

# Zur aktuellen politischen, gesellschaftlichen und wirtschaftlichen Lage in Kenia - 2017



Keniaseminar 2017  
Politik und Gesellschaft in Kenia

Weingarten, 25. November 2017  
Dr. Marko Kuhn

# Rückblick auf den Wechsel von der „Grand Coalition“ zur „Jubilee Coalition“ (1)



- Grand Coalition war ein Zweckbündnis zwischen den politischen Blocks hinter Präsident Mwai Kibaki (PNU, Zentralkenianische Ethnien) und Premierminister Raila Odinga (ODM, Westkenianische Ethnien) nach der „Post Election Violence“ am Beginn des Jahres 2008

**THE DIGITAL TEAM**  
LET'S GET TO WORK



- Jubilee Coalition ist ein Zweckbündnis zwischen den Blocks hinter Präsident Uhuru Kenyatta (TNA, Kikuyu Ethnie) und Vizepräsident William Ruto (URP), das entstand, weil beide vor dem ICC in Den Haag angeklagt werden sollten.

# Rückblick auf den Wechsel von der „Grand Coalition“ zur „Jubilee Coalition“ (2)



Chaos und Ungereimtheiten deuten darauf hin, dass die IEBC leider nicht „Independent“ war → Vertrauensverlust in Institutionen in Kenia, vor allem nach dem Chaos bei den Wahlen Ende 2007. Kann nach dem Chaos bei den Auszählungen wirklich ein Ergebnis von 50,07 % herauskommen?

Verfassungsgericht fällt ein Urteil, das sehr umstritten ist und weithin als politisch angesehen wird → großer Schaden für die Unabhängigkeit und Glaubwürdigkeit der Judikative (die eigentlich davor sehr verbessert war).



Unterlegener Präsidentschaftskandidat Raila Odinga:

“Although we may not agree with some of its findings, and despite all the anomalies we have pointed out, our belief in constitutionalism remains supreme.”

“Casting doubt on the judgement of the Court could lead to higher political and economic uncertainty, and make it more difficult for our country to move forward.”

Keine gewaltsamen Proteste wie 2007/08. Aber: ethnisch-politische Spaltung des Landes vertieft.





## The „ICC Factor“

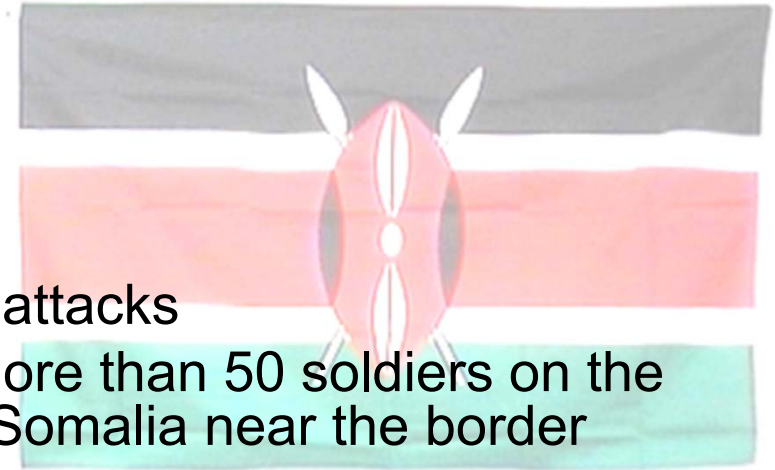


- ICC indictment of President Kenyatta discontinued in late 2014,
- April 2016, case against Vice President William Ruto and co-defendant Joshua Arap Sang also scrapped.
- Apparently, ICC is gathering information on the massive influence of witnesses.
- Kenyatta proposes to members of AUU quit the ICC (Rome statute of 1998). AU adopts a non-binding exit strategy in January 2017



