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Abstract

Purpose: Elections in Kenya since 1992 have had an uneven experience with some in which the results were contested only in the end to be accepted by the citizens on the one hand. On the other, in some elections there were crises but which resulted in a workable democratic compromise. This time around, in 2022, Kenya's Supreme Court confirmed William Ruto winner of the country's 2022 disputed national vote and the gesture did not put an end to political instability. The Opposition, Azimio coalition, continued to take the government head on over the high cost of living, issues of constitutional review, the appointment of a new electoral agency commission and the buying off of opposition members of parliament, among others. After two weeks of street protests by the Opposition and in an unexpected turn of events, Ruto (the sitting President) extended an offer of peace calling for dialogue. This study examines whether what is unfolding is yet another reason to believe that Kenya is setting a model for democracy in the East African region bedeviled with some election democracy troubled spots.

Methodology: To attain up-to-date and reliable information, engagements have been done in debates, discussions and interviews with personnel who have had different roles and mandates at the level of intervention in the electoral process such as observing, monitoring and supervising; political analysts, political scientists, ruling party personnel, main opposition party personnel and civic educators in the office of the Registrar of Political Parties. Complementing were media tools in its various forms: tabloids (daily or weekly), newsreels, electronic media and others.

Findings: Preliminary results from such avenues portray that in what appears as ceding ground from hard stance earlier adopted by the government, the reconciliatory tone stuck by the President is a step going along way to cool down the temperatures that have characterized the country's political space over the last few months. In a similar vein, the gesture by the Opposition to give dialogue a chance is a window of opportunity to get the country back in the course of stability.

Unique Contribution to Theory, Practice and Policy: While it remains to be seen how the talks between the two sides will progress, it also remains to be seen as to whether the jargon defining the process, 'bi-partisan' differs from other wordings like cooperation, grand-coalition, and handshake earlier applied when such situations determined the then defining political atmosphere.

Keywords: *Bi-Partisan, Demonstrations, Whistleblowing, Olive Branch, Opposition, Protest*

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INTRODUCTION

Kenya 2022 Election Recap

Silja Frohlich reporting for Deutsche Welle (DW) in the 9 August 2022 newsreel reports that Kenyans voted to elect their fifth president, a new parliament and county officials. Closing polls pitted Opposition leader Raila Odinga and then Deputy President William Ruto in a dead heat. He quotes the Independence Electoral Boundaries Commission (IEBC) saying that more than 12 million Kenyans had voted at the time polling business was closed. The figure does not include manual registers and those still in queues at the closing. According to the IEBC the figure represents a turnover of 56%.

To elucidate, Frohlich portrays the following statistics from the IEBC

22,120,458	Total Number of Registered voters
16,108	Total Number of Election candidates
1,882	Total Number of Elective seats in Kenya
46,229	Number of Polling stations up from 40,883 in 2017
6	Number of Elective seats (President, Governor, Senator, MP ¹ , WR ² , and MCA ³)
50% + 1	Constitutional threshold presidential candidate need for first round win
4	Presidential candidates: Ruto-UDA ⁴ , Odinga-Azimio, Wajackoyah-Roots Party and Mwaura-Agano

According to IEBC, Frohlich articulates, the polls closed in many places at 17.00 hours local time after 11 hours of voting. However, IEBC indicates the extension of working hours in some areas that experimented delays. The focus then shifted to vote tallying and counting, further articulates Frohlich.

Contenders for the Presidency

Writing for the DW, Frohlich depicts that the following candidates vied for the presidency during the 2022 elections:

- Raila Odinga: veteran opposition leader backed by immediate former President Kenyatta and ran for Azimio la Umoja One Kenya Coalition. Raila is a former Prime Minister and had lost four previous shots at the Presidency in 1997, 2007, 2013 and 2017
- William Ruto: served as lawmaker and minister for agriculture before becoming Deputy President in 2013. He ran for the United Democratic Alliance(UDA)

¹ MP-Member of Parliament

² WR-Women Representative

³ MCA-Member of County Assembly

⁴ UDA-United Democratic Alliance

- George Wajackoyah: lawyer. He ran for the Rastafarian inspired Roots Party and campaigned on a pledge to legalize marijuana
- David Mwaura: senior lawyer and ordained minister ran on the Agano(Covenant) Party ticket

Final Presidential Vote Results

SN	CANDIDATE	VOTES GARNERED	PERCENTAGE
1	William Ruto	7,176,141	50.5
2	Raila Odinga	6,942,930	48.9
3	Wajackoyah/ Mwaura	93,956	0.6

The results that came out displayed that William Ruto was elected President with 50.5% defeating Raila Odinga who received 48.85% of the vote. On 22 August 2022, Odinga filed a petition with the Supreme Court of Kenya challenging the results announced by Wafula Chebukati, then IEBC chairperson. The Supreme Court ruled that William Ruto was properly elected President dismissing several petitions seeking to annul the results of the 9 August 2022 elections. The ruling ended a protracted election dispute that had started after the polls closed in August 2022. However, the ruling also led to widespread uncertainty in the country in case of a repeat previous outbreak of election violence. Reacting to the ruling, Odinga said he will continue with the struggle for transparency, accountability and democracy. At this juncture, Kenya had shown that it can resolve election disputes without resorting to violence seen in the past.

