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Kenya reconsidered.

Critical analysis of the Discourse Formation ‘Good Governance’ and
its implementation by the World Bank.“

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List of abbreviations and acronyms

CAS	Country Assistance Strategy
CDF	Constituency Development Fund
CIPEV	Commission of Inquiry into Post- Election Violence
CS	Civil Society
CSO	Civil Society Organisation
ECK	Electoral Commission of Kenya
ERS	Economic Recovery Strategy
GG	Good Governance
GGA	Good Governance Agenda
GoK	Government of Kenya
IBRD	International Bank for Reconstruction and Development
IDA	International Development Association
IDP	Internally Displaced Person
IMF	International Monetary Fund
IP-ERS	Investment Program for the Economic Recovery Strategy
IREC	Independent Review Committee
KACC	Kenya Anti-Corruption Commission
KANU	Kenya African National Union
KHRC	Kenya Human Rights Commission
KNCHR	Kenya National Commission on Human Rights
MOJCA	Ministry of Justice and Constitutional Affairs
MoU	Memorandum of Understanding
NARC	National Alliance of Rainbow Coalition

ODA	Official Development Aid
ODM	Orange Democratic Movement
PEV	Post-Election Violence
PRSP	Poverty Reduction Strategy Paper
SAPs	Structural Adjustment Programs
TI	Transparency International
TIK	Transparency International Kenya
WB	World Bank

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Introduction

Widespread violence and chaos broke out in December 2007 following the announcement of the disputed election results and simultaneous swearing in of the President Mwai Kibaki for the second term. It was “by far the most deadly and the most destructive violence ever experienced in Kenya” (CIPEV 2008: vii). More than two years later, the effects are still present in the country: Thousands of people, for example, are still internally displaced (cf. OCHA Kenya 2010: 1), residential areas like Kibera and Mathare are more than ever divided along ethnic lines (cf. CIPEV 2008: 31) and the tensions that characterised the period still exist, as the fear in respect of the referendum about the draft constitution early August 2010 shows.

These far-reaching effects on Kenyan society as well as on political affairs make it even more pressing to analyse the factors that led to the Post-Election Violence¹ or allowed it to happen. In this regard a lot of research has been undertaken. The factors that are being considered as root causes for the eruption of the PEV, as defined in the Waki-Report and presenting the main reference point in the following study, consist of the following: the use of political violence, the personalization of Presidential power and the deliberate weakening of public institutions, land and inequality and unemployed youth.

However, as will be shown in the paper, this focus on national politics leaves out many factors that should be considered, especially when analysing events in ‘developing countries’: international organisations, private firms, transnational co-operations, etc. greatly influence occurrences on the national level “in many parts of contemporary Africa, where states are, in significant ways, no longer able to exercise the range of powers we usually associate with a sovereign nation-state” (Ferguson 2006: 93) as well as the discourse which determines how these relations are being perceived and talked about.

¹ Other violent conflicts also emerged in Kenya in the course of elections (in the Rift Valley Province between 1991- 1994, in the Coast Province 1997 and Rift Valley Province 1998), which are mainly described as ethnic conflicts. However, for a number of different reasons, when referring to PEV I exclusively mean the outbreak of widespread violence after the general elections in December 2007.

Hence the impact of the Discourse Formation ‘Good Governance’ (proceeding and perpetuating the Structural Adjustment Programs) and its implementation by the World Bank on the factors considered as causes for the Post-Election-Violence will be analysed; however, the historical background and the active role of domestic actors shall not be left out. This should not be interpreted as an excuse for individuals who were involved in the planning, execution and expanding of the Post-Election-Violence or as evidence that other organisations did not have a (negative) impact, but as the recognition that Kenya, like other countries in the South, stands in mutual interconnection with the international community or is perhaps even caught in a repressive relationship. The aim of this paper is to prove that for a comprehensive and profound analysis, other factors than merely national ones have to be taken into consideration, and that the perception of the role of the international community as a “helping hand” has to be questioned.

In Chapter 1, the theoretical background of the study will be described, whereas the critical perspective on the way international politics and relations are being perceived will be pointed out. This presentation will be followed or rather completed by the methodological background in Chapter 2, which stands in connection to the theoretical background: the focus lies on the power of discourses and attributed actions that impact the way international relations are perceived and influenced. The mentioned background therefore influences the research task and hypothesis presented in Chapter 3.

In Chapter 4, the World Bank and the emergence of the Good Governance Agenda will be discussed, and the focus will lie on the historical context as well as the underlying discourses.

Chapter 5 presents the start of the analysis with the examination of the policies introduced during the rule of the former President Moi and the agency of the same and the World Bank.

The GGA became apparent during the former President Moi’s rule, but did not materialize until the coming to power of President Kibaki. The reforms proposed at the advent of his rule are presented in Chapter 6, followed by investigation of the underlying premises and the practical implementation of the same. The influence of

these reforms on society and the focus of different actors will also form an important area of inquiry in Chapter 7.

Chapter 8 presents the crossover to the Post-Election-Violence in 2007/2008: the emergence, background and causes of the same will be outlined and put in the context of the wider theoretical discussion. This culminates in the making of a link between the findings of the initial analysis and the causes for PEV. In Chapter 9 the described underlying causes for the violence will be related to the effects of the described reforms and ways of perceiving events and actions.

The analysis will then be summarized and the findings presented in the conclusion in Chapter 10.

1. Analysing African politics

The post-colonial discussion of African politics laid a crucial focus on themes such as ‘development’, ‘democracy’, ‘sovereignty’, etc. The international community² is perceived as bringing the above-mentioned themes forward within African politics, assuming this is the way forward for African nations. In connection to this it is being argued that the influence of external actors on national politics is most commonly applied in Sub-Saharan Africa as “the world’s most aid-dependent and marginalised region, where donor self-interest holds less sway” (Brown 2007: 302).

Mainly referring to James Ferguson (2006) and Rita Abrahamsen (2000) it will be pointed out that such a perception and the inherent discourse leaves out important factors or even helps to create unequal power structures, which are being supported and manifested through it. The main points or rather assumptions that will shape the research and form the basis of the arguments, will be presented in this section.

1.1. *National borders as unit of analysis*

While discussing and analysing processes like democratisation and development in the South³, the nation is the main unit of analysis. This leaves out important factors and distorts the overall picture since “[n]one of the impoverished nations of the world are truly “sovereign” or “independent”, and nowhere do we find a true ‘national economy’” (Ferguson 2006: 65). Through the presentation of a development project imposed by the World Bank in Lesotho in the 1980s and ’90s, Ferguson shows the functioning of the “development apparatus” and the effects this focus on national borders has on policies as well as on the population (1994).

² International community is a vague term that comprises “political leaders and important organizations from all parts of the world“ (MacMillan Dictionary w.y.: w.p.).

³ Terms like “South”, “North”, “Developed”, “Underdeveloped”, “Third World”, etc. establish certain meanings and associations and should therefore be viewed critically. However, due to the lack of alternative terms, I will use these conventional terms. This does not mean that I endorse the conventional meaning and values connected to the terms.

Such a focus on the national unit not only leads to a view in which the interconnectedness of multiple factors is missed, but also to a position that rejects or re-allocates responsibility, “[f]or what is the international order of nations if not just such a ‘constellation of states’ that segments off the exploited and impoverished regions within discrete national compartments with ‘their own problems’, thereby masking the relations that link the rich and poor regions behind the false fronts of a sovereignty and independence that have never existed?” (Ferguson 2006: 65).

Ferguson therefore advocates for a wider approach that takes several factors into consideration.

1.2. *Dichotomy of external and internal factors*

The above description of the nation-state as unit for analysis leads to a dichotomy of external and internal factors by examining the two in isolation and not as intertwined and interconnected factors. This tendency to construct a dichotomy has a long history in the study of politics. However, even, for example, during the colonial times Africans themselves used colonialism for their own means and profit and gave it definition; it “did not just happen to the continent” (Abrahamsen 2000: 7). This dichotomy should therefore be questioned in order to acknowledge the effective agency of the people, given that a separate analysis denies such agency⁴ to the countries and peoples of the South (cf. Abrahamsen 2000: 7).

On the other side the role of the international community should also not be underestimated. Ferguson shows the impact of transnational corporations, private multi-national corporations, international organisations and agencies, etc. on African states as well as on civil society, which in recent discussions is being regarded as perpetuator and road to democracy and development (cf. Ferguson 2006: 89ff).

More emphasis should therefore lie on the role of the international community and its undemocratic method of interaction, since “policies that are in fact made and imposed by wholly unelected and unaccountable international bankers may be presented as democratically chosen by popular assent. Thus does democratisation ironically serve to simulate popular legitimacy for policies that are in fact made in a

⁴ Defined as “knowledgeability, capability and social embeddedness associated with acts of doing (and reflecting) that impact upon or shape one’s own and others’ actions and interpretations” (Long 2001: 240)

way that is less democratic than ever” (Ferguson 2006: 101). So, the role of the people involved in the process should not be left out, but put into consideration.

1.3. *Changing role of ‘agency’ in the democratisation process*

The recent focus on internal factors in the analysis of democratisation processes reverses the long-standing tendency in many discourses on the South. A main characteristic of these presentations had been the denial of effective agency and the perception of “the third world primarily as an object of intervention and study, not an autonomous subject possessing political will” (Abrahamsen 2000: 6).

However, the recent desire to “give Africa back its own history” (Abrahamsen 2000: 6) should not lead to the other extreme, namely the demarcation of the states from the international setting. As mentioned above the continent is highly connected and influenced by the international capitalist system, which has an impact on the role of the state “to adjust domestic policies to the exigencies of the global market” (Abrahamsen 2000: 8) and on “domestic state- society relations and class structures” (ibid.). On top of this states and groups consolidate their domestic positions of power using their international role and recognition.

On the other side, domestic actors and governments are the first to be blamed when Structural- Adjustment policies, imposed by the international community, begin to bite (cf. Ferguson 2006: 100f).

Agency and domestic factors should therefore play a role in the analysis of African politics, but in connection to external factors and not in an empty space, as implicitly suggested within the examinations of factors that are being regarded as causes for the PEV in Kenya.

2. Methodology

The research will build on a discourse-analytic approach, since discourses⁵

- produce and influence interpretations of social and political contingencies of events,
- develop in conflicts and
- exercise power over the structuring of reality.

An analysis taking into account the origin, diffusion and institutionalisation of those interpretations is therefore necessary for a comprehensive presentation of the influence of the Good Governance Agenda on Kenyan national politics, and domestic actors and factors must also be included in the analysis.

In the following an outline of the concepts and terms used and the methodological foundations of the research will be given. It will mainly draw on the arguments of Reiner Keller (2006), Michael Schwab-Trapp (2006) and Hannelore Bublitz (2006) who adopt important points and arguments from Michel Foucault.

2.1. Objective

To agree with the proposed arguments it is necessary to acknowledge the basic assumptions of a discourse-analytic approach, namely that ‘objective’ and world constituting knowledge and modes of action of a society (or other actors) are being produced and stand in a dialectic relationship. Interpretations and actions depend on typecast knowledge, which is continuously being updated, transformed and broadened. The typecast knowledge determines relief, possibility and restriction of interpretation and action and, in the course of conflicts, shapes political and social interpretations and actions that consequently form and evaluate the same. These processes happen in the public, where collective interpretations and evaluations can be established. Therefore, discursive processes always happen publicly and in the course of conflicts (cf. Keller 2006: 122, Schwab-Trapp 2006: 265).

⁵ defined in Chapter 2.2.1.

In connection to the functioning and significance of discourses Foucault identifies the mutual relation between power and discourse. Power is being manifested on the one side through the rules determining who can legitimately talk at which place at what time on which specific topics, and through the ways discourses are being shaped. On the other side power is being exercised through the connection between discourses and institutional fields and social practices; in this respect he points at consequences of the recognition of specific views of reality, the modes of power to implement these views and the social and political processes, which are being initiated or changed through a discourse (cf. Schwab-Trapp 2006: 264).

Knowledge and truth are therefore dimensions and expressions of power, which are expressed through the fact that only certain things become an object of knowledge and that those are consequently perceived as the truth. Discourses therefore do not merely rely on a previous structure, but they exercise power creating a specific structure of things and a reality connected to it. This reality shapes and changes social facts, realities and actions (cf. Bubnitz 2006: 232f).

Schwab-Trapp describes discourse-analysis as a specific form of political sociology because

- from the public and conflictual production of discourses derive interpretations, which guide and legitimate social and political actions;
- through discursive conflicts the actors strive for power, legitimacy and recognition;
- the development, institutionalisation, diffusion and change of collectively more or less recognised interpretations of political and social contingencies of events and actions is intertwined with the acceptance of the same (cf. Schwab-Trapp 2006: 268).

Therefore, the interconnectedness of the discourse, derived and accompanied actions and inherent power structures will be of crucial importance for the research.

2.2. Terms

Terms like ‘discourse’, ‘discourse formation’, ‘dispositive’, etc. are commonly used with different connotations, definitions and implications. It is therefore necessary to

define the meaning attached to them in the course of this thesis, which consequently will lead to the structure and research questions of the analysis.

