

Kenya's Political Landscape: Ideological Challenges and Electoral Promises

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Abstract- This study delves into the political landscape of Kenya, focusing on the historical background, transition to a multiparty system, and current situation where ideological challenges clash with popular electoral promises. Kenya's post-independence political scene has been characterized by ethnic tensions and power struggles, leading to neopatrimonialism and arbitrary state leadership. The paper explores the evolution of Kenya's political system, the role of political parties, the semi-federal system, and the challenges posed by weak institutions and corruption. Ethnicity remains a contentious issue, and the rise of fake news has further complicated the democratic process. The study suggests implementing proportional representation, considering a parliamentary system, addressing patriarchal barriers for women's empowerment, and strengthening institutions to promote effective governance. In addition, fostering national unity and shared identity is essential to overcoming ethnic divisions and advancing towards a more democratic and inclusive society in Kenya.

Keywords - Ideological challenges, neopatrimonialism, corruption, ethnicity, national unity, fake news.

I. INTRODUCTION

Kenya's post-independence political scene has been marked by continuous efforts to shape and reshape the country's political system, alongside pro-democratic struggles. However, most studies have primarily focused on gender roles and electoral violence, overlooking the status and evolution of arbitrary state leadership and its impact on development. This study aims to explore the historical background of Kenya's politics, its transition to a multiparty system, and the current situation where ideological challenges clash with popular electoral promises.

II. BACKGROUND

Kenya was a British colony between 1884 and 1963¹. During colonization, cooperation and attitudes between racial groups in Kenya was poor². The ethnic group Kikuyu had been favored by the British and exercised a divide and rule strategy over other ethnic groups. By racially segregating ethnic communities, this fostered ethnic conflict³. The struggle to form a new government after independence was characterized by the same conflict. There were two main parties. First, the Kenyan National African Union (KANU) party, consisting mainly of the dominant Kikuyus and to some extent the Luhya. Second, the Kenyan African Democratic Union (KADU) party which consisted mainly of the marginalized groups Kalenjin, Luhya, Mijikenda and other smaller tribes. The Kikuyu party called for a free market economy which would strengthen their power. The less privileged tribes, represented by KADU, feared this and wanted a more socialist government. The Kikuyu party won, and the final constitution resulted in a highly centralized power in the capital Nairobi, thus reproducing the colonial structures⁴. Since then,

¹ Utrikespolitiska Institutet. 2021c. "Kenya - Ekonomisk Översikt". *Landguiden*. (online). Available at <https://www-ui-se.ezproxy.its.uu.se/landguiden/lander-ochomraden/afrika/kenya/oversikt/>

² Greenstone, J. David. "Corruption and Self Interest in Kampala and Nairobi: A Comment on Local Politics in East Africa." *Comparative Studies in Society and History* 8, no. 2 (1966): 199-210.

³ Obala, Luke M., and Michael Mattingly. "Ethnicity, corruption and violence in urban land conflict in Kenya." *Urban Studies* 51, no. 13 (2014): 2735-2751.

⁴ Sjögren, Anders, Onyango Oloo, and Shailja Patel. "State, Civil Society and Democracy in Kenya: Kenyans for Peace with Truth and Justice (KPTJ) and the Political Crisis of 2007–2008." In *Democracy, Constitutionalism, and Politics in Africa*, pp. 265-295. Palgrave Macmillan, New York, 2017.

open markets and international trade, both export and import, has been the main economic strategy for development in Kenya.

Kenya is a country in Eastern Africa with an area of 580,367 square kilometers and 47.6 million people as per the 2019 population census. Kenya which is a multiethnic country was conferred independence in 1963 and was proclaimed a republic in 1964. It has since gone through several conflicts both internal and external. Kenya transitioned into a multiparty political system in 1991 but in 1992 the elections were characterized by skirmishes with death and displacement. Kenya's democratic path changed with the 2003 elections which were proclaimed free and fair. This election ended the 24-year dictatorship of Daniel Moi and put Mwai Kibaki at the helm. However, this season of peace ended with the 2007 elections which were highly contested and this led to ethnic violence where thousands lost their lives. This was categorized as the country's worst post-election violence⁵. This predicament led to the emergence of a new constitution and system of governance as enshrined in the Constitution of Kenya promulgated in 2010. The subsequent electoral processes, including the election in 2013, were largely peaceful. However, the 2017 elections were disputed but the opposition contested the results in the courts and the judicial intervention led to a re-run and generally diffused the tensions in the country⁶.

The changes in Kenya's institutions from the market economy with controls to an economy with minimal controls and then to the market friendly economy based on globalization and democracy brought the new changes such as the re-writing of the new constitution 2010. These changes were aimed at increasing the democratic space in decision making where power ought to locate in the people. The old independent constitution had given enormous powers to the local authorities by instituting decentralized system of governance which offered legislative power, financial capacity and executive authority to the local governments to operate independently. This changed after independence in 1963. Kenya became a highly centralized state with considerable executive power concentrated in the capital. This system left the local people with no say over issues of local governance⁷. The end results was hyperinflation- too much money chasing goods that hardly exist. Yet this money was not in the pockets of the people. Instead, it was in the hands of a small group of Kenyans the majority of whom simply traded in it thus producing little or no wealth creation.

With the re-election of the former president Moi's regime 1992-1997 the economic problems of the state which began in 1963 persisted. In 1965 through 1990 Kenya was a one state system but due to the economic hardships, the opposition in parliament

⁵ Hornsby, Charles. *Kenya: A history since independence*. Bloomsbury Publishing, 2013.

