Report on the digital ecosystem in Kenya

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Background

Kenya has a very volatile political climate characterized by ethnic polarization that has often resulted in election violence. The most extreme case of this occurred during the 2007/2008 election period leading to more than 1,000 deaths, and the displacement of over 600,000 individuals.[i] Following negotiations, a peace agreement known as the National Accord was signed in 2008 which set the country on a path of political reform. While elections conducted since have not resulted in violence at a similar scale, these ethnic tensions continue to be pervasively fuelled by phenomena such as hate speech. This was witnessed in both the 2013 election, which was relatively peaceful and the 2017 election. In 2017, initial election results were annulled leading to a re-run that was boycotted by the leader of the opposition and saw him sworn in as the People's president on January 30th 2018 - the unrest surrounding these events, including street protests and violence, resulted in at least 33 deaths.[ii] However, this was theoretically resolved through a mutual deal between President Uhuru Kenyatta and his opposition rival, Raila Odinga, to work together.

Politics is conducted against the backdrop of digital transformation with Kenya being among the most technologically advanced nations on the African continent. Mobile phone and internet penetration in the country are estimated to be between c. 80% and 119%[1], and 27% and 43% respectively.[iii,iv] This has led to widespread use of social media with the most popular platforms being Facebook, WhatsApp and Twitter. A report by the Social Media Lab Africa at the United States International University – Africa (USIU-A) found that WhatsApp and Facebook enjoy the highest usage of c. 89%, they are closely followed by YouTube and Google which have a usage rate of 51% and 41% respectively. While not nationally prominent, Twitter has a usage rate of close to 60% in urban areas. However, Twitter often influences political debate in other social media platforms and mainstream media so while the active users are lower, its influence is still high. Men are more active on social media. Additionally, individuals aged 26 to 35 years are the most active users of key social media including Facebook, WhatsApp, Twitter and YouTube, with the least usage found among people 46 years and above.[v] These platforms are used as a means to not only talk about trends and popular culture but also to receive and disseminate information, as well as to react to the goings-on within the country and beyond.

The interaction between the digital and political ecosystem has resulted in several benefits, however, it has also heightened some of the underlying challenges and introduced new ones. The following section highlights both positive and negative trends at the intersection of politics and digital technology. In particular, it discusses the increasing civic empowerment and engagement, and the increased transparency in the electoral process, while calling attention to data privacy concerns, foreign interference and its interplay with misinformation and disinformation, as well as the rise in hate speech.

Trends and Challenges

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[1] 119% is arrived at given the use of SIM penetration as the indicator with individuals owning multiple SIM cards

The digital ecosystem, and social media, in particular, has led to greater civic empowerment and engagement. Across a variety of platforms, Kenyans are able to express opinions, report wrongdoings, mobilize protests and monitor elections. Prominent examples of this include Ushahidi and the Kenyans on Twitter phenomenon. Ushahidi, a social enterprise that crowdsources and maps accounts of emergencies, uses digital technology including short messaging system (SMS), email and the web to collect information from citizens. The platform has been vital in tracking and analysing structural tensions and documenting violent incidents during election periods, since its development in 2007.[vi] In a somewhat similar, though more general fashion, Kenyans on Twitter popularly known as #KOT frequently rally together to speak out on or debate various civic issues, or even produce locally-driven counternarratives to news presented in Western media that is at times viewed as neither objective nor balanced. Recently featured topics comprise government-related corruption in the midst of COVID-19, and what is viewed as unsustainable national debt. This agency to write and drive narratives is seen as particularly important at a time when the independence of traditional media is in question. It is important to note that these "expressions of solidarity" often transcend tribal affiliations.[vii]

In addition, certain digital technologies were introduced to increase the transparency of the electoral process. The motive behind the shift towards a biometric voter registry from the manual one was to decrease deeply entrenched irregularities. Verification at polling stations was seen as the key to preventing incidences such as more than one vote being cast by an individual or votes being cast 'on behalf' of the dead. Furthermore, the direct electronic transmission of results would inhibit tampering and enable timely transmission of results.[viii]

However, these developments have justly raised a number of concerns particularly concerning data privacy, the manipulation of the electoral process through hacking, deliberate sabotage of the procurement process; and the reliance on vendors. The murder of Chris Msando also highlights the growing importance and risks around tech and the electoral process. Until 2019, Kenya did not have regulations pertaining to data protection to inform the bounds within which, and the manner that, voter information could be collected, processed or shared. For example, research by the Centre for Intellectual Property and Information Technology Law at Strathmore University revealed that the 2017 voter database was readily available for sale without any safeguards. This facilitated the use of this data to profile and target voters by both private companies and governments. Locally, voters reported receiving unsolicited text messages citing their name, constituencies and even polling stations.[ix]

Data breaches and general electoral interference is not restricted to local parties, as there are foreign companies involved through collaborations with local partners. Two prominent examples are Harris Media LLC and Cambridge Analytica. Following the 2017 elections, Privacy International revealed that President Uhuru Kenyatta had hired Harris Media LLC, a far-right American digital company, to create two online campaigns. These campaigns were "The Real Raila", an attack on the opposition candidate, and Uhuru for Us which highlighted the president's achievements.[x] The company reportedly used data analytics to target individuals on various social media platforms. It is worth noting that Raila Odinga also tried to engage non-local advisors (though the nature of their work was unclear because they got expelled from the country).[xi] This followed the unveiling of reports confirming that Cambridge Analytica played a role in both the 2013 and the 2017 elections. The company gathered data,

whose nature and source are yet to be identified, to aid the Jubilee Party's campaign and manage the President's image.[xii] The data enables 'better' targeting on existing social media platforms and the process illustrates the disregard for of informed consent from or explanation to the users on issues such as: What information is collected? On what legal grounds? Who is it shared with and for what reason and use? Where and how is it stored and protected?

