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The Response of International Organizations to the Pathologies of the Political System in Kenya

Abstract: The article discusses some pathologies in Kenya which internal institutions of Kenya as well international institutions, such as the African Union, the East African Community, and Transparency International, are trying to overcome. After gaining independence in 1963, the presidency of Kenya was held by Jomo Kenyatta (1964–1978), Daniel arap Moi (1978–2002), Mwai Kibaki (2002–2013), Uhuru Kenyatta (2013–2022), and since 2022 it has been held by President William Ruto. These leaders have influenced the quality of governance but have not prevented the problems that Kenya faces. Despite the fact that Kenya's leaders and society are judged from the perspective of meeting the standards of governance, the country still struggles with many pathologies.

Key words: Kenya, corruption, equality, elections, political pathologies

Introduction

Situated on the Indian Ocean and bordering Tanzania, Somalia, Ethiopia, South Sudan, and Uganda, Kenya has been an independent country since 1963. It is a country with a large population potential (around 48 million people) and ethnic diversity. There are approximately 70 ethnic groups of which the largest are the Kikuyu, the Luhya, the Luo, the Kalenjin, the Kamba, and the Kisii. Kenya is a member of the East African Community, which includes 8 states (Burundi, Congo, Kenya, Rwanda, South Sudan, Uganda, Tanzania, Somalia) aiming to promote cooperation within a common market. These countries have long struggled with various pathologies, including corruption, instability, and tribalism. The pathologies are the consequences of social problems and the sources of crises. However, the crises in Kenya have not escalated to prolonged civil war. The Kenyan ruling elites have traditionally shown solidarity with their kin by supporting them with gifts and perpetuating ethnic clientelism (Dobrzaniecki, 2020; Schott, 2022).

The article puts forward the hypothesis that reports and analyses of international institutions and agencies, such as the African Union, the East African Community, Transparency International, serve as a source of information on pathologies in the political system of Kenya and that information may be utilized by entities interested in economic cooperation with Africa. By analysing the media, international reports, politicians' memoirs, correspondents' accounts, and other reports, international reactions to the political and social situation in Kenya were examined. The author of the article analysed reports from the International Foundation for Electoral Systems, the International Parliamentary Union, the Corruption Perceptions Index, as well as other data from Transparency International. Historical and biographical methods were applied to determine the influence of Kenyan lead-

ers on the functioning of the political system in Kenya. The conducted analysis aimed to establish what information about the ruling elites in Kenya and the reforms undertaken can be found in reports and analyses published by international organizations. It also sought to explore the causes and consequences of political and social problems in Kenya in light of the gathered materials. The focus was also on the role of international organizations as a tool to overcome pathologies in the political system of Kenya.

Complex assessment of the role of international organizations in Kenya

Christian Hiller von Gaertringen believes that international organizations operating in Africa participate in transferring knowledge about the culture and the needs of the continent to economic institutions (von Gaertringen, 2014). However, it remains an open question how the activities of external parties in Africa will be assessed in the future. Particularly after the decolonization phase, a “gap between expectations and implementation” in this regard was pointed out. David S. Landes commented that at that time “due to the lack of experience postcolonial Africa was unable to govern itself, and legitimacy for its rulers came from networks of familial connections and loyalty to their own clientele. The newly formed states were abruptly thrust into the corset of a representative system foreign to local tradition [...] A significant portion of foreign aid ended up in secret accounts abroad” (Landes, 2017, pp. 563–564). Studies conducted by international organizations show that problems to govern the country still persist in Kenya. The way the country is ruled cannot be described or defined with standards typical for western civilizations. Criticism is justified when examining representativeness and elections in the context of Kenyan political life. However, it is essential to acknowledge transformations occurring in African countries, driven by factors such as the increased importance of communication, the rise in the number of associations, growing interest in regional cooperation, and the concern for the situations of African countries in other parts of the world. Ongoing globalization and awareness of global issues mean that the problems of African nations increasingly influence the global economic situation (*East...*). The economic contacts of the West with African countries and the projects aimed at developing strategic partnerships are based on identifying opportunities to stimulate the economy and overcome contemporary problems, including the need for energy production, infrastructure development, and resource acquisition. At the same time, the activity of western countries in Africa, and growing interest from China, Russia, or Turkey in this region raise concerns about expansion and deepening the unjust distribution of wealth worldwide. Daron Acemoglu and James A. Robinson warned against the “vicious circle” of expansion by exploitative institutions. Therefore, the activity of international organizations in Kenya encounters a barrier of mistrust and the risk of being drawn into the “vicious circle” of the exploitation of the poor by the wealthy (Acemoğlu, Robinson, 2012, p. 382). Despite sometimes overwhelming criticism of the functioning of international organizations, a liberal perspective in international relations recognizes the need for the involvement of international parties who can contribute to the development of communication between Kenya and other parties through education and information exchange.

