

Politicizing Security Towards Elections



Kenya's Ground Zero

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Volume 1 No. 4
January 30, 2017

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Kenya's Ground Zero is an IPG initiative on elections in Kenya. Elections have become moments of vulnerability to violence and conflict. These are moments that expose and exploit the weaknesses of institutions. The objectives of this initiative are;

1. Provide field based analysis of issues and challenges relating to the management of elections in Kenya.
2. Make recommendations to guide practical action and research based policy to guide action and response to challenges generated by the elections.
3. Contribute to peaceful and transparent elections leading to post election stability.



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Executive Summary

The gloomy reality of a dismal turnout in voter registration in Kenya's opposition strongholds has sent its ranks clutching at straws to explain away an apparent crisis. The latest and most brazen move so far has been to politicize the security institutions by implicating them in covert voter registration exercises.

These allegations have had the effect to create cross border tension, malign security institutions, potentially provoke neighbouring states and ultimately discredit the numbers that will finally emerge from the final national Mass Voter Registration process.

All these plays into delegitimizing an already fragile electoral system to build on the case of a rigged election where the opposition has claimed the consequences will be too grim to bear.

The opposition is making it clear there will be violence to ensure there will be no country left if it does not win the 2017 election. The consequences of a Jubilee win, aided by the security services, according to Raila "will break down this nation and send it to the dogs" and will ensure "there will be no country". These and many other euphemisms are a clear call and preparation for violence should the IEBC fail to declare the opposition victorious after the election. The threat of violence is growing everyday and the country is being slowly nudged towards it.

A look and analysis at the preliminary MVR results explains why the opposition needs to discredit the voters register and the entire electoral process and institutions. Below par turnout has been established in the three core opposition bases of Nyanza, Lower Eastern and Western. Poor performance in these regions takes away the basis of a victory before the victory as declared at the start of the registration exercise. The opposition has moved to completely discredit the whole exercise by among other things alleging interference by the security services.

President Uhuru Kenyatta has dismissed Raila's claims and called on the opposition to stop issuing violence threats that are aimed at blackmailing and intimidating Kenyans as the country heads into the elections. The President notes that the public has a democratic right of choosing the leaders they want and the Opposition should stop threatening the country with chaos.

The opposition has however severally made it clear they are ready to entirely withdraw from the electoral process meaning the spectre of a boycott of elections from the opposition remains real.

The security institutions have a critical role to play in the elections top of which is securing the country before, during and after the elections. The maligning of the institutions through allegations of electoral malfeasance is technically aimed at denying them the confidence of the

nation at this critical time. The idea is to depict them as a partisan force doing the ruling party's bidding.

All this happens within a fragile electoral system that is struggling to consolidate and manage the elections for a free, fair and credible result. The politics of the moment where the electoral system is the main battleground in the election leaves very little chance for a much needed stable and certain electoral environment and institutions.