As a matter of fact, several of Kenya's past polls have seen high levels of violence, reports Emma Elferson in the *Conversation*⁵, a weekly tabloid in its March 2023 opinion feature. According to the *Conversation*, the violence that broke out after the 2007 elections stands out in particular. It caused over a thousand fatalities and led to a national crisis. This was resolved through a coalition government and constitutional reforms, asserts the *Conversation*. The *Conversation* reports other violence to include those between ethnic groups aligned with Kenya's main political parties that erupted in connection to the 1992 and 2017 elections. The *Conversation* affirms that Kenya has had a history of election violence that repeat itself. As Kenya was heading for polls in August 2022, it was urged not to allow history to repeat itself. For at least since the 1990s elections in Kenya have been marred by political violence and unrest.

Concept of Political Opposition

Starting from the beginning of April 2023, especially on April 2, 2023, news on Kenya was stuffed with captions like, '*Kenya Opposition Leader calls of protests*', '*Kenya anti-government protest: Opposition Leader calls off Monday protests*', '*Kenya Opposition Leader calls off anti-government demonstrations*', '*Kenya Opposition Leader puts protest on hold and many other*

⁵ www.theconversation.com

related captions. To get the correct intricacies of protests and opposition in politics right from the outset, a need arises for some views on the concepts one after another.

In a country, the opposition comprises of one or more political parties or other organized groups that are opposed primarily ideologically to the government party or group in control of a country. This is at least what many people especially in developing countries have always comprehended once the phrase '*opposition in politics*' is mentioned.

IGI Global⁶, publishers of books, journals and e-collections and a full member of the International Committee on Publication Ethics headquartered in Pennsylvania defines political opposition as a group of people or political party in a multiparty system that is opposed or criticizes continuously the government or political party in power. In most cases, political opposition, tend not to agree with what the sitting government represents.

On its part, the Union of International Associations (UIA)⁷ a research institute and documentation center based in Brussels explains that in politics the opposition comprises one or more parties or other organized groups that are primarily opposed ideologically to the government party or group in political control of a city, country or other political body. The institute further outlines that the degree of opposition varies according to political conditions. In this case, the institution informs that in authoritative and democratic systems, opposition may be respectively repressed or desired. Members of the opposition generally serve as antagonists to the other parties. According to the research institute, scholarships focusing on opposition politics did not become popular or sophisticated until the mid-20th century. After that status has been attained, recent studies have found out that popular unrest regarding the economy and quality of life can be used by political opposition to mobilize and demand change. Again scholars have been debating whether political opponents can benefit from political instability and economic crises. In most instances, case studies have concluded with a nod while elsewhere the studies have concluded by shaking their heads. One more interesting definition of 'opposition' is given by Universite Libre de Bruxelles⁸ in a theoretical perspective on 'What do we mean by opposition?' which articulates, 'it is perhaps too obvious to require stating that the process of government must be studied in the light of not what those with power under their control want to do and actually achieve, but also in regards to those who oppose those aims or where interests and resistance have to be conciliated before those in power can act'

Indeed practitioners of good governance have always stated that one of the fundamental base for the development of a democracy is the recognition of rights for political and social actors to publicly criticize and challenge the government, its actions and policies. In addition to the aforesaid, it can be deduced that the opposition has had different labels depending on concealed interests. To that extent Jean Blondel(1997) affirms that the word 'opposition' is used daily to account for a variety of developments but its many meanings have not been systematically ordained to the differences among the political systems in the world.

⁶ www.igi.global.com

⁷ www.uia.org

⁸ www.ulb.ac.be

Deliberating on the issue of ‘opposition’ Elliot Bullmer (2021) maintains that in democratic constitutions, opposition parties rely upon a wide range of constitutional protections such as freedom of association, assembly and expression, backed by an independent judiciary and an impartial civil service. These protections, he further maintains, ensure the opponents of governments to continue to enjoy equal rights and are not criminalized harassed or disadvantaged.

Furthermore, many constitutions also formally recognize the role, powers and responsibilities of the opposition or legislative minority in democratic policies. This recognition, he upholds, reflects the principle of political pluralism (that power should not be permanently monopolized by one party) and shows a commitment in democratic dialogue.

Reflecting the issues of legislative minority and opposition, Bullmer sustains that often especially in parliamentary systems those two things are the same-the minority party or bloc in the legislature is also in opposition to the government(executive) since the Prime Minister is in effect chosen and supported by the majority party or bloc in legislature. In presidential or semi-presidential systems, however, it is possible for the President to be of one party and the legislative majority of another, so the party that is in the minority position in the legislature might not necessarily be in opposition to the President.