# Security

- Al-Shabaab militia continues terrorist attacks
- January 27, 2017, Al-Shabaab kills more than 50 soldiers on the Kenyan military base in Kolbiyow (in Somalia near the border with Kenya).
- May 2015 Government announces to dissolve Dadaab and Kakuma refugee camps because they are seen as hotbeds of Islamist terrorism. (Kenyan High Court stops the project in February 2017).
- Kenya wants to build a fence along the border with Somalia (only 4 out of 700 kilometers are ready)

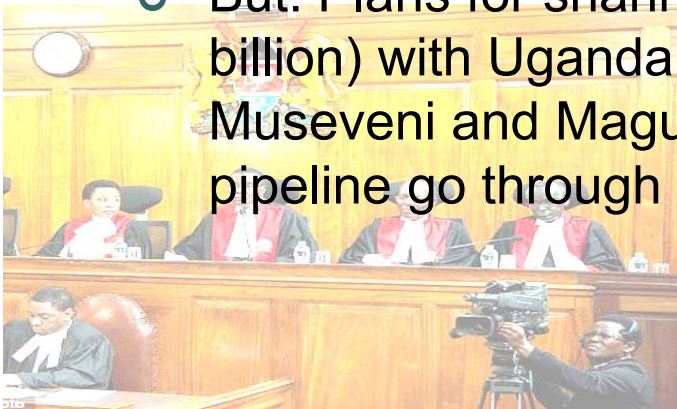


seminar 2017  
k und Gesellschaft in Kenia



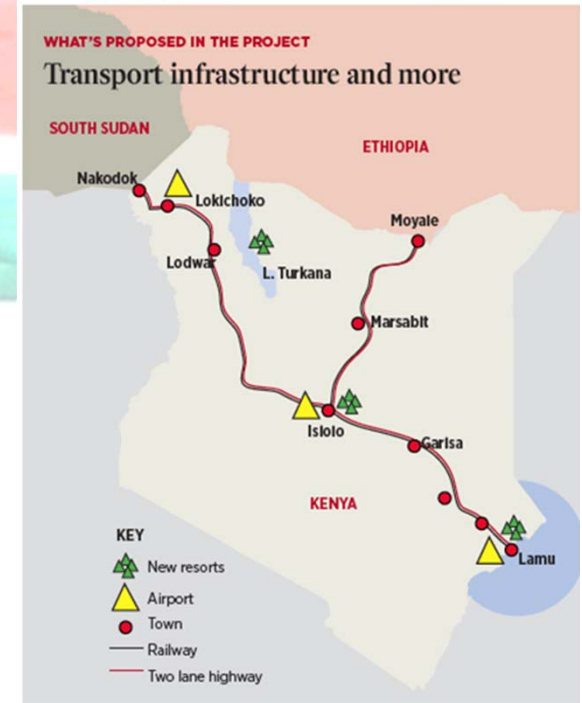
# Regional Integration

- East African Community: Kenya tries to strengthen political and economic Co-operation in EAC
- “Coalition of the Willing”?: 2014 single tourist visa in Kenya, Uganda and Rwanda
- But: Rwanda decides 2016 to build a rail link (Standard Gauge Railway) to Dar Es Salaam rather than to Mombasa.
- But: Plans for sharing oil pipeline (KSh400 billion) with Uganda changed 2016 as Museveni and Magufuli agreed to let the pipeline go through Tanga.