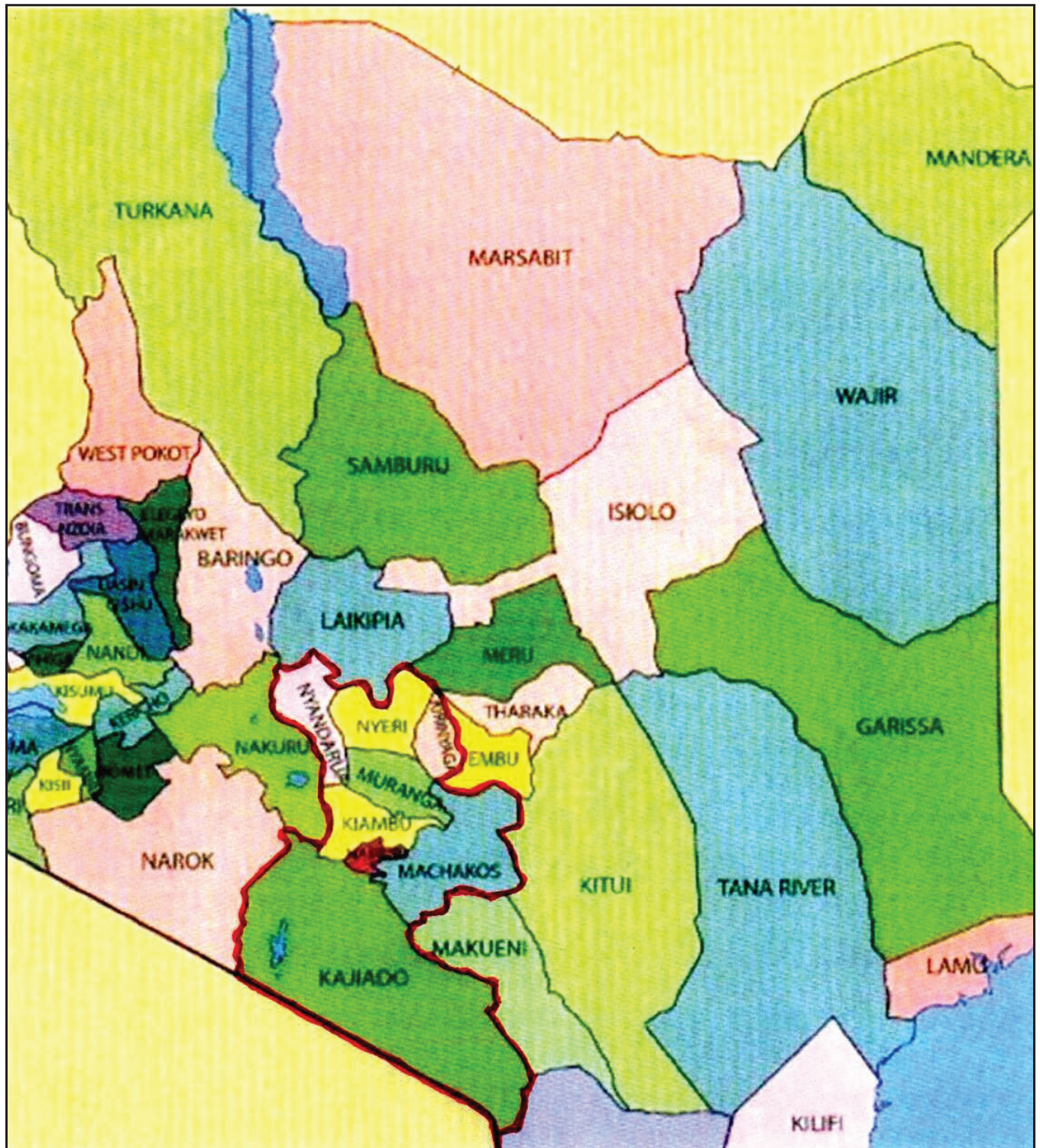
Recommendations

- Kenya's Security institutions should be aware of a concerted effort to enmesh them in electoral malfeasance in order to deny them the confidence they need to manage the country's security before, during and after the election.
- The Opposition should respect the independence and integrity of the IEBC in its voter registration process and allow it to complete the process and declare final results in February without interference and obstruction.
- The IEBC should move to consolidate itself and its processes in haste as it will increasingly come under attack from an opposition planning to scuttle its entire systems.
- The IEBC should fiercely guard its systems and processes from infiltration to interfere with election management and its outcomes.
- Kenyans should sensitize themselves to the rising election related acts of incitement to violence and move to condemn talk of "a country gone to the dogs."

LIST OF ACRONYMS

BVR	Biometric Voter Registration
CA	Communication Authority of Kenya
ICC	International Criminal Court
IEBC	Independent Electoral and boundaries Commission
MVR	Mass Voter registration
NASA	National Super Alliance
NIS	National Intelligence Service
NYS	National Youth Service
NCIC	National Cohesion and Integration Commission
ODM	Orange Democratic Movement
TUCK	Trade Unions Congress of Kenya
WDM	Wiper Democratic Movement

MAP OF KENYA



I. Introduction

The 2017 election is going to be the most competitive and complex in Kenyan electoral history. A fragile electoral system and its processes are going to be the biggest issue in this election. An obstructed and unprepared electoral commission is ever so real that the risk the election will be compromised in efficiency and effectiveness is apparent. The electoral process will take place in a highly polarized environment. The process is fast running out of time that it will hardly have the time to build credibility and legitimacy for itself. The only way the system will acquire that credibility is in the way it conducts the election. The means and the results will be critical.