Towards an autocratic presidential system

Kenya remained a British colony after the Berlin Conference (1884–1885), and its decolonization came at a high cost of casualties. The independence movement, primarily fuelled by protests against the difficult conditions of the local population, began to take shape in 1921 under the leadership of Harry Thuku. The most well-known independence uprising was the Mau-Mau Rebellion (1952–1955). The majority of the rebels came from the Kikuyu group. Jomo Kenyatta, the leader of the Kenya African National Union (KANU) was also a Kikuyu. He had been educated in London but returned to his homeland in 1946. During his emigration, he served as an ambassador for the struggle for Kenya's independence. This renowned politician, a student of Bronislaw Malinowski, became the first president of independent Kenya. His role in the fight for decolonization was compared to the activities of other African leaders, including Patrice Lumumba and Kwame Nkrumah. Jomo Kenyatta declared a fight against corruption and opposed to racism in Kenya (Charton, 2013; Chandra, 2023). The KANU group had more support among ethnic groups than the opposition Kenya African Democratic Union (KADU) (Jomo..., 2017). Kenya's system was based on strong presidential power, partly due to abandoning the British model of the state. Under Kenyatta's leadership, Kenya began to experience economic development. However, corruption became a problem, along with the rise of a mafia-type group called the "Mount Kenya Mafia", whose fraudulent activities led to the poaching of elephants in Kenya. Estates of the Kenyatta family were located in the White Highlands of Kenya. Unequal distribution of state funds to regions in Kenya and favouritism towards the Kenyatta family were sources of growing social discontent. The women from the clan – Ngina and Margaret – were particularly involved in corruption (*NLM Writer...*, Tetzlaff, 2018). After fifteen years of J. Kenyatta's rule, in 1979, power was taken over by the autocrat from the KANU party, Daniel arap Moi, whose presidency lasted until 2002 and evolved gradually. This politician declared the implementation of the "Nyayo" doctrine (peace, love, and unity), but under his rule, pathologies deepened in Kenya. In 1982, an amendment to the constitution was passed, making the KANU party the only legal political party. A turning point was the 1991 election, marking the end of the dominance of the KANU party in Kenya. Until then, President D. arap Moi conditioned working in the state administrative structures on belonging to this party (Brittain, 2020).

Multi-party democracy in Kenya

The introduction of multi-party democracy in 1992 and the enactment of a new constitution did not proceed without difficulties. The constitution, replacing the one from 1963, was only adopted in 2010 (Brittain, 2020; *Konstytucja Kenii*, 2017). The 2002 election, considered pivotal, marked the end of D. arap Moi's rule. As Condoleezza Rice recalled, President George W. Bush and Colin Powell supported his departure (Rice, 2017, pp. 202–204). The main candidates for the presidential office were Mwai Kibaki from the National Rainbow Coalition (NARC), Uhuru Kenyatta (KANU); Simeon Nyachae (Forum for the Restoration of Democracy), James Orengo, David Ng'ethe