⁶ Inclusive Peace and Transition Initiative (IPTI) (2016). *Case Study Series Women in Peace and Transition Processes*. <https://www.inclusivepeace.org>.

⁷ Amasava C.K (2017) Influence of public participation on Implementation of county government funded project; A Case Study of Nairobi County, Kenya (Master's Thesis)

together with the civil societies' organization began to agitate for a free and fair democratic leadership. In 1997 to 2001 Kenya's GDP growth averaged at 1.4 percent and 1.2 percent in 2002. This meant that the trend of declining per capital income which began in the early years had continued in the new millennium. There was low investment and services with the former averaging 19 percent of GDP of 1997 to 2001 compared to the targeted 25 to 30 percent, while the latter averaged 8.8 percent over the same period⁸.

As a result of the above, Kenya has experienced insufficient investment co-existing with increased reliance on external funding for investment capital. In comparison to the independence Kenya's poor investment efficiency characterized by high level of investment per unit of increased output shows a 19 percent of GDP over 1997 to 2001 achieved an average GDP growth of 6.6 percent. Public savings declined from 2.8 percent of GDP in 1999 to 2000 to below zero by 2001 -2002 while the central government wage bill at over 8 percent of GDP was substantially above the 6.5 to 5.5 percent, common to low-income countries. The skewed public consumption led to the social indicator that were superior to the expenditure. The coming of the new government including Mr. Raila and Dr. Ruto's proposed regimes have raised the people's expectation. Kenyans are being promised higher capital income reduction in poverty and employment in addition to sufficient and effective service delivery. The two leaders' populist political statement is based on the idea of how to transform the productive sector of the economy into high performance and delivery of high quality of public services without compromising the macro-economic fundamentals. The biggest problem for Mr. Raila and Dr. Ruto is how to eliminate or minimize corruption in the state system in order to achieve their desired promises (Anyang' Nyong'o (2007).

III. STATEMENT OF THE PROBLEM:

The political landscape in Kenya faces numerous challenges that hinder its progress towards a more democratic and inclusive society. The first of these issues is, lack of Comprehensive Ideological Frameworks: The absence of clear ideological frameworks in political parties results in a focus on ethnic mobilization and popular electoral promises rather than substantive policy proposals. This undermines the ability to address critical issues and make informed decisions based on coherent ideologies. Persistence of Neopatrimonialism: Neopatrimonialism characteristics continue to shape Kenya's political system, leading to arbitrary state leadership and a blurring of lines between public and private interests. This undermines the rule of law and democratic principles, hindering effective governance and decision-making. The second issue is, Ethnic Divisions and Marginalization: Ethnicity remains a prominent factor in Kenyan politics, leading to divisions, violence, and skewed decision-making. Larger ethnic groups often form coalitions to secure electoral victories, leaving smaller

⁸ Anyang' Nyong'o (2017) A leap into the future-A vision for Kenya's socio-political and economic transformation.

communities marginalized and hindering national unity. The third issue is Disinformation and Fake News: The rise of fake news poses a significant threat to democratic processes, as misinformation and manipulation of public opinion influence electoral outcomes. The spread of fake news undermines the credibility of the electoral system and erodes public trust in political institutions. The fourth issue is Weak Institutions and Corruption: Kenya's weak institutions, including the Ethics and Anti-Corruption Commission (EACC) and the judiciary, have undermined the fight against corruption and electoral malpractices. Corruption remains widespread, eroding public trust in political leaders and hindering economic growth and development. The fifth issue is Gender Representation: Despite constitutional provisions, women's political representation remains low, with significant barriers preventing their full participation in political decision-making. The lack of gender equality in political leadership hampers inclusive governance and deprives the country of diverse perspectives. Addressing these challenges is crucial to fostering a more robust and effective political system in Kenya that upholds democratic principles, promotes inclusive governance, and enables equitable development for all citizens.

IV. FINDINGS OF THIS STUDY

Ethnicity:

Despite the negative effects of ethnicity in Kenyan politics that spills over to affect peace, development, and social cohesion, the country seems to be struggling to deal with this menace⁹. Structurally, Kenya is an amalgamation of large and small ethnic groups, and increasingly the country has been treated to a theory of "tyranny of numbers." Proponents of this idea argue that the larger communities can win an election by simply forming a coalition with another ethnic group without the support of others. This means that ethnic identity is giving the political elites an avenue to mobilize support among the Kenyan societies and has resulted in the much divisive political process often dividing the country into two major ethnic coalition blocs. It is important to note that ethnicity is not only important in winning elections but also shapes decision-making and sharing of the national cake after elections.

Results of the 2013 and other previous general elections can attest to this fact. For example, in 2013, individuals suspected to have masterminded the 2007 post-election violence and were facing trials at the International Criminal Court at The Hague got overwhelming support from their ethnic groups in the general elections. Even more, interestingly, some governors, members of the parliament, and county assembly members elected in the just concluded 2017 general elections won their respective positions with ease despite being suspected of corruption that led to the loss of billions of taxpayers' money under their watch in their previous positions in the public sector. The third aspect is the role of political elites. Since the beginning of multiparty in 1992,

⁹ Kisaka, Michael Otieno, and Israel Nyaburi Nyadera. "Ethnicity and politics in Kenya's turbulent path to democracy and development." In *Journal of Social Policy Conferences*, no. 76, pp. 159-180. 2019.

leaders have emerged with the guise of being representatives of their communities. Their significance often showcases in matters of politics where they serve as channels of gaining the ultimate political support in their spheres of political influence. Guided by the cardinal rule that political power rests on the people, anyone seeking political support from their backyard, must negotiate with the people. However, these sets of leaders, in many cases, have no national or nationalistic attachment to the nation. Rather their most important agenda is to their ethnic group and mostly, in reality, their ambitions and interests.