Furthermore, some of the information shared through these campaigns were inaccurate. For example, "The Real Raila" video included claims that the official leader of the opposition would "remove whole tribes"[x] This "false information that is spread, regardless of whether there is intent to mislead" is known as of misinformation and disinformation or more generally "fake news" and has been shown to be prevalent during election periods. A nationally representative survey of 2,000 Kenyans conducted by GeoPoll in May 2017 revealed that 87% of people had seen information that they suspected was deliberately false.[xiii] While these lies and biased interpretation of facts previously existed, social media serves as a new tool that has enhanced the speed at which, and the distance to, which they travel. The initial targeting occurs on platforms such as Facebook, Twitter and Google, however, it eventually makes its way to and is disseminated via ubiquitous WhatsApp groups by consumers who do not critically analyse narratives about either their preferred candidates or their political adversaries and become unsuspecting participants in the spread of fake news. The targeting is also used to find polarizing issues amongst voters and use that to create fissures and divisions that are less about substantive disagreements and more about emotional ones. The inaccurate accounts of events, and the manner in which it shapes and alters public opinion, hinder the ability of citizens to be well-informed, or to discern what candidates would best represent their needs, and undermines electoral democracy.

Related to the use of social media in the spread of misinformation and disinformation is the use of hate speech by both politicians and voters. This is viewed as a key source of conflict and has had a central role in all previous instances of election-related violence. Digital technology provides a curtain behind which individuals can say hateful things against rival parties and affiliated tribes. People are willing to make utterances in comment threads, on Twitter, on Facebook, sometimes under the veil of anonymity, that they would never say to someone's face. Between October 2012 and May 2013, Umati logged 5,683 posts containing hate speech on social media – these posts included calls to kill, beat or forcefully evict members of different ethnic groups.[xiv] These statements perpetuate polarization, destabilize democracy by breeding fear, among its consumers which ultimately impacts how they vote, and ultimately fuel conflicts around the election period.

Prior to and following the two previous elections, different laws have been enacted, and other mechanisms have emerged, to help address the challenges technology posed to the electoral process with various levels of success. Most notable, though yet to be fully implemented, is the Data Protection Act of 2019 which with respect to election facilitates lawful use of personal data. These data protection standards provide a basis for members of the public to compel private and public firms to respect their fundamental right to privacy. The implementation of the act is underway now with the appointment of the Data Privacy Commissioner who recently launched her 100-day plan; there is also a taskforce in place to oversee putting the right regulatory frameworks in place. In addition to the legislation, fact-checking organizations have emerged to identify fake news in order to limit its virality. In

Kenya and the broader continent, Africa Check is a leading fact-checking organisation whose declared mission is to "sort fact from fiction" so as to keep public debate honest by ensuring citizens have access to high-quality information. Similar organizations such as Pesa Check are also emerging to deal with the rampant fake news – both organizations are members of the International Fact Checking Network (IFCN). Another relevant regulation put in place as a result of the spread of anonymous text messages during the 2007/2008 election, includes the requirement that bulk political texts be attributable to the candidate or political party sending them, and the telecommunications company must verify the messages are not sent anonymously from political candidates and parties.[xv]

However, loopholes remain in legislation including that which permits continued secrecy surrounding online campaigns given Kenyan electoral laws do not clearly require candidates to endorse campaigns or adverts they have funded (outside of the previously mentioned bulk texts). This should ideally be updated to encourage transparency regarding the role that private companies and political parties play in the funding, generation and dissemination of various campaigns to enable greater accountability for their impact. **Aside from the action by government and social justice organizations, there is an evident need for large technology companies, who profit financially from these adverts to differentiate between commercial advertising, and political campaigning and better regulate the latter.** This is particularly crucial in politically fragile states such as Kenya where its use can widen the rifts in an already highly divided society. A question raised by Nanjala Nyabola regarding the role foreign companies play in local elections is, "What does accountability for political misinformation look like when a British company uses an American platform to influence political discourse in a Kenyan election, [and] that results in deaths and destruction in Kenya?"

Following the 2008 election, hate speech was declared illegal through the introduction of various pieces of legislation. Most notable is Article 13 and 62 of the National Cohesion and Integration Act of 2008. Section 13 illegalizes the use of threatening, abusive or insulting words, acts or materials liable to stir up ethnic hatred, while section 62 outlaws speech intended to incite feelings of contempt. Other Kenyan laws also touch on hate speech, including the 2010 Constitution which indicates that freedom of expression does not extend to hate speech (however, the term is not defined), and Kenya's code of conduct for political parties which prohibits parties from "advocating hatred that constitutes ethnic incitement, vilification of others or incitement to cause harm". Finally, particular to the use of technology, the Computer Misuse and Cybercrimes Act of 2018, criminalizes acts of false information, and hate speech. Nevertheless, this legislation implied to be protecting citizens is also being used to silence bloggers and online activists who are viewed as being critical of the state by threatening or attacking them.[xvi] The act risks potentially being extended to mainstream media. The constitutionality of the Computer Misuse and Cybercrimes Act was challenged by the Bloggers Association of Kenya (BAKE) soon after its enactment – this was due to, among other things, the ambiguity in the definition of what qualifies as an offence in some of the sections. The High Court of Kenya suspended 26 sections pending hearing, however, in February 2020, the Act was held to be valid and not in violation of fundamental rights and freedoms.[xvii]

The Impact COVID-19.

The absence of in-person spaces to engage with each other, given the COVID-19 regulations that require physical distancing, has led to an increased public engagement in the digital sphere. Local movements have used digital tools for mutual aid - to provide food and coordinate help for the needy, in the absence of government support, and in some cases as a result of government activity. This was the case in the Kariobangi and Ruai evictions that left 8,000 Nairobians homeless in the midst of a pandemic.[xviii] In addition, socio-economic issues such as a rise in police brutality during curfew[xix], have continued to trigger online action with hashtags, photos and videos being used to spread information on incidents and highlight the general gravity of the problems.[xx]

While increased online engagement has been beneficial, it is not without its challenges or negative side effects. As earlier mentioned, the validity of the Computer Misuse and Cybercrimes Act was upheld, and it has been the basis of government surveillance and censorship of bloggers and journalists during the pandemic. Additionally, it is reported that as a result of the pandemic three hundred journalist jobs have been eliminated in the country given the fall in revenues.[xxi] These incidents threaten the production of independent news and information required by the citizens to hold their governments to account. Furthermore, with the amount of time spent online, there is a higher risk of misinformation given the 'infodemic' that has accompanied the pandemic, which erodes trust in the media. Nonetheless, innovation to tackle misinformation such as the WhatsApp bots, developed in partnership with the Poynter Institute, could be useful in tackling misinformation beyond COVID-19 including during the election.[xxii]