In countries with a recognized leader of the opposition, the opposition (sometimes capitalized) usually means the official opposition, that is the main, largest opposition party, from which the leader of the opposition is chosen. The term ‘opposition’ parties includes besides the official opposition, any other parties in the legislature not opposing the government. Opposition parties can also include parties that are not represented in the legislature (the extra-legislative opposition). However, the main focus in this section of the paper is the role of the opposition and legislative minority within legislatures not on very small parties with no legislative representation. The reader may wish to apply the reflections by Bullmer to compare and contrast the status in Kenya.

Bullmer portrays the advantages that stem from a country’s recognition of the opposition. He argues that recognizing the opposition proclaims the value and legitimacy of the opposition parties as an accelerated part of the political system curtailing any attempts to establish a one-party regime and prevent government’s and incumbent majorities from excluding opposition voices or evading scrutiny. He further argues that recognizing the opposition or legislative minority enables them to be involved in other non-policy decisions such as appointments to judicial and fourth branch (regulatory and oversight) institutions thereby protecting the institutional integrity of judicial, administrative, electoral and financial systems and helping to prevent the capture of these institutions of the government (which would have negative consequences for the rule of law, good governance and democracy).

On what the issue behind the aforementioned is, Bullmer asserts that modern democracy is not merely a crude majority rule. Instead, he says, it is a political system that combines representative and responsible government with fundamental rights, the rule of law, checks and balances, impartial administration, means of participatory engagement and open public discussion. That being the case, he points out, in allowing free and fair competition for public office through elections, democracy presupposes differences of both interests and opinions hence recognizing the legitimacy of political pluralism including political opposition. In that scenario, he further points out, opposition in democracies is not merely tolerated but is also valued as a vital element

of the political system. For opposition parties perform crucial roles in bringing new issues to the policy agenda, shaping public debate, holding the government to account, informing and mobilizing voters and providing voters with a choice of credible alternatives at elections, among others. It is to this rationale, that effective oppositions help the government to avoid mistakes or swiftly correct those thereby improving governance outcomes.

For Bullmer, a capable and empowered opposition or legislative minority allows for democratic dialogue, the back and forth of arguments and counter-arguments where the governing majority has the final authority to decide, but the presence of the opposition or legislative minority makes it necessary to hear the other side, to engage in public reasoning and to justify the decision taken. To that end, he upholds, recognition of the opposition may improve the legitimacy and resilience of the political system as a whole both by normalizing the democratic transfer of power and by giving consolation process to the losers. As it happens, where the opposition is recognized, the runner-up in an election does not hold power but can nevertheless enjoy the office, salary, prestige, public visibility; opportunities for influence and patronage that come with being the leader of the opposition, deduces Bullmer.

RIGHT TO PROTEST ALLOWED

The right to protest is enshrined in the Constitution of Kenya under article 37. It states that, *‘Every person has the right to peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities.*

A detailed analysis of the niceties of the status of the protests in Kenya is detailed in the analysis by Westen Shilaho (April 2023) in the Conversation⁹ dated 3 April 2023 where he deliberates that mass protests in the East African country have a long and rich history but have been hijacked by the elites. With respect to the on-going situation, the Conversation portrays that Kenyan Opposition leader Raila Odinga and his coalition Azimio la Umoja-One Kenya, recently called for mass protests across the country and his team have questioned the legitimacy of sitting President William Ruto’s win in the country’s August 2022 elections and taken issue with the rising cost of living.

At the outset, the Conversation discoursing on the legality of political protests in Kenya asserts that the right to protest is cherished and is well featured under article 37 of the Constitution of Kenya. Additionally, the media outlet states that the right to protest is also affirmed by international instruments to which Kenya is a signatory. The outlet cites the institutions to include, the African Charter on Human and People’s rights and the International Covenant on Civil and Political rights. The account confirms the argument from the general public that if one can be asked to call of the protests, he can also entreat them. This is further endorsed by Odinga’s comment at the end of his speech accepting the offer of peace extended by the President. To that effect, Odinga is quoted as saying, ‘We shall go back to the people at the earliest sign of lack of seriousness by the other side’. However, when one comes across a situation where the reaction of the police is

⁹ The Conversation is a network of not for profit media outlets publishing new stories and reports online and headquartered in Australia

coupled with brutal force against protests then this is tantamount to saying that the government may be criminalizing the right to protest.