2.2.1. *Discourse*

Discourses are defined as overall connections of forms of expression (practices of articulation) and contents (meanings), which are more or less institutionalised. Discourses can be differentiated regarding the practices of articulation they legitimate and the objects or rather topics correlated or connected to them, that is, the objects they constitute. In the course of a discourse individuals and collective actors formulate texts following the practical and textual rules of the discourse. Practices constituting the discourse as well as those succeeding it may not necessarily be expressed through language.

As mentioned above, discourses include specific ways of interpretation and actions connected to the context of the discourse, influencing the perceived reality of a society. The formation and implementation of discourses is at the same time highly connected to power relations, which can be made visible and consequently criticised through the deconstruction of universal truths (cf. Keller 2006: 131ff, Bublitiz 2006: 236).

2.2.2. *Discourse Formation*

In contrast to Foucault, Schwab-Trapp defines discourse formations as end-products of processes and therefore as institutionalised and legitimised forms of talking about specific topics and matters, during which different thematic discourses are revived, related to each other and organised in a specific way.

Discursive formations are historical: On the one side this is expressed through the processual character, meaning that discourse formations permanently change due to the differing interests and actors influencing the formations; on the other side discourse formations do not evolve in an ahistorical space. They build on established discourses, are reinterpreted by different actors and put in relation to other topics and consequently become more or less accepted ways of interpretation.

Discourse formations, as well as discourses themselves, constitute and legitimate specific explanations of social and political events and actions (cf. Schwab-Trapp 2006: 269f).

2.2.3. *Discourse field*

Discursive fields can be defined as the arenas where discourses are formed. The actors operating in the fields are subject to different roles and conditions for access to discursive possibilities. In the course of discursive conflicts the persisting relations between the participants and the continuous change of the latter become visible, conflict lines are changed and modified, consent and dissent are produced and coalitions and political camps formed. Within discourse fields specific discursive forms are used in order to stabilise the rules and regulations of the interaction (cf. Schwab-Trapp 2006: 270f). Power structures play an important role within discourse fields and consequently shape discursive formations and discourses.

2.2.4. *Discourse community*

Discourse communities manifest themselves through the commonalities of their interpretations and arguments and through discursive processes of segregation and integration. Cultural change as a consequence of a discourse can be seen in terms of new arguments within the discourse community and in the altered use of common arguments (cf. Schwab-Trapp 2006: 272f).

2.2.5. *Dispositive*

Based on Foucault, Keller defines dispositives as “the total of material, practical, social, cognitive and normative *infrastructure* of the production of a discourse and the implementation of the ‘generated problem solution’” (Keller 2006: 136. Translated by M. T.). The components can be very heterogeneous and originate from different institutional contexts. “Through the dispositives discourses intervene in the world and create effects outside the discourse. Dispositives are the ways

through which discourses form the world and the reality according to their view - or at least try to do this” (Keller 2006: 137. Translated by M. T.).

2.2.6. *Actors*

Actors receive and follow discursive fragments and associated values, but also reflect and modify the same. They are therefore active subjects, who interpret, form, break, actualise, reject, transform and renew modes of meaning and action deriving from the discourse. They play a crucial role within the discourse, as they carry out the actions through which discourses exist; they produce the material, cognitive and normative infrastructure and speak and write for the discourse and are influenced by the discourse. This happens in institutionally structured contexts (cf. Keller 2006: 119, 135).

2.3. *Intention*

The described methodological approach determines and influences the intended research about the extent to which the Good Governance Agenda of the World Bank can be regarded as a continuation of Structural Adjustment Programs and how the imposed policies influence Kenyan national politics, specifically the factors considered as causes for the PEV. Within the research the GGA is perceived as a discourse formation that is influenced by the development discourse, discourses about democracy and democratisation, the changing role of ‘state’ and ‘civil society’ over the last decades and the premises of Structural Adjustment. The inherent discursive elements and effects of the GGA as well as the dispositive will be analysed and pointed out in the first part, and will be followed by an examination of the practical implementation of the GGA in Kenya and its effects. This examination will build on the presentation of the discursive fields and modes of action deriving from it and an interpretation of the discourse communities. Power structures and the influence on agency will form an important area of examination throughout the analysis.

The main discourse communities that will be examined consist of the WB and the Government of Kenya or rather actors involved in the formulation and

implementation of guidelines connected to GG for Kenya and different discourse communities within those groups if necessary. I am aware that such a restriction leaves out important active groups representing differing views. Discursive elites significantly represent and shape the arguments of discourse communities and therefore influence the discourse and strategies used to legitimate and strengthen their arguments and are therefore also important factors that could be analysed.

However, a focus on all the discourse communities and discourse elites involved and their strategies would be too extensive; further, such an analysis is not even mandatory within the outlined focus of the research.

2.4. *Discourse-analytic principles*

The theoretical and methodological background of the discourse-analytic approach and the derived implications for the topic of research were shown in the last section. In the following section, some principles to operationalize the basic assumptions of the approach, demonstrated by Hannelore Bublitz (2006: 246ff), and consequently techniques leading the research will be outlined.

2.4.1. *Reconstruction of the rules and norms of discourses and statements*

The first part of a discourse-analysis should focus on the rules underlying the construction of social reality in an objective, conceptual and strategic way. Bublitz emphasises the need to point out those rules and not the objects or topics of discourses, since a discourse can include very heterogeneous objects following the same rules.

2.4.2. *Recognising, identifying, distinguishing and defining of discourses*

Discourses have to be made visible through different methodological steps during the analysis. The rules followed by the discourse make it possible to identify the

discourse, even though certain premises and rules of the discourse have to be known prior to the analysis in order to be able to recognise them within the material.

2.4.3. *Contextualising*

Discourses are embedded in a context consisting of the relation between subject, object and the discourse field. The analysis of the interaction between those factors allows the material to be analysed to be reduced to paradigmatic relations: they are constructed as oppositional ends in order to point at the reality-constituting effects of the discourse which can be described showing the conditions of similarities and contrasts, discursive practices and effects inherent in the opposing positions within a discourse.

2.4.4. *Reconstruction of discursive ends*

In order to show the inherent premises and types of knowledge of a discourse the structural rules of the statements have to be reconstructed.

2.5. *Techniques*

The basic assumption is therefore that discourses are constructs that constitute social reality. Through the discourse-analysis those constructs are being reconstructed. This requires the existence of foundations or at least imaginable factors to be analysed (cf. Bublitz 2006: 239) and the operationalizing of the approach as shown above. However, the discourse-analytic approach, providing the methodological and somehow theoretical background for research, doesn't define techniques to reach results.

In the following the techniques based on qualitative methods of social research, on which the analysis will build, will be outlined.

2.5.1. *Critical interpretation of texts*

One important method will be the critical interpretation of texts, documents, newspaper articles and minutes of meetings regarding the Good Governance Agenda and its implementation in Kenya.

The interpretation will be based on following principles:

- the context of the material will be put into consideration,
- the interpretation follows rules, premises of the methodological background, and divides the material into different parts,
- different analysts should reach the same conclusions,
- quantitative techniques will be considered if necessary (cf. Mayring 2008: 471).

2.5.2. *Qualitative interviews*

Important insights about the implementation process, the discursive fields and communities and the power structures inherent in the elaboration of the practical implementation shall be pointed out by conducting qualitative interviews with experts of Kenyan politics.

During the planning and execution of qualitative interviews, the premises, steps of accomplishment and evaluation demonstrated by Ulrike Froschauer and Manfred Lueger (2003) will be followed.

2.6. *Data sources*

The analysis will build on different data sources, consisting of secondary literature about the outlined topic, primary documents of the World Bank as well as of the Kenyan government from the 1980s complemented by Interviews with different experts on the topic of concern. The primary sources will enable a comprehensive study of the discourse formation, while the secondary literature and the interviews will complete the analysis with important information and insights in connection to the agency of the involved actors and the formulation and implementation process of reforms related to the GGA. These data sources will be combined in the analysis.

3. Research task

The emphasised approach towards a more comprehensive research focusing on the discourses underlying international relations and its inherent power and hierarchy structures without denying the interconnectedness between external and internal factors on the national level (and therefore taking into account the agency of the countries and peoples) forms the theoretical and methodological background of this case study. The aim is to point out the interconnectedness of external and internal factors, whereby the main focus will lie on the World Bank in respect of the Good Governance Agenda and its underlying macro-economic premises and the Kenyan government. This impact on the factors that are being regarded as causes for PEV in order to question the overall assumption that PEV evolved because of purely national factors and therefore solutions should be located at this level will be discussed. On the other side the continuation of the Structural Adjustment Programs and its effects, given that the blame for any failures or negative impacts is placed on the Government, will be pointed out and analysed in connection to the changing political culture as from 2002.

More factors would have to be considered to obtain far-reaching results, such as other international organisations, private enterprises, the civil society, etc. since they all mutually influence each other. The aim of this paper is therefore not to profoundly explain the PEV, but to emphasise the need to acknowledge the discursive power in international relations and to take into consideration other factors rather than exclusively national ones.

3.1. Research questions

In respect to the methodological background the research will consist of four parts:

In the first section the GGA as a Discourse Formation will be analysed and placed in the context of influencing discourses and the evolving dispositive.

- Which discourses and ways of interpretation and actions deriving from it are inherent in the GGA?
- What power to act is being given to different actors?
- How does the GGA shape and legitimise international power structures?

The second part will consist of the analysis of the practical implementation of the GGA in Kenya going back in time, with the focus lying on the factors considered to have caused the PEV. The discourse communities, discourse fields and the modes of action deriving from the discourse formation will be of importance.

- Which continuities and/ or discontinuities of the Structural Adjustment Programs can be noticed during the implementation of the GGA? How do the imposed policies affect society in respect of inequality, employment, access to social services, etc.?
- Which positions and ways of expression and action during the implementation process, especially from 1990 until the end of 2007, can be extracted from the material?
- Where does the focus of the national government and the World Bank in connection to the GGA fall?
- What role did the Kenyan government play during the formulation and implementation process of the GGA?

The third section will portray the discussion and presentation of PEV in Kenya.

- What are the factors considered as causes for PEV in Kenya?
- What premises and basic assumptions of democratisation theory underlie this presentation?
- How did the GGA influence or rather determine factors considered as having led to PEV?

The fourth section shall summarise the analysis and discuss the relevancy of such a study.

- What conclusions can be drawn from the above analysis?
- How does the perception of African national politics change through the presentation?

3.2. *Hypothesis*

The Good Governance Agenda legitimised the continuation of Structural Adjustment Programs and consequently helped to enforce certain policies while it neglected or did not challenge inequality on the national level; on the contrary it assisted in legitimising and further deepening such inequality.

4. World Bank and ‘Good Governance’

According to the theoretical background, which highlights the interconnectedness of domestic and external influences on national politics in Africa and the importance of discourses, the actions and their legitimisation in regard to the promotion of ‘development’ and ‘democracy’ in Kenya shall be analysed in this section. Importantly, the impact of the World Bank as “arguably the most prestigious and [...] most powerful producer [...] of international development knowledge” (Berger and Beeson, 1998: 487; cited by Harrison 2001: 528) and its discursive formation of Good Governance shall be presented.

In the following the historical emergence of the GGA, the underlying discourses and as a result the discourse fields and dispositive will be outlined.

4.1. *The World Bank*

The World Bank presents itself as “a vital source of financial and technical assistance to developing countries around the world. Our [The World Banks] mission is to fight poverty with passion and professionalism for lasting results and to help people help themselves and their environment by providing resources, sharing knowledge, building capacity and forging partnerships in the public and private sectors” (World Bank 2010: w. p.). The organisation was created in 1944 and is divided into the International Bank for Reconstruction and Development (IBRD), in charge of poverty reduction in middle-income and creditworthy poorer countries, and the International Development Association (IDA), focusing on the world’s poorest countries (cf. World Bank 2010: w. p.).

The quota system within the Bank, which is based upon the member countries’ contributions to the Bank’s basic source for loans, and which accordingly determines the power structures for the formulation and implementation of policies (cf. Havnevik 1987: 10ff), is one of the factors of the Bank’s operations and influence which is criticised. This comes along with the hegemonic power of the

Western states, especially the USA, in the production of knowledge and possible modes of interpretation and action.

The unequal voting power originating from the contribution of each country is reflected in the World Bank's annual report of 2004: 27 member- countries, which are considered as donor countries, were provided with more than 61 per cent of total votes with an amount of \$119,114 million committed subscriptions and contributions, while 138 developing countries with a total of only \$3,915 million can claim only 38.24 percent of the total votes (cf. World Bank 2004c: 102ff).

The World Bank is one of the leading institutions in terms of the disbursement of ODA and the production and institutionalisation of knowledge, and therefore, through financial ties and requirements to introduce certain policies, highly influences political and economic reforms in developing countries.