Various African countries have postponed elections as a result of COVID-19 – while this was the case for some Kenyan by-elections earlier in the pandemic, the general elections are expected to take place in August 2022 as planned. This will be directed by IEBC guidelines on conducting elections in the COVID-19 context. The guidelines apply to voter registration, campaigns and voting day – several by-elections have already been conducted in line with these. Particular to technology, the protocols advocate for campaigns to be held via social and mainstream media to avoid campaign crowds characteristic of the election period.[xxiii] However, the High Court recently declared that the IEBC lacks sufficient quorum to its business, placing in limbo decisions made by the three current commissioners for the general election. Quorum according to the IEBC Act is at least five (of seven) members - a panel has been appointed to interview candidates for the four vacant positions to remedy this. [xxiv,xxv]

While postponement directly as a result of COVID-19 is not a likely issue, the general elections could be impacted by events surrounding the constitutional amendment bill popularly known as the Building Bridges Initiative (BBI). BBI is the result of the 2018 peace deal between President Uhuru Kenyatta and Raila Odinga whose opinion is that it will address problems related to the country's winner-takes-all election system. The proposed amendments target at least 13 of the 18 chapters in the Constitution and include the expansion of the executive through the positions of prime minister position and two deputies; increase in parliamentary seats through the creation of at least 70 new constituencies, and via an affirmative action clause; placing the judiciary under the executive through a president-appointed Judicial Ombudsman thus interfering with its independence.[xxvi] However, BBI which was to go to a referendum later in the year has been ruled unconstitutional by Kenya's High Court. The government is in the process of appealing the ruling, but legal observers expect a negative outcome.[xxvii, xxviii] In addition to its unconstitutional nature, there were

concerns regarding the cost of the referendum amid the economic hardship being experienced in the country. While BBI has been a source of contention between various political groups notably Uhuru, Raila and their supporters, and William Ruto and his, the main and active opposition has been led by a small but growing coalition of politicians and civil society activists such as the "Linda Katiba" (Protect the Constitution) coalition.[2,xxix] In the event that the appeal succeeds, and the referendum passes at the ballot, there will be a rush in the legal and political realignments to be made which are bound to impact the timing or the credibility of the elections.

Landscape of stakeholders

The tables below provide a comprehensive but non-exhaustive list of various stakeholders involved with the digital ecosystem as it relates to elections in Kenya.

GOVERNMENT BODIES[3]		
Organization	**Description**	**Rationale for inclusion**
Independent Electoral and Boundaries Commission (IEBC)	Is responsible for conducting or supervising referenda and elections to any elective body or office. It is charged with: (i) the registration of voters and revision of the voter's roll; (ii) voter education; (iii) the facilitation of monitoring and evaluation of elections; (iv) the regulation of election spend; and, (v) developing a code of conduct for candidates and parties.	Main body in-charge of the electoral process.
Communication Authority of Kenya (CAK)	CAK is responsible for developing the information and communications sectors. Its mandate includes: (iii) facilitating development and management of a national cybersecurity framework; and, (ii) protecting consumer rights in the communications environment.	CAK is responsible for developing and enforcing guidelines on communication including with regards to political messages.
Ministry of ICT (Office of the Data	The office of the Data Protection Commissioner is charged with	This will be the first election in conducted with data privacy laws

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[2] The coalition is led by Narc-Kenya leader and 2013 presidential candidate Martha Karua, economist and public intellectual David Ndii, and social activists Boniface Mwangi and Jerotich Seii.
[3] A multi-agency technical committee to steer holistic strategies aimed at promoting peace and cohesion ahead of the election has been formed. Its membership is drawn from IEBC, the Ethics and Anti-Corruption Commission (EACC) and the ORPP.

Protection Commissioner)	various responsibilities including overseeing the implementation of and being responsible for the enforcement of Data Protection Act.	in place. The oversight and availability of redress for abuses of data privacy should ideally curtail data-related malpractices. The first Data Protection Commissioner was appointed in November 2020.
National Cohesion and Integration Commission (NCIC)	A statutory body established under the National Cohesion and Integration Act. It seeks to promote national unity in Kenya and facilitates processes and policies that encourage elimination of all forms of ethnic discrimination irrespective of background, social circle, race and ideological belief(s).	The NCIC reviews and messages to be sent by political parties and approves messages free of hate speech. The NCIC also has a complaints channel through which members of the public are able to report incidences of hate speech on social media or received via SMS. Complaints received between June and December 2017 resulted in twelve arrests and arraignments and a single conviction.[xxx]
Office of the Registrar of Political Parties (ORPP)	ORPP is mandated to, among others is to regulate the formation, registration, and funding of political parties in accordance with the Constitution and rule of law.	ORRP manages political parties.
Office of the Director of Public prosecutions (ODPP)	The ODPP draws its mandate from the Constitution of Kenya 2010 together with the ODPP Act 2013, which give the Director of Public Prosecutions (DPP) the powers to direct the Inspector-General of the National Police Service to investigate any information or allegation of criminal conduct.	
The Judiciary	The Judiciary is an independent custodian of justice in Kenya whose primary role is to exercise the judicial authority given to it, by the people of Kenya.	The institution is mandated to deliver justice in line with the Constitution and other laws. It is expected to resolve disputes in a just manner to protect the rights and liberties of all. It does this with the assistance of its related institutions (Judicial Service Commission (JSC), Kenya Law; previously National Council for Law Reporting (NCLR), Tribunals

		and the Judiciary Training Institute (JTI).
Council of County Governors (COG)	The COG provides a mechanism for consultation amongst County Governments; shares information on performance of the counties in execution of their functions; facilitates capacity building for Governors, and consider reports from other intergovernmental forums on national and county interests amongst other functions.	
Kenya Defence Forces (KDF)	The Kenya Defence Forces are the armed forces of the Republic of Kenya. They are made up of the Kenya Army, Kenya Navy, and Kenya Air Force.	The primary objective of the national security organs and security system is to promote and guarantee national security.
National Intelligence Services (NIS)	The NIS is both the domestic and foreign intelligence agency of Kenya. It is primarily responsible for Security Intelligence and Counter Intelligence amongst other functions.	
National Police Services (NPS)	The NPS provides security in communities and is meant to uphold the rule of law.	