Two preeminent and opposed strategies by the opposition and the incumbency are bound to clash raising tensions and polarizing the country. Should the opposition succeed in scuttling the electoral process, a constitutional and political crisis would ensue in a polarized environment that will definitely end up in violence and mass atrocities. Should the government continue to use its numbers and mandate to ensure the electoral process is executed; the cries of unilateral action would continue with the opposition defining the electoral process as unilateral and rigged, polarizing the country further as well.

It is not enough to have the par excellence constitution Kenya has. The ultimate litmus test for Kenya's democracy today is the legitimacy of the electoral process. The electoral system must inspire confidence in both its process and its results. Even if you're not happy with the outcome of an election, you can accept it as legitimate if the electoral system is based on confidence that can only be achieved through the agency of the major political players. The opposition's strategy of denying the electoral system this legitimacy therefore renders the whole process and its institutions one legged.

Legitimacy is difficult to measure, but one possible test especially for Kenya is the level of confidence the public would have that the system would produce free and fair results. Kenya holds her National Elections on 8th August 2017 if the entire political establishment gets behind the process. The electoral jostling and bargaining that precedes elections has begun in earnest. The high stakes poker game and the major issue that will define this election is the Electoral system and its institutions that include the Independent Electoral and Boundaries Commission (IEBC), The Supreme Court and the Security services. This system, its institutions and processes is Ground Zero for the 2017 elections.

This week's report covers the critical area of security in electoral management. The politicization of security towards the election will have the negative effect of setting up a polarized environment in which the same institutions will be expected to manage. This report has been compiled through news analysis, observation, collated documents, field reports, views from experts and interviews with key people in the electoral management process.

International Policy Group
Nairobi, Kenya

II. Security Services Come Under Fire

Caught by the depressing spectre of a dismal turnout in voter registration in its strongholds, the Kenyan opposition has moved to politicize security institutions to create cross border tension, galvanize its base, discredit electoral & security institutions and the numbers that will finally emerge from the final national Mass Voter Registration process.

While kicking off the opposition's voter registration drive in Nairobi on January 16 2017, opposition leader Raila Odinga said "These elections will be won between today and mid-February when registration ends." As the second week's IEBC figures came out, it was clear to the opposition that this narrative is no longer appropriate and now moves to galvanize their base to completely reject the voters register through insinuation of covert machinations using the National Intelligence Service (NIS) on their way to totally rejecting the election results should they lose at the ballot.

On 24th January 2017, the opposition leader accused the NIS of being used by the government in interfering with the ongoing voter registration exercise. In his statement, Raila said that the spy agency is involved in the voter registration exercise with an aim of influencing the 8th August polls as it did in 2007 and 2013. "NIS interference in the current voter registration involves taking BVR kits across our borders into Uganda and Ethiopia and assisting citizens of the two countries to register in a Kenyan election process," said Mr. Raila.

1) Brewing Tension at the Borders

This statement besides being alarmist is also an attempt at brewing regional conflict between border communities. This is incitement of the communities on the Kenyan side to arm themselves against their neighbouring communities in Uganda and Ethiopia. The communities at the border of Kenya and Uganda and Kenya and Ethiopia have had differences that have often boiled over into regional conflicts. By making such allegations, the opposition leader hoped to incite the communities on the Kenyan side to rally in huge numbers and build a tension that would lead to a high registration of voters.

2) Provocation of Neighbouring States

The statement was also an attempt at provoking neighbouring states into taking interest in the Kenyan election and probably having them weigh in on the opposition's side. By alleging that a sovereign state had breached the territory of another sovereign state through a security agency, Raila was playing a higher conflict whose outcome he hopes would land in his favour.

It is clear both the Ugandan and Ethiopian states would not take such allegations lightly which only leads to an escalation of regional suspicions. With the perception that Tanzania is already allied to the opposition established through Odinga's personal relationship with President John

Magufuli established, the provocation of the other two big neighbours Uganda and Ethiopia is sinister and risks not only Kenya's national security but the region's as well.