4.2. *The Good Governance Agenda*

One important principle in development cooperation since the 1990s is the concept of Good Governance, defined by the World Bank as the promotion of “sound development management” (World Bank 1992: 1, cited in Kapoor 2008: 29). The Agenda builds on the assumption that emphasised measures will not make an impact “unless governance in Africa improves. Leaders must become more accountable to their peoples. Transactions must become more transparent, and funds must be seen to be properly administered, with audit reports made public and procurement procedures overhauled” (World Bank 1989: 15). In this regard the GGA comprises four main components: “sound public sector management; the accountability of public officials; the establishment of legal frameworks for development (e.g. the rule of law, an independent judiciary); and transparency (of information, of government procedures)” (cf. World Bank 1992; cited in Kapoor 2008: 29).

Therefore, the GGA can be regarded as a form of resource- management that leads to development, since the named components are, according to the World Bank, “critical to the efficiency of markets and governments, and hence to economic development” (World Bank 1992: 3, cited in Ziai 2006: 71).

The concept developed by the World Bank, specified in publications like “Sub-Saharan Africa: from crisis to sustainable growth” (1989), “Governance and

Development” (1992), “Managing Development- The Governance Dimension” (1994), “Adjustment in Africa: reform, results, and the road ahead” (1994) and “World Development Report 1997: the state in a changing world” (1997), was taken over by other international organizations and became a guiding principle for donor-recipient relationships (cf. Doornbos 2004: 372).

According to the specified methodological approach the context and consequences of the discourse formation Good Governance will be analysed and consequently will be connected to national politics in Kenya.

4.3. *Historical Context of the Good Governance Agenda*

As mentioned above, a discourse formation is historical in two ways: it is (1) processional and (2) derives from established discourses that are being transformed and adjusted in order to fit the present trends or needs. In order to interpret and evaluate the Good Governance Agenda it is therefore necessary to embed the discourse formation in the wider historical background during which it evolved.

4.3.1. *Fall of Communism and end of the Cold War*

The above World Bank report “Sub-Saharan Africa: From Crisis to Sustainable Growth”, published in 1989, marks the beginning of the discussion about Good Governance and the blaming of the continuing economic crisis on the African continent or rather “bad governance”. The GGA emerged at the end of the 1980s, shortly after the fall of the Berlin Wall.

During the Cold War and the superpower rivalry the political alignment of the developing countries was subject to externally defined conditions: Material or other upkeep of the regimes concerned depended on the support for one of the sides, at the same time internal factors were not considered. These externally oriented conditions “did not necessarily specify how the governments concerned should structure their administration and policy-making processes, what priority they should assign to certain policy initiatives, or how they should handle a whole range of other matters

that might now typically come up for ‘policy dialogue’” (Doornbos 2004: 377f). Not surprisingly, the six countries receiving most of the US aid to Africa between 1962 and 1988 (Ethiopia, Kenya, Liberia, Somalia, Sudan, and Zaire) were very friendly towards US interests and at the same time were known for their “blatant disregard for democratic principles and human rights” (Abrahamsen 2000: 28).

Only after the end of the Cold War and, simultaneously, the removal of the need to purchase allies, did this disregard of democratic values and the management of domestic affairs become the subject of blame for the continuing crisis on the African continent, allegedly needing to be addressed through the GGA.

This shows the power and influence international agencies and actors have on the discourse and agenda setting in the context of development and democracy and consequently the effects of the discourse on possible actions and methods of interpretation: the rethinking of the relationship between modernisation and political development during the Cold War, “whereby the view of democracy as an inevitable and desirable by-product of modernity was replaced by the perception of an essential conflict between the process of modernisation and political development” (Abrahamsen 2000: 27) led to the mentioned measures favouring Western interests. The aid policies were shaped by strategic, geopolitical considerations and supported various African regimes as part of the ideological power struggle. After the demise of the Cold War development aid was reduced or not increased significantly, even though the donors redirected more funds towards governance projects.

The end of the Cold War and the fall of Communism also affected the intellectual climate: liberal democracy was presented as the only “model of government with any broad ideological legitimacy and appeal in the world today. [It is] the new global *zeitgeist*” (Diamond, Linz, Lipset 1988: x; cited by Abrahamsen 2000: 35). The fall of Communism and the attributed confirmation of the superiority of Western values were used to legitimise and justify large aid budgets. In this regard the GGA can be seen as the reallocation of the discourse in order to convince the American public to invest in the “civilising mission”, meaning the spreading of freedom and democracy as the most highly valued ideals of Western culture (cf. Abrahamsen 2000: 34ff).

Therefore, the vanished need to support allies during the Cold War and the search for new justifications for development aid made the GGA possible in the first

instance. Another important factor was the increasing criticism of the Structural Adjustment Programmes imposed by the World Bank and their negative impacts, as will be elaborated on in the following section.

4.3.2. *Failed Structural Adjustment Policies*

Since the early 1980s the IMF and the World Bank imposed Structural Adjustment Programmes⁶ throughout the South to “create a free market and a minimal, technocratic and highly efficient state” (Abrahamsen 2000: 30). Neo- liberal economic reforms took priority over political reforms and civil liberties leading to criticism in the South as well as in the West due to the negative impact of Structural Adjustment. However, international aid indirectly enabled regimes to overcome and suppress domestic protests against Structural Adjustment Programs and consequently ensured the survival of authoritarianism (cf. Abrahamsen 2000: 30).

After the end of the Cold War and the release of several studies showing the negative impact of their policies, the World Bank started to blame the failure of Structural Adjustment on poor governance of the countries in the South, adjusting the discourse to their deeds. The continuing crisis was traced back to the “presence of inadequate legal frameworks, inefficient financial systems, insufficient regulatory mechanisms, excessive political interference, and widespread corruption in developing countries” (Collingwood 2002: 7). So the shortcomings of the policies leading to a low level of investment and of national income, and negative social and humanitarian effects, were blamed on domestic factors, portraying the World Bank as a necessary helping hand in the further implementation of measures to improve governance issues. The policies themselves were justified by arguing that their failure was not caused by “the programmes themselves, not [by] imbalances in the global political economy, unfair markets, or adverse domestic conditions, but [by] African governments themselves” (cf. Abrahamsen 2000: 41).

The acknowledgement of the importance of the state does not entail a break with neo-liberalism but rather a means of managing adjustment efforts. The state within

⁶ The term “Adjustment Programmes” comprises stabilisation (short-term measures advocated by the IMF) and Structural Adjustment Policies (more long-term and overseen by the World Bank). However, they are overlapping and virtually indistinguishable and will therefore not be differentiated in this study.

the GGA is still a minimal state, but competent and efficient in implementing economic reforms. This should also be seen in connection to the non-political agenda of the World Bank prohibiting the organisation from getting involved in political affairs of partner states (cf. Nuscheler 2009: 10). Thus the GGA was feasible because it was “broad enough to comprise public management as well as political dimensions, while at the same time vague enough to allow a fair measure of discretion and flexibility in interpretation as to what ‘good’ governance would or would not condone” (Doornbos 2004: 378).

Therefore, the Good Governance Agenda on the one side helped to explain the failure of the adjustment policies by pinning the blame on domestic factors, and on the other side justified continued intervention in order to promote democracy and Good Governance. However, democracy and Good Governance were not valued in themselves but were seen as a means to increase economic growth (cf. Abrahamsen 2000: 42).

4.4. *Discourses*

To understand the discourse formation it is necessary to embed it in the discursive context. The Good Governance Agenda is highly influenced both by the development discourse and by a shift in the discussion about democracy and at the same time reinforces and consolidates the named discourses. Also the link to Structural Adjustment and the explanation of ‘bad governance’ with the theory of Neo- Patrimonialism should not be underestimated.

4.4.1. *Development discourse*

Post-development theorists have outlined what constitute the essential aspects of the ‘development discourse’, which plays a crucial role in how the Third World has been described, talked about and acted upon.

Post-development theorists identify the speech of President Truman on January 20, 1949 as the starting point of this new era: the era of development. On that day two billion people became ‘underdeveloped’, and became perceived as the ‘others’: a homogeneous, passive group in need of development (cf. Esteva 1992: 6f). On the

other hand, the expertise to 'develop' the people of the 'underdeveloped Third World' was given to experts, organisations and individuals in the West.

Authors of the post- development theory partly use Michel Foucault's methods to analyse the nature and dynamics of the discourse which lie behind the construction of the Third World, in order to radically reinterpret development theory and practice: "without examining development as discourse we cannot understand the systematic ways in which the Western developed countries have been able to manage and control and, in many ways, even create the Third World politically, economically, sociologically and culturally; and that, although underdevelopment is a very real historical formation, it has given rise to a series of practices (promoted by the discourses of the West) which constitute one of the most powerful mechanisms for insuring domination over the Third World today" (Escobar 1985: 348).

The discourse around development resulted in practices through which new mechanisms of control and new forms of power and knowledge were deployed. Since 1949 an endless number of practices succeeded each other and changed regarding aims, focus and strategies; however, the discourse underlying these practices was not challenged and it continued to influence political actions of domestic actors in the South as well as of international actors and organisations.

4.4.2. Democratisation

The Good Governance Agenda reproduces the hierarchies and relationships created through the Development discourse. The agenda, described as 'apolitical' and advancing 'democratisation' and 'empowerment', "produces democracies that are exclusionary both in the sense that they cannot incorporate the poor majority in any meaningful way, and to the extent that this is a form of democracy where the power and influence of external constituencies is extraordinarily high" (Abrahamsen 2000: 145). This serves the essentially undemocratic international institutions and relations, leaving them untouched and protected, but can have a devastating impact on the dependent nation- state (cf. Abrahamsen 2000: 138ff).

International structures are justified by the claim that the GGA liberates the poor and consequently "reproduces the hierarchies of conventional development discourse,

whereby the third world is still to be reformed and delivered from its current underdeveloped stage by the first world. Through such representational practices the rich, industrialised countries retain the moral high ground, the right to administer development and democracy to the South” (Abrahamsen 2000: 44).

The GGA was therefore derived from the development discourse and the associated unequal structures and consequently strengthens unequal global power and domination structures.

The field of democracy and democratisation is very wide and comprises different discourses and aspirations. Emphasis will therefore lie on the presentation of the changing role of democratisation in respect to the development discourse and the role attributed to the different actors in respect of the democratisation process.

Generally the focus within the wider topic of international relations in relation to democratisation lies on the transitions to democracy and little attention is paid to the quality and substance of the resulting political systems (cf. Abrahamsen 2000: 83).

Ferguson points at the clear shift within the discussion about democracy and democratisation: The years after the attainment of independence of the African states were shaped by the nation building processes of construction. The international community was regarded as a source of aid and a utopian image of the union of nation-states was created. Within this perception ‘development’ was encouraged by the government and regarded as “natural reward for successful national integration, just as nation-building is the characteristic rhetoric of the developmental state” (Ferguson 2007: 95).

Since the end of 1980 a new paradigm of the state and society emerged. The roles have basically reversed: the state, having been the main protagonist of development, is now viewed as the main obstacle to such development, and Governance reforms are now perceived as necessary to reduce the role of the state and bring it into ‘balance’. The international community are now viewed as ‘policemen of states’ regulating the functioning of the state and rolling back its excesses through Structural Adjustment (cf. Ferguson 2007: 97).

In this respect underdevelopment is perceived as an absence of democracy that will be promoted and implemented through the strengthening of the civil society. Such a dichotomy between the state and the society gives “little or no consideration to the state’s social embeddedness or its internal fragmentation and power struggles”

(Kapoor 2008: 31) and paints a naive picture of the civil society, since many or most NGOs are linked with other (transnational) organisations and conform to a neo-liberal form of governance (cf. Kapoor 2008: 31; Ferguson 2007: 101ff).

In contrast to the described growth in the prominence of civil society, the concept of the GGA and liberal scholarship on democracy centres on elections and excludes socio-economic rights. “By linking democracy to continued economic liberalisation and austerity measures, a redistribution of wealth is effectively prevented, at least in the short term, and this ensures that the victors of conflicts processed in a democratic way are those who already possess power and wealth” (Abrahamsen 2000: 83).

Therefore, the discourse justifies continued intervention in order to ‘watch over’ the state and impose measures that, according to the discourse, would implement democratically elected governments working for the civil society. This is based on the shared assumption of capitalism and democracy that the individual, whether as voter or consumer, is assumed to be the best judge of the own interests (cf. Abrahamsen 2000: 76). However, the best way of ‘governance’ or rather democracy, namely liberal democracy based on the neo-liberal western model, has already been identified and does not leave many choices for societies.

4.4.3. *Structural Adjustment*

The Structural Adjustment Programs introduced by the World Bank preceded the GGA and, as described above, even made it necessary due to the high degree of negative effects. The inherent premises, however, are still present in the GGA and determine possible actions and interpretations.

The World Bank’s “strategic agenda for the 1990s” (World Bank 1989: 14) makes clear that the GGA doesn’t entail a cut with Structural Adjustment Programs but envisages that they “should continue to evolve. Programs must take fuller account of the social impact of reforms [...], and investment needs to accelerate growth and measures that are required to assure sustainability” (ibid.). Due to the aforementioned increase in criticisms of the negative effects of the strategies and the changed global constellation of power, the strategic agenda further included people-centred measures like human resource management and meeting basic needs. This

concession to the need to give the reforms a more human face helped to reinforce Adjustment Programs while blaming the failure of previous reforms on the governments and their 'bad governance'. The way forward was therefore the strengthening of institutions, 'sound management' and a policy environment enabling private investment; hence the cure of the problem is still defined as the expansion of markets, privatisation and industrialisation. Social services like primary health care, eradication of hunger, education and reducing population growth, however, are perceived as an investment in the people, in order to prepare them for an entrepreneurship society, and are not viewed as a benefit in their own right (cf. *ibid*: 4ff).