POLITICAL PARTIES[4]		
Jubilee Party	This is the ruling political party. 11 parties i.e., The National Alliance (TNA), United Republican Party (URP), Grand National Union (GNU), The Independent Party (TIP), Ford People, United Democratic Forum (UDF), New Ford Kenya (NFK), Party of National Unity (PNU), Alliance Party of Kenya (APK), Republican Congress (RC), and Unity Party of Kenya (UPK) dissolved their political parties	Political parties field candidates for elections to various electoral positions. Political parties are primarily ethnic based which serves as the basis of negative rhetoric about 'rival' tribes during the campaigns thereby increasing the ethnic cleavages. The current cooperation between Uhuru and Raila ahead of the 2022 elections introduces a new dynamic to the system. Raila, Uhuru are leading figures within the Luo, Kikuyu

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[4] Given the ever evolving nature of political party coalitions and the lifespan of newly created parties, liaising with the RPP and CMD Kenya would ensure that only the relevant political parties are engaged with.

	and merged with the Jubilee Party. Their members are therefore deemed to be members of the Jubilee Party (formerly Jubilee Alliance Party).[xxxi]	tribe, while Ruto is a leading figure within the Kalenjin tribe. A new alliance, the One Kenya Alliance was recently formed.[xxxii] It consists of i.e., KANU, Wiper, ANC and Ford Kenya. Kalonzo, Gideon Moi, Mudavadi and Wentangula, are leaders within the Kamba, Kalenjin and Luhya communities, respectively. While ethnicity has been the main dividing line in Kenyan politics, a new one based on class has emerged and is described as "hustlers vs dynasty" - a term coined by William Ruto.[xxxiii]
National Super Alliance (NASA)	NASA was a political coalition of 5 partner parties: Raila Odinga's Orange Democratic Movement (ODM), Kalonzo Musyoka's Wiper Party, Isaac Ruto's Chama Cha Mashinani (CCM), Musalia Mudavadi's Amani National Congress (ANC) and Moses Wetangula's Ford Kenya. It was meant to be the official opposition, however, Wiper, CCM and ODM have been working with the ruling party.[xxxiv] NASA has been replaced by the One Alliance.	
Kenya African National Union (KANU)	KANU is the political party that led Kenya to independence and ruled for almost 40 years following independence. It is led by Gideon Moi – son of the former president, Daniel Moi.	
Muungano Party	Muungano is an independent party founded in 2007. It is one of the parties with no allegiances to any coalition.	Kivutha Kibwana is seen as a model governor – his county has been ranked among the best performing in the country. In June 2020, he announced on Twitter that he intends to run for President in 2022.
Ukweli Party	Ukweli is one of the newer political parties in Kenya and describes itself as a social-democratic national political organization and movement of diverse citizens, working together towards a Kenya that is governed democratically and competently. It was founded by social activist Boniface Mwangi.	They party espouses diversity and is aims to defeat negative ethnicity and the backward, extractive, violent and anti-people ruling networks accompanying it.
United Democratic Alliance (UDA)	The United Democratic Alliance came into the Kenyan limelight in January 2021 and is linked to	

	politicians allied to William Ruto, the sitting Deputy President of Kenya.	
Democratic Party of Kenya (DP)	The Democratic Party (DP) is a conservative political party in Kenya. The party was founded in 1991 by John Keen and Former President Mwai Kibaki after section 2A of the constitution was repealed.	The Democratic Party was part of the Party of National Unity led by then, President Mwai Kibaki, in the chaotic 2007 general election.
Economic Freedom Party (EFP)	The EFP was established in March 2017 by politicians from Mandera County including Senator Billow Kerrow and MPs Mohamed Huka and Fathia Mabub after they had left the United Republican Party and the Jubilee Alliance. In the 2017 general elections, the party won five seats in the National Assembly.	
People's Empowerment Party (PEP)	A small political party that has notable support in Meru, Kitui and Makueni counties.	
Mazingira Green Party of Kenya	The Mazingira Green Party of Kenya is a Kenyan green party. It was formerly known as the Liberal Party of Kenya (LPK). At the 1997 Kenyan General Elections LPK fielded a presidential candidate, Wangari Maathai, who later became a Nobel Peace Prize laureate. In 2002, the next general elections were held and the Maathai-led party was part of the victorious NARC coalition.	
Communist Party of Kenya (CPK)	The CPK is guided by the ideology of Marxism -Leninism and its application is based on the historical and material conditions of Kenyan.	
National Labour Party (NLP)	The Labour Party of Kenya strives for the achievement of equality, social and economic justice, community solidarity and freedom, good governance,	

equity and meritocracy, respect for citizen's rights, gender equity, respect for rule of law, hard work and selflessness, transparency and accountability.	

POLLING ORGANIZATIONS		
Ipsos Synovate	Ipsos is one of the world's leading independent market research companies controlled and managed by research professionals. It has a strong presence in Kenya where its researchers offer various services. They assess market potential, interpret market trends, study audience response to various media and measure public opinion.	Ipsos is the primary polling company in the country. It conducts and publishes results from surveys on elections issues including Presidential candidate preferences, and voter registration status and security concerns.

SOCIAL MEDIA[5]		
WhatsApp	WhatsApp is the most popular social media site in Kenya with 88.6% of the population using it. It is mainly used for family and social purposes.	These are the most widely and frequently used forms of social media. They have historically been, and continue, to be used as sources of data as well as platforms for election campaigns – including in inflammatory ways through fake news and hate speech. In the period since the Cambridge Analytica scandal, Facebook has tightened political advertising rules, particularly for the US, UK and EU.[xxxv] Ideally, similar measures should apply to the Kenyan election.
Facebook	Facebook is as popular as WhatsApp with reported usage of 88.5%. It is most popular among individuals with high-school and college levels of education and is mainly used for entertainment and social issues purposes.	
Twitter	While only 27.9% of Kenyans use Twitter, it is particularly popular in urban areas with a usage rate of 60% - it appeals most to middle-income individuals. It is most popular with individuals at college level and those with a first degree. It is also the leading	

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[5] Based on the survey conducted by the Social Media Lab (SIMELab-Africa)

	platform used to discuss political issues in the country.	
Google	41.3% of Kenyans use Google. It is most popular among high school graduates and individuals at college level, and is mainly used for education, entertainment and job-related issues.	
YouTube	51.2% of Kenyans use YouTube. Similar to Google+, it is most popular among high school graduates and individuals at college level and is primarily used for entertainment and education issues.	
Mozilla		An investigation by Odanga Madung and Brian Obilo from the Mozilla Foundation revealed that Kenya's flourishing disinformation industry has once again sprung into action, with well-paid disinformation influencers and sophisticated tactics successfully manipulating Twitter's trending algorithm.