(Anderson). Mwai Kibaki's victory, who received 63% of the support, and the election campaign based on anti-corruption slogans raised questions about the possibilities of modernizing Kenya. The politician won because, within NARC, he had brought together representatives of Kenya's major ethnic groups and received support from Kibaki (member of the Kikuyu people), Odinga (member of the Luo group), Charity Ngilu (member of the Kamba people), and the representatives of smaller groups. However, the chances of combating corruption proved to be minimal. Although M. Kibaki originated from KANU, in the early nineties he chose to found the Democratic Party (1992–2007) and later joined the Party of National Unity. Kibaki took technocratic actions to modernize the state and introduced public education at the elementary level, but his rule was criticized for failing to overcome the problem of corruption. Despite the lack of progress in this area, U.S. Secretary of State C. Rice emphasized that M. Kibaki also took actions on the international stage, and in 2003, Kenya ratified the UN Convention against Corruption. Kibaki employed John Githongo, the lawyer, to develop a strategy to combat corruption. One of the most serious scandals was the Anglo Leasing fraud, related to plans to change passportization methods, as a result of which public funds were illegally taken over by a British company (Chan, 2022; Rice, 2017, p. 217; Lafargue, Katumanga, 2007, p. 24).

Due to low corruption fighting indicators, Transparency International has been operating in Kenya since 1999, with offices in Nairobi, Mombasa, Eldoret, and Kisumu (*Transparency International Kenya...*). Establishing offices, on-site observation, and initiating contacts between international institution employees and the local population contribute to building understanding, which is particularly challenging in the presence of cultural differences. Interactions and cultural comparisons can help to overcome stereotypes and build credible assessments (Golka, 2010, pp. 200–220). According to the Corruption Perceptions Index for the years 2012–2021, Kenya's score slightly improved, reaching 30/100 in 2021 (*Transparency International Kenya Annual...*). In the fight against corruption, Kenya has been participating in the Action for Transparency (A4T) project since 2015 (earlier launched in Uganda and Zambia). The priority is to engage the society in taking online actions related to detecting and preventing corruption. Many activities under A4T are related to education and health sectors and address challenges posed by the COVID-19 pandemic (*Action for Transparency*).

Kenya is bound by the African Union Convention on Combating and Preventing Corruption, adopted in Maputo on 11 July 2003. Kenyan parliamentarians are part of the African Parliamentary Network Against Corruption (APNAC), established in 1999. This network aims to provide warnings, raise alarms, recognize corruption, promote transparency, encourage public participation in the governance process, share information and experiences, and enhance the capacity needed to combat corruption (*African Parliamentarian's...*). An example of anti-corruption measures in Kenya is the creation of a transparent map displaying licenses for mining activities under the 2016 Mining Act, replacing the 1940 Mining Act (*Kenya. Accountable...*). Additionally, the climate policy has come under the scrutiny of Transparency International, and it focuses on crisis management mechanisms in the face of climate disasters, as they pose a threat to the country's development according to the Second National Climate Change Action Plan in Kenya (NCCAP 2018–2022). These initiatives align with the

provisions of the United Nations Framework Convention on Climate Change adopted in 1992. The East African Community is currently implementing the General Climate Change Plan (2011–2031), involving actions related to data management, monitoring and diagnosing climate changes, early warning systems, creating applications for climate change notifications, and mitigating the risk of disasters while adapting to climate changes (*Pocket guide...*, 2021).

In the 2007 election the main rivals were the incumbent president M. Kibaki (Party for National Unity), Kalonzo Musyoka (ODM-Kenya), and Raila Odinga (Orange Democratic Movement) (*Kenya: 2007...*). The election was held on 27 December 2007 but it was not accepted and led to bloody riots, described by Bernard Calas as “democracy” (Calas, 2007, p. 166). According to Bartholomäus Grill, 1,100 people lost their lives. The consequences included population displacements, mainly to Uganda, and economic stagnation. The International Parliamentary Union noted that election observers (Commonwealth Observer Mission and European Union Observer Mission) pointed out errors and negligence, including media bias favouring M. Kibaki during the Kenyan election campaign. U.S. and British diplomacy called for an end to the fighting, and for taking into account the positions of the European Union, the Commonwealth, and the African Union on the cessation of post-election violence. Kofi Annan became the mediator, and thanks to international engagement and promises of aid in the fight against famine and drought, the fighting stopped, and M. Kibaki remained in power (Kęçik, 2008; *Joint Statement...*, 2008; Grill, 2003).