To bring the reader to the same wave length as to the triggers of the latest wave of protests, the Conversation recounts the background and asserts that the matter can be traced on the general elections held on 9 August 2022 whose final results saw William Ruto winning the Presidency. In the aftermath, the Opposition contested the election results and filed a petition before the Supreme Court. The Court unanimously confirmed Ruto's win on grounds that the accusations against him lacked evidence. Raila Odinga who lost in the contest, did not approve the ruling and has since then refused to recognize Ruto's win. Instead, he decided to go for public judgment making the following demands: that Ruto halts the reconstitution of Kenya's electoral body (Odinga's camp is accusing the President's administration on the composition of the selected panel that will interview IEBC candidates for allegedly being stacked up with Commissioners who are biased with Ruto's Kenya Kwanza), the IEBC¹⁰, that he government lowers the cost of living, that the electoral agency's servers be opened to audit last year's presidential elections which he (Odinga) claims was rigged. The President suggested a bi-partisan engagement in the Parliament in the reconstitution of the IEBC and within the parameters of the law and the Constitution. A bit later, however, Odinga called for parties outside parliament to be involved in talks on electoral reform and high cost of living at odds with a plan from the President, further informs the online media. According to the media, protests began on 15 August 2022 when the Presidential election results were declared.

After a six months' lull, the media further recounts, the protests recently spilled over onto the streets. The Opposition called for demonstrations twice a week from 20 March 2023 until the government ceded to its (Opposition's) demands. Reciting the government's position following the unveiling situation, the online media narrates that Ruto and his supporters in the first instance scorned the Opposition's demands saying they did not have basis in law, morality or logic. Ruto went on to dismiss the protests as acts of economic terrorism. However, after two weeks of violence, further narrates the online media, where at least 3 people died, several others injured and property vandalized, Ruto extended an olive branch to the Opposition and asked the call off of the protests.

Charles Ouma (April 2023) reporting for Pulse Live Kenya, a media company in Nairobi, outlines, in a nutshell, salient points in the speeches from the two camps as a result of the offer for peace. The government side urged for a call off of anti-government protests, expressed readiness to engage all leaders to solve the concerns addressed by the Opposition, yielded to suspend the on-going recruitment of the IEBC Commissioners. The Opposition acknowledged a proposal for a balanced parliamentary process co-chaired by both sides and backed by experts from outside in the first instance but later on proposed for the team to be drawn from its ranks both in parliament and outside to have a conversation at National level, a process akin to the 2008 National Accord, urged the address of country key issues including the cost of living and the auditing of the 2022 elections servers and finally Azimio (the Opposition) to resume anti-government protests if the talks with the government failed.

¹⁰ Independent Electoral Boundaries Commission

Tendency of Protests in Kenya's Political History

To put the reader once more on the right footing as regards Kenya's political past, we make a recollection of the fact that Kenya's political history is marred by mass protests that date back to the colonial period and that has continued on and after independence. In the commentary about Kenya's history of dispute elections, VOA Africa¹¹ recounts how amid police crackdowns, Kenyans protested against political assassinations during the tenure of Jomo Kenyatta, the first President and his successor Daniel Moi. The narrative goes on to say that in 1982 when the Constitution was amended, Moi turned Kenya into a one-party state which heightened political tensions. Later that year, Kenyans protested in Nairobi and went on to support an attempted coup against Moi as politicians and the civil society sought a return to political pluralism. Emanating from the aforementioned, countrywide protests in the early 1990s ensued and forced Moi to accede to multi-party politics, further recalls VOA Africa. In 1992 when Moi was elected President in Kenya's first multiparty poll (benefitting from deep divisions among opposition figures), the vote was marred by violence between Moi's tribe, the Kalenjin and the Kikuyus to which much of Kenya's elites belonged.

The 2007 protests against presidential results led to horrific crackdowns. Kibaki was proclaimed winner for second term on 27 December 2007. Raila Odinga, the challenger claimed the vote was rigged. Clashes in the weeks that followed saw more than 1100 people killed several of them extrajudicially by the police. Given the scenario, VOA Africa asserts, apart from hardline stances taken by the opposing sides, the world observed an international brokered power sharing agreement whereby Kibaki assumed the Presidency while Raila assumed the Prime Ministerial role.

In the 2013 elections, Uhuru Kenyatta won the elections. In 2014, he became the first sitting President to appear before the International Criminal Court (ICC). In the next elections, in 2017, Kenyatta beat Raila Odinga. The latter rejected the results and claimed hackers broke into the electoral commission's data base. He filed a petition with the Supreme Court. On September 1, 2017, the Court declared election results of the poll invalid, null and void, further asserts VOA Africa. Kenyatta was re-elected in the re-run in a vote boycotted by the opposition and marked by low voter turn-out and deaths of people mainly in clashes with the police. Moreover, as VOA Africa further recounts, in 2018, the two men, Kenyatta and Odinga stun the country. They not only shook hands but also declared a truce.

THINK TANKS ON PEACEFUL PROTESTS

We are putting on paper an account on peaceful protests and impacts from the point of view of a few think tanks from their various recent publications. We think this will add more light to the general legitimacy or illegitimacy of peaceful protests notwithstanding particular countries' practices.