3) Juxtaposing the NYS

The Raila statement also went on to allege creation of ghost voters in the register. "The NIS is also interfering with the voter registration process by having youths whose data were collected through the dubious National Youth Service (NYS) exercise over the last few years and registering them as voters without their knowledge," he added. He also said that the process that is being carried out by NIS is responsible for the multiple registrations, shared identity cards and many cases of people who are captured as registered when they are not registered.

4) Building on the 2013 allegations

Raila further said that during the 2013 elections, NIS officers were absorbed as polling clerks and other positions with a strategy of helping Jubilee win the polls. He also said that in 2007, the spy agency was involved in ballot stuffing among other election irregularities. The idea behind this allegation is the use of the 2013 elections as the foundation basis of the election rigging claims. Raila laid down this foundation in his March 9th 2013 speech 2013 where he made the first claim of a tainted election through consequential failure of every system put in place by the IEBC. The statement is a build up on the strategy behind that speech, "Democracy on Trial" which is the ground zero draft in the opposition's preparation to reject the 2017 results on the grounds of rigging elections.

The Opposition chief further said that IEBC is an independent institution and hence NIS should stop interfering with the operations of the commission. He said that the spy agency must operate in a non-partisan manner and act independently as it has the mandate of safeguarding the integrity of the electoral process. He viewed NIS as a disgrace to the society as it is betraying the public trust attached to it. Additionally, Mr. Raila told the Director-General of the NIS Major-General Philip Wachira Komeru and the leadership of the agency that Kenya will not accept any other election theft that is led by NIS.

The security agencies including the police and the NIS will increasingly be politicized by the opposition as Kenya approaches the August election. The credibility of these institutions is at stake since they are critical to the smooth execution of the electoral process. In line with the strategy to discredit the entire process and all the institutions critical for its functions, the security services will increasingly be undermined, baited, entrapped and overtly get enmeshed in ridiculous conspiracies to completely deny them of any credibility at election time. They will increasingly be branded as appendages of the Jubilee campaign machinery.

5) Breaking Down the Nation

“NIS will break down this nation and send it to the dogs, if it continues on this path of seeking to influence election results by way of fraud,” the statement read. Raila challenged the NIS to come clean on the matter and assure Kenyans that it will abandon the disgraceful involvement in the voter registration exercise. “It must do this with the full awareness that there will be no country if it does not abandon course it is currently pursuing,” he added. He ended by reiterating that Kenyans are not prepared for the NIS to choose for them their next leader again.

The opposition is making it clear there will be violence huge enough to ensure there will be no country left if it does not win the 2017 election. The consequences of a jubilee win according to Raila “will break down this nation and send it to the dogs” and “there will be no country”. These and many other euphemisms are a clear call and preparation for violence should the IEBC fail to declare the opposition victorious after the election. The threat of violence is growing everyday and the country is being prepared for it.

III. The Preliminary Mass Voter Registration Results

A look and analysis at the preliminary MVR results explains why the opposition needs to discredit the voters register and the entire electoral process and institutions. This time the target has been the security services in an alleged conspiracy to interfere with the registration process. A weak turn out in opposition strongholds has led to panic within their ranks.

1) The Stakes in The MVR

The final national Mass Voter Registration exercise has been characterized by both the IEBC CEO Ezra Chiloba and Raila Odinga as the election before the election. The true stakes in the voter registration process however is the conversion of community population representation into an equal representation in the voters register in the least.

The preliminary results from the two weeks exercise however point to a different scenario. Some regions are converting their populations into a bigger share in the voters register while others are doing less; they're not meeting the one to one conversion. This introduces a scenario, to be confirmed or disputed upon examination of the entire complete register that has not been in the public political discourse up to now. Kenyan communities are not represented in the voters register in the exact ratio they are in the population. There are advantages and disadvantages representing a radical shift on how we look at ethno political numbers.

2) The Coast MVR Results

The coast region has so far registered 170,548 voters. This represents 11.08% of the new voters so far against a population representation of 8.6% going by the 2009 census numbers. This means that the coast is presumably hitting above its weight with a 2.48% advantage. The politics at the coast are definitely hitting home and sending people to obtain their political participation ticket. This is of course a preliminary advantage that may grow or diminish at the end of the registration exercise. A hitherto opposition stronghold, the opposition should worry little about the numbers at the coast.