# Large Infrastructure Projects:

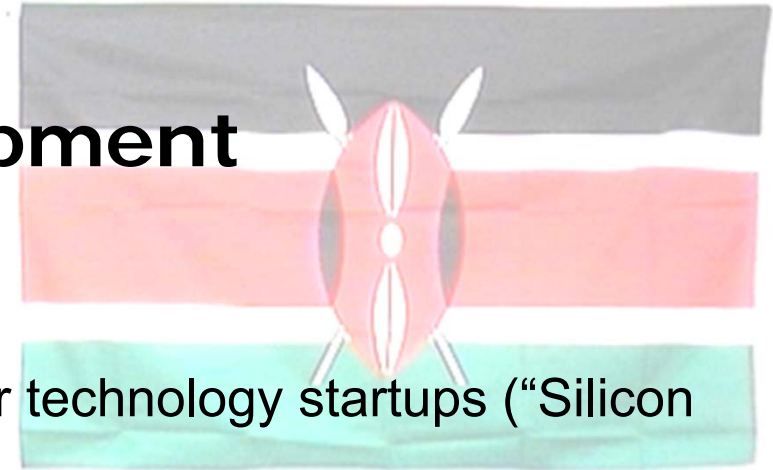
- Lamu Port Southern Sudan-Ethiopia Transport (LAPSSET) Corridor not moving as expected  
Port in Lamu is expected to take two years longer, finances not sufficient
- pipeline project from Turkana (oil fields) to Lamu is theoretically to start 2018
- SGR: China Road and Bridge Corporation (CRBC) builds Mombasa-Nairobi for 3,8 billion US-Dollar (90% financed by Chinese Export-Import-Bank). Construction of the section from Nairobi to Ugandan border underway. “Madaraka Express” becomes prestige project of Jubilee government, operation started in June 2017 (18 months prior to plan!)



Kenia  
Politik



# Economic Development



## Positive:

- Nairobi developed into a major hub for technology startups (“Silicon Savannah”)
- World Bank predicts mid- and long term economic growth at approx. 6%. Major drivers: Agriculture, Building sector, Finance and Insurance Sector.
- Mobile Money/Banking as continued success story and export product

## Negative:

- Loans are extremely expensive which hampers business: Interest rate of Central Bank in 2016: 11,5 %
- National Debt: over 55% of GDP. More than half of foreign debts: with Chinese Banks. Debt burden grows in a threatening way
- Salaries and Remuneration: disputes and serious strikes cut painfully: doctors, nurses, lecturers





# Corruption

- Still the major obstacle to better economic and political development.
- 2016 CPI of Transparency International: Kenya as rank 145 of 176.
- New Chief Justice David Maraga vows to fight corruption
- Eliud Wabukala, Retired Anglican Archbishop Eliud Wabukala new chairperson of the Ethics and Anti-Corruption Commission (EACC)
- But: no convictions of high ranking politicians
- apathy and disbelief in fight against corruption.



# Drought and Hunger

- Intense drought and consequent food shortages from October 2016 in about half of the 47 counties.
- Mainly Northern Kenya
- government declared national disaster in February 2017
- Over 3 million still acutely affected by food insecurity and depend on humanitarian aid
- Neighbouring Countries even more affected: Ethiopia, Somalia (insecurity, war), South Sudan (insecurity, war)

