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Kenya's Independent Electoral and Boundaries Commission (IEBC) faces an uncertain future as the resignation of three committee members further dents public confidence in the state's elections referee. The Kenya National Bureau of Statistics' Economic Survey 2018 reports that China became Kenya's single largest bilateral lender in 2017. Kenya deepens its economic ties with China by joining the Asian Infrastructure Investment Bank. Heavy rains cause flooding that kills 100 people and displaces roughly 210,000 across 15 counties, raising the risk of water-borne diseases such as cholera spreading in affected areas.

New election commission in the offing as confidence runs low

Kenya's Independent Electoral and Boundaries Commission (IEBC) could be facing an uncertain future following a split that has dented public confidence in the state's elections referee.

"Problems ranging from perceived political bias, tender wars and the hangover from the bungled 2017 General Elections continue to plague the IEBC, and in turn erode public trust that the agency can run free, fair and credible elections."¹

The latest issue involves the resignation of commissioners **Paul Kurgat**, **Margaret Mwachanya** and IEBC vice chair **Connie Nkatha Maina** in mid-April citing lack of faith in IEBC chairman **Wafula Chebukati**.² The resignations relate to Chebukati's suspension of IEBC CEO **Ezra Chiloba** in April, which is meant to pave the way for a thorough audit on how the IEBC singly sourced \$38m of election equipment from France-based **Safran Morpho**.³ The split amongst commissioners on how Chebukati suspended the CEO led to the recent resignations.⁴

The resignation of the three leaves the IEBC chairman with two commissioners, **Abdi Guliye** and **Boya Molu**, a total of three commissioners – four short of the seven the IEBC requires by law. **Roselyn Akombe** was the first commissioner to resign in October last year ahead of the repeat presidential election on grounds that the commissioners were pushing political interests ahead of national interests (see *ARC Briefing Kenya November 2017*).⁵ Akombe claimed that the IEBC could not be relied upon to conduct a free and fair election.⁶

"The timing of the recent resignations will add to the momentum calling for the entire IEBC to be disbanded. Currently there are election petitions waiting for judgement, and the courts have shown they are willing to order fresh elections should they feel that the election process violated the Constitution."⁷

The need for public confidence in the IEBC could not be greater. Kenya's political elite are currently discussing a referendum to amend the constitution to avoid the current "winner takes all" political

¹ Source, journalist, Nairobi

² The Nation, 16 Apr 2018.

³ Standard Digital, 12 Apr 2018.

⁴ The East African, 16 Apr 2018.

⁵ Daily Nation, 18 Oct 2017.

⁶ Daily Nation, 18 Oct 2017.

⁷ Source, journalist, Nairobi

system.⁸ The country will also undergo a national census in 2019, the results of which the IEBC will use to review electoral boundaries ahead of the 2022 polls.⁹

As Kenyans wait to see if the calls for a referendum gather steam, there are signs that the IEBC commissioners' days are numbered. According to ARC's source, President **Uhuru Kenyatta** (2013-present) and opposition leader **Raila Odinga** in a joint speech on 9 March alluded to change at the IEBC in a tacit statement that touched on electioneering.¹⁰ The statement noted that while Kenya has been undergoing institutional reforms for many years, there will be further reform regarding elections in the future. The Treasury has already directed that the IEBC stop recruitment of personnel to key positions that have fallen vacant following exits at the agency, directing the IEBC instead to carry out a job evaluation exercise to determine human capital needs.¹¹ Popular opposition to the IEBC is nothing new in Kenya, with mass protests against the agency in 2016.¹²

Despite mounting pressure on the agency from both sides of the political divide, civil society and the media, it remains unclear if Chebukati and the other two commissioners will be forced to resign:

"The upshot of a forced resignation will be a heavy \$2.2m payoff package for the three commissioners despite the botched polls that necessitated a repeat presidential election under their watch."¹³

The IEBC appears unlikely to work to address the issues that have tarnished its reputation:

*"It is also unclear whether thorough investigations will be conducted to find out the malpractices that took place in 2017 during the procurement of election-related material or whether there will be pressure on law enforcement agencies to investigate the murder of IEBC ICT manager **Chris Msando** which took place days before the 8 August polls."¹⁴*

The incompetence of the IEBC and the subsequent lack of public trust in the commission raises concerns about perceptions of Kenya's continued failure to hold free and fair elections. However, with Kenya's general election not scheduled until 2022¹⁵ and Raila Odinga's recent rapprochement with President Uhuru Kenyatta working to quash the 2017 electoral strife,¹⁶ the IEBC's failings appear to have come at a relatively safe period in Kenyan politics.