The Oxford Languages Dictionary defines 'protest' as a statement or action expressing disapproval or objection of something. The dictionary synonymizes the noun 'protest' with words like objection, disapproval, opposition and dissent and synonymizes the verb 'protest' with verbs like to object, to complain and to take issue.

¹¹ Voice of America Africa News www.voafrica.com

The general public understanding of peaceful protests relates to the way for ordinary people to have their voices heard. This is because inherent imbalance in society can result in people feeling marginalized and disenfranchised. Furthermore, political analysts have been of the opinion that non-violent civil movements can offer anyone an opportunity to become involved and have a voice. In this case, the public tends to agree that non-violent resistance has been shown empirically to be twice as effective as armed struggle in achieving major political gains.

Analysts have always had it that aside from how they are termed, demonstrations or protests, are to the government actions by a mass group or a collection of groups of people partaking in a process against a cause of concern. It often consists of walking in a mass march formation and either beginning with or meeting at a designated end point.

The Missouri School of Journalism¹² in the commentary on the impact of peaceful protests dated 6 June 2020 argues that peaceful protests give chance for people to express their feelings and fight for a better world. Expounding, the school upholds that peaceful protests brings about change to the wrong that has been committed. According to the school, there have been a number of peaceful protests that have been positive and have been successful in directing attention to injustices. Discussing the negative side, the school points out that the unfortunate thing about protests is that they can turn ugly if the wrong people are attracted to them. In this case, the school further points out, people can be hurt, business can be damaged or destroyed, people can suffer injuries and even die. Another unfortunate effect according to the school is when the force extended by a few policemen smearing as law enforcement officials changes the situation from pacific to violent. In this case, the school further asserts, the police and other law enforcers should perform their duties in a restrained manner, never using deadly force. Reiterating, the school maintains that protests do direct attention to injustices and call for action to reform.

Amnesty International (AI) calls on states to facilitate the right to freedom of peaceful assembly through a '*protect the protest*' campaign. AI contends that protest is an invaluable way to speak truth to power. Through history, protests have been the driving force behind some of the most powerful social movements exposing injustice and abuse, demanding accountability and inspiring people to keep hoping for a better future. AI expressing the contrary to the aforesaid, says that unfortunately the precious rights are under attack and must be protected from those who are afraid of change and want to keep people divided. Related to that, AI discloses that governments and those with power have been in most cases constantly finding new ways to suppress protests and silence critical voices. AI further discloses that global trends towards the militarization of police, the increase on the misuse of force by the police and shrinking civic space meant that it becomes more difficult to stay safe while making one's voice heard. The ability to protest safely is an issue that intersects with the right to be free from discrimination. AI goes on to portray that in its flagship campaign 'Protect the Protest' where it exposes when the right to protest is being violated coupled with supporting movements worldwide as they strive for positive change. Agnes Callamard ,Amnesty International Secretary General puts a final nail when she says, 'it is true to loudly

¹² Community news organization managed by the Missouri School of Journalism, Washington DC,www.emissourian.com

remind those in power of our inalienable right to protest, to express grievances and to demand change freely, collectively and publicly’

Weighing up the importance of peaceful protests, AI has the following to say, ‘One action can create a movement. If people are together, they can create a better world where everyone is equal and free from inequalities. Protest has played a vital role in making sure human rights are acknowledged by institutions with power. Driven by creativity and a sense of shared harmony, protesters take a multitude of forms online and offline, from strikes, marches and vigils to sit-ins and acts of civil disobedience. The strategies and tactics can be used to pave way for progress in areas that impact daily lives, including better governance, safer working conditions and combatting issues like racism and environmental destruction.

In as far as peaceful protest are concerned, AI expounds that people have a right to protest peacefully and states have a duty to respect, facilitate and protect the right. This means that the latter shouldn’t interfere with protests unless there is a legitimate threat to the safety and rights of others. Accordingly, the police tries to stop or limit a protest, that intervention must be proportionate and necessary or in other words, it must do more good than harm and must be the least rights restricting option. It follows therefore that authorities should instead find ways to make the spaces safer by communicating with those organizing the protest and providing services like traffic management and access to first aid services. However, in many cases, interventions from state authorities is what in most cases cause otherwise peaceful disruptions to become dangerous and violent, explicates AI

As to whether protest is a human right, AI affirms that when taking part in a protest, a person is exercising a variety of universally recognized human rights. As well as the right to freedom of expression and peaceful assembly, this includes other rights that are essential to enable peaceful protests including the right to life, to freedom of association, to privacy and to be free from arbitrary arrests and detentions and from torture and other ill-treatment or punishment. The right to protect, further affirms AI, is protected under International human rights law by provisions enshrined in various international and regional treaties guaranteeing each of these distinct yet mutually enforcing rights. Taken together, they provide protesters with comprehensive protection.