MAINSTREAM MEDIA[xxxvi]		
Royal Media Services	Kenya has c. 7.5 million Kenyan television viewers and Citizen TV owned by Royal Media services is the market leader with 44% viewership. Additionally, it runs Radio Citizen which is the leading radio station nationally. It also runs other (mainly) vernacular radio stations including Radio Citizen, Ramogi FM (Luo), Inooro FM (Kikuyu), Musyi FM (Kamba), Chamgei FM (Kalenjin), Muuga FM (Meru) among others.	Despite the rise in digital media, and the independence of media houses being called into question, mainstream media remains an important source of information for Kenyans primarily through the use of radio (there were 173 licensed stations by the end of 2018). [xxxvii,xxxviii,] Television is the most trusted source of information and, newspaper readership continues to decline — despite having the highest quality content.[xxxix]
Nation Media Group	The Nation Media Group is the largest independent media house in East and Central Africa In Kenya, it owns several newspaper brands including the Daily Nation (the leading	Recognizing the shift in the manner in which individuals consume information, many mainstream media houses have

	newspaper), The East African, Business Daily and Taifa Leo. It also airs the NTV TV channel and Easy FM radio station. It has digital brands as well including Nairobi News and Nation Mobile.	information on digital platforms as well. Elections have been characterized by media shut-downs as was witnessed in the period following elections in 2007 and 2017 – the only channels that continued to air in the 2017 shutdown are KBC and K24.[xl]
Standard Group	The media house runs the Standard Newspaper (among others) which is its flagship product. In addition, it owns the KTN News and KTN Home TV brands (KTN was Kenya's first independent TV channel), as well as Radio Maisha which is broadcast in Swahili. Its online brand Standard Digital is the leading online publisher in Kenya.	
Kenya Broadcasting Corporation (KBC)	Kenya Broadcasting Corporation is the state-run media organisation of Kenya. It broadcasts in English and Swahili, as well as in most local languages of Kenya. It runs the KBC Channel 1 TV station, as well as a number of public service and commercial radio stations.	
Mediamax Network Ltd.	Mediamax Network Ltd is a broadcast and publishing media house in that owns brands spanning Radio, Print and TV. Its prominent brands include the K24 TV Channel, the People Daily newspaper (which is circulated for free) and Kameme FM among It is owned by the Kenyatta family.	
Radio Africa Group	The group owns six Kenyan radio stations: Kiss 100, Classic 105, Radio Jambo, X FM, East FM and Relax FM. Jambo FM is the most popular radio station in Nairobi with and the second most popular radio stations nationally.	

POLITICAL ADVERTISERS

Cambridge Analytica (CA)	Now defunct, CA was a British political consulting firm that came to prominence through the Facebook–Cambridge Analytica data scandal in which they obtained and misused the data of millions of Facebook users.	Political advertisers have previously been hired by both major political parties to provide various services such as negative campaigning, creating and spreading viral content, hashtags and memes to supporters and voters.[xli] International political advertisers often work with local advertising agencies and communication consultants, as well as political bloggers to shape public opinion. Reports on who these individuals and companies are remain unconfirmed. The listed foreign entities have been engaged in past elections but it remains unclear which of them will be the most prominent in the 2022 election.
Harris Media	Harris Media is a communications and marketing agency of creative digital strategists, graphic designers, videographers, and web developers. Services offered to a range of clients including heads of state include: (i) leading a direct conversation between your brand, your supporters, and the public at-large; and, (ii) targeting messages across digital platforms to reach individuals and achieve your goals	
Aristotle Inc.	Aristotle were assisting opposition candidate Raila Odinga with strategy and data analysis during the 2017 elections. Two of their team members were detained and later deported during this effort.[xlii]	

TELECOMMUNICATION COMPANIES[xliii] AND ICT VENDORS

Safaricom	Safaricom is the leading mobile network operator (MNO) in the country with c. 30 million subscribers which represents a market share of 65.4%. The Government has 35% stake in the company.	A political party or politician wishing to send a bulk political message does so through content service providers (CSPs) and mobile network operators (MNOs). The politician would need to approach the CSP. The CSP would then send the message to an MNO for approval prior to its dissemination. In the event that the MNO is not able to determine whether the planned message is inciteful, hateful or a violation of
Airtel	Airtel is a major network operator with c. 10 million subscribers which represents a market share of 21.4%.	
Telekom	Telkom is a network operator with c. 4 million subscribers which represents a market share	

	of 8.8%. The Government has a 40% stake in the company.	the law, the message is escalated to the NCIC. Safaricom's market share fell slightly following the 2017 elections after the opposition party called for its supporters to boycott Safaricom, along with other companies it deemed to be pro-government, during the 2017 election re-run.
Safran Morpho & Safran Identity and Security	Safran is an international high-technology firm with three core business units – Aerospace, Defence and Security. Safran Morpho (formally IDEMIA) are the key tech provider in the country.	The Independent Electoral and Boundaries Commission (IEBC) awarded the Kenya Integrated Elections Management System (KIEMS) contract to Safran Identity and Security. The company was responsible for the management of the KIEMS during the 2017 elections.

FUNDERS OF ELECTORAL PROCESSES[6]		
United States Agency for International Development (USAID)	The United States Agency for International Development is an independent agency of the United States federal government that is primarily responsible for administering civilian foreign aid and development assistance.	USAID supports government institutions and civil society organizations (CSOs) to strengthen Kenya's governance reform agenda and secure democratic gains enshrined in the 2010 Constitution - with programming grounded in a locally-driven co-creation process led by Kenyans, for example, the Kenya Election Violence Prevention and Response Program (KEVP), implemented by Mercy Corps in partnership with local organization Champions of Peace-Kenya, aimed to mitigate the risk of violence in the lead up to, during and immediately after the 2017 Kenyan elections.
Foreign, Commonwealth and	The former U.K. Department for International Development (now	DFID funded programmes meant to promote political accountability

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[6] In late 2020, there were reports that the government was moving to limit the sway of foreign money in elections by blocking direct financing of the IEBC ahead of the 2022 polls.