The issues that promote negative ethnicity in Kenyan politics cannot be reduced to merely the existence of diverse ethnic groups in the country, but rather it can be viewed through the prism of long-standing legitimate grievances that are not intractable. A committed government focused on eliminating negative ethnicity in Kenya can certainly achieve this goal. Not forgetting that much of the historical political culture of ethnic groups in Kenya was strictly associated with kinship.

Pre-colonial African societies were organized and led by tribal leaders and chiefs. This historical culture seems to continue today, all be it in a different setting and approach. Concerns about discrimination and marginalization, electoral transparency, meritocracy, and justice, if solved, can be a huge step toward healing the ethnic divide. The land question is also an emotional issue that needs to be urgently addressed if Kenyans are to get rid of ethnic polarization.

The government has adopted several means to try and foster a shared national identity in Kenya. For example, Swahili and English which are seen as neutral languages became the official languages while cultural and sports events and personalities as well as the education system became the avenues of strengthening national unity. The Constitution of Kenya 2010 guarantees the freedom of movement (Article 39 (1-3)), while the fair distribution of resources (through the devolved system of government) and media such as establishing various vernacular stations are acknowledged. However, more needs to be done, particularly in the implementation of these initiatives, which so far have not helped solve the problem.

Fake News:

Fake news is defined as a form of yellow journalism aimed at spreading hoaxes or misinformation deliberately through broadcast media, traditional media, and social media is emerging as one of the most dangerous threats to democratic processes today. Fake news consists of opinions and news that are not true and are intended to mislead the opinion of those who consume it. The emergence of various channels through which people can get information easily and fast provides perpetrators of fake news with an avenue where they can be able to reach many people without the content being certified. The irony of fake news also lies in Article 19 of the Universal Declaration of Human Rights of 1948 that gives individuals freedom of expression and opinion. While this article is fundamental to democracy, it should be emphasized that such freedoms should not be used to manipulate other people's thoughts to mislead them.

In Kenya, fake news has been used in politics for decades but not in the scale witnessed in the 2013 and 2017 general elections. A

well calculated and heavily financed department seems to have been used by parties involved in the presidential elections. A well-orchestrated smear campaign overshadowed the manifesto and promised that candidates were given to the electorate. So competitive was the race for fake news that services of internationally known public relations companies such as Cambridge Analytica, the company now on trial for hacking Facebook user's account and was also behind President Donald Trump election campaign particularly responsible for the leaking of Hilary Clinton's emails, were heavily suspected to have involved in the Kenyan elections. This was evident on their website portfolio of countries that they had worked in and top CEOs admitting their involvement in the Kenyan election during an undercover media investigation broadcasted widely on mainstream media. To what extent the fake news affected the outcome of elections in Kenya is still difficult to determine; however, the relationship between information and public opinion is very critical and must be preserved at all times.

Weak Institutions:

For democracy to function best, institutions must uphold their responsibilities impartially and without any fear or favor. At the center of this are institutions such as the Ethics and Anti-Corruption Commission (EACC) in Kenya tasked with the responsibility of ensuring that the men and women who occupy public offices comply with Chap. 6 of the Constitution of Kenya 2010 that demand values on leadership and integrity.

The Kenya Police and its various departments such as the intelligence service, the investigative arm, the anti-riot units, as well as the regular police have a duty to ensure a fair playing ground for all contestants in an election and protect their rights in campaigning. Media houses also have an important role in playas institutions: they should strive to ensure that fake news or bias coverage of aspirants is discouraged, and professionalism is upheld. The judiciary is central in ensuring grievances of those who feel that the elections were not conducted as per the required standards of the constitution find justice. The most important institution again is the election commission, which needs to conduct itself in the highest level of professionalism efficiently and provide Kenyans with election results that can be verifiable and accurate. Until the 2017 elections, it remains clear that some of these institutions are still weak in executing their mandates, and therefore, there is a strong need to have them strengthened.

Corruption:

Widespread corruption has eroded public trust in political institutions. According to Transparency International Global Corruption Perception Index, Kenya ranked 123 out of 180 countries improving from rank 137 of 180 in the previous year (180 being the most corrupt). Kenya's score still falls below the sub-Saharan average of 32 and global average of 43 (a score below 50 indicates serious levels of public sector corruption).¹⁰ Claims of corrupt dealings, particularly in land purchases and large government contracts persist. Other governance issues include government efficiency and weak regulatory and judicial systems. Despite some judicial reforms, courts remain subject to

significant case backlogs, and cases can take years to resolve. Allegations of serious corruption within the judiciary persist.

The presence of corruption in the country has made obtaining a title to land very uncertain. This reduces the borrowing capacity of families and businesses and constrains Kenya's ability to broaden its capital base. Land reform is a divisive and emotional issue, complicated by tribal traditions, land sale scams, and perceived historical injustices, which Kenya has so far been unable to resolve. Further, corruption has led to shrinking of public sector procurement opportunities, a rise in unemployment rate which has had an adverse effect in consumer spending with reductions in household and business spending and the prevalence of counterfeit and substandard goods in manufacturing.