Also the report of the World Bank from 1994 "Adjustment in Africa. Reforms, Results, and the Road Ahead" makes the principles that guide the reform programs of African governments very clear:

- Get macroeconomic policies right
- Encourage competition
- Use scarce institutional capacity wisely (cf. World Bank 1994: 9).

Harrison highlights the inherent premises of the World Bank's administrative reforms within the ideology of liberal populism constituting "an attempt to provide a political language to work with neo-liberalisms approach to the economy" (Harrison 2001: 537). This ideology is inherent in the Structural Adjustment Programs as well as in the Good Governance Agenda (cf. Harrison 2001).

The actual implementation of the SAPs, especially during the 1980s, will be part of the analysis in order to show the interconnectedness of the SAPs and the GGA and to take into account the historical component and emergence of the factors considered as causes for PEV.

4.4.4. *Neo-Patrimonialism*

In the early 1990s the theory of Neo-Patrimonialism became a dominant reference point in the German politological discussion about African politics and includes all characteristics that, according to this perception, do not go along with Good Governance. Neo-Patrimonialism refers to the phenomenon of personal rule or Big Man Rule and is defined as being based on the authority of the leader, who is not

questioned and is personally in control of running the affairs of the state. The system is backed by resources of the modern state as well as by funds provided from external sources. These resources are not merely used for public demands, but to back up the power of the Big Man (cf. Hyden 2006: 96ff, Hauck 2009: 73f).

Hauck rightly criticizes the theory of Neo-Patrimonialism by identifying the inaccuracies inherent in the perception: (1) the theory draws, in line with the underlying premises of the development discourse, a picture of the 'traditional' (African) society as a negative contradiction to the 'ideal' society and explains with this everything that social scientists dislike in the present Africa; (2) the focus of attention lies exclusively on the one-person- rule and the Big Man, whereas other forms of 'control' and power are marginalized; (3) it ignores, just as the World Bank does, all power structures in the area of economy, all forms of economic inequality and relations of production on both the national and international level (cf. Hauck 2009: 74).

In the following these points of critique will be elaborated further:

(1) The reference to the 'traditional' African society as the origin of Neo-Patrimonialism does not go along with the actual historical background: the Kikuyu for example, the Kenyan ethnic community which provided the first Kenyan President Mzee Jomo Kenyatta, never had individual supreme village leaders. Therefore, the notion of a patrimonial leader, on which President Kenyatta could have built his power, lacks the historical background. Furthermore, even if the historical origin did apply, it would not constitute a just explanation, since 'tradition' is never a uniform and homogenous field, and what is regarded as 'traditional' is to a high degree the outcome of power struggles (cf. *ibid*: 74f).

(2) One-person rule was definitely an important matter in post-colonial Africa, as the examples of the leaders Nkrumah, Kenyatta, Houphouët- Boigny, Mugabe and Nujama show. However, it cannot be regarded as a characteristic of African politics since it does not apply to all states of the continent, Nigeria being a contrary example, and none of the leaders were in possession of all encompassing power as emphasised by the theory of Neo-Patrimonialism.

On the other side it cannot be denied that power is being used for personal enrichment and that resources are required and used to stay in power. However, this

applies to both Kenya and Nigeria, which shows that it has more to do with socio-economic structures than with a probable one-person rule.

At the same time not all one-party systems can be lumped together, and also some of the personal rulers accepted the results of multi-party election or stepped back from power after the completion of their legal terms. Therefore, not all personal rulers fit the description defined in the context of the theory of Neo-Patrimonialism (cf. *ibid*: 75f).

(3) The idea of a President who is personally in control of everything that is being produced and consumed is illusory in the present post-colonial Africa, where transnational corporations control a big share of the local market, the bourgeoisie found ways to profit from the international structures and where imported goods found their way into even small, remote villages. For that reason the governmental apparatus and external and domestic capital have to be regarded as three main players who mutually influence each other. To speak of the Big Man as somebody controlling and managing everything does leave out this interconnection and thus falls short of explanatory power (cf. *ibid*: 76f).

In addition to these main points of critique a closer examination of the GGA reveals a link between the continued concentration of power and resources around the President and the economic premises of the GGA and, connected to it, the working of the ‘aid business’⁷. This relationship will be presented in the following section.

The theory of Neo-Patrimonialism and the outlined perception of the obstacles to democracy define African countries as ‘weak’ and/ or ‘failed’ states in that they are not able to exercise the necessary power to ensure the adherence to certain norms and to regulate and control market mechanisms (cf. Hibou 1999: 38, cited in Hauck 2009: 79). This view is also inherent in the GGA and the proposed measures.

Without denying the ‘weak’ nature of African states in this regard, it is questionable whether the fragile regulation power has a negative impact on the accumulation power of a small elite or, on the contrary, favours the same. The states are very strong when it comes to ensuring the accumulation of resources for their own ‘block’. Hauck points out that state and para-state violence and the buying of rights

⁷ Meaning the way development projects are being financed and implemented in the recipient countries, whereby private firms play a central role.

form a means of increasing the power to accumulate resources, and are connected to the pattern of demand of African countries: The unequal distribution of income in African countries leads to the existence of a small elite in possession of purchasing power that is directed mostly towards luxury goods. However, the companies providing the local market for these goods are controlled by foreign companies, which leave the local elite with little opportunity for getting involved in the local private market. Yet, not the private, but the governmental 'market' comprises the largest area of demand, since it is in control of state resources such as oil and mines, and also since it is the privileged recipient and distribution partner for donor organisations. However, these funds were never exclusively channelled through governments, and even less with the privatization-reforms of the World Bank, but were distributed through contracts to private companies. These were chosen by governmental institutions, which led to a decision-making process not merely informed and based on economic principles, but according to political arrangements and contacts. Therefore, neither the private market, which is heavily dominated by foreign companies, nor the state-run market, which depends on political connections rather than performance, follow principles of the free market, but are profoundly influenced by different actors and structures.

This presentation questions the assumption of the 'traditional' Big Man and places the mechanisms in the wider area of macro-economic constraints and effects that nobody can escape (cf. Hauck 2009: 79ff).

Supporters of the GGA would argue that the purpose of the GGA lies exactly there, that is to say in the promotion of 'sound' management of economic affairs and their regulation in order to combat the system of political favours and capital accumulation for the own profit. However, this reading contains limitations: Good Governance is merely an instrument to ensure a better implementation of the Structural Adjustment Programs and does therefore not constitute a break with the initial system of weak regulation policies and a high degree of accumulation power. On the contrary, it assists in manifesting and deepening it further since the underlying international structures are not being questioned. Furthermore, the Structural Adjustment Programs led to an increase in inequality, which is one of the root causes of the problem, as outlined above (cf. *ibid.*: 82ff).

The second limitation lies in the GGA itself: contrary to its description it is highly political in that it demands the separation of the economic and political sphere. However, the elite which profits from the interconnection between the same would have high aspirations to adhere to this system of interconnection. Therefore, if states are weak regarding their regulatory power, but strong in regard to the accumulation power, it would need revolutionary struggles to perform the disconnection between the two spheres. The WB, however, does not intend this.

On the other side it should be mentioned that the concept does condemn accumulation of resources through the “abuse of power” (World Bank 1992: 16, cited in Hauck 2009: 85) while indirectly legitimising inequality deriving from ‘fair’ and ‘just’ competition, which comes along with the capitalistic development on the national as well as international level (cf. Ziai 2006: 78, Hauck 2009: 84f).

Consequently the interrelation between the concept of GG and the emergence of personal rule does play a crucial role within the analysis, since the PEV emerged along ethnic lines and was being fuelled by the sentiment that the ethnic community of the President would benefit from his rule.

In the course of this paper personal rule is not perceived as the rule of one person in power and deriving from ‘tradition’ and the African ‘culture’, but as a type of rule that is being influenced and instigated by the persisting socio-economic structures on the national and international level. These allow the Big Man to accumulate wealth and power for himself as well as for a small elite that profits from the political regime and from the way ODA is being distributed or rather given out in the form of contracts.

4.5. *Discourse fields*

The described historical background and the discourses influencing the discourse formation have an impact on the way the different actors are perceived and on their derived modes of action and interpretation: the declining importance of keeping allies after the Cold War and the change within the discussion about democracy, leading to a potential definition of states and governments as principally ‘bad’, diminished the role of domestic actors and their power to act. At the same time this

perception perfectly fits within the development discourse, with Western donors being perceived as having achieved the desired status and are therefore seen as being in the morally justified position to help developing countries to reach their goals. This is evident in the moralistic tone of the GGA through the qualifier 'good': it does not only imply that developing nations have 'bad' governance, but also that Western donors are the models of good governance and the arbitrators of what is 'good' and 'bad' (cf. Kapoor 2008: 30), with all the subjected roles and positions.

The fault of the continuing crisis is shifted to domestic factors, as this statement of the World Bank shows: "Underlying the litany of Africa's development problems is a crisis of governance. By governance is meant the exercise of political power to manage a nation's affairs. Because countervailing power has been lacking, state officials in many countries have served their own interests without fear of being called to account" (World Bank 1989: 60f).

This consolidates the roles of donors and recipient governments: domestic actors are described as impeding development and economic growth, whereas the international donor communities' status, in this case the World Bank's as a hegemonic power within the global economic system, is backed up and strengthened through the perceived duty and necessity to 'call African state officials to account' (cf. Kapoor 2008: 33).

Within this discourse the international donor community is praised as supporting domestic protests against the overall power and mismanagement of national governments and therefore the civil society. However, this conceals the fact that the protests are merely fuelled by the negative effects of the structural adjustment programs (cf. Abrahamsen 2000: 44) and the demand for a more just and equal distribution of power and wealth. However, the promoted GGA does not entail a break with neo-liberal policies and the bias towards certain groups connected to them. In this regard the international community and the GGA cannot be seen as supporting the civil society but merely the elites and the donor community itself.

As emphasized, the different actors and attributed roles cannot be divided and analysed separately. Actors, discourses and modes of action and interpretation stand in a mutual interconnection. The described discourses, historical background and attributed roles greatly influence the way actors are being looked at and must

therefore be considered. The suggested discourse fields also affect the possible actions and modes of interpretation deriving from the discourse formation.

4.6. *Dispositive*

Based and relying on the described assumptions, power structures and attributed roles, the World Bank and other international organisations have identified certain measures and conditions to reach the set goal of Good Governance: “The challenge now is for Africa to reverse its present decline. The potential is there - in its vast, poorly exploited resources of land, water, minerals, oil and gas; in its under-utilised people; in its traditions of solidarity and cooperation; and in the international support it can count on. The time has come to take up this challenge and to put in place a new development strategy for the next generation” (World Bank 1989: 4).

To “reverse its present decline” (ibid.) the World Bank proposed political conditions for implementation by developing and transitional countries, in order to internally restructure their government machinery. The WB has set up over 600 governance related programmes and initiatives in 95 developing countries and supported governance and public sector reform programs in 50 countries (cf. Collingwood 2002: 6). In this regard the position of the World Bank and the IMF was increasingly seen as a lead for other Western donors (cf. Doornbos 2004: 376).

The governance agenda defined by the World Bank is concerned with the restructuring of the symbiotic relationship between the government, civil society and the market. The report “The State in a changing world” (cf. World Bank 1997), contrary to previous market-oriented reforms, acknowledges the role of the state in the development process and emphasises that “the state should focus on upholding the rule of law, promoting competition, and regulating the financial system, while avoiding excessive intervention in the economy. Intervention, the Bank argues, will discourage corruption and encourage investment” (Collingwood 2002: 7).

The Report in 2002 “Building Institutions for Markets” (cf. World Bank 2002) went further in pointing out the importance of institutions that develop markets, promote growth, and facilitate access. In this process the WB is perceived as the right institution to promote such institutions.

It becomes clear that within the perception of the WB, states and markets are complementary rather than competitive, and that economic growth and development depends on efficient markets and states. The state is seen as playing a key role in managing, regulating and monitoring the private sector, which in turn takes over the provision of public services wherever possible and provides more efficient services than the state. However, in the Bank's view the market remains the engine of growth and sustainable development (cf. Collingwood 2002: 8).

According to the World Bank, certain measures are necessary to strengthen the state and institutions to accelerate growth:

- legal reforms to promote the rule of law,
- anti-corruption measures,
- the introduction of pro-market governance measures like macroeconomic policy, financial sector strengthening and privatisation.

Another area of concern comprises issues in connection to the relationship between the state and the civil society:

- participation,
- democratisation and
- decentralisation (cf. Collingwood 2002: 9ff).

These points became the subject of intervention and conditions in the course of the GGA that were defined in the aforementioned programs designed by the WB. The specific measures and reform programs for Kenya will be elaborated on and analysed in the following section.