Kenya deepens its economic ties with China

The **Kenya National Bureau of Statistics'** Economic Survey 2018 released on 27 April shows the depth of Kenya's ever-deepening economic relationship with **China**. In 2017, China became Kenya's single largest bilateral lender, extending KSh 165 billion (\$1.64 billion) in loans to Kenya over the course of the year.¹⁷ China now controls 66% of Kenya's bilateral debt, KSh 478.6 billion (\$4.76 billion) of the total KSh 722.6 billion (\$7.19 billion) figure.¹⁸ Kenya's bilateral debt to China accounts for 12.1% of the total national government's debt position.¹⁹

Kenya's debt to China is set to rise. Construction of the Chinese-built **Standard Gauge Railway (SGR)** is entering its second phase.²⁰ The railway's extension from **Nairobi** to **Naivasha** will see the Kenyan

⁸ Business Day, 8 May 2018.

⁹ The Star, 5 Feb 2018.

¹⁰ Source, journalist, Nairobi

¹¹ Standard Digital, 28 Apr 2018.

¹² Al Jazeera, 6 Jun 2016.

¹³ Journalist, Nairobi.

¹⁴ Journalist, Nairobi.

¹⁵ *Daily Nation*, 7 May 2015.

¹⁶ Standard Digital, 27 Apr 2018.

¹⁷ Standard Digital, 3 May 2018.

¹⁸ Standard Digital, 3 May 2018.

¹⁹ Standard Digital, 3 May 2018.

²⁰ Standard Digital, 3 May 2018.

government borrow a further KSh 165 billion (\$1.64 billion).²¹ Full completion of the SGR is expected to cost Kenya a total of around KSh 1 trillion (\$9.95 billion).²²

In addition, Kenya became a member of the China-led development bank **Asian Infrastructure Investment Bank (AIIB)** on 2 May.²³ Kenya must deposit capital into the bank and complete domestic processes to become an official member of the AIIB.²⁴ Some see the AIIB as a symbol of Chinese soft power, and argue that Kenya's new AIIB membership may be interpreted as a symbol of economic deference to China,²⁵ particularly in light of the AIIB's recent move into **Africa** after signing a Memorandum of Understanding with the **African Development Bank (AfDB)**.²⁶ However, AIIB head **Jin Liqun** has dismissed allegations that one of the bank's roles is to support the growth of China's soft power, saying it had its own operating standards.²⁷ Liqun's deputy, AIIB vice-president and corporate secretary **Danny Alexander**, echoes Liqun's sentiments:

*"AIIB has 86 approved members from 6 continents. This shows a strong commitment to promoting infrastructure development through rules-based multilateral cooperation with high standards of governance."*²⁸

Vandalisation of a commercial billboard written in Chinese on a main road in Nairobi on 1 May has sparked further debate about China's growing role in Kenya.²⁹ **Xinhuanet**, the online publication of the Chinese government's official news agency, reported that "many Kenyans vented their displeasure on the billboard" on online platforms, demanding an **English** translation so that Kenyans could understand the advertisement.³⁰

Despite such concerns, China-Kenya relations seem set to grow both in real terms and in the hearts and minds of Kenyans, with many defending the billboard's presence on the highway.³¹ A recent poll conducted by **United Kingdom**-based market research company **Ipsos** in April shows that Kenyans consider China a more important foreign partner to Kenya than the **United States**.³² As such, one can expect Chinese-led infrastructure projects to continue uninhibited in Kenya.

Flooding displaces around 210,000 people and kills more than 100

In a statement on 1 May, the **Kenya Red Cross Society** estimated that floods had killed over 100 people since downpours began in early April.³³ The floods have displaced more than 210,000 people across fifteen counties including **Kilifi, Baringo, Kitui, Isiolo, Kisumu, Nyandarua** and **Tana River**.³⁴ As of 27 April, 24 dams have been breached and washed away, and many rivers have burst their banks.³⁵ More flooding is expected in coming weeks. **Kenya Meteorological Department** director **Saumu Shaka** stated on 30 April that rainfall is expected across Kenya, with the central **Rift Valley** and the **Coast** region to experience particularly heavy rain.³⁶

Kenya Red Cross secretary general **Abbas Gullet** urged the Kenyan government to declare the flooding a national disaster so that resources to evacuate those affected and provide them with

²¹ Standard Digital, 3 May 2018.

²² Standard Digital, 3 May 2018.

²³ South China Morning Post, 2 May 2018.

²⁴ Press Release, Asian Infrastructure Investment Bank, 2 May 2018.

²⁵ Bloomberg, 8 Apr 2018.

²⁶ Financial Times, 7 May 2018.

²⁷ South China Morning Post, 2 May 2018.

²⁸ Press Release, Asian Infrastructure Investment Bank, 2 May 2018.

²⁹ Xinhuanet, 2 May 2018.

³⁰ Xinhuanet, 2 May 2018.

³¹ All Africa, 1 May 2018.

³² Xinhuanet, 2 May 2018.

³³ eNCA, 1 May 2018.

³⁴ Business Daily, 1 May 2018.

³⁵ The Star, 27 Apr 2018.