With respect to law enforcers at the protests, AI maintains that the way the police and other state authorities engage with the protesters has become increasingly militarized. According to AI, militarization is happening in many ways, including the deployment of armed military forces to suppress protests and support the police with armored vehicles, military grade aircraft, surveillance drones, guns and assault weapons, stun grenades and sound cannons, to mention just a few. Governments try to justify this disproportionate escalation in the use of force by painting protesters as a threat to public safety, but the truth of the matter is that these tactics are ultimately a way to intimidate people into silence.

In the final analysis, AI deliberates on the legal obligation for protest organization. To that effect, AI, points out that everyone has the right to protest and to organize protests. Clarifying, AI puts it this way, ‘One does not need permission from the police to protest. The Human Right Act means that the police have a legal obligation to facilitate a protest. When the police decides to police a protest, they should be trying their best to allow everyone to protest. One sometimes has a legal obligation to notify the police when one is organizing a protest march’.

'DISCUSSANTS' VIEWPOINT

Discussions on what is telling and what shall be unfolding in Kenya as a result of the prevailing situation has been going on offline and online. We are witnessing political analyses on the government of the day, the Opposition as well as the related political trends pitting the two sides in the East African country. We are putting on paper a few which we think assists to display the situation on the ground and what may happen in the future. We portray the narratives paraphrased but in their originality with a view to circumventing the stuffing of words into the mouths of 'discussants'. We are not revealing identities of the discussants as they prefer anonymity. However it is our hope that the reader shall at least add to the collection of what is emerging and what may transpire as a result of the current political developments in Kenya.

'Protest Forces Ruto to Offer an Olive Branch'

Kenyan President William Ruto on 2 April 2023 through a televised talk requested Opposition leader Raila Odinga and the latter's Azimio coalition to call off anti-government demonstrations. This is after he has seen the situation worsening in the country through loss of lives, injuries to people, vandalizing of property, theft, looting and destruction. When the protests took off, Ruto seemed to play them down. His Deputy, Rigathi Gachagua was always uncompromising and was quoted saying Raila Odinga had called a protest to threaten Ruto into sharing power as was the case during the second Presidency of Daniel Moi, the third Presidency of Mwai Kibaki and the fourth Presidency of Uhuru Kenyatta. From that point of view, Gachagua said he and Ruto were not people to be intimidated and if it happened that Ruto agreed to meet Odinga, he(Gachagua) would be the first person to put blocks on all State House gates so that Raila and Ruto do not meet to re-invent 'hand shaking'. *According to the 'discussant', the handshake was a public declaration in March 2018 (pitting then President Uhuru Kenyatta and Raila Odinga) to cease all hostilities and find a common ground in the interest of moving the country forward economically and politically after a prolonged period of turmoil.* What is uncovering seems to conflict with Ruto's (original) stance and contempt by Gachagua.

'Speeches by Ruto and Raila Did Not Differ Much'

Speeches by President William Ruto and Opposition leader Raila Odinga on 2 April 2023 did not differ much. This tempts one to think that there was a process that had already begun behind the scene that had already begun. As such when the two showed up, it was just a formality to the implementation of the agreement.

'Uhuru Kenyatta Must Have Been the Happiest Man on Sunday, 2 April 2023'

Let us imagine that Uhuru Kenyatta was at home in front of a television set enjoying his evening cup of coffee. Then all of a sudden the news on the TV revealed Ruto's call to Raila to call off anti-government protests. That might have made him beam triumphantly. Uhuru was labelled guilty by Ruto when the former reconciled with Raila in March 2018 through the incident which Kenya political pundits call 'handshake'. Ruto has always said the handshake between Kenyatta and Raila depressed Kenyan economy and even the rise in the cost of living he lays the blame to Raila and Uhuru. Ruto was Uhuru's deputy before the last elections. He differed with his boss on the reconciliation with Raila. Of course with the current developments, Ruto does not speak out but internally he must be admitting that what Uhuru did to defy the pride of the presidency and ask

for talks, he was not an idiot. For fighting a politician of Raila's caliber who has the guts to divide the country into two sides deserves respect.

'The Fifth Presidency Seems to Oppose the Building Bridges Initiative (BBI) Only Verbally'

The BBI had core principles on ending ethnic divisions, participation of the opposition, resolving election conflicts, defense and security, fighting corruption, patriotism, justice and accountability, equal distribution of national cake and representation. Ruto and colleagues object but as the situation is unveiling, they may acknowledge its importance.

'Ruto and Raila Have Made a Display of Leadership Skills'

In Kenya the government in power has been at logger heads with the Opposition. The Opposition has mentioned sabotage in the last elections, the legitimacy of the IEBC, need to open servers to verify election results, police attacks on the media and the general public and the government action to lure Opposition Members of Parliament. After a two weeks ultimatum, the Opposition staged peaceful anti-government protests, marched, clashed and exchanged words with the government. In between, there arose people who tried to reconcile the opposing sides and bring the situation under control. Finally Ruto saw the importance of going to the negotiating table with the Opposition. Ruto asked Raila and coalition to call off anti-government protests, the gesture which the latter accepted. Nobody can blame Raila for his resolution to take to the street as that is part and parcel of his right enshrined in the Constitution of Kenya. In the final analysis, the outcome of the joint talks will serve as a lesson worth emulation by Kenya's East African neighbors.