Corruption continues to plague national and county governments in Kenya, and state institutions tasked with combating corruption have been ineffective. The Ethics and Anti-Corruption Commission (EACC) lacks prosecutorial power and has been largely unsuccessful in pursuing corruption cases. The EACC's weakness is compounded by shortcomings at the Office of the Director of Public Prosecutions (ODPP) and within the judiciary.

Gender:

In terms of political representation, there is a general consensus that women have been marginalized in the democratization process in Kenya. It is in view of this concern that the Constitution of Kenya Review Commission (2001) advocated increased civic education for the population in order to inform and empower citizens, and to enable them to make informed choices on the issues that affect them in their daily lives, be they social, economic or political. It has been documented that people who have little or no civic knowledge, especially in the areas of voter education, gender awareness and adult education are not able to easily and usefully take part in the process of democracy and democratization.¹¹

Challenges to women leadership include but are not limited to gender insensitive political culture in the political institutions. Notable names in Kenya's post-independence Kenya who shaped the landscape of women's political leadership include Phoebe Asiyo, Grace Ogot, Charity Ngilu, Wangari Maathai and Martha Karua. Martha Karua was highly involved in the political processes following the 2007 post-election conflicts where she headed the government negotiation team to resolve the disputed 2007 election.

The promulgation of 2010 Constitution of Kenya was a major milestone in the fight towards gender equality as well as open up spaces for participation of women and their representation in decision-making processes. After years of adopting this new constitution, women continue to suffer setbacks whenever they seek not only elective but also appointment positions in Kenya. In the two parliamentary chambers, only few women have shown interest in contesting for parliamentary seats. For example, during the 2013 general elections, out of 1,908 aspirants who

¹⁰ Transparency International Global Corruption Perception Index- Report 2022.

¹¹ Akiyaga et al, 2001; Ecumenical Centre for Justice and Peace, 2001; Nasong'o and Ayot, 2007; Thogori, 2002

empower women in politics, ensuring a more balanced and diverse representation of societal groups.

Dependent Variable:

- **Political Transformation:** This is the overall outcome of the conceptual framework/model, which represents the transformation of Kenya's political landscape towards a more democratic, inclusive, and effective governance system.

Intervening Variables are:

- **Civic Education Programs:** Initiatives that aim to educate citizens about the importance of political ideologies, the role of institutions, and the significance of national unity and inclusivity in the political process.
- **Public Awareness and Perception:** Is the level of awareness and perception among the general public regarding the presence of ideological frameworks, the effectiveness of institutions, the importance of national unity, and the significance of gender representation in politics.
- **Policy Implementation:** Is the successful implementation of policies derived from comprehensive ideological frameworks, which demonstrates the commitment of political parties to their proposed agendas.
- **Legal and Constitutional Reforms:** These refers to the reforms and amendments to the legal and constitutional framework that support the implementation of the two-thirds gender rule and other measures aimed at enhancing gender representation in politics.

These intervening variables influence the relationship between the independent variables (ideological frameworks, strengthened institutions, national unity, and gender representation) and the dependent variable (political transformation). They mediate the impact of the independent variables on the overall outcome of transforming Kenya's political landscape. For instance, civic education programs can raise public awareness about the importance of embracing comprehensive ideologies, which, in turn, may influence policy implementation and contribute to the desired political transformation. Similarly, legal and constitutional reforms can enhance gender representation, which can lead to a more inclusive and transformative political system

V. THEORETICAL FRAMEWORK

Modernization Theory:

Modernization theory posits that societies undergo a process of development and transformation as they progress from traditional to modern forms of governance and socio-economic structures.¹⁴ In the context of Kenya's political landscape, this theory can be applied to explain the country's transition from a colonial-era political system marked by ethnic divisions and arbitrary state leadership to a more democratic and inclusive system. The theory suggests that as societies modernize and experience economic growth, they are more likely to adopt democratic practices,

¹⁴ Rostow, W.W. (1960). *The Stages of Economic Growth: A Non-Communist Manifesto*. Cambridge University Press. ISBN: 978-0521096532.

promote political ideologies based on rationality and merit, and prioritize institutional strengthening. This can be observed in Kenya's transition to a multiparty system, the adoption of a new constitution in 2010, and the subsequent efforts to promote good governance and gender representation in politics as part of the modernization process.

Resource Mobilization Theory:

Resource mobilization theory emphasizes the role of political actors and organizations in mobilizing resources (both material and symbolic) to achieve their goals.¹⁵ In the context of Kenya's political landscape, this theory can be used to explain the role of political parties in mobilizing resources, including electoral support and funding, to advance their ideological agendas and electoral promises. Ethnic mobilization, which has been a prominent feature in Kenyan politics, can also be understood through this theory, where political parties and leaders tap into ethnic identities to garner support and resources. However, as the study proposes, shifting the focus from ethnic mobilization to comprehensive ideological frameworks and national unity requires political actors to strategically mobilize resources towards achieving these objectives. The theory also highlights the importance of civil society organizations and grassroots movements in resource mobilization for promoting gender representation and inclusivity in politics, further reinforcing the transformative goals of the conceptual framework.