3) North Eastern MVR Results

North Eastern has so far registered 39,671 voters being a 2.58% share of the new voters. This is against a population representation of 5.98%. The figure presented by the IEBC in Garissa however raises concern. In week one, the IEBC said that Garissa had registered 12,236 new voters and was applauded as one of the counties that had met 92% of its weekly target. In week 2 of the exercise, Garissa had registered a cumulative 12,658 voters meaning only 422 voters in the second week compared to 12,236 in week 1. This is a representation that requires further explanation and analysis. The same trend wasn't witnessed in the other two counties of

Wajir and Mandera or anywhere else in the country. Based on the IEBC numbers however, north eastern is hitting way below its capacity by a difference of a ridiculous 3.4%.

4) Eastern MVR Results

Eastern has done a total of 240,611 being a 15.62% share of the new voters. This compares positively against a 14.69% share of the population. It is a marginal advantage of 0.93%. a further breakdown of the numbers within eastern shows that the Mt Kenya counties of Meru, Tharaka Nithi and Embu have a total representation of 7.5% of new voters against a 5.7% representation in the population meaning they have a 1.7% advantage in new voters as compared to population. Kitui, Makueni and Machakos have a total 7.41% share of the new voters against a 7.77% population representation meaning they have a slight disadvantage of 0.36%.

5) Central MVR Results

Central province has so far registered 238,568 new voters making 15.49% share of the new voters. This compares against an 11.35% population representation meaning there is a remarkable 4.14% advantage in share of the new voters as compared to population representation.

6) Rift Valley MVR Results

The Rift valley has a total of 348,261 newly registered voters in its 14 counties. This represents a 22.68% share of the new voters registered. This compares against a 25.92 representation in population meaning the rift has a 3.24% deficit in its conversion. In the combined counties of Uasin Gishu, West Pokot, Nandi, Baringo, Kericho and Bomet the total number of new voters is 146,343 being a 9.56% share of the new voters against an 11.84% population representation meaning the counties have a 2.28% deficit in conversion of population to new voters based on the preliminary data available. They compare favourably to the other counties save for Nakuru county with 77,970 voters being a 5.06% share of the new voters against a population representation of 4.15% meaning Nakuru is the Rift Valley county with the best positive conversion of population to voters with a 0.91% advantage. Uasin Gishu has a 0.08% advantage, Laikipia has a 0.26% advantage and Kajiado has a 0.22% advantage.

7) Western MVR Results

The western region has a total of 134,246 new voters which constitutes an 8.72% share of the new voters. This compares to an 11.23% representation in the national population meaning the region has a 2.51% deficit in conversion of demographics into new voters.

8) Nyanza MVR Results

Nyanza has a total of 180,208 new voters in the roll representing an 11.7% share of the new voters. This compares against a 14.1% population representation meaning there is a 2.4%

deficit in conversion of demographics into voters within the current registration process and the preliminary results.

9) Nairobi MVR Results

Nairobi has so far registered 182,265 voters being an 11.84% share of new voters. This compares to an 8.13% share of population meaning Nairobi has a 3.71% advantage on new voters over its population. Nairobi has many factors at play including a population influx over time that may account for this. It is in Nairobi also where the most voter importation is happening mostly from its surrounding counties. If the regional statistical trend applies to Nairobi, the city's ethno political mix could be changing dramatically.

Below par turnout has been established in the three core opposition bases of Nyanza, Lower eastern and Western. Poor performance in these regions takes the basis of a victory before the victory as declared at the start of the registration exercise. Other than accepting their opponents have done better and won in this election before the election, the opposition has moved to completely discredit the whole exercise by among other things alleging interference by the security services.

IV. Response to the Politicization of the Security Services

The opposition's claim on the interference of the voter registration process by the NIS has drawn reactions from the government, the IEBC and jubilee politics. The reactions were swift from the political to the official. The joint response and almost similar response from the politics, IEBC and the government has acted to entrench the perception that the three actors are speaking from the same script, a notion the opposition is keen to cultivate towards the election. A government, IEBC and Jubilee politics in agreement over issues will definitely paint the picture of a co-opted IEBC which works in the opposition's strategy to scuttle the election either pre or post the ballot box.