In order to complete the presentation of “the total of material, practical, social, cognitive and normative *infrastructure* of the production of a discourse and the implementation of the ‘generated problem solution’” (Keller 2006: 136. Translated by M. T.), the recent shift towards Good Governance as a precondition for development aid shall not be left unmentioned. In connection to the difficulties experienced by donor countries in introducing and measuring GG, the Dollar- report (named after the main author David Dollar) “Assessing Aid” made alterations towards selectivity of partner- countries possible (cf. Doornbos 2004: 383ff). However, this will not be considered in the analysis, since the main objectives and goals of the GGA remained the same.

5. Kenya under President Moi

In the following section the reforms which were introduced and the relationship between the government and the WB during the 1980s and 1990s (under the rule of the then President Daniel arap Moi) will form the area of inquiry, in order to show the continuation or discontinuation between the measures during the times of Structural Adjustment and GG. This presentation will also allow analysis of the impact of the different perceptions about international organizations of the former President Moi and the incumbent President Kibaki. This section presents the initial stage of the practical analysis regarding the implementation of the GGA in Kenya and its consequences.

The first part of the former Presidents rule was characterized by the implementation of Structural Adjustment Programs following economic problems of both external and internal origin in the late 1970s and throughout the 1980s. Maxon and Ndege state that “(m)ore than anything else, the experience of these years served to emphasize what is perhaps the most fundamental factor in twentieth-century Kenya’s economic history, the dependent nature of the economy” (Maxon, Ndege 95: 152).

This increased dependency of “Third World” countries can be mainly traced back to the debt- crisis at the end of the 1970s, although there are differing views about the origins of the debt and how they relate to the crisis: One school of thought, supported by the WB, the IMF and some scholars, identifies poor economic policies, low rates of economic productivity, public corruption, political instability, and environmental catastrophes as underlying causes for the dept- crisis, created by the need for excessive borrowing.

Others argue that the existing economic predicaments are interrelated with the structure of the debt burden and the repayment conditions credited to interest (cf. Logan, Menigsteab 1993: 3).

However, as becomes evident when looking at the discussion about development in Africa after the debt- crisis, the first school of thought, headed by the WB and the IMF, became the dominant agenda-setter. This led to the emergence of strict

Structural Adjustment Programs to become eligible for international loans, seen as necessary and applicable solutions to the crisis. In the course, the IMF became the “perhaps most powerful international ‘loan officer’” (Bradshaw, Huang 1991: 323): an acceptable IMF credit- ranking is normally mandatory for a country to be eligible for loans from any source, which depends on the successful implementation of given conditions by the IMF (cf. Mussa, Savastano 1999: 79).

However, the implemented SAPs may hinder economic growth in the South by creating an outflow of its capital, and “inhibit physical quality of life through curtailment of government programs and services targeted to poor citizens” (Bradshaw, Huang 1991: 323).

As outlined above the GGA arose in the 1990s and therefore coincided with the rule of the then President Daniel arap Moi. The increasing pressure from donor countries forced him to allow multi-party elections in 1992 and 1997, which were described as fair despite evidence of flawed electoral processes, unfair conditions during election campaigns and processes, provisions for state repression, etc. (cf. Brown 2007: 314). In order to show the continuities and discontinuities between the SAPs and the GGA, the implemented reforms as from the 1980s in Kenya will be shown in the following section. This will be complemented by the analysis of the power of the discourse in connection to the different actors on both the national and international level and the examination of the effects of these implemented policies on society in respect of inequality, employment, provision of services, etc.

5.1. *Polit- economic background*

Daniel arap Moi came to power in 1978, following the death of the first President of the country Mzee Jomo Kenyatta. In the middle of the first Nyayo- decade it became apparent that the remarkable economic growth that marked the Kenyatta era could not be maintained due to different internal and external factors. The government was therefore forced to seek help from international donors and started to introduce SAPs (cf. Maxon, Ndege 1995: 151f).

Politically the government can be described as an authoritarian, populist one-party rule, following the footsteps of the former President. Populism can be defined as the precursor of authoritarianism or dictatorship, although the phenomenon is described

by Peter Worsley as follows: “Populism is better regarded as an emphasis, a dimension of political culture in general, not simply as a particular kind of overall ideological system or type of organization” (Worsley 1970: 245. Cited in Ogot 1995c: 191). This system of popular authoritarianism was altered in the 1990s when international donors increasingly demanded political opening and far-reaching reforms towards Good Governance, though still in connection to Structural Adjustment Reforms.

The implemented reforms in Kenya will be outlined below, followed by an analysis of the agency of the different actors in the implementation process and the effects of the reforms on the society.

5.1.1. ... of the 1980s

The Kenyan economy faced serious challenges in the late 1970s and throughout the 1980s: the continued world economic crisis of the 1970s, the rising oil prices in 1979, the world recession, fluctuations in prices of Kenya’s major export and consequently the holding back of sustained economic expansion had a negative impact on Kenya’s economy. As a consequence the government was forced to draft major sessional papers to address the difficulties, most of which included elements or rather premises of the SAPs.

In general it can be said that the Kenyan government continued the capitalist-oriented, mixed economy and economic policies. Among the most important were measures that guaranteed private property ownership and the encouragement of foreign investment; others aimed at promoting indigenization of the economy, enhancement of the expansion of agricultural exports and import substitution industrialization and the provision of basic infrastructure. These do not constitute a break with past policies.

Only the focus of development planning was altered: the highest priority was given to rural areas, and leaders emphasized the need for a change from import substitution to production for export and therefore the strengthening of the industrial sector. This came along with the rising need for new employment opportunities, given the high rate of population growth (cf. Maxon, Ndege 1995: 152f, Republic of Kenya 1979: 66ff).

However, the Kenyan economy experienced severe recession in the late 1970s, which persisted through 1982, caused by external and internal factors such as the world recession following the oil price increase and the 1979- 80 drought. The “proliferation of commercial activities by Government which has diverted scarce management talent away from the central functions of Government” (Republic of Kenya 1982: 7), pointed out by the Working Party as another root cause for the “serious financial crisis” (ibid.), should be mentioned as well. In Sessional Paper No. 4 of 1980, dealing with Economic Prospects and Policies, the government “introduced import constraints, initiated measures to promote exports, expanded external borrowing and attempted to cut back on government expenditure” (Maxon, Ndege 1995: 153).

Responding to both the food crisis following the drought and to other causes such as significant population growth, a shortage of unexploited, arable land and the high rate of urbanization as well as government marketing policies, the Sessional Paper No. 4 of 1981 on the National Food Policy was introduced. It aimed, among other factors, at self-sufficiency in food through different measures.

The 1982 coup attempt⁸ was another hindering factor, harming the investment climate and tourism. However, the rapid restoration of order led to a relatively quick recovery from constraints.

The crisis continued in the early 1980s, seen in the severe balance-of-payments difficulties and budgetary shortfalls, leading to increased debt. The strategies outlined in Sessional Paper No. 4 of 1982, focusing on Development Prospects and Policies, were “tariff revision and the gradual elimination of protective tariffs that did not promote industrial efficiency, remission of price controls so that domestically produced products would compete with imports, devaluation of the shilling so as to make imports more expensive and stimulate exports, and a new system of import licensing. In agriculture, future growth was seen as depending on more intensive use of existing farms and acreages through improved yields” (Maxon, Ndege 1995: 155).

⁸ On August 1, 1982 a group of reformers tried to overthrow President Moi’s government as a result of “[r]epression, detention without trial and torture of people who advocated reforms” (Mutiga 2001: 4). The coup attempt failed, turned the “capital into a battlefield” (ibid.) and “set the stage for a crackdown that would turn his regime into one of the most repressive on the continent” (ibid.)

Due to the initiatives taken by the government and improved rainfall, harvests increased in 1981 and 1982, stimulating the economy. Positive effects like increasing export prices and relief from recessionary influences in 1983 were accompanied by the high debt-servicing burden and the deteriorating terms of trade. Domestic difficulties consisted of a huge rise in government expenditure and the resulting budget deficits. The increase of government expenditure was the result of the state's attempt "to provide more and better services to the people while reducing the share of the costs falling on the beneficiaries" (Republic of Kenya: Development plan 1984- 1986, p. 43. Cited in Maxon, Ndege 1995: 155) and the support to parastatals engaged in commercial enterprises. These costs for services to the population, identified as important in the 1984- 1986 development plan, would remain a controversial issue throughout the 1980s, and the services would prove difficult to accomplish.

Because it was no longer feasible to borrow from external sources, the government decided to "mobilize domestic resources for equitable development" (Maxon, Ndege 1995: 156). These included "the reduction of government investment in 'not (sic!)-essential activities' and the divestiture of such investment in others, together with an improvement in government efficiency. The plan also proposed measures to promote private domestic savings, external trade and private foreign investment" (Maxon, Ndege 1995: 156).

At the same time the responsibility for planning and implementing rural development was shifted to the districts, in order to "broaden the base of rural development and encourage local initiative in order to improve problem identification, resource mobilization and project implementation" (Republic of Kenya 1984: 1). These efforts to promote equitable development involved "efforts to alleviate poverty, enhancing a rural-urban balance and providing for a better balance of development among various regions of the country" (Maxon, Ndege 1995: 157). Also the provision of basic needs was emphasized in the development plan, fitting the 'basic needs' approach then popular with the World Bank and other donors.

In the course of 1985 and 1986, Kenya was able to recover from the disastrous 1984 drought. However, continuing domestic problems, combined with surmounting external pressure to alter economic policy to further the Structural Adjustment

process, laid the background for Sessional Paper No. 1 of 1986, published under the title 'Economic Management for Renewed Growth'. The strategy included

“a flexible exchange rate policy that maintains over time sufficient rewards for exporting of all commodities and for efficient substitution for imports; farm prices that enable small and large farmers to earn adequate incomes to cover increases in the costs of inputs and the cost of living, thus moving towards greater food security and an improved rural-urban balance; import tariff and licensing policies that reduce the costs of imported inputs and gradually achieve more moderate levels of protection, thus inducing industry to improve its efficiency and ability to compete in world markets; wage guidelines that contribute to reduced inflation and encourage employment creation [...] prices that reflect real scarcities and thus influence users to conserve on those commodities [...] that are most scarce and therefore most costly to the economy” (Republic of Kenya 1986: 25).

The free primary education of the 1970s was another service that was abolished during the 1980s in the course of the SAPs: parents were asked to contribute towards the education of their children through a cost-sharing program. One of the consequences was a decline in school attendance and enrolment; on the other side the quality and effectiveness of the lessons also declined due to the inadequate provision of textbooks and other tools (cf. Bedi et al 2004: 7f).

These constitute the official or emphasized key elements of Kenya's economic policy during the 1980s and into the next decade. Yet other authors highlight the “patchy and intermittent” (Swamy 1996, cited by Murunga 2007: 272) implementation of the aforementioned and following papers and reforms, as the following citation states: “Most of these reforms identified by the government were not implemented. In fact, most of these policy papers were reactive; they documented government responses, or intended responses, to problems after they had visited their negative consequences on the people” (Murunga 2007: 272).

Also the Working Party pointed at the careless reaction to the crisis in the early 1980s, notably the implementation of Sessional paper No. 4 of 1980: “despite the obvious nature of the financial problem facing the nation, many Accounting Officers continue to make unrealistic requests for funds from the Treasury. For example, submissions by ministries to the Treasury for the 1982/ 83 Financial Year exceed the Forward Budget ceilings on recurrent and development expenditures by as much as K£200 million and K£300 million respectively” (Government of Kenya 1982: 16).

Therefore, even though the government responded to the conditions and outlined criteria of donor countries, it followed its own agenda during the implementation process, trying to obtain as much funding from the different donors through the playing off of one donor against the other. While some blame this on Kenyan lethargy (cf. Swamy 1996), others point out the role of bilateral and multilateral donors within the lethargy as well (cf. Murunga 2007: 272).

This interrelation between the roles of the Kenyan government and other actors, especially the World Bank, during the formulation and implementation of the policies as well as the effects on civil society, will be outlined later. First I will present the continuities and discontinuities of these policies in the 1990s, during which the GGA had already become a major agenda setter within the development and democratization discourse.

5.1.2. ... and the 1990s

The major transition in Kenya coming along with the Good Governance Agenda is the reintroduction of the Multi-Party system. After the mere shallow criticisms of the US and other donors against “economic mismanagement, growing human rights abuses and restricted political opportunities” (Brown 2007: 307) following the decreasing “importance of having a solid ally in the East African region, while public opinion and budget deficits in donor countries- among other motivations- prompted bilateral donors to take into account Kenya’s domestic politics in their aid allocations” (ibid.), the withdrawal of aid disbursements in the early 1990s urged President Moi to allow multi-party elections. On 3 December 1991 he announced that opposition parties were allowed to register and the first election took place in 1992.

However, the one-party system was, to a large extent, left intact, and state repression continued. This was also made possible through the donors withdrawal from political affairs after elections and the pressure of the same on the opposition to accept the result of severely flawed electoral processes in 1992 as well as 1997, in order to avoid the risk of upheaval (cf. Brown 2007: 314).