Developing a country like Kenya requires a multifaceted approach that leverages both domestic resources and international cooperation.¹⁶ While taxation is one method to generate revenue for development, it should be complemented by other strategies to ensure sustainable and inclusive growth. Here are some key steps that this study has proposed in promoting development in Kenya:

- **Enhancing Domestic Resource Mobilization:** While taxation is essential for generating revenue, the focus should be on progressive taxation that ensures the burden falls more on the wealthy and less on the poor. This can be achieved by implementing fair and transparent tax policies, closing loopholes, and combatting tax evasion. In addition, promoting a culture of tax compliance and broadening the tax base can increase domestic resource mobilization.
- **Improving Governance and Reducing Corruption:** Addressing corruption is critical to ensure that resources are effectively utilized for development. Strengthening institutions, such as the judiciary and anti-corruption agencies, and promoting transparency and accountability can help reduce corruption. The government should also encourage public

¹⁵ Zald, Mayer N., and McCarthy, John D. (1977). "Resource Mobilization and Social Movements: A Partial Theory." *American Journal of Sociology*, 82(6), 1212-1241.

¹⁶ Todaro, Michael. "The Urban Employment Problem in Less Developed Countries – An Analysis of Demand and Supply

participation and oversight to ensure responsible use of resources.¹⁷

- **Investing in Human Capital:**
Developing human capital through investments in education, healthcare, and skills training is crucial for sustainable development. A well-educated and healthy workforce contributes to increased productivity and innovation, leading to economic growth.¹⁸
- **Promoting Private Sector Growth:**
Encouraging a conducive environment for the private sector to thrive is vital. This includes reducing bureaucratic hurdles, providing access to finance, and offering incentives for investment in key sectors like agriculture, manufacturing, and technology. A strong private sector can create jobs, stimulate economic activity, and generate tax revenue.¹⁹
- **Infrastructure Development:** Investing in critical infrastructure, such as roads, railways, ports, and energy, is essential to spur economic growth and improve the overall quality of life for citizens. Infrastructure development attracts investments, facilitates trade, and enhances productivity.
- **Diversifying the Economy:**
Reducing reliance on a few sectors and diversifying the economy can make it more resilient to external shocks. Encouraging innovation and supporting industries with high growth potential can foster economic diversification.
- **Harnessing Technology and Innovation:**
Embracing technological advancements and fostering innovation can boost productivity and efficiency across various sectors. This includes supporting startups, investing in research and development, and promoting the adoption of digital technologies.
- **Promoting Inclusive Development:**
Ensuring that development benefits all segments of society is crucial. Targeted policies that address poverty, inequality, and social exclusion can help create an inclusive society where every citizen has the opportunity to participate in and benefit from the country's progress.
- **Sustainable Environmental Practices:**
Pursuing sustainable development practices that protect the environment and natural resources is essential for long-term growth. This includes promoting renewable energy, sustainable agriculture, and conservation efforts.
- **International Cooperation:**
Collaborating with the international community as a non-aligned state for foreign aid can provide additional resources and expertise to support development initiatives. Kenya should

¹⁷ Collingwood L, Reedy J (2012) Listening and responding to criticisms of deliberative civic engagement.

¹⁸ Ethiopian Council on social welfare Addis Ababa (1971); Seminar on the implication of social welfare services to the Development of Human Resources in East Africa and Central African Countries.

¹⁹ Lewis, W. A. (1960). Economic Development with Unlimited Supplies of Labor. *The Journal of Economic History*, 20(2), 139-191.

not be seen supporting the ideologies of the West or East. However, it's essential for the government to ensure that aid is utilized effectively, aligned with the national development priorities and not for personal use.

By adopting these strategies and focusing on a balanced and comprehensive approach, Kenya can work towards sustainable development that improves the well-being of its citizens and positions the country for a prosperous future.

VI. KENYA'S POLITICAL RELATIONSHIPS

African politics largely thrives under a system of neopatrimonialism, although to varying degrees²⁰. Patrimonialism is defined as a type of government organized as an extension of the ruler's own household. The ruler makes no distinction between his own private property and that of the state. His rule over the territory is personal and arbitrary, without recourse to law or administrative predictability, as political authority is based on political clientelism²¹.

Analysts of African politics realize that the attributes characteristic of patrimonial systems of rule have survived among the leaders of the new nation states, though patrimonial systems were thought to have disappeared from the African political scene. These leaders exhibit all the traits of medieval kings and sultans save for the titles. The concept of neopatrimonialism was born out of this striking similarity²². Patrimonialism is contrasted with rational-legal authority in which power is exercised in accordance with explicit legal structures specifying procedural rules and norms and serving to promote well defined public goals. In a rational legal authority, there is a distinction between the public and private spheres and written laws and the bureaucratic institutions characterize the exercise of authority. Leaders are prevented from bringing their caprices and whims to bear on individuals' liberties and their property.

It is through these lenses that the inclination towards arbitrariness without due regard for the rule of law which defined both the Kenyatta and Moi regimes in Kenya could be interpreted. Under these leaders Kenya's Constitution was casually amended several times to entrench repression through the centralisation of power in the presidency²³. When Moi ascended to power his

²⁰ Bratton, Michael, and Nicholas Van de Walle. *Democratic experiments in Africa: Regime transitions in comparative perspective*. Cambridge university press, 1997.

²¹ Van de Walle, Dominique. "The distribution of subsidies through public health services in Indonesia, 1978-87." *The World Bank Economic Review* 8, no. 2 (1994): 279-309.

²² Cooper, Frederick. *Africa since 1940: the past of the present*. Vol. 13. Cambridge University Press, 2019.

²³ Mutua, M. "Ethnicity the bane of Kenyan politics." *Daily Nation* 23 (2007).

government hurriedly passed a motion in the National Assembly making Kenya a de jure single-party state²⁴. Kenyatta ordered the arrest of dissenters who criticised his government on the floor of the National Assembly, which was a grave subversion of the rule of law, which accords members of the National Assembly immunity against remarks they make during parliamentary sessions.