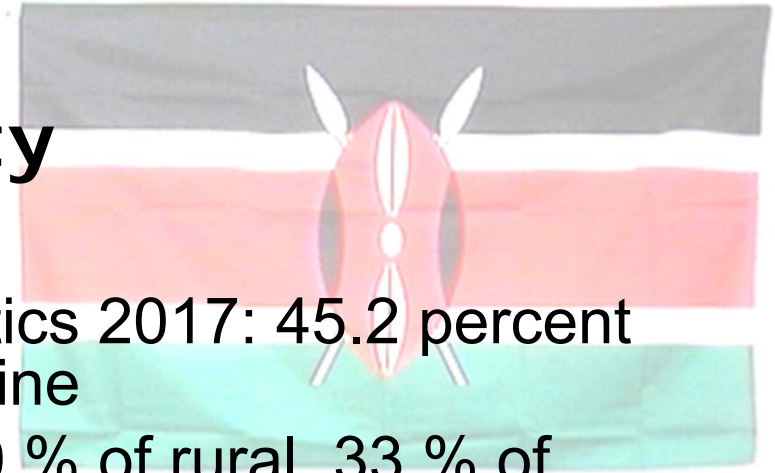


iaseminar 2017  
tik und Gesellschaft ir



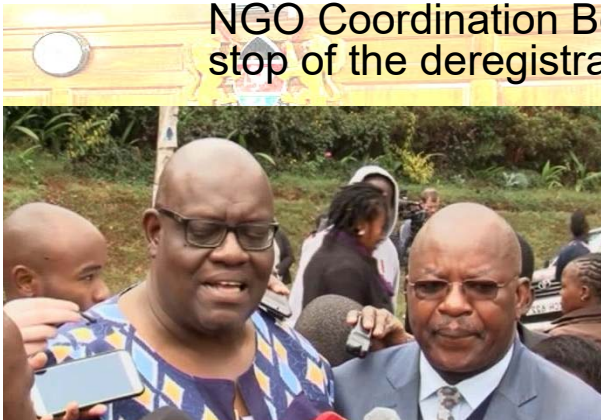
## Extreme inequality

- Kenya National Bureau of Statistics 2017: 45.2 percent of population below the poverty line
- large urban-rural differences: 50 % of rural, 33 % of urban population (e.g. 22 % in Nairobi and 24 % in Kiambu, in Turkana 87 % and in Wajir 84 %).
- Middle class in towns grows and induces growth in trade and service sector, but: millions of rural people with no access to electricity or health services.
- Independent research institutes assume: unemployment rates of up to 40 % and youth unemployment of 70 %.



# Human rights and Rule of Law

- Human Rights organizations increasingly defamed as terrorist supporters
- June 2016: torture and killing of Willie Kimani, lawyer for “International Justice Mission (IJM)” by “Administration Police” (paramilitary unit), killed alongside him: his client and their driver.
- Amnesty International's director in Kenya, Muthoni Wanyeki: Human Rights are seriously in danger in Kenya because of mysterious killings of critics of the government and the police.
- Kenyan Human Rights Commission: 25 extrajudicial killings in 2014. Independent Medico Legal Unit (IMLU): 53 extrajudicial killings from Jan to April 2016.
- After elections in August 2017: at least 24 people killed by Police and GSU, such killings continue to date
- August 14: NGO Coordination Board announces shut down, the Human Rights Commission (KHRC), citing alleged tax evasion and Africa Center for Open Governance (AfriCOG, John Githongo, Maina Kiai, Gladwell Otieno). Both groups had criticized the police force in response to protests against the election results. Later however: Interior Cabinet Secretary Dr. Fred Matiangi suspends action of NGO Coordination Board against the two NGOs for 90 days and High Court orders stop of the deregistration



# Politics and Elections 2017

- Parties remain a mere vehicle of personal political ambitions and of convenience
- Jubilee-Coalition dissolved: TNA/Uhuru; URP/Ruto and 10 more parties merged in September 2016 to Jubilee Party (JP)
- Opposition coalition CORD (Coalition for Reform and Democracy), consisting of Orange Democratic Movement (ODM), Wiper Democratic Movement (Wiper) and FORD-Kenya merged further with Amani National Congress (ANC), National Rainbow Coalition, Progressive Party of Kenya, und Chama Cha Mashinani → National Super Alliance (NASA)  
Important figures: Musalia Mudavadi, Kalonzo Musyoka, Moses Wetangula  
After long and difficult negotiations: agreement on Raila Odinga as presidential candidate
- Despite admiration for modern and inclusive constitution:
  - \* hardly any new faces in the leadership of political parties
  - \* Continued extreme ethnic polarization and alignment of ethnic groups to the two camps
- Ever increasing: Influence of social media, particularly Facebook and WhatsApp. Great danger of rumor mongering, fake news, agitation, increment of sentiments
- Despite fears of violence during campaigning: only few and not grave incidences