³⁶ Business Daily, 1 May 2018.

humanitarian relief could be better coordinated.³⁷ **Rahema Hassan**, Woman Representative for Tana River County, urged the government to,

*"...declare the floods a national disaster so that we can get help from the international community. The situation is dire."*³⁸

There is a high risk of the spread of water-borne diseases such as cholera in affected areas of the country. Flooding in the **Dadaab** refugee camp in eastern Kenya, which holds 200,000 people, has resulted in pit latrines overflowing – aid workers have seen a dramatic increase in cases of Acute Watery Diarrhoea and fear that a cholera outbreak may be *"imminent"*.³⁹

Beyond the immediate humanitarian response to these floods, the potential long-term effects of the disaster will be costly to reverse and could devastate livelihoods. The more than 200,000 displaced people will need to find new housing or rebuild once flooding subsides, and the many smallholder farmers affected by the flooding will return to ruined crops and the potential loss of livestock.⁴⁰ In **Makueni County** alone, county governor **Kivutha Kibwana** said at least KSh1 billion (\$9.95m) will be required to restore normalcy across all affected sectors in the county.⁴¹ The cost to overcome flood damage countrywide will be very high, and without the widespread support of international humanitarian agencies and donors, county governments are likely to have to cover the cost of repairs and humanitarian assistance. Makueni County government has already been forced to review its 2018-19 budget and shelve development projects due to the floods.⁴²

Planner

Aug 2019 **(Kenya)** *The Star*. National Census planned;
2022 **(Kenya)** *The Nation*. General elections to be held;

Chronology

4 May 2018 **Kajiado County (Kenya)** *The East African*. Floods kill seven people and leave eleven missing;

4 May 2018 **Baringo County (Kenya)** *Daily Nation*. Several people are missing after armed bandits kill four in an attack on a vehicle travelling between **Kapedo** and **Marigat**;

2 May 2018 **Nairobi (Kenya)** *Business Daily*. President **Uhuru Kenyatta** champions his 'Big Four' policy objectives – universal healthcare, manufacturing, affording housing and food security – in his state of the nation address;

2 May 2018 **(Kenya)** *Reuters*. **Stanbic Bank Kenya**, subsidiary of **South Africa**-based **Standard Bank**, raises a \$100m dual-tranche syndicated loan coordinated by **United Arab Emirates**-based **Mashreq Bank**;

1 May 2018 **(Kenya)** *Daily Nation*. Government raises the minimum wage by 5%;

1 May 2018 **(East Africa)** *The East African*. **East African Community (EAC)** member states

³⁷ eNCA, 1 May 2018.

³⁸ Daily Nation, 28 Apr 2018.

³⁹ The Telegraph, 30 Apr 2018.

⁴⁰ The Telegraph, 30 Apr 2018.

⁴¹ The Star, 27 Apr 2018.

⁴² The Star, 1 May 2018.

fail to agree on how to harmonise their tax rates;

1 May 2018 **(Kenya)** *Daily Nation*. Floods kill 76 over four weeks and displace an estimated 242,536 people;

1 May 2018 **Lamu County (Kenya)** *Business Daily*. The **High Court** orders the government to pay 1.76 billion Kenya shillings (\$17.5m) to 4,600 local fishermen affected by the **Lapsset** port project;

27 Apr 2018 **(Kenya)** *Reuters*. Energy cabinet secretary **Charles Keter** orders a review of energy tariffs after consumers complain that tariffs rose steeply in the second half of 2017;

24 Apr 2018 **Isiolo County (Kenya)** *Al Jazeera*. Widespread flooding kills five people;

24 Apr 2018 **Nairobi (Kenya)** *Daily Nation*. **Independent Electoral and Boundaries Commission (IEBC)** chairman **Wafula Chebukati** maintains that the suspension of IEBC chief executive, **Ezra Chiloba**, was in good faith, rebutting Chiloba's affidavit alleging that Chebukati orchestrated Chiloba's removal;

20 Apr 2018 **Nyeri County (Kenya)** *Daily Nation*. Inspector General of Police **Joseph Boinnet** interdicts **Mathira West** police commander **Kiptoo Birgen** after a video emerges of a woman being assaulted at **Kiamariga Police Station** in full view of officers who fail to apprehend the assailant;

18 Apr 2018 **Kirinyaga County and Embu County (Kenya)** *Daily Nation*. Police shoot five people during a resettlement scheme as a group tried to prohibit others from settling on the land;

16 Apr 2018 **(Kenya)** *Al Jazeera*. Vice chair of **Kenya's Independent Electoral and Boundaries Commission (IEBC)**, **Connie Nkatha Maina**, and two commissioners, **Margaret Mwachanya** and **Paul Kurgat**, resign due to a lack of faith in IEBC chair **Wafula Chebukati**;

4 Apr 2018 **(Kenya)** *Business Day*. State-owned **Kenya Pipeline Company** plans to build \$125m facilities to handle and store liquefied-petroleum gas;

3 Apr 2018 **(Kenya)** *africanews*. President **Uhuru Kenyatta** announces that **Mozambicans** will no longer require a visa to visit **Kenya**;