The electoral campaign in 2013 brought victory to Uhuru Kenyatta, son of J. Kenyatta, from the National Alliance. He defeated Raila Odinga, who was running for the presidency again. Despite the International Criminal Court in The Hague bringing charges against Uhuru Kenyatta for crimes committed in 2007, the candidate won the election. The election was held on 4 March 2013 under the 2010 constitution. In order to prevent events similar to those in 2007 the Independent Electoral and Boundaries Commission was established. The commission analyzes various aspects, including the voter registration system, delimitation of electoral constituencies, regulation of political party activities, resolution of disputes related to election results, candidate registration, political education, competence in observing, monitoring, and evaluating elections, regulation of campaign funds distribution, creation of a code of conduct for candidates and parties, and monitoring compliance with electoral procedures for nominating candidates by political parties (*Independent...*).

Geopolitical conditions arising from instability in the Middle East affected the situation in African countries, and contributed to the increase in terrorist threats. Consequently, this led to a decrease in foreign investors' interest in economic investments. It should be noted that there are Muslims among the Kenyan population, and the end of Ramadan is a public holiday. In 1992, the Islamic Party of Kenya was formed, with alleged connections to Muslim fundamentalists. However, terrorist attacks had occurred earlier. In 1976, in neighbouring Uganda, a hostage rescue operation was conducted for individuals seized on a plane that had taken off from Tel Aviv. In 1998, the American embassy in Nairobi was attacked by terrorists (Osama Bin Laden claimed responsibility for the attack), and in 2002, there was an attack on a hotel in Mombasa. The low level of security in Kenya is a consequence of instability in Somalia. After the attack on the

World Trade Center in New York in 2001, Kenya actively sided with the USA in the global war on terrorism. On 21 September 2013 the Westgate Mall attack was carried out in Nairobi, Kenya. The attack was perceived as retaliation for Kenya's intervention in the 2011 war in Somalia and the support of Americans in the Somali conflict. Somali terrorists from Al-Shabaab entered the shopping mall and killed 62 hostages (Węgliński, 2014; *Westgate Attack: What Happened?*, 2013; Kościółek, 2011). On 2 April 2015, Al-Shabaab carried out an attack on Garissa University College, resulting in the death of 147 students (RS PAP, 2015).

In the 2017 electoral campaign, the incumbent president, Uhuru Kenyatta, and Raila Odinga faced each other. The voter turnout was 80%, with Uhuru Kenyatta winning 54% of the votes, and Raila Odinga obtaining 45%. The Supreme Court nullified the election held on 8 August 2017 due to electronic manipulations favouring the incumbent president, Uhuru Kenyatta. The annulled election cost around 1 billion dollars. Despite protests, the country managed to prevent a civil war, and the situation did not become as tense as in 2007. In the second round on 26 October 2017, the opposition boycotted the election. Uhuru Kenyatta won 98.2% of the votes (Stefanicki, 2017). He represented The Jubilee Party of Kenya, founded in 2016. In 2018, Kenya recorded a public debt of 49 billion US dollars, leading to an increased need for developmental aid, primarily for food. This prompted the main political opponents, Uhuru Kenyatta and Raila Odinga, to enter into an "informal elite pact" (Maihack, 2019).

The election held on 9 August 2022, were observed by numerous institutions, including The Common Market for Eastern and Southern Africa (COMESA), East African Community (EAC), Election Institute for Sustainable Democracy in Africa (EISA), the Intergovernmental Authority on Development (IGAD), National Democratic Institute (NDI), and the Election Observation Group under the International Foundation for Electoral Systems, consisting of the representatives of non-governmental organizations. The EU election observation mission, composed of 182 observers from 30 countries and led by Ivan Štefanovic from Slovakia, arrived in Kenya on 27 June 2022 (*EU Election...*). The Kenyan diaspora could only participate in presidential election and cast their votes in 12 countries (Burundi, Canada, Germany, Qatar, Rwanda, South Africa, South Sudan, Tanzania, United Arab Emirates, Uganda, the United Kingdom, and the USA). The candidates running for president were Raila Odinga supported by the coalition Azimio La Umoja, William Ruto from "Kenia Kwanza" (Kenya First), George Wajackoyah (Roots Party), and David Mwaure Waihiga (Agano Party). The largest ethnic group, the Kikuyu, did not put forward a candidate. The Azimio coalition released its electoral programme on 16 May 2022, outlining social demands to alleviate poverty. On the other hand, 55-year-old W. Ruto, using the slogan "the rogue against dynasties," campaigned with a programme against the establishment, that is the Kenyatta (Kikuyu people) and Odinga (Luo people) families. Supporting the modernization of the state and the digital revolution, W. Ruto won with 50.5% of the votes (Dieterick; Bachelard, 2010).