'Azimio la Umoja Demands'

High Cost of living- The prices of flour, cooking oil, petrol, diesel, sugar, electricity, school fees are sky-rocketing. Kenyans are caught in the grip of higher prices brought about by a combination of factors including adverse weather. People should voice their concerns as the country is facing a socio-economic crisis.

Open the servers-Azimio will accept defeat once the servers prove so. Cowardice to open the server indicates there is something fishy. It is an undeniable fact that it is the people's right to the correct results of the elections. When out of the 7 IEBC governors, 4 reject the results and then as if adding salt to injury the 'whistleblower'¹³ reveals the truth, what should be the position? Kenya should not be taught democracy by other countries. We are Kenyans and shall solve our own problems. There is no need to go to Germany and Belgium to talk about Kenya's problems.

IEBC-It is Illogical to Reconstitute the IEBC without Azimio

Luring Members of Parliament-If a Member of Parliament(MP) elected into the office via one party and later crosses over to another party he should not continue his/her duties as MP , instead he/she should automatically be disqualified as MP because he does not represent a party through which he was voted MP.

'Wisdom, kindness, sincerity and humility in leaders is tested in the times of crises

¹³ Individual who provides information to the people seeming reporting corrupt practices within a certain authority

When the President reached out to the leader of the Opposition to call off the protests and the latter accepted, the country celebrated with a sigh of relief. When the President's deputy said that Raila (leader of the Opposition) is free to go back to the street and continue with the protests if he so wishes, most Kenyans felt cheated and disgusted. It could have been reasonable for the President to avoid being held hostage by individuals with cheap, shallow, greedy and selfish interests. The country is currently in extraordinary times which require extraordinary solutions.

'Honesty, Honesty, Honesty'

If Ruto is honest, he could have opened up the server and challenge Raila through the revelations from the server. This could have put an end to the problems for the citizens. Ruto is cunning. He needed to halt Raila's momentum but since he initially went for a hardcore option, he needed a pause to calibrate. For a moment, Ruto trolled us Kenyans when he referred to Raila as 'my brother' but already he, his deputy and coalition are back to their usual self of attacking Raila. Talks have already been pre-empted by Ruto's coalition by prosecuting the bi-partisan issues and drawing their own conclusions.

'From The Streets We Came, to the Streets We Shall Go'

By the way, 'bi-partisan' was a trap. Had Raila Odinga denied the call, right now Ruto could have been painting Raila.

'Raila Escapes Ruto's Trap'

Raila Odinga had this to say, 'John Fitzgerald Kennedy (JFK) once stated that civility is not a sign of weakness and sincerity is subject to proof'. These were strong and meaningful words when the world faced the risk of nuclear war. Yet, these words still ring true today especially with the picture painted by elections. Raila earlier concluded his televised address on 2nd April 2023 with the following words, 'We won't hesitate to go back to protests if the talks do not yield results'

Do you think Ruto is honest about the dialogue? Is he really honest about the dialogue? The answer is simple. He does not want in 2027 a level playing ground instead he wants to create a field which will favor him. This is the rationale why he has been single handedly reconstituting the IEBC. The offer of peace extended to Raila was a trap. Being a seasoned politician, Raila read the letter in the envelope. If he (Raila) had rejected the olive branch, he would have been badly labelled. Look at the issues raised by Raila: Let us form teams, discuss outside and then go to Parliament. This shall be a true bi-partisan agreement. He knows Ruto controls the parliament and the parliament is already compromised.

'What Next for Raila Odinga after Bi-Partisan Deal with Ruto'

The majority of Raila supporters are concerned to be short changed by William Ruto. There seems to be a small visible trend that those who used to oppose 'protests' are angry that they are called off and those who used to support them are happy that they are called off. In this set-up, Raila should manage the expectations of his followers, He should think correctly on the issues that shall be discussed. He should constitute a strong negotiation team comprising of people who cannot be easily manipulated. Is there any difference between bi-partisan and hand shake? Everything has always been handshake but with different wordings. It is the same thing but differently worded.