Kenya's political structure through the years:

Devolution in Kenya is traced back to 1963 when the country got its independence however; this was short-lived due to lack of substantive founding in the philosophies of either KADU or the KANU party which was responsible of implementing it²⁵. Fearing that large groups would dominate them and their land after independence, they supported a regional form of government to avoid the dominance of these groups²⁶. The first post-independence government of President Jomo Kenyatta and KANU (Kenya National African Union) consolidated political power and dismantled regional governments. The central government withdrew financial support from the regions and introduced administrative challenges to prevent their effective functioning.

The government also dismantled institutions that promoted the interests of regional governments. The Senate was dismantled to create a unicameral Parliament answerable to the executive. More powers were given to the executive, which, in turn, became increasingly involved in development.

Between 22 August 1978 and 30 December 2002, Kenya had one single president – Daniel Moi—who had managed to strengthen the office of the president through several amendments of the constitution and presidential decrees and declarations²⁷. The president had control over parliament, judiciary, and electoral commission. The president had powers to dissolve the parliament and appoint commissioners of the judicial service commission and high court judges and also had full control over the national budget. This system resembled the British colonial regime state structure that saw most of the state powers concentrated in the hands of one person, the governor who was the representative of the Queen of England based in Kenya. Similar to the colonial structure, the president was responsible for the appointment of district and provincial commissioners who were responsible for overseeing the distribution of various state resources functions

²⁴ Widner, Jennifer A. "Political reform in Anglophone and Francophone African countries." *Economic and political liberalization in sub-Saharan Africa* (1994): 49-79.

²⁵ SID. (2011). *Devolution in Kenya's New Constitution*. Available at www.sidnt.org

²⁶ Harbeson, John W. "Land and the quest for a democratic state in Kenya: bringing citizens back in." *African Studies Review* 55, no. 1 (2012): 15-30.

²⁷ Nepstad, Sharon Erickson. *Nonviolent revolutions: Civil resistance in the late 20th century*. Oxford University Press, 2011.

such as health, education, security, and transport. This means that at the time, the political system was highly centralized with little independence for local government authorities and even less participation by the citizens on policy and decision-making processes.

Public institutions in Kenya before 2010 were seen not responsive enough to the people's needs, perhaps due to the excessive control by the executive and in particular the office of the president. For example, although the members of the parliament were directly voted for by the people, the institution of the parliament was under the control of the executive, with the president having the power to dissolve the parliament at his will. Consolidation and excessive control of power by the executive arm of the government have been facilitated by the election system of winner-takes all in Kenya. This raised the stakes at the ballot that forced aspirants and their supporters to seek or condone electoral malpractices. Although there have been periodic elections in Kenya, they have never free and fair according to post-election reports by domestic and international observer groups, particularly in 1992, 1997, and 2007. Alleged interference by the executive on the outcome of election results not only compromised the basic tenets of democracy but also often resulted in violence, destruction, and loss of life and property²⁸.

The passing of the 2010 Constitution was a landmark step in the democratization process in Kenya. Rightfully so given that enshrined in the new constitution were vital elements of democracy, good governance practices, and inclusivity. The constitution also became much more ridged to unnecessary changes. For example, the previous constitution gave power to the National Assembly (parliament) to amend the constitution. At the time, the three organs of government (executive, legislature, and judiciary) were closely interrelated and controlled by the executive. This gave room for contentious and malicious amendments to the constitution that benefited the ruling elite and plunged the country into dictatorship²⁹.

The new constitution was therefore seen as an enduring solution to executive dominance of other arms of government as well as abuse of state power by a few individuals. The Constitution of Kenya, 2010 created a decentralized system of government wherein two of the three arms of government; namely the Legislature and the Executive are devolved to the 47 Political and Administrative Counties as provided for under Article 6 of the constitution. The primary objective of decentralization was to devolve power, resources and representation down to the local level. Devolution was seen to be the key to unlocking Kenya's economic potential through distribution of responsibilities. Decentralization permitted Counties to identify problems, make

²⁸ Nyadera, Israel Nyaburi, Billy Agwanda, and Noah Maulani. "Evolution of Kenya's political system and challenges to democracy." *Global Encyclopedia of Public Administration, Public Policy, and Governance* (2020): 1-14.

²⁹ Adar, Korwa G., and Isaac M. Munyae. "Human Rights Abuse in Kenya Under Daniel Arap Moi, 1978." *African Studies Quarterly* 5, no. 1 (2001): 1-14.

policies, plan, and collect revenue, execute budget, accounting, auditing and monitoring and evaluation and citizen participation in decision-making. Article 174 of the Constitution identified several objects of devolution which include giving powers of self-governance to the people and enhance their participation in the exercise of power in making decisions affecting them³⁰. The Article also recognized the rights of communities to manage their own affairs and to further their development.