Between elections, donors were most concerned with economic reforms, which constituted a continuation of the Adjustment process initiated in 1981 and, more importantly, extended in 1986.

5.2. *Agency of the Kenyan government and the World Bank*

A look at the economic orientation of Kenya in the past shows that the adoption of Structural Adjustment Programs can be viewed as a continuation of the Western-oriented, capitalist structures of the economy that made the European Economic Community the country's major trading partner. Even so, the worsening world recession and the dependent nature of the Kenyan economy also made the implementation of the SAPs necessary (cf. Maxon, Ndege 1995: 183).

However, the agency of the Moi- Regime in respect of the formulation and implementation of the reforms and the relationship between the former and the World Bank should be put into consideration, given the fact that they are mutually interconnected: the World Bank constitutes one of the major donors for the Kenyan government, with growing disbursements since the 1980s (cf. Brown 2007: 305), while the government, although dependent on the foreign aid, considers and follows its own interests and preferences during the decision making process about the reforms to implement and the extent to which they should be implemented.

Therefore, the role of the two actors will be analyzed, even though the perception of Kenyan politicians and the World Bank as unitary actors constitutes a simplification and therefore leaves out important dimensions. However, these cannot be considered within this research, but would provide material for further analysis.

As stated above the WB constitutes one of the major donors to the Kenyan government, which is also reflected in the role they play in the writing of programs: "The WB/ IMF policy positions came across as sacrosanct and right, only requiring the approval of the technocrats and the president to be implemented. In the 1980s and early 1990s, the WB/ IMF succeeded in having most of their policy decisions passed in parliament with little, if any, debate." (Murunga 2007: 275).

This was also made possible because of the authoritarian rule of Moi, which limited the actors involved in the formulation of programs to technocrats and the President.

In this respect the statement of the then WB country director Harol Wackman in April 1998 that he would prefer to work with “an efficient crook than a bumbling saint” (Wackman, cited in Brown 2007: 320) was interpreted as “demonstrating support for Moi and a lack of commitment to improving governance” (ibid).

However, the agency of the Kenyan government should be considered, and Murunga describes two dimensions which strengthen this agency:

On the one side the Kenyan government played one donor against the other in order to undermine the effective implementation of certain policies, leading to unsatisfactory outcomes (from the perception of the two institutions), and nevertheless getting funds for new programs.

On the other side the specific negotiations between the actors provided the Kenyan government with political legitimacy for reforms, given that technocrats who highly influenced the content of policy papers led negotiations. Due to this arrangement and the interests of those in charge, institutional reforms, land reforms and privatization of maize marketing were difficult to attain, while at the same time the view of the technocrats was presented as the wish of the people.

In this respect the Kenyan government introduced reforms favouring the political and business elite, including in cases where the proposed approach of the WB would have had a more positive impact on other parts of civil society. This can be shown with the example of the failed liberalization of maize, which is an area of reform with a history of intense government control favouring people with good political connections, while small-scale farmers could have benefited from the suggested liberalization of maize marketing (cf. Murunga 2007: 273ff).

Therefore, the partial implementation of reforms while taking advantage of the scarce consultation between the different donors and the focus of the WB on technocrats shows the role of the Kenyan government during the decision making and implementation process. However, the WB has a crucial impact on the reform process as well, expressed through conditions, withdrawal of funds, and the support and legitimization of a reform process based on the actions and decisions of technocrats. These encouraged the implementation of undemocratically designed programs on two levels: first through the significant influence the WB has on political decisions in Kenya, even though the WB is not a democratically elected

institution within the country, and, second, through the preferential consultation with technocrats following their own agenda.

Another factor, which is not directly connected to either the Kenyan government or the WB, is the World market in general, meaning the global political economy influencing each and every country. This leads to the necessary implementation of certain measures, which have an effect on the economy and consequently society, and which again require action by the Kenyan government, as the following citation shows: “Kenya is very much a part of the world economy. Exports of goods and services in 1981 amounted to nearly 30 per cent of Gross Domestic Product at market prices and imports of goods and services amounted to nearly 40 per cent. Clearly, the country’s economic development depends in many ways on costs, prices and market opportunities in other countries and on its ability to compete effectively in those foreign markets. When the international economic situation deteriorates it is inevitable that development in Kenya will adversely be affected.” (Government of Kenya 1982: 10, see also Owuoche 2010)

In the following section the impact of these programs on larger parts of society will be described.

5.3. *Effects on society*

The effects of the described policies on society, in other words factors such as inequality, urban- rural divide, unemployment etc. have to be pointed out in order to be able to draw the line between the implemented reforms and the factors considered as causes for PEV. Even though the focus of the paper lies on the policies implemented and their effects as from 2002, earlier reforms and their continuation or inconsistency will also be included, since the historical background does play an important role in this analysis.

Generally the criticism of SAPs consists of the following points:

“First, devaluation leads to inflationary and reduced individual purchasing power, thereby harming economic development and quality of life.

Second, reduced government spending eliminates food subsidies and other state-sponsored projects (e.g., medical programs) that enhance living standards. (...)

Third, wage freezes and reduced government employment meant that (1) rapid inflation exceeds individual earnings and (2) unemployment rises because the state is a major employer” (Bradshaw, Huang 1991: 322).

In the following section the extent to which this critique applies to the case study of Kenya will be pointed out, and it will be examined whether policies implemented in the course of the discourse formation GG reduced the risk of these negative effects.

When looking at the effects of the World economy and the reforms introduced under the title Structural Adjustment it can be said that the negative effects, as outlined above, apply to Kenyan society as well, as the following citation shows: “The worldwide inflation [...] has pushed up the cost of Kenya’s imports, raised the cost of living, and, except for the years of the coffee boom in 1977 and 1978, reduced the purchasing power of its major exports. But the efforts of the advanced nations to cope with that inflation are having even more serious consequences. High interest rates have reduced international economic growth and increased unemployment without, as yet, bringing inflation under control” (Government of Kenya 1982: 10).

Also in regard to the period after the cited statement was published in a document of the Government, independent researchers point out the deteriorating living conditions, shown for example by real wages falling by 16.3 per cent in the private sector and 22.2 per cent in the public sector between 1982 and 1990 (cf. Brown 2007: 306).

However, unemployment did not only result from the introduced reforms, but also derived from internal causes: “the very rapid growth of the labour force; the inability of the economy to grow at a rate that would create enough jobs for the growing labour force; job selectivity among school-leavers; seasonality of some of the industries; skills imbalance which has resulted in vacancies co-existing with surplus labour; inappropriate technology applications; and, failure of development programs to focus on areas with the greatest employment creation potential” (Government of Kenya 1983: 9).

While the economic crisis was influenced by multiple factors and affected the population in different ways, as outlined above, other government policies favoured certain regions and the major groups staying there: economic and political power was shifted to the Rift Valley and other regions of the ruling party’s power, as well as a significant portion of the Civil Service (cf. Brown 2007: 306, Kiamba 2010). In connection to this the Kikuyu in Central Province were perceived as the “most

dynamic entrepreneurs and agricultural producers” (Brown 2007: 306) and consequently treated differently or rather were favoured. This perception played a significant role during the occurrence of the PEV.

Another factor, which increased the gap between members of the political and economic elite and other members of society, leading to inequality, was the growing corruption, making political and economic processes unaccountable and inconsistent.

These negative impacts of the introduced policies “undermined the base of political support for the government, since, in a fundamentally neo-patrimonial system, patronage is necessary to retain elite and popular support” (Brown 2007: 306). Also the government’s ability to finance its clients’ loyalty was affected negatively, contributing to the deterioration of political support. In this respect the international community, with the encouragement of reforms, and at later stages through withdrawal of aid, contributed to the promotion of democracy and reintroduction of multi-party elections. The economic crisis also led to increased dependency of the country on financial support and therefore it became more disposed to policy pressure from donors (cf. Brown 2007: 306).

The increased freedom of expression, assembly, etc. and, connected to this, the strengthened political opposition and the focus on Civil Society Organizations included the chance to address issues like inequality, unemployment and political reforms to decentralize power. However, as pointed out during various interviews, the Government and international donors mainly refer to CSOs that follow the Agenda of the international community instead of pressing issues within Kenyan society (cf. Keyo 2010, Owuoché 2010, Kiamba 2010).

Consequently, while the Kenyan economy was praised for its more effective confrontation of the crisis than most African states, the effects on society should not be underestimated: wages fell, unemployment rose, the economic and political power was concentrated within a small elite, mainly concentrating in the Rift Valley, and corruption was practiced on a massive scale. All this undermined political support and led to increasing repression by the government in order to stay in power.

In the 1990s with the introduction and enforcement of the GGA these effects continued and were not challenged. This was made possible through

- the promotion of CSOs accountable to the international community, both in respect of the issues which arose and in the interpretation and Agenda setting;
- the continued hold the international community (in this case the World Bank) has on the country; and
- the continued identification of technocrats as partners in negotiations.

This can be linked to the way ‘participation’ is perceived in the context of the GGA: it does not present a goal, but is measured according to the contribution to “project effectiveness” and attainment of acceptability and productivity (cf. Ziai 2006: 75).

Therefore it can be said that factors like inequality, class structures and geographic disparities, unemployment and the centralization of political and economic power were not challenged and played a major role in the 1980s as well as the 1990s.

In the following section, changes or continuities during the presidency of Mwai Kibaki will be analyzed, whereas it should be noted that the World Bank and independent researchers regard the shift in government after the election in 2002 as an important event and major step towards the consolidation of democracy in Kenya.

6. Good Governance Agenda since 2002

In the following section, the impact of the GGA on Kenyan national politics since 2002, when the incumbent President Mwai Kibaki came to power, will be pointed out, with the focus lying on the introduced reforms like the Economic Recovery Strategy (ERS) of Kenya and the proposed Country Assistance Strategy (CAS) by the World Bank. It will be explained why the analyses will focus mainly on the years after this change of government, even though the GGA had already become an influential analytic and practical point in the early 1990s.

As pointed out above, already in these years the rise of the Good Governance Agenda affected Kenyan national politics and significantly pressured the incumbent President Moi to reintroduce a Multi-Party System in 1991. However, this enforced transition did not find entry into non-economic matters, and the structures and workings of the One-Party System were merely left intact, since “[b]etween elections, donors virtually withdrew from the political arena, concentrating instead on economic reform. [...] As a result, donors wound up helping to keep Moi and his party in power” (Brown 2007: 313).

The World Bank, in line with the mentioned role allocation and accusation of declining economic performance due to ‘bad governance’, gives abbreviated reasons for the deterioration of the Bank Group’s relations with Kenya, namely the “inefficient use of public resources, loss of economic competitiveness, soaring costs of doing business, deteriorating security conditions, and loss of donor funding” (World Bank 2004a: i).

In the perception of the World Bank, the shift in Kenya towards Good Governance only emerged with the election of the incumbent President Mwai Kibaki in 2002. In the executive summary of the Report dated May 2004, delineating Kenya’s Investment Program for the Economic Recovery Strategy (IP-ERS) (to a great extent constituting Kenya’s PRSP) and the World Bank’s Country Assistance Program (CAS) for Kenya, the achievements of the new government were praised: the anti-corruption legislation, steps to improve public sector management, the IP- ERS and agreements with several donor institutions (cf. World Bank 2004a: i).

The confidence of the World Bank in the new government was also expressed through the promotion of Kenya from a low to base case lending scenario⁹ under the CAS from 2004 (cf. World Bank 2004a: ii).

Therefore, due to the following reasons, the analysis will build mainly on the period after the inauguration of President Kibaki in 2002:

- The World Bank as well as other international organisations characterise the NARC- government as a good example of the introduction of ‘sound public management’ (especially during the early years) leading to improved development and increased growth. This characterisation makes it even more pressing to point out inconsistencies and the negative effects of the way the GGA was implemented.
- On the other side the causes for Post-Election Violence are mainly regarded as connected to the rule of President Kibaki, even though the historical background has not been left out in different analyses. However, the violence erupted after his five-year term and his rule should therefore be considered in particular.

In the following section, the introduced reforms and measures connected to the GGA during the defined period will be pointed out.

6.1. *Introduced reforms and measures*

The aforementioned report of the World Bank on Kenya’s ERS and the World Bank’s CAS highlights the main issues driving the Kenyan government and the World Bank in their attempt to fight ‘bad governance’ and poverty in Kenya. The outlined strategies will therefore be of crucial importance for the analysis, even though the practical implementation, the roles of different actors and the effects on society have to be considered as well.

The assessment of the strategies by the World Bank, described in the Report of the World Bank from 2007, will be one point of reference during the analysis of the influence of the GGA on the factors considered as causes for PEV. However, even

⁹ A “base case lending program assumes continued sound public sector management and macroeconomic performance, improvements in infrastructures service provision and in financial intermediation, and improved portfolio implementation“ (World Bank 2004a: ii).

more important will be views of independent social scientists and interviews with experts of Kenyan politics who have a more detailed and impartial view on the implementation of the GGA and its effects.

First, the mentioned strategies will be introduced briefly, with their main topics and their analogy to the GGA being pointed out.

