into the DRC by a regional interest and commitment for peace as a country, echoing Kenyatta’s appeal for peace as he was visiting the DRC in his capacity as regional bloc East African Community (EAC) facilitator and African Union (AU) peace envoy – two key African-based organizations for Kenya and Ruto’s influence in the region. As Kenya has been known to be a conduit for illicit shipment of minerals from the DRC to the rest of the world, the two governments have launched a fresh joint probe to fight the illegal gold trade. However, it is known that Ruto and some of the Kenya Kwanza MPs have been previously accused of having interests in Congo<sup>81</sup> and notably in the Congolese maize trade, and therefore this could be read as another move to protect elite interests at regional scale. Kenya’s recent involvement in the conflict in DRC is indeed causing anxiety among Kenyans as well as the opposition. Azimio leaders fear that the country is slowly being sucked into another long-lasting proxy war akin to the one in which Kenya Defence Forces have been involved in neighboring Somalia

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78. These tensions are not new: Western countries perceive China’s expanding global interests in Africa and beyond without conditions as a threat to theirs, as well as to regional political stability, good governance, democracy and human rights.

79. M. Nyamori, “Ruto Warms Up to Western Nations in a Shift from East”, *Nation*, November 13, 2022, available at: <https://nation.africa>.

80. “Ruto and UK Premier Sunak Meet, Agree on Ksh. 500 Billion Climate Change Deals”, *Nation*, November 7, 2022, available at: <https://nation.africa>.

81. F. Olick and J. Mbaka, “Mps, Ruto Wants to Bring Congo Maize”, *The Star*, November 19, 2018, available at: [www.the-star.co.ke](http://www.the-star.co.ke).

since 2011.<sup>82</sup> More broadly, they described these shifts in the country's foreign policies as incoherent and opportunist.

A good example of the Kenya Kwanza regime's pragmatic considerations revolves around its recent shift in supporting Morocco over the Sahrawi Arab Democratic Republic (SADR).<sup>83</sup> At the beginning of his mandate, William Ruto was close to the Sahrawi Arab Democratic Republic (SADR), a breakaway region of Morocco. SADR President Brahim Ghali notably attended Ruto's inauguration on September 13.<sup>84</sup> Nasser Bourita, King Mohammed VI's Foreign Affairs Minister, was welcomed at State House a week later. Shortly after their meeting, William Ruto announced that Kenya would rescind its recognition of the SADR. This shift needs to be analyzed as an opportunistic and ambiguous repositioning in favor of higher economic interests:<sup>85</sup> while Morocco has recently been listed as one of the world leading producers of fertilizer and one of the world's largest importers of tea, the Ruto-led administration has promised to lower the cost of fertilizer and grow the revenues that Kenya earns from agriculture. Thanks to this reconciliation, Kenya stands to gain cheap fertilizer and secure a market for its tea.<sup>86</sup>

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82. See for example Azimio MP C. Hamisi says: "The British, the Belgians, the French and others have been there before, it is like we are joining the bandwagon. A country like Kenya is always easy prey for proxy wars hence we should be very careful", *Africa Report*, December 2, 2022, available at: [www.theafricareport.com](http://www.theafricareport.com).

83. P. Kulkarni, "Morocco Fails to Get Kenyan Endorsement for Its Colonial Occupation of Western Sahara," *People's Dispatch*, September 20, 2022, available at: <https://peoplesdispatch.org>.

84. Ruto's support for SADR was premised on an anti-western position informed by Western support of ICC trials against Kenyatta and Ruto.

85. It remains unclear, however, what stance Kenya will now take since the tweet declaring support for Morocco, sent after William Ruto met the Moroccan Foreign Minister, was later deleted. See A. Mutambo, "Sahrawi Gaffe Hands Kenya's Ruto First Diplomatic Dilemma", *The East African*, September 16, 2022, available at: [www.theeastafrican.co.ke](http://www.theeastafrican.co.ke).

86. T. Mochama, "How Ruto Fertiliser Plan Forces Him to Appease Morocco", *The Citizen*, September 18, 2022, available at: [www.thecitizen.co.tz](http://www.thecitizen.co.tz).

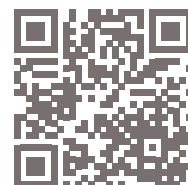
# Conclusion

Since March 2023, bi-weekly demonstrations have been called by Raila Odinga over Kenya Kwanza's record in office.<sup>87</sup> The rising cost of living has emboldened hundreds of opposition supporters and disappointed hustlers to join the protests held in Nairobi and regional towns. Although the demonstrations were called off on April 3, 2023 by Raila Odinga after both sides constituted a bipartisan team to discuss the issues under contention, it is likely that the Azimio leaders and its supporters might return to the streets. The introduction of new taxes with the passing of Finance Bill on June, 14 has led to a new round of protests from both civil society groups and the opposition. The relative success of these protests indicates that William Ruto is still consolidating his hold on power more than eight months after his swearing in. The appointment of a new and youthful Secretary General – Cleophas Malala – and the declaration that smaller parties within the Kenya Kwanza coalition should fold to join the bigger party, indicates that the new regime is still adding bricks to the wall. It also shows that although the new ruling elite enjoys the control of state patronage and most elected leaders, Raila Odinga's old networks and resources as well as the dismal record of the regime favor his campaign of defiance. William Ruto's recent bypassing of parliament to appoint Chief Administrative Secretaries and the privatization of State parastatals, on the other hand, shows the regime's determination to consolidate its position in the face of the opposition's threat. Raila's intentions have also been questioned as his call for protest can easily be linked to the business interests of the opposition's leadership which have been threatened. His actions have been criticized as a personal attempt to secure his economic interests that have been threatened by the new regime. The demonstrations have more adversely affected Kenya's economy than they have helped the opposition supporters as well as the "hustlers" to face the high cost of living. In other words, the recent protests seem more of an intra-elite struggle than a genuine call for mass action. From one election to the other, the burning political question in Kenyan politics remains the securing of the interest of its new and old elite alike, to the detriment of Kenyan citizens. In this sense, the 2022 voters' apathy can be read as a sign of a silent but powerful challenge to the political elites by a growing part of the Kenyan electorate, who do not seem to identify with either side. It will be interesting to see whether the voter turnout is set to become a new battleground for contestation through abstention in the upcoming 2027 general elections, and how it might (re)shape the next electoral campaigns of the two camps.

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87. "Azimio MPs: 7 Reasons Why We Are Holding a Mass Protest on Monday, available at: <https://citizen.digital>.





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