The forty seven County governments came into operation in 2013. This marked a complete departure from the national government system that has been in operation since independence (CRA). The national government was characterized with a myriad of challenges that included marginalization, vast inequalities, and mismanagement of resources and exclusion of many communities from the decisions process. Institutions as well as policies and regulation were established to enhance the functioning of devolved system of government. For instance, the Commission on Revenue Allocation (CRA) is mandated to recommend the basis for equitable sharing of revenues raised nationally between the national and the county governments Kenya continues to face governance challenges, despite having a constitution that many have hailed as among the most progressive in the world. In the years following the promulgation of the new constitution, the political elite has been able to manipulate its implementation by watering down some of its more progressive provisions, such as Chapter 6 on ethics and integrity³¹. As a result, the political elite has reproduced some of the old oppressive networks, grievances and malpractices in various forms, so the old challenges that have bedevilled the nation-state project in Kenya persist, as do the challenges that have precipitated electoral violence in 1992, 1997, 2007 and 2017.

As Kenya's 2022 election date draws closer, the two leading presidential candidates, William Ruto and Raila Odinga, are promising Kenyans the world. However, it would seem that Kenya is going into an election this August that's largely about nothing. No big idea, no galvanising issue. This hasn't happened since the reintroduction of political pluralism in late 1991 and the elections that followed in 1992. That said, there are those who will be voting against either William S. Ruto or Raila A. Odinga come August³².

Since 1992 and in 1997 and 2002 in particular, our elections have not lacked what some like to call "the vision thing". We were voting against Moi's authoritarianism and the one-party state, yes, but we were also voting for political pluralism, a new constitution and devolution. We were voting for good

³⁰ Ntara, Caroline. "Devolution and expected impact in Kenya." *International journal of professional practice* 4, no. 1-2 (2013): 7-14.

³¹ Murray, Christina. "Kenya's 2010 constitution." *Neue Folge Band Jahrbuch des Offentlichen Rechts* 61 (2013): 747-788.

³² Oxford Analytica. "Splits will intensify in Kenya's ruling party." *Emerald Expert Briefings* oxan-db.

governance, anti-corruption, human rights, transparency and all those other nice woolly things that have created the open society we enjoy today. In the meantime, a host of new governance arrangements have come into being. In 2013, Uhuru Kenyatta and William S. Ruto sought the vote under a new constitution promulgated in 2010 and went to the polls under the heavy cloud of the International Criminal Court (ICC) indictments. The "dynamic duo" promised to spend money, to spend on everything for everyone³³.

This political assortment and the lack of clarity could in part explain the resounding lack of genuine excitement in our politics among Kenyans. Added to this is the impact of COVID-19, the dramatic deepening of economic inequality, increases in the cost of living and poverty, and it's understandable that Kenyans seem just tired with it all. Kenyans are no longer being inspired with ideas but with things – we'll build a stadium, a hospital, a road, a school, an airport, etc. All these things were promised with the onset of devolution. However, there have been problems of lack of: the good will by the government to prosecute the corrupt state officers and public servants who misappropriate these funds and effective oversight mechanism both within the Central government and the County governments. Therefore, there is need for more solutions in Kenya to be given by either Dr. Ruto's Bottom-Up or Raila's Azimio la Kenya Manifesto to satisfy the desires of the common mwananchi. This study therefore seeks to investigate these issues.

Characteristics of Kenya's Political System:

Lijphart³⁴ model has been adopted to conceptualize Kenya's political system and examine how it has evolved over the years.

Concentration of Power:

Over the last 15 years, like other consensus model systems, executive power in Kenya is always concentrated and shared in the hands of pre-election coalition parties that make agreements before an election and submit their Memorandum of Understanding to the registrar of political parties before elections are conducted. This is because of the 42 different ethnic groups, none of them can win the election without the support of others; at the same time, and each community has different cleavages³⁵. Therefore, several ethnic groups with their political parties form a coalition to win an election.

³³ Malik, Aditi. "Constitutional reform and new patterns of electoral violence: evidence from Kenya's 2013 elections." *Commonwealth & Comparative Politics* 56, no. 3 (2018): 340-359.

³⁴ Lijphart, Arend. "Interest groups: Pluralism versus corporatism." In *Patterns of Democracy*, pp. 158-173. Yale University Press, 2012.

³⁵ Bates, Richard. *Educational administration and the management of knowledge*. Publication Sales, Deakin University Press, Victoria 3217, Australia, 1983.

Executive Dominance:

Kenya has had two short periods when the head of government was a prime minister (1963–1964 and 2007–2013). The current constitution provides for separation of power between the executive, legislature, and the judiciary. In theory, this means that the three arms of government have equal powers to oversight each other. For example, according to the constitution, the legislature has the power to impeach a sitting president if he violates the constitution. There should be no one arm of government that exercises more powers than the other. However, in practice, the executive, and in particular, the presidency tends to make it impossible to initiate such a move since members of the parliament need the executive for their political survival.

Recently the judiciary has shown some extent of autonomy and independence by making rulings seen as contrary to the executive wishes. It has declared certain laws unconstitutional after the executive used the legislature to pass the bills into law.

Party System:

Political parties are important factors in determining a country's democratic status. The quality of political parties also helps develop some sense of maturity in the manner in which politics is performed. Ideological-based political parties are important vehicles in pushing for issue-based politics that can dilute the influence of ethnicity and other forms of identity. The party system in Kenya from 1964 to 2002 was one-party system where the independence party KANU remained in power without any other party ever taking over leadership of the country. This has been attributed to the above dictatorial tendencies that ensured opposition parties could not win an election³⁶.

Nonetheless, a huge wave of change saw a coalition of opposition parties (NARC) win the 2002 general election becoming the first opposition to lead the government since independence. In 2007 general election again lead to a power-sharing deal between the government and the opposition after a disputed election. The 2013 and 2017 elections were again won by a coalition of parties, most of which were part of the 2002 and 2007 coalition governments. Based on this, we may argue that Kenya is a single-party system.