1) Reaction by Interior CS Joseph Nkaissery

On 25th January 2017, Joseph Nkaissery, the Interior Cabinet Secretary, asked the opposition to record a statement with the police concerning the claims that the government intends to use the NIS in rigging the August 2017 elections. Nkaissery was speaking in Narok where he said that the threats by the Opposition threatens the stability of the country and they must be investigated and cleared. "If there is any truth in it, they should come forward and record a statement and tell us precisely what they know about it, because we want this country to remain stable. We want free, fair and credible elections," Nkaissery said.

The opposition would of course not move to write any statements. This has the effect of defiance to offices and creates a precedent that is going to be a major part of the political process in the lead up to August. This constant and ever present boycott of process and institutions is the ultimate strategy that envisions the boycott of the electoral process and its institutions entirely including the Supreme Court should there be a grievance at the election.

The opposition has severally made it clear they are ready to entirely withdraw from the electoral process. Siaya Senator James Orengo on 19th November 2016 said the Opposition could boycott 2017 elections if the (IEBC) cannot guarantee that it will be free and fair. The Senator said that the IEBC had not demonstrated that it could handle concerns raised by the Opposition. "We either have proper elections or no elections at all," he told mourners. The threat of no elections at all is not idle.

2) President Denounces The Threat of Violence

President Uhuru Kenyatta dismissed Raila's claims and he instead urged the Opposition to stop issuing violence threats that are aimed at blackmailing and intimidating Kenyans as the country heads into the elections. The President noted that the public has a democratic right of choosing the leaders they want and the Opposition should stop threatening the country with chaos.

The President said it was unfortunate for the Opposition leaders to talk about violence rather than going to the public and asking for votes. "Leave Kenyans to choose who they want without your constant threats. Stop blackmailing Kenyans with your threats of violence," he said. He said that the Opposition leaders lacked any progress agenda for Kenya and that's the reason they were using bloodshed as a strategy to campaign. "He (Raila Odinga) is claiming NIS is being used to rig elections. He is also claiming that my going round the country to sensitize voters is rigging. Is he even serious and how will that win him votes? Why can't he go and ask Kenyans to vote for him?" he asked. President Kenyatta said that Raila was plotting to cause chaos if he loses in the elections. "The claims he is making that we are registering foreigners are just a ploy to cause chaos and reject results if he loses elections. Let us send him home by 6 a.m. in the August elections," the President said. The President also told Kenyans to ignore him.

3) The IEBC Responds

The IEBC denied claims that its Biometric Voter Registration (BVR) kits were being used to register foreigners. Andrew Limo, the IEBC communications and public affairs manager, said: "We would like to categorically state that no Commission BVR equipment is in the hands of strangers." "We can account for all the kits deployed for the ongoing MVR and the personnel operating them," he added. He also asked any person with information in regard to any issuance of ID cards to foreigners to report to the relevant authorities.

The IEBC constantly finds itself fighting for its credibility against the opposition's challenge to delegitimize it. Last week's attack indicating that the IEBC has been infiltrated and compromised by the NIS not only made the IEBC look weak but also pliable to manipulation by the security services which according to the opposition are doing the government's bidding. The IEBC with new commissioners finds itself compromised within opposition strongholds and will have the difficulty operating in an environment where it faces a legitimacy and credibility deficit.

4) Reactions from Jubilee Politicians

Nominated MP, Johnstone Sakaja, dismissed the claims and said that Raila was looking for excuses that he will use since he has sensed defeat in the August polls. "As Jubilee we know that Raila knows he cannot stop the re-election of President Uhuru Kenyatta so now he is looking for excuses to use," Sakaja said. "Unfortunately he (Raila) does not seem to understand that these institutions do not just serve him (President Kenyatta), they serve 40 million Kenyans. Such reckless statements undermine their effectiveness," Sakaja added.

Thika MP, Alice Ng'ang'a wants the Cord boss to record a statement with the police in regard to his claims. According to Alice, the remarks by Raila amount to incitement and they could plug the country into chaos easily. On 26th January 2017 at Thika town, she accused Raila of

speculating false information. “Raila’s remarks that Jubilee government is using NIS to import voters could easily burn this country,” she said. “We cannot allow people like Raila to burn this country,” she added. The MP said that such careless remarks led the country to the 2007/2008 post-election chaos.