Development Office (FCDO)	FCDO) was the government department of the United Kingdom responsible for administering overseas aid in order to "promote sustainable development and eliminate world poverty".	and a relatively peaceful election and political transition, such as the Deepening Democracy Programme (DDP), run by DAI to promote inclusive governance in Kenya by improving electoral processes and enhancing accountability.
United Nations Development Programme (UNDP)	The United Nations lead agency on international development. UNDP's work is concentrated in three focus areas; sustainable development, democratic governance and peace building, and climate and disaster resilience.	
European Union External Action Service (EEAS).	The EEAS is the European Union's diplomatic service. It helps the EU's foreign affairs chief – the High Representative for Foreign Affairs and Security Policy – carry out the Union's Common Foreign and Security Policy.	
Swedish International Development Cooperation Agency	The Swedish International Development Cooperation Agency is a government agency of the Swedish Ministry for Foreign Affairs. Sida is responsible for organization of the bulk of Sweden's official development assistance to developing countries.	
Norwegian Agency for Development Cooperation (NORAD)	Norad grants funding to organisations within civil society, research, higher education and private sector development that work with partners in poor countries.	
Elections Donor Group	Members of the Elections Donor Group include governments of the following countries: Germany, France, Italy, Portugal, Belgium, Denmark, Australia, Japan Ireland, UK, USA, Norway, Finland, Netherlands, Canada. They also include the following	

	organisations: UNWomen, USAID, OHCHR, UNDP, and EEAS.	

CIVIL SOCIETY ORGANIZATIONS (FUNDERS AND ELECTORAL SUPPORT)

Internationational Foundation for Electoral Systems (IFES)	The International Foundation for Electoral Systems (IFES) is an international, non-profit organization that helps develop and provide assistance and support for elections in new and emerging democracies. IFES works to advance good governance and democratic rights by providing technical assistance to election officials; empowering the under-represented to participate in the political process; applying field-based research to improve the electoral cycle.	IFES had been significantly influential in the 2013 and 2017 elections in Kenya and is currently involved in election support activities in the lead up to the 2022 elections.
International Institute for Democracy and Electoral Assistance (IDEA)	The International Institute for Democracy and Electoral Assistance is an intergovernmental organization that works to support and strengthen democratic institutions and processes around the world, to develop sustainable, effective and legitimate democracies.	
Ford Foundation	Ford works to make institutions responsive and accountable to all East Africans. By supporting the creation of opportunities for civil society and the public to participate in decision making, and to work in partnership with government and the private sector to better their societies.	Ford Foundation has previously funded projects aimed at promoting peace and tolerance during election periods. Notable programs include the Tuvuke campaign ahead of the 2012 elections.[xliv]
Luminate	Luminate goal is to empower people and institutions to work together to build just and fair societies. We do this by funding and supporting organisations and advocating for policies and	Luminate funds organizations in the region that promote civic empowerment and independent media. They have funded fact-checking organizations such as Africa Check and the Poynter

	actions that help people participate in and shape issues affecting their lives, and make those in power more transparent, responsive, and accountable.	Institute. In country, they have worked with organizations like Buni Media, that produces digital content challenging the country's socio-political status quo.
Open Society	Through a combination of grant making, advocacy and convening power, OSIEA is able to support and amplify the voices of pro-democracy organizations and individuals in the region and to strengthen their capacity to hold their governments accountable.	Public participation in electoral processes is one of their program priorities, as is independent media and access to information. They support initiatives that will promote conditions for free, fair, and nonviolent elections and, efforts to defend and strengthen the media environment.
Konrad Adenauer Stiftung (KAS)	The Konrad-Adenauer-Stiftung (KAS) is a German political foundation. It focuses on consolidating democracy, and the strengthening of transatlantic relations, as well as on development cooperation.	
Heinrich Boll Foundation	Heinrich Böll Foundation's primary task is political education in Germany and abroad to promote the democratic will, the socio-political commitment and international understanding. It is guided by the basic political values of ecology, democracy, solidarity, and nonviolence. The foundation is particularly interested in the realization of a democratic immigration society as well as gender democracy as a relationship of the sexes that is free of dependence and domination.	

MONITORING CIVIL SOCIETY ORGANIZATIONS		
Africa Check	Africa Check, the continent's first independent non-profit fact-checking organisation. Through our work we seek to reduce the spread and impact of misinformation and promote accurate, evidence-based	Given the rampant disinformation and misinformation surrounding elections in Kenya – fact checkers are increasingly crucial.

	understanding in the public, governments and media.	
Pesa Check	Pesa Check is one of Africa's top fact-checking firms debunking misleading claims and deciphering the often-confusing numbers quoted by public figures in 15 African countries.	
International Fact Checking Network at the Poynter Institute	The International Fact-Checking Network is a unit of the Poynter Institute dedicated to bringing together fact-checkers globally. The IFCN was launched in to support a booming crop of fact-checking initiatives by promoting best practices and exchanges in this field.	
Ushahidi	Ushahidi, which translates to "testimony" in Swahili, was developed to map reports of violence in Kenya after the post-election violence in 2008. They are a social enterprise that provides software and services to numerous sectors and civil society to help improve the bottom-up flow of information.	It has deep expertise in using technology for election monitoring in the country, as well as in tracking hate speech online.
Article 19	ARTICLE 19 works for a world where all people everywhere can freely express themselves and actively engage in public life without fear of discrimination. They do this by working on two interlocking freedoms: the Freedom to Speak, and the Freedom to Know.	These organizations frequently collaborate in researching threats to freedom of expression. Related to elections, they documented 17 separate incidents in which 23 bloggers and journalists were physically assaulted and 16 incidents in which they received death threats between 2013 and 2017.[xlv]
Human Rights Watch	The largest human rights organization whose researchers conduct and publish fact-finding investigations into human rights abuses in all regions of the world.	
Amnesty International	Amnesty International is an international non-governmental organization focused on human rights.	
Kenya Human Rights Commission (KHRC)	The Kenya Human Rights Commission is a non-government	