Representation:

In this case, there is a similarity with the majoritarian model. A winner-takes-all system is in a place where losers of an election are not involved in forming the government, making it a disproportional system³⁷. Elections conducted between 1964 and 2007 required a presidential candidate to win a simple majority to form a government. There was no condition to form a coalition government even if the party with the highest number of votes

³⁶ Nyadera, Ísrael Nyaburi, and Billy Agwanda. "The emergence and evolution of populism in sub-Saharan Africa: party politics and personalities." *Uluslararası Politik Araştırmalar Dergisi* 5, no. 2 (2019): 76-91.

³⁷ Wrong, Michela, and Margaret Williams. *It's our turn to eat: the story of a Kenyan whistleblower*. London: Fourth Estate, 2009.

only got 30%. Since 2013, the constitution requires a candidate to at least win a majority of 50% plus one of the votes cast at the national level and also at least 25% of votes in 24 counties (there are 47 counties in Kenya). Equally, smaller parties tend to be absorbed by the dominant ones, thus making a representation of other interests lower.

System of Government:

The system of government between 1964 and 2013 was a highly centralized and unitary system of government. This was inefficient and less responsive to the different needs and demands that come with a diverse society like Kenya. This prompted the drafters of the 2010 constitution to propose a semi-federal system where the country is to be divided into 47 countries; each headed by a governor and his/her executive and a county assembly. This system was highly supported by members of societies that had been marginalized for years since it gives a clearly defined system of sharing state resources. We call it semi-federal since most of the key functions of the state, as well as decision making, are maintained at the central government.

Bicameral Legislature

Although the head of state and government in Kenya is the president and no position for a prime minister, the legislature is a bicameral house divided into the National Assembly and the Senate. The main purpose of the system is to provide a link between the county governments and the central governments. Also, this was done to ensure the representation of minority communities, women, youths, and persons with disabilities. The system has, however, started on a bumpy ride with supremacy battle over which chamber is above the other. There are 47 special seats for women in the National Assembly to ensure that the 2/3 gender rule stipulated by the constitution is achieved.

Constitutional Rigidity:

Kenya has a written constitution inside which basic laws and rules that govern the country are found. After experiencing several amendments to the constitution that led to strengthening the executive and weakening the judiciary and legislature, the new constitution introduces certain defensive mechanisms to protect it from manipulation.

Amending the new constitution requires a tedious process that makes it almost impossible to achieve. For example, to change certain clauses of the constitution, one needs to make a draft of the proposed changes and submit it to the Independent Electoral and Boundaries Commission (IEBC), which will then approve the collection of one million signatures to support the amendment.

The proposed amendment will then be submitted to all the 47 county assemblies where it will be debated and voted by at least 24 of the county assemblies. From there, it is forwarded to the National Assembly, where it needs to be passed by a majority before being sent to the Senate for approval, after which a nationwide referendum will be called, and the people will vote for or against the changes. The constitutional court also serves as an arbitrator when two parties dispute over the interpretation of the constitution, making the constitution very rigid.

VII. RECOMMENDATIONS & CONCLUSION

- Comprehensive Ideological Frameworks: Political parties should develop and articulate clear ideological frameworks that go beyond ethnic mobilization and popular campaign promises. These frameworks should address key issues such as economic development, social welfare, environmental sustainability, and foreign relations.
- Civic education programs should be implemented to raise public awareness about the importance of party ideologies, allowing citizens to make informed choices during elections.
- Strengthening Institutions: Key institutions like the judiciary, the Ethics and Anti-Corruption Commission (EACC), and election commissions should be strengthened to ensure impartiality, transparency, and effectiveness in combating corruption and upholding the rule of law. The government should prioritize institutional reforms that enhance accountability and oversight to build public trust in political institutions.
- Promoting National Unity and Identity: Efforts should be made to address historical grievances and promote inter-ethnic dialogue to foster a sense of shared national identity. The government and civil society should collaborate on initiatives that promote national unity and reduce the influence of divisive ethnic politics.
- Enhancing Gender Representation and Inclusivity: Implement the two-thirds gender rule strictly to increase women's representation in political leadership.
- Promote policies and initiatives that empower women to participate in politics and decision-making processes.
- Combatting Disinformation and Fake News: Implement media regulations and promote media professionalism to combat the spread of fake news and misinformation. Foster media literacy and critical thinking among citizens to help them discern

reliable information from false content.

- Addressing Weak Institutions and Corruption: Implement institutional reforms to strengthen the capacity of key institutions and improve their effectiveness in combating corruption and electoral malpractices. Encourage transparency and public participation in governance to hold institutions accountable.
- Encouraging Sustainable Development: Prioritize investments in education, healthcare, and skills training to develop human capital and enhance productivity.
- Promote sustainable environmental practices and support industries that prioritize environmental conservation.
- Fostering Economic Diversification: Encourage innovation and support startups and industries with high growth potential to diversify the economy and create employment opportunities.
- Promoting Public-Private Partnerships: Foster collaboration between the government and the private sector to drive economic growth and development. Encourage private sector investments in critical infrastructure and key sectors of the economy.
- International Cooperation and Aid Management: Collaborate with the international community to access expertise and resources that align with national development priorities. Ensure transparency and effective management of foreign aid to optimize its impact on development projects.

By implementing these recommendations, Kenya can make significant progress in overcoming its political challenges and achieving sustainable development, leading to a more prosperous and inclusive society for all its citizens.

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