# Politics and Elections 2017

- Six votes: 1. President; 2. Parliament («National Assembly»); 3. Senators (second legislative chamber); 4. County Governor; 5. County Assembly Representative, 6. Women Representative of County
- Multiple checks and balances build into the process by the Independent Electoral and Boundaries Commission (IEBC). But: Problem of transmission of results in areas of no mobile internet network
- Allegations beforehand: Counting is hard to manipulate because of party agents witnessing. But: Computer tallying alleged as gateway to manipulation (hacking)
- Just over a week before polling day: killing body of Chris Msando – IEBC in-charge of the IT system to tally results. Body in a forest on the outskirts of Nairobi, strangled and with incisions in arm (sign of torture), body of a young woman was also found
- Election process itself was well organized, conducted orderly and under extreme security provisions (particularly in NASA strongholds).
- Jubilee gains lead in parliamentary vote and in senate, also many more positions in the counties. However uncountable cases where the results are challenged in court.
- Presidential vote results as published by IEBC: Uhuru Kenyatta (Jubilee Party, JP) 54,27 %; Raila Odinga (National Super Alliance, NASA) 44,74 %. Six other candidates: less than 1 %. Uhuru declared winner on August 11.
- Already during counting process: allegations by Raila of hacking of IEBC computers. NASA first declared not to have trust in Supreme Court, but changed mind on 16th August.



# Politics and Elections 2017

- Extreme lobbying and struggle in the background and on the floor of the court (e.g. famous summation of PLO Lumumba). Four against two judges ruled for annulment of election, strong statements by minority (Njoki Ndung'u).
- Explanation by Supreme Court: "irregularities and illegalities", particularly in transmission of results (Forms 34A and 34B, electronic transmission system). "contemptuous disobedience" by IEBC of a court order demanding that it grant access to its computer servers so they could be scrutinized. (IEBC) had not verified the results before announcing them. Elections had "not been conducted in accordance with the constitution", leaving "no choice but to nullify it"
- judges made clear they had not seen evidence that there was any systematic or deliberate rigging.
- Ruling embarrassed local, African and western observers (e.g. John Kerry) who said they had found no major problems with the election.
- William Ruto accused the court of favouring the opposition, Uhuru Kenyatta first gave a conciliatory speech at state house, later at rallies however: strong hostility to Supreme court judges
- Threats against CJ David Maraga, his fellow judges and judicial staff. demonstrations outside court and threatening messages on social media.
- Ruling was welcomed world-wide as a sign of an independent judiciary in Africa, where often the executive manipulates and controls the courts.
- After ruling: Extreme fighting about the interpretation of the ruling and about the consequences. Bone of content: IEBC CEO Ezra Chiloba and influence of Chairman Wafula Chebukati
- Decision: Only two candidates in the repeat election – disputed, particularly by Ekuru Aukot



# Politics and Elections 2017

- Decision by Raila Odinga: pull out of repeat elections and boycott them
  - \* no trust in IEBC because of refusal to change key positions after supreme court ruling
  - \* attempt to create a constitutional crisis (legality of a single candidate at an election)
  - \* attempt to win time in order to properly re-organize the concerned institutions
- Re-Election still took place on October 26 but with bizarre features: No voting in Kisumu, Siaya, Homa Bay counties and parts of Migori County
- IEBC: Uhuru got 98 % of the vote – voter turnout 39 % (80 % on August 8)
- New challenge of the election results in the Supreme Court, but: court dismissed two petitions against reelection of Uhuru Kenyatta and unanimously decided that the petitions had “no merit”
- As per the constitution, Kenyatta and his deputy William Ruto will now be sworn in on Nov. 28, 2017





# The way forward?

- Extreme polarization of the society but different ethnic fault lines: this time not in the Rift Valley but on the foot of the Nandi Hills
- Voices that favor secession (of which areas exactly?)
- General weakening of economy because of unsecure investment climate.
- Continue with life or not? Fatigue or Resist?
- NASA as NRM! (“Resist!”) and the boycott of businesses connected to Jubilee (especially Safaricom/MPesa, Bidco products (cooking fats, oils, etc.) and Brookside Dairy products)
- Question of future credibility of electoral process and commission
- Question on the sustainability of the “winner takes all” principle
- Way forward?