6.1.1. *Kenyas ERS 2003*

Kenya's ERS (Economic Recovery Strategy) and its Poverty Reduction Strategy Paper (PRSP) issued in June 2003, were presented alongside each other. The IP-ERS "describes the participatory process, provides an overview of poverty in Kenya, and presents the government's strategic vision, objectives, and priority actions for stimulating economic growth, reducing poverty, and promoting human development in line with the Millennium Development Goals (MDGs)" (World Bank 2004b: 1).

The governments' strategy builds on three interlinked pillars: strengthening economic growth, enhancing equity and reducing poverty, and improving governance.

- The main factors to strengthen economic growth are identified as "macroeconomic stability, improved fiscal and monetary policy, and improved quality and quantity of expenditures in priority sectors [...], restructuring the financial sector, improving the investment climate, and promoting private sector participation in provision of infrastructural services are intended to boost private investment and improve delivery of services" (World Bank 2004a: 6f, italics removed).
- To enhance equity and reduce poverty the government aims to increase the access of Kenyans to basic services through free primary education, increased basic health services and efforts to reduce the spread of HIV/AIDS, and increased productivity of rural farm and non-farm enterprises (cf. *ibid.*: 7f).
- The third pillar, namely the goal of improved governance, comprises measures such as eliminating corruption, restoring the rule of law and bringing about equitable development that favours all citizens (cf. *ibid.*: 9).

This ERS perfectly fits into the discourse formation of Good Governance, placing the blame and responsibility on ‘bad governance’ hence stressing measures to improve governance and economic growth (interlinked factors, according to the World Bank) and enhance equity and reduce poverty. At the same time the role of the international community and their guiding principle is not questioned but reinforced through the GGA.

The emphasised ERS and PRSP presented by the Government led to the increase of ODA after the introduction of the new government and the promotion of Kenya within the lending system by the World Bank (see above).

6.1.2. *Bank Group’s proposed CAS 2004*

The Country Assistance Strategy (CAS) for Kenya was approved by the World Bank Board of Directors on June 17, 2004 and is valid for the period from July 2004 to June 2007. The World Bank has planned to provide US\$ 870 million in grants and soft loans during the period, provided the government keeps the base case-lending environment (cf. World Bank w. y.: 4).

In the course of the Banks assessment in 2007 of the implementation of the strategy, a one-year extension was proposed (cf. World Bank 2007: i).

The CAS is closely aligned with Kenya’s IP-ERS and is meant to incorporate lessons from the past and to understand and incorporate “the complex relationship between economic growth, poverty reduction, and governance” (World Bank 2004a: 10).

In its strategy the Bank Group focuses on four themes: strengthening public sector management and accountability, reducing the cost of doing business and improving the investment climate, reducing vulnerability and strengthening communities, and investing in people (cf. *ibid.*: 11ff).

These management-oriented methods of interpretation and the consequent reforms deny the existence of social or political conflicts, and focus mainly on improved economic performance. This perception implies that governments in the South appear as objects in need of support and eventually educational penalties and not as independent subjects (cf. Ziai 2006: 75).

Actions and interpretations deriving from this focus or rather underlying perception will be analysed in the following section.

6.2. *Arising questions and areas of inquiry*

The above analysis made the discursive rules and discourse ends visible and leads to different questions and points of inquiry:

- The roles of the actors and the alternatives they had to redirect and influence the implementation of the discourse formation have to be examined. This becomes even more important and meaningful due to the fact that, compared to other African national budgets, ODA accounted for as little as 5-7% of the Kenyan national budget in early 2008 (cf. Wrong 2008: w.p.) and makes it necessary to consider the role of the Government while pointing at the power of the discourse and the perception of ‘governance’ accepted by the international community.
- On the other side, any other possible alternative proposals, regarding issues like land, diffusion of power, economic policies and privatisation have to be considered and examined, since new principles such as ‘ownership’, ‘participation’ and ‘accountability’ put the ‘national interests’, expressed by the Civil Society, at the centre of concern. However, Civil Organisations also follow differing agendas and/ or are accountable to international organisations.
- Another important area of investigation will be the focus during the implementation of the policies or rather the effects of the implemented macro-economic policies aimed at promoting stability and privatisation and therefore neglecting inequality and poverty. This stands in connection with the way ODA is being channelled and how this affects and/ or favours the unequal accumulation of power and resources.

7. Implications of the Good Governance Agenda on Kenyan national politics

The aim of this paper is to critically examine the connection between the GGA and implemented reforms and subsequently the factors considered as causes for PEV in Kenya. In this regard the continuations and discontinuations of reforms which existed prior to the emergence of the Agenda, which were outlined above, and during the early rule of the incumbent President Kibaki, will be analyzed, followed by the presentation of the role of the government and the World Bank during the formulation and implementation process. Also the focus of the actors during this process and alternative approaches towards issues such as equality, decentralization, land issues, etc. will be included in the investigation. This will lead to a more profound study of the effects of these policies on society, although the focus will be on implemented policies and reforms standing in connection or having influenced the factors considered as causes for PEV, since an analysis of all implemented or recommended measures would be too extensive for this study.

The referendum in 2005, during which the population rejected the proposed constitution draft, constitutes an important event during the first term of President Kibaki. During the referendum campaign the opposition party ODM under the leadership of Raila Odinga took a negative stance towards the proposed constitution and campaigned for the No- vote. Therefore, this event will also be addressed since many regard it as the starting point of the campaign for the presidential election end of 2007, and since during the referendum more or less the same issues and social tensions were raised and fuelled as during the election campaign.

7.1. *Underlying premises of the introduced measures*

As outlined above the GGA and connected reforms emerged during a time in which it became apparent that a changed perception of failed efforts and negative side-effects was necessary in order to react to the changed political constraints at the end

of the Cold war and to respond to the increasing criticism of the SAPs. This changed perception revived and manifested the notion that the international community can and does play an important and positive role in ‘development’.

In line with the methodological background and the implicit understanding that a discourse formation, in this case the Good Governance Agenda, constitutes the end-product of processes and institutionalized and legitimized forms of speaking about certain issues, and in line with the consequential understanding that the GGA is linked to the historical background, the continuations and discontinuations between the policies implemented prior and after the emergence of the GGA will be pointed out.

This analysis of the variations inherent in the GGA will be followed by the study of the possible ways of acting and the positions in the formulation and implementation process of reforms by the Kenyan government and the World Bank.

7.1.1. *Continuations and discontinuations*

Both the Structural Adjustment Programs and the recent focus on Governance within development theory build on neoliberal premises, namely the “historically embedded political ideology of the free market” (Harrison 2005: 1304). This underlying ideology and its impact requires consideration on two levels: “the nature of the agencies that drive neoliberal reform, and the extent to which neoliberal reform agendas have an impact upon broader social relations” (ibid: 1306).

In an analysis of the underlying premises of the development policy strategies as from the 1980s and the deriving implications for the perception of African Society Harrison points at the following principles: “The World Bank’s flagship *World Development Report* of 2000/ 2001, *Attacking Poverty*, is based on two foundations: 1) the centrality of free markets to economic growth and therefore expanded prosperity however one formulates it; and 2) an immanent property in the poor to be able to escape their own undesirable conditions once properly facilitated to emerge as market actors” (Harrison 2005: 1310).

These foundations apply to both the SAPs and to the strategies connected to the GGA, as the following investigation will show. However, the continuations and

discontinuities in the actual implementation of reforms will also be shown, as well as changes inherent in the discussion about and perception of development policies. When analyzing the concept of GG as a discourse formation it becomes clear that the appearance of the same helped to reinforce and legitimize the mentioned neoliberal premises: negative effects or failures of the SAPs were blamed on 'poor governance', strengthening the role of the international community to bolster GG in order to make the programs, which basically remained the same, a success. A look at the main principles of Kenya's ERS and the CAS of the WB for Kenya proves this assumption: the focus of the ERS (and of Kenya's PRSP) was on macroeconomic growth and stability, equity and poverty reduction and better Governance, despite the fact that better Governance is seen as a precondition for the first two aims. The CAS designed by the World Bank stresses the alignment of economic principles even more: the main targets are described as strengthening public sector management and accountability, reducing the cost of doing business and improving the investment climate, reducing vulnerability and strengthening communities, and investing in people (see above).

These principles illustrate the cited doctrines of the neoliberal order: the assumption of the market as solution to poverty in that it allows everybody to reach a status of prosperity.

Experts in Kenyan politics also approved this continuation of the policies and principles, although they recognized the positive impact of the focus to better governance: "Well the only good thing that you can put to that expectation or that prescription of GG of the WB was only that it opened the space for other actors, the Civil Society could now make more noise. Irrespective of how useful that noise was, or irrespective of how that noise was mainstreamed into mainstream political thinking. Because if a Civil Society organization makes noise does not mean a change in policy or it's just ignored. ... Was there any structural accommodation rather than just making the market place having more speakers at the same time?" (Interview with Keyo 2010, cf. Interview with Kiamba 2010).

This opening of the political culture mainly took place after the general election in 2002, even though the former President Moi had, after high pressure from the international community, reintroduced a multi-party system in 1992. However, as outlined in chapter 5.1.2., donors withdrew their attention from political events

between elections and instead concentrated on economic reforms. At the same time the government took a very different stance towards the international community and called for a review of the proposed policies or undermined anticipated reforms to embrace differing views, decentralize power, etc. (cf. Interview with Kiamba 2010).

Therefore, in the case of Kenya it can be argued that the actual relevancy of the GGA found entry into daily political affairs only after the inauguration of the new government in 2002, even though the agenda itself had already become an important way of addressing and explaining the failure of the SAPs to gain and increase prosperity on the African continent.

For that reason, the increasing focus on GG of the World Bank and other actors as from the end of the 1980s led to the reintroduction of a multi-party system in Kenya, although the opening up of the political culture and the execution of various alterations to strengthen governance in order to increase the efficiency of economic reforms only became apparent after 2002. However, the underlying neoliberal principles and the faith in the market remained the same, as did the attributed positive role of the international community and the attempt to localize the origin of poverty at the national level.

7.1.2. Attributed roles of the government and the World Bank

As Chapter 1 and 4 have shown, certain characteristics and roles are being attributed to African governments and organizations like the World Bank within development theories and in regard to the associated strategies. These define national actors and factors as objects of investigation and intervention, which can and should be handled through international organizations. This assumption constitutes the underlying legitimization of development assistance.

The example of the former President Moi, who rejected this intervention, arguing that it would have a negative impact on the economy and that it constitutes an unjust interference in national issues (cf. Interview with Kiamba 2010, Interview with Keyo 2010), illustrates the power of the aforementioned discourse: even though he was opposed to external influence on national events and methods of interpretation,

he was forced to introduce certain policies, for example the multi-party- system. This should not be interpreted as a justification or validation of the former President's authoritarian and repressive rule, but as a way of showing the workings of the development discourse: the international community is perceived as perpetuating development and democracy, which gives it the right to intervene in other countries, regardless of the view of the people concerned: therefore, even though a multiparty system, as was also demanded by Kenyan society, was introduced, the resulting political system did not constitute a real break with the previous regime, but served to legitimise Moi's continuing (repressive) rule.

In contrast to the former President Moi, the incumbent President Kibaki embraced the demanded reforms and was consequently praised by the World Bank for taking "positive steps [...] since arriving in office [that] have created a much better environment for development results to occur" (World Bank 2004a: i).

As different experts on Kenyan politics stated in interviews, the international community does play a very significant role during the process of formulation and implementation of reforms, regardless of the orientation and view of the government. This results in a situation whereby reforms are inaugurated by actors who were not democratically elected, but who force certain measures upon a government which, if the changes come along with negative effects, has to take responsibility and, through the GGA, is blamed for not 'putting institutions right' if the reforms fail.

On the other side the dependency of the country on the WB did decrease with the higher collection of taxes by the Kenya revenue authority (cf. Interview with Owuoché 2010, Interview with Kieyah), although the hold of the international community on specific interpretations and reforms is still high. This derives from the aforementioned way of interpreting and recognizing events and perceptions, but also from the fact that the countries in the globalized world are mutually interconnected through economic relations, exchange of ideas, the interlinking of the 'civil society' in different parts of the worlds, etc. (cf. Ferguson 2006: 89ff, Hauck 2009: 69ff).

This influence should not be underestimated and has to be considered when analyzing events on the national level, although the active role of domestic actors must also be recognised. However, their role is diminished by the underlying

perception of the GGA that reduces democratically elected governments to watchdogs and agents to perpetuate liberalization.

7.2. *Focus and achievements of the different actors*

The perceived roles and methods of interpretation have to be considered when looking at the focus of involved players and the entailing constraints.

The World Bank, in line with the GGA, paid tribute to the commitment of the newly inaugurated government in 2002 to eliminate corruption and restore the rule of law through what they depicted as “an entirely home-grown program to improve governance” (World Bank 2004a: 1). Generally, the CAS of the WB for Kenya builds on the aforementioned pillars, which placed the focus on “right investments and policy and institutional reforms [...] [to improve Kenya’s] significant potential for growth” (ibid.). In the introduction to the proposed CAS 2004-2007, prolonged to 2008, the World Bank announced plans to assist the government through project-specific credits grounded in sector wide approaches, and through adjustment credits aimed at strengthening budgetary management, financial accountability, and policy and institutional reforms (cf. ibid.).