	organisation founded in 1992 and registered in 1994. The Commission campaigns to create a culture in Kenya where human rights and democratic culture are entrenched. It does this through monitoring, documenting and publicising rights violations.	
Election Observation Group (ELOG)	Comprising of 11 different civil society organizations[7] with expertise and experience in various aspects of the democratic process, ELOG is the first of domestic election observation initiative in Kenya to incorporate modern technological methodologies of observation.	A permanent election observation platform is set up to address some of these inherent weaknesses of ad hoc election monitoring groups.
Mzalendo Trust	Mzalendo ('Patriot' in Swahili) is a non-partisan project started in 2005 whose mission is to 'keep an eye on the Kenyan parliament.' Mzalendo seeks to promote a greater public voice and enhance public participation in politics by providing relevant information about the National Assembly and Senate's activities.	
InformAction	InformAction is a unique human rights organization that uses film and community discussions to get ordinary people to speak out and take action. Experienced activists and facilitators lead community discussions on justice and governance, while video journalists film the discussions and record human rights abuses.	In an environment that has become increasingly difficult for civil society and free expression, their unique methodology bypasses control, corruption and censorship.

RESEARCH & ADVOCACY		
Privacy International	PI exists to protect people's privacy, dignity and freedoms	Privacy International has conducted investigations into the

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[7] The civil society organizations include: Catholic Justice and Peace Commission (CJPC); Centre for Governance and Development (CGD); Constitution and Reform Education Consortium (CRECO); Ecumenical Centre for Justice and Peace (ECJP); Institute for Education in Democracy (IED); International Federation of Women Lawyers (FIDA); National Council of Churches of Kenya (NCCK); Supreme Council of Kenya Muslims (SUPKEM); United Disabled Persons of Kenya (UDPK); and, Youth Agenda (YAA).

	from abuses of companies and governments. to protect democracy, defend people's dignity, and demand accountability from institutions who breach public trust.	origins of controversial online campaigns and the involvement of western data analytics companies. during the 2017 elections.[x, xlvi]
Strathmore University Centre for Intellectual Property and Information Technology Law (CIPIT)	A Centre established under Strathmore Law School in Kenya. CIPIT conducts evidence-based research and training in intellectual property, information technology law, and policy especially as they contribute to African Law and Human Rights.	The Centre has worked with various partners such as Privacy International to analyze and report on the impact of new election related technology on the rights of Kenyans, as well as the impact of new and existing tech-related laws. Majority of the research was led by Dr. Robert Muthuri who has since left.
Innovation Centre, The Aga Khan University, Graduate School of Media and Communications	The Innovation Centre – Aga Khan University supports next generation of media entrepreneurs who are working on unique start-ups within the media industry and tinkering with exciting forms of storytelling. They support them through training, mentorship, coaching and start up grants of up to $20,000 to help them transform their ideas into the next big thing.	Hesbon Hansen Owilla is a Research Associate at the Innovation Centre of The Aga Khan University Graduate School of Media and Communications. His areas of research interests include political communication, media viability and the role of the media in a democracy.
United States International University – Africa Social Media Lab (SIMElab Africa)	SIMElab Africa is a Social Media Consumption and Analytics Research Lab housed at USIU-Africa's Freida Brown Innovation Center. SIMElab Africa offers a research and development environment to USIU-Africa faculty and students, civil society and corporate businesses, and policymakers in Kenya and beyond. SIMELab is jointly funded by USA Embassy in Nairobi and USIU-Africa.	It has a unique focus on social media consumption and analytics which is increasingly relevant to the election process.

OTHER		
Centre for Multiparty	CMD-Kenya is a political parties-based membership organization	

Democracy (CMD Kenya)	whose mandate is to enhance multiparty democracy and strengthen the institutional capacity of political parties in Kenya through policy influence and capacity building. The organization provides a platform for political parties, political actors and policy makers to engage in dialogue and cooperate in strengthening multiparty democracy.	
Baraza Media Lab	An initiative that serves as a crucial building block in strengthening the Kenyan media ecosystem, working to rebuild trust amongst the key players in the ecosystem and the public, and putting in place resources that will help address challenges being faced in terms of business models.	Baraza fosters collaboration between different actors within the media space. A coalition of media houses could be important in carrying out particular journalistic activities around the election period e.g., fact-checking information. They also train digital voices to be more competent.
Debunk Media	Debunk Media is a digital media company using journalism, storytelling and commentary to drive conversation around current affairs, culture, lifestyle, sports and entertainment among young, urban Africans.	
Siasa Place	Siasa Place is an NGO that aims to create an enabling environment for youth mainstreaming into the Kenyan body politic. It creates an inclusive platform for young people willing to voice their concerns and ideas and if needed to lead, and in educating people on the functions and processes of government and the responsibility of the voters in holding that government accountable.	
Code for Kenya	Code for Kenya is a non-partisan civic data and civic technology 'change agent' that uses civic technologies and open data to	

	boost active citizenry and evidence-based public discourse.	
PAWA254	PAWA has cut a niche as a bold 'artivism' organization that creatively integrates art and activism to promote active civic participation, livelihoods and employment development for Kenyan youth. PAWA leverages the power of arts to strengthen understanding and exploration of emerging issues in Kenya and increase youth involvement in positive development processes.	
Media Council of Kenya	The Media Council of Kenya is an independent national institution established by the Media Council Act, No. 20 of 2013 for purposes of setting of media standards and ensuring compliance with the set standards.	It represents various stakeholders in the media space and provides other services such as training on election reporting. It runs on a co-regulation model where it receives modest funding from the Government while at the same time it levies media houses and individual journalists.
Kenya Internet Governance Forum	The Kenya Internet Governance Forum (KIGF) is an annual meeting that brings together various stakeholder groups to dialogue on ICT and Internet policy. While the discussions give soft policy outcomes, the Kenya Internet Governance Forum is a knowledge-sharing platform that informs and inspires policy actors in both the public and private sectors. The 2020 Kenya IGF was held virtually in October 2020.	The forum discusses [issues pertinent to elections](#) including hate speech and social media.
Katiba Institute (KI)	Katiba Institute was set up to promote knowledge and understanding of Kenya's Constitution and constitutionalism, and to defend and facilitate implementation of the Constitution. Established in 2011, KI works on many areas of the Constitution including issues of leadership and integrity,	They are leading key litigation around the BBI process that will likely extend to the elections.