These altercations and reactions by jubilee politicians further move to polarize their own base against the opposition and create a hostile electoral environment. The use of threats of violence and the reaction to it can only beget more violence. Should this polarization of the political bases continue the spectre of both pre and post election violence remains ever so real.

V. Conclusion

The depressing spectre of a dismal turnout in voter registration in its strongholds, the Kenyan opposition has moved to politicize security institutions to create cross border tension, galvanize its base, discredit electoral & security institutions and the numbers that will finally emerge from the final national Mass Voter Registration process.

This alarmist statement is an attempt at brewing regional conflict between border communities, potentially provokes neighbouring states to build on the case of a rigged election come August should the opposition lose the election where the consequences will be too much to contemplate. The opposition is making it clear there will be violence huge enough to ensure there will be no country left if it does not win the 2017 election. The consequences of a jubilee win according to Raila “will break down this nation and send it to the dogs” and “there will be no country”. These and many other euphemisms are a clear call and preparation for violence should the IEBC fail to declare the opposition victorious after the election. The threat of violence is growing everyday and the country is being prepared for it.

A look and analysis at the preliminary MVR results explains why the opposition needs to discredit the voters register and the entire electoral process and institutions. Below par turnout has been established in the three core opposition bases of Nyanza, Lower eastern and Western. Poor performance in these regions takes the basis of a victory before the victory as declared at the start of the registration exercise. Other than accepting their opponents have done better and won in this election before the election, the opposition has moved to completely discredit the whole exercise by among other things alleging interference by the security services.

President Uhuru Kenyatta dismissed Raila’s claims and call to the opposition to stop issuing violence threats that are aimed at blackmailing and intimidating Kenyans as the country heads into the elections. The President noted that the public has a democratic right of choosing the leaders they want and the Opposition should stop threatening the country with chaos.

The opposition has however severally made it clear they are ready to entirely withdraw from the electoral process meaning the spectre of a boycott of elections from the opposition remains real.

Altercations and reactions by jubilee politicians further move to polarize their own base against the opposition and create a hostile electoral environment. The use of threats of violence and the reaction to it can only beget more violence. Should this politicization of security and the polarization of the political bases continue the spectre of both pre and post election violence remains ever so real.

All this happens within a fragile electoral system that is struggling to consolidate and manage the elections for a free, fair and credible election. The politics of the moment where the electoral system is the main battleground in the election leaves very little chance for a much needed stable and certain electoral environment and institutions.

About The International Policy Group

The International Policy Group (IPG) is a nongovernmental organization dedicated to sustainable Peace and Justice. Its mission is to generate and share knowledge on peace and justice to positively influence policies and politics. IPG is primarily concerned with the governance, policy and institutional dynamics that impact on Peace and Justice, especially in poor countries worldwide.

Broadly, IPG is motivated by the recognition that the existing global peace and justice policy system has not adhered to the principle of equality of nations. It largely reflects the hegemonic structure of the post-1945 world order and has not adjusted to the reality of fundamental changes in the international system. The rise of new powers and the mounting influence of non-state actors have provided opportunities to promote peace and justice, but also posed new challenges that might endanger these values. Scholarly and policy communities need to be informed of the challenges and opportunities for sustainable peace and justice.

The IPG pursues its mandate by:

- Engaging in research aimed at promoting peace and justice by addressing specific national, regional and global challenges and sharing knowledge through books, articles, reports, and other outlets;
- Convening influential policymakers and scholars working on issues of peace and justice to debate the merits of the frameworks through which peace and justice are promoted;
- Hosting roundtable series to inform the policy and scholarly communities of emerging challenges and solutions to peace and justice at national and regional levels;
- Providing a dynamic Web presence as a resource for researchers and policy communities on the issues related to the future of peace and justice.

Other Reports by IPG

The Dragon's Trap	:	Kenya's Politicized Anti Corruption Architecture. July 2015.
Peace Betrayed	:	The ICC Politics of Victimhood and the Threat of Instability in Kenya. October 2015.
Children of a Lesser God	:	Report on the Investigation into the Power Politics behind the removal of the Kenyan Force Commander of the UN Mission in South Sudan (UNMISS) November 2016.

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