The four themes of the CAS, as outlined above, were “(a) strengthening public sector management and accountability; (b) reducing the cost of doing business and improving the investment climate; (c) reducing vulnerability and strengthening communities; and (d) investing in people” (World Bank 2007: i). These were put in relation to the three pillars of Kenya’s ERS, namely “strengthening economic growth, enhancing equity and reducing poverty, and improving governance” (World Bank 2004a: i).

These constitute the official, overall focal points that were also presented in the Manifesto for the National Rainbow Coalition (NARC) in November 2002 (cf. NARC 2002). In the following section, the practical implementation of these areas of concern by the Kenyan government and the World Bank and the achievements during the same will be analyzed. This presentation will build mainly on reports presented and speeches given at the Consultative Group’s meetings held in 2003 and 2005 and outcomes of the Interviews with experts on Kenyan politics. The view of

civil society organizations with regard to the implemented reforms will also be illustrated.

7.2.1. *Focus and achievements of the Kenyan government*

The main promise that helped President Kibaki to assume power in 2002 was to fight corruption. In his inauguration speech he declared that *“Corruption will now cease to be a way of life in Kenya and I call upon all those members of my government and public officers accustomed to corrupt practice to know and clearly understand that there will be no sacred cows under my government”* (Inauguration speech of President Mwai Kibaki in 2002, cited in Mati 2003: 1, italics in original). He propagated a policy of zero-tolerance for corruption, created the new Ministry of Justice and Constitutional Affairs (MOJCA) and succeeded in enacting two major pieces of anti- corruption legislation in 2003, namely the Anti-Corruption and Economic Crimes Act and the Public Officer Ethics Act (cf. Mati 2003: 1f). The Anti-Corruption Commission (KACC) and the Kenya National Commission on Human Rights (KNCHR) should also be mentioned, but, as Transparency International Kenya points out, “their enforcement is even of greater value than their mere existence” (TIK 2007a: 5), and unfortunately the KACC and KNCHR have failed in this respect.

In this respect an analysis of the achievements and changes since the inauguration of President Mwai Kibaki gives sad evidence that “neither the fundamental nature of Kenyan politics nor the institutional bottlenecks to transition have changed. Numerous aspects of the post-2002 constitutional, legal, and political context remained incongruent with human rights objectives and have to date lack[ed] transparency, equity, access and a voice for the “civic commons”. Significantly, continuity with the ethnic centered, and corruption ridden patron-client based political system have (sic!) threatened to undermine the consolidation of democratic governance in Kenya” (TIK 2007a: 2).

This break with the initial promise to eradicate corruption can also be witnessed in connection to the constitution revising process and the referendum in 2005 (see also Interview with Jonyo), which will be elaborated later on.

The failed or halfhearted attempt to increase accountability of the government is also expressed by the Kenya bribery Index surveyed by TI-Kenya in 2007. It shows that the likelihood of encountering bribery increased between 2004 and 2006 from 34.2% to 54.0%, and the bribes per person per year also rose from 0.5 to 2.5. While the average size of bribe reduced from 4.958Ksh in 2004 to 1.236Ksh in 2006, the average expenditure increased from 2.677Ksh to 3.036Ksh (cf. TIK 2007b: 6).

Also the attempt to create and allow fundamental freedoms and to revise the constitution constituted major areas of concern for the newly inaugurated government. The promotion of human rights was central for the opening up of the political system given that a police state existed before 2002 (cf. Interview with Jonyo), and a new constitution was expected to diffuse the power of the political elite in that it advances participatory processes and control.

However, when examining the performance of the government with regards to these assurances, it becomes clear that none of them were implemented. The growing dissatisfaction of the population has its foundations in the refusal of the NARC regime to stick to the pre-election Memorandum of Understanding¹⁰ between Mwai Kibaki and Raila Odinga, and has accumulated due to the failure to fight corruption and provide a draft constitution (cf. Interview with Jonyo).

However, the government describes its efforts as having led to “good progress” (GoK 2005: 2), while stating that “the Government is fully aware that accelerating reform efforts in this area remains critical for achieving broad-based economic growth and poverty reduction” (ibid.).

The fact that commitment to institutional reforms is merely rhetorical has to be taken into account when analyzing the outcomes in the areas of employment creation and Free Primary Education. These were also regarded as fundamental pillars in the ERS to reduce poverty, but the implementation was hindered by the aforementioned constraints in connection to political reforms.

The creation of 500.000 jobs was one of the main promises during the election campaign in 2002 (cf. Interview with Kieyah 2010). However, despite the considerable economic growth during the NARC regime, few jobs were created due

¹⁰ The MoU was an unofficial agreement between the then presidential candidate Mwai Kibaki and Raila Odinga that laid the ground for the coalition during the election campaign in 2002 (cf. Ahner-Tönnis 2007: 5, TIK 2007: 4).

to the phenomenon that Nyong'o (2009) defines as "jobless growth" (Nyong'o 2009: 45) which occurred as a result of the "revival of collapsed enterprises accompanied by improved capacity utilization that has led to reinstatement of formerly dismissed personnel" (ibid.). Furthermore, the government had intended to both encourage small and medium enterprises and to make credit facilities available to the same in order to create jobs, but failed to do so (cf. ibid.).

Despite shortcomings, the successful implementation of the Free Primary Education (FPE) should be mentioned as an important achievement of the NARC government. FPE was reintroduced in 2003, followed by an increase of an estimated 1.5 million children in primary schools (cf. Bedi et al 2004: 10). The funds are provided by the government and development partners and cater for textbooks, stationery, science kits and other instructional materials. However, the lack of physical facilities, school furniture, equipment and teachers, among other things, constitutes a major challenge that has to be met.

Another area of concern is the high number of children who are still out of school due to a "combination of factors, including poverty, social problems, child labour, displacement, and lack of schools and teachers" (Bedi et al 2004: 11). Especially in informal settlements like Kibera the school attendance rate is very low due to the lack of facilities (cf. Oxfam 2003, cited in Bedi et al 2004: 11).

Thus, while significant steps towards Universal Education have been made, there are still difficulties in the implementation process that are also linked to the political system.

Therefore, despite the promise to change the political system, "from 2002 to 2007 not much was done, and in fact many have argued that the interest of fighting corruption, the interest of serious reforms dissipated, and focus was now on how to control each other" (Interview with Jonyo 2010), referring to the power- struggle between the NARC government and the opposition, led by Raila Odinga.

7.2.2. *Focus and achievements of the World Bank*

The focus and goals of the World Bank, as defined in the CAS, have been outlined in Chapter 6.1.2. However, the actual achievements and the way the actions or accomplishments of the government were regarded will now be discussed.

The progress report of the Bank's CAS, released in February 2007, assesses the Base-Case Triggers of the 2004 CAS. According to this report, "[p]rogress [was] made but a challenging period lies ahead" (World Bank 2007: 1). The four pillars of the Strategy for Kenya remained the same and were evaluated as follows:

- The report affirms an expanded capacity for budget execution and service delivery under the trigger area '**strengthening public sector management and accountability**' as well as a satisfactory macroeconomic framework with "progress in increasing public investment as share of total spending" (ibid: 7).
- The achievement of the goal of **reducing the cost of doing business and improving investment climate** was assisted in that the cost of transportation fell and financial intermediation deepened as "[d]omestic credit to private sector increased to 27.2 percent of GDP by the end of 2005 but deeper financial sector reforms have stalled" (ibid.)
- The implemented community-driven development approach is stated to be satisfactory as service delivery to targeted poor areas improved. This was to **reduce vulnerability and strengthen communities**.
- Connected to the proposed **investment in people**, the Bank Group welcomed the satisfactorily implemented FPE program.
- The Action plan for portfolio improvement was implemented for **Portfolio performance** (cf. ibid.)

Also with reference to the performance of the government in implementing the ERS the Bank group acknowledges the implemented comprehensive macroeconomic reforms in the areas of fiscal policy, infrastructure services and the financial sector, but also points at other structural reforms that have been delayed like the commercialization of water, the participation of the private sector in electricity generation, the concessioning of the Nairobi Urban Toll Road, the ongoing licensing

reform program and the privatization of public enterprises. Public sector management is perceived to have improved, though not enough (cf. *ibid*: 1f).

In connection to equity and poverty reduction the WB asserts that mixed results were produced by uneven implementation and that inequity remains a major concern. This assertion also applies to the goal of improved governance, since some reforms such as the strengthening of institutions to fight corruption and a critical reform of the police force were passed or envisioned, but barely implemented (cf. *ibid*: 3f).

A look at the arguments used to explain failed or half-heartedly implemented reforms reveals the premises of the GGA: failures are traced back to the patrimonial system and generally the malfunction of the governmental system, that is to say 'bad governance' (cf. *ibid*: i, 4ff). At the same time the strategy aims to advance the involvement of the government in promoting development and puts control of the proposed measures in the hands of the same.

However, as different interview-partners confirm, the focus of the WB remained on the area of economic reforms, which are perceived as fostering development for the poor. Despite this perception, those reforms merely benefited the economic and political elite and increased the divide within society (cf. Interview with Owuoché, Kieyah, Jonyo, Kiamba 2010).

7.2.3. *Position of Civil Society Organisations*

Within the discourse of GG, whereby the African governments perform 'badly', the Civil Society is perceived as an opposition to the political parties that should guarantee the accountability and preferred performance of the governments. Through the inclusion of different Civil Society organizations the WB and other international actors legitimize their programs and actions in that they claim to represent the views of the population.

However, as different experts on Kenyan politics affirm (cf. Interviews with Kiamba, Owuoché, Keyo), the Civil Society organizations that are being consulted by institutions like the WB and that participate in the formulation and implementation process, do not necessarily or rather rarely reflect the views of marginalized groups of society. On the contrary, their agenda and their suggested

solutions are influenced by these institutions and do not reflect the real needs or views of marginalized populations.

Despite this recognition that Civil Society Organizations do not necessarily reflect primarily the view of the people, since they are mutually interconnected with the 'global civil society' (cf. Ferguson 2007: 89ff), their view of the introduced policies will be outlined briefly. This presentation mainly builds on statements after the consultative group meetings in 2003 and 2005 of the World Bank, the Kenyan government and representatives of Civil Society organizations.

The civil society organizations "National Council of NGOs", "Action Aid Kenya" and the "Institute of Economic Affairs" were invited to the consultative group meeting in 2003 and delivered a statement about the reform process, the achievements of the NARC government and development partners, as well as suggestions for future relations and improvements (cf. Action Aid Kenya et. al 2003).

The report basically supports and approves the reforms suggested by the Kenyan government and development partners and recognizes the importance of 'Good Governance' and economic growth (cf. *ibid*: 1ff). On the other side it also stresses the significance of inter-social and inter-generational equity and the negative effects of liberalization and privatization that come along with the global structures of the market when implemented in countries like Kenya (cf. *ibid*: 7f). However, the critique does not go as far as challenging those structures, but calls for better international co-operation to achieve the MDGs. They go even further in encouraging the country to "lead from the front on all of these initiatives, whether it is in terms of good governance, economic development or deeper democracy" (*ibid*: 8). This shows the incorporation of the development discourse or rather the neoliberal premises inherent in the same in the argumentation of the organizations representing the Kenyan society: a global redistribution or questioning of the global power and allocation structures is not envisioned, and instead, continued use of these structures is supported by Civil Society Organisations, in order to gain as much as possible for their own country, regardless of the effects of the same for other countries and peoples.

In general it can be said that the invited representatives of the Civil Society emphasize more or less the same objectives that are advocated for by the

government and donor organizations, even though the focus lies more on the social implications of the same and how the emphasized measures can be implemented in a way that affects society even better. However, the underlying root causes are not addressed.

Almost the same applies to the Civil Society Position Statement at the Consultative Group Meeting in 2005 (cf. Action Aid Kenya 2005), even though it expresses a much more critical stance towards the NARC government and the donor community in connection to global power structures, as the following citation shows: “The neo-liberal economic prescriptions that are often conditionality for accessing ODA, has caused detrimental power relationship between rich and poor nations that have resulted in the developing countries sinking deeper into the abyss of poverty. Trade liberalisation, privatisation and deregulation have led to virtual take over of domestic trade regimes by large multinationals from developed countries” (Action Aid Kenya 2005: 3).

However, this international dimension of the development project in Kenya is not addressed in the report, which basically consists of a critique on the GoK and suggestions for the same. The focus lies merely on inequality, since “Kenya’s economic growth fortunes continue to benefit a small categorie (sic!) of citizens, regions, gender groups that are closer to the centers of power. Kenya being one of the most unequal nations on earth, we are concerned that regional imbalances in resource allocation continue to be the norm” (ibid.: 4). Focus is also placed on other reforms such as anti-corruption measures, the delayed constitutional review, and the overall disapproval of governance reforms of the GoK (cf. ibid.: 5ff).

Therefore it can be said