	human rights, devolution, gender, and electoral issues.	
Law Society of Kenya (LSK)	The Law Society of Kenya (LSK) is Kenya's premier bar association, with membership of all practising advocates. They seek to promote the rule of law, and the administration of justice, democracy and good governance.	
Constitution and Reform Education Consortium (CRECO)	CRECO is a network of civil society organizations that belong to the broad human rights, governance and democracy category of CSOs. CRECO was founded in 1998, as a culmination of a networking history dating as far back as 1992 with the exponential increase in CSOs involved in governance. CRECO's membership comprises 22 CSOs implementing diverse human rights, democracy and governance activities in the 47 Counties of Kenya. CRECO envisions a just society with the aim of fostering constitutionalism, democratic governance and institutional advancement of civil society in Kenya.	
The Community Advocacy and Awareness (CRAWN) Trust	The Community Advocacy and Awareness (CRAWN) Trust is a change catalyst providing African women and girls with the tools, voice and platforms through which they can effect change at individual, family, community, regional, national and continental levels in economic, social and political spheres. CRAWN Trust is the host organization and permanent secretariat for the National Women's Steering Committee NWSC, a coalition platform that brings together individuals and	

	organizations working for women's political and economic emancipation.	
National Council of Churches of Kenya (NCCK)	The NCCK is a fellowship of Protestant churches and Christian organisations registered in Kenya.	Established in 1913, it has been a key player in mobilizing Kenyans in various political, economic, and social issues. As such, NCCK's story is intricately intertwined with Kenya's national historical narrative.
Kenya Conference of Catholic Bishops (KCCB)	Assembly of Bishops of the Catholic church in Kenya	The CJPC works to fulfil one of KCCB objectives, that is, to promote justice and challenge oppressive structures in society.
Catholic Justice and Peace Commission (CJPC)	The Catholic Justice and Peace Commission (CJPC) was formed in 1988 as the executive arm of the Kenya Conference of Catholic Bishops (KCCB) on matters of peace and justice.	CJPC's broad aim is to sensitise individuals, communities, and the whole nation on justice, peace issues and their respective roles and duties in addressing peace development, human advancement and human rights.
Supreme Council of Kenya Muslims (SUPKEM)	The Supreme Council of Kenya Muslims is registered as the umbrella body of all Muslims organizations Societies, Mosque Committees and groups in Kenya.	SUPKEM has been directly implementing a variety of programs tailored at addressing challenges unique to different regions in Kenya, responding to emergencies and perennial famine and related disasters in the North Eastern, Upper Eastern and northern Kenya. SUPKEM has had significant impact on issues of concern, including the devolution process as a central plank of democracy and development in the country.
Inuka ni Sisi Kenya (Inuka)	Ni Sisi! works towards building a critical mass of like-minded citizens striving for a better Kenya. Most of their work is done at the grassroots level. Ni Sisi! Fights for social justice of all Kenyans and in that space, it campaigns against corruption in public offices and calls to know how resources are being distributed and used to better	

	the lives of all Kenyans. In this regard, Ni Sisi! seeks for accountability in the extractive sector, tax justice, devolution and extrajudicial killings.	
FIDA-Kenya	Through extensive policy advocacy, and campaigns against Gender-Based Violence and other legislative reforms, FIDA-Kenya has made a significant contribution towards the development and enactments of several gender responsive laws and policies.	
Uraia Trust	Uraia Trust is a charitable trust, which works in the areas of civic education, civic engagement and institutional transformation. Uraia's vision is to build an informed, empowered and democratic nation. Uraia does this by facilitating the development of an engaged citizenry through the provision of quality civic education that enables Kenyans to realise their constitutional aspirations.	
Defenders Coalition or the National Coalition of Human Right Defenders	Defenders Coalition's mission is to strengthen the capacity of human rights defenders (HRDs) to work effectively in the country and to reduce their vulnerability to the risk of persecution, including by advocating for a favourable legal and policy environment in Kenya.	
Centre for Minority Rights Development (CEMIRIDE)	CEMIRIDE is an advocacy group that works on behalf of minority and indigenous communities in Kenya and East Africa in hopes of protecting their human rights.	

Case Study

Umati by Ushahidi

A project carried out, mainly by volunteers, that scanned various websites and blogs, as well as Twitter and Facebook conversations for dangerous speech, termed as "phrases likely to foster paranoia, distrust, hatred and violence", in the run up to the election. The team worked in vernacular languages of the four largest ethnic groups in Kenya (Kikuyu, Luhya, Kalenjin and Luo), Swahili, English and the unofficial slang language, Sheng. Between October 2012 and May 2013, Umati logged 5,683 posts containing hate speech on social media between. 80% of the inflammatory rants occurred on Facebook, and authors often failed to conceal their identity.

Umati fed this information to Uchaguzi which was a web-based crowd-sources map of Kenya that then tracked texts, tweets and calls from the public and others to build a picture of what was happening across the country. Uchaguzi had developed relations with grassroot organizations that they could count on to de-escalate any trouble detected.

Ushahidi remains a remarkable effort that has been relied on by UN bodies and other international organizations in monitoring and analysis of election events. However, it has been noted that with the evolution of speed of reporting through platforms like Twitter, as witnessed in the 2017 elections, it may have been overtaken by other technologies in terms of the effectiveness such as in ensuring prompt follow up of reported cases.

Conclusion

As noted in the document, there is an intricate relationship between digital technology and the Kenyan electoral process. While it has its benefits, there are various challenges, such as those related to data privacy, fake news and hate speech. The curtain behind which individuals can say hateful things on social media, and the ease and speed with which untrue yet polarizing information can be targeted, and spread, has previously been weaponized resulting in instability and undue influence on voters' decision making at the polls. If not well monitored and regulated, this could recur - instability is a breeding ground for conflict between the supporters of various factions.

Some of these challenges, particularly fake news, have been exacerbated by the COVID-19 pandemic, and new ones present themselves. While the IEBC, pending the appointment of new commissioners, appear relatively prepared for elections within the COVID-19 context, much remains to be seen with issues such as BBI still hanging in the balance. Both existing and building contention on the issue could lead to increased division thus threatening peace.

These underlying challenges need to be addressed so as to promote peace and ensure the integrity of the democratic electoral process in the country. There are various stakeholders across the public, private and civil society spheres that need to collaborate in ensuring digital technology is used as a force of good in the time leading up to, and during, the upcoming election.

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