The election analysis drew attention to the political significance of women. According to the 2010 constitution of Kenya, the 2/3 rule is in force, meaning that no more than 2/3 of those elected to public bodies can be of the same gender. It's still hard to realize in Kenya. (Ngom, Ba, Kioko, Egelhof, 2022).

Tabele 1
Proportion of seats held by women in the national parliament of Kenya from 2003 to 2022

Year	The number in %
2003	7.14
2007	7.25
2013	18.57
2017	21.78
2022	23.43

Source: <https://www.statista.com/statistics/1248316/proportion-of-seats-held-by-women-in-kenya-national-parliament>, 19.12.2023.

In current National Assembly, out of 348 seats obtained through direct elections, 81 are reserved for women. In 2001, the Kenyan Parliament established the Kenya Women Parliamentary Association (KEWOPA), which was implementing a strategic plan for the years 2019–2023 (*Kenya Women...; Kenya National Assembly*). In the legislative period coming to the end in 2022, women constituted only 23% of the Kenyan parliament. It is worth noting that among the female parliamentarians, Serah Kioko (Owino, 2022) stood out with her experience. In the electoral campaign, R. Odinga received support from Martha Karua from the Kikuyu clan, who became the candidate of his faction for the position of vice president. Martha Karua, a lawyer by profession, has been a member of parliament since 1992. In 2013, she unsuccessfully ran for the presidency. She was the Minister of Justice. Karua advocated for an increased participation of women in politics. In the electoral campaign she demanded tolerance towards the LGBT community (Madowo, Feleke).

Conclusions

Kenya is among the countries where legal frameworks for democracy have been established, yet there are still instances of breaching its standards. The Kenyan society remains dependent on foreign development aid, and the allocation of such aid is within the purview of international bodies. One of Kenya’s primary challenges is corruption and the lack of authority among the elites. Efforts are being made to improve Kenya’s image internationally and enhance its socio-economic position by addressing corruption, power struggles, and gender discrimination. In the era of globalization and the popularity of the Internet, crises in Kenya are quickly recognized, as evidenced by numerous reactions from the academic community to the terrorist attack at Garissa University. Although information about events in Kenya is rapidly conveyed to international forums, achieving stability in this country is still a challenge. An obstacle to overcoming corruption in Kenya is the definition of the problem through the prism of Western culture. The ingrained cultural conditions of conducting negotiations in African countries, such as the use of gifts, the need for support and solidarity among colleagues, or the patronage mentality among leaders in the combined worlds of politics and business, are often overlooked.

Author Contributions

Conceptualization (Konceptualizacja): Aleksandra Kruk

Data curation (Zestawienie danych): Aleksandra Kruk

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Writing – original draft (Piśmiennictwo – oryginalny projekt): Aleksandra Kruk

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Odpowiedź międzynarodowych organizacji na patologie systemu politycznego w Kenii

Streszczenie

Artykuł omawia niektóre patologie w Kenii, które starają się przezwyciężyć wewnętrzne instytucje Kenii, a także międzynarodowe organizacje, takie jak Unia Afrykańska, Wspólnota Wschodnioafrykańska i Transparency International. Po uzyskaniu niepodległości w 1963 roku prezydencję w Kenii sprawowali Jomo Kenyatta (1964–1978), Daniel arap Moi (1978–2002), Mwai Kibaki (2002–2013), Uhuru Kenyatta (2013–2022), a od 2022 roku prezydentem jest William Ruto. Wskazani przywódcy mieli wpływ na jakość rządzenia, ale nie zapobiegli problemom, z jakimi boryka się Kenia. Pomimo że przywódcy i społeczeństwo Kenii są oceniani z perspektywy spełniania standardów sprawowania władzy, to państwo nadal boryka się z wieloma patologiami.

Słowa kluczowe: Kenia, korupcja, równość, wybory, patologie polityczne