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|-------|------------------|-----------------|
| (i) | Raila vs. Moi | Cooperation |
| (ii) | Raila vs. Kibaki | Grand coalition |
| (iii) | Raila vs. Uhuru | Handshake |
| (iv) | Raila vs. Ruto | Bi-partisan |

Raila, apart from public rallies, must revive consultative meetings, where he shall be attaining ample time to discuss issues just with people who are really committed to his course. With respect to the negotiation team to be formed, apart from their other good credentials, they must include serious international lobbyists to lobby his international friends to his cause. Opening of the server is a very important issue to the Azimio coalition. Revisiting the decision by the Supreme Court is now because a new evidence has emerged. He should tread carefully with Ruto and play his cards well because the majority of his followers are not ready to be disappointed and are even saying that in the case of the unexpected, they can protest without him (Raila). In the final analysis, he needs to keep his Azimio coalition intact. Strengthen his ODM, enhance intact ties with colleagues in Martha Karua, Kalonzo Musyoka and others because they are not ODM. The end result will be to enhance and boost the Azimio coalition.

‘Intrigues and Politics behind Bi-Partisan Politics the Case of Kenya’

Bi-partisan is good for the country but can also be dangerous to Raila Odinga. He may end up self-satisfying or self-destroying. Ruto has a large number of members in the parliament. Ultimately with the issue taken into it, the august house will have a bigger say in favor of Ruto. If Ruto managed to lure Azimio Members of Parliament to join him, won't he play his cards this time? Odinga must be very keen. It could also be Ruto's tactical retreat after feeling he is cornered. Everything had seemed to be against him especially after the raid of Kenyatta's farm. His people were taken afoot and therefore needed to regroup. Ruto has a state machinery and therefore easy for him to manipulate the system if he so wishes. He can even penetrate and infiltrate into the thinking of Raila's camp and in so doing interfere with the process.

‘Signs of a Looming Trouble Even Before the Talks Take Off’

From the way some Azimio leaders and supporters are talking, it seems that there will be trouble ahead. It appears the ceasefire was between William Ruto and Raila Odinga. Moreover, leaders supporting Ruto are attacking Odinga. Ruto needs to tame his foot soldiers to avoid sabotaging the talks. Raila and his coalition have apparently realized that the parliament and the judiciary are already compromised. As such they have come up with an all-inclusive decision to hold talks outside parliament and what they will agree upon is taken to parliament only for approval. Raila is no pushover. Demands from the Opposition leader Raila should not be downplayed with. For it is still a notable fact that other than the IEBC appointments, the President actually gave away nothing else in the Opposition leader's list of demands.

It Was Once Said That

‘The ballot is stronger than the bullet’, Abraham Lincoln, *16th President of the United States*

‘Election belongs to the people. It is their decision. If they decide to turn their backs on the fire and burn their blends, then they will just have to sit on their blisters’, *Abraham Lincoln, 16th President of the United States*

‘Once the government is committed to principles of silencing the voice of the Opposition, it has only one way to go, and that is down the path of increasingly repressive measures until it becomes a source of terror to all citizens and creates a country where everyone lives in fear’, *Harry S. Truman, 33rd President of the United States*

‘The power of a bold idea uttered publicly in defiance of dominant opinion cannot be easily measured’, *Howard Zinn, American historian, playwright and Political Science Professor, Boston University*

‘The special people who speak out in such a way as to shake up not only the self-assurance of their enemies but the complacency of their friends, are precarious catalysts for change’, *Howard Zinn, American historian, playwright and Political Science Professor, Boston University*

‘You cannot be neutral on a moving train’, *Howard Zinn, American historian, playwright and Political Science Professor, Boston University*

‘A kite flies against the wind, not with it’, *Winston Churchill, Former Prime Minister of the United Kingdom*

‘All great leaders find a sense of balance through their levels of reception. For instance those who support a leader may soften him, those who ignore him may challenge him and those who oppose him may stroke his ego’, *Criss Jami (Christopher James Gilbert), Author of many books and musician*

‘Criticizing the government is not hating it’, *Enock Maregesi, Novelist, Philosopher and Cosmologist*

‘Not everyman that thinks the other way is a rogue or fool’, *George MacDonald, Scottish author, poet and Christian Congregational minister*

‘It isn’t over until it’s over’, *Lawrence Peter ‘Yogi’ Berra American Baseball Catcher, New York Yankees*

Source:

Good reads (an American Social Cataloging website founded in 2006) www.goodreads.com

CONCLUSION

The truce between President William Ruto and Opposition leader Raila Odinga appears to have calmed down political tensions. The development may or may not pave way for negotiations. This is because agreeing to talk is one thing and setting the actual mechanism is the other. Political will from the opposing sides is of utmost importance at this stage to avoid hurdles apparently being erected in the process. While both men are seen to have made the choice for the right direction, Ruto’s government should avoid taking Raila and coalition lightly. Raila is a bonafide opposition leader and not a trouble-maker. It would be appealing to many in Kenya and the international community if the two sides agreed to bury the hatchet. For trying to interpret jargons and make them basis for a stance is illogical. After all what does cooperation, grand coalition, handshake

and bi-partisan connote and entail? While dialogue is the best option to settle differences, it may be too early to conclude the upshot as Kenya's destiny is in the hands of none other than Kenyans themselves. We keep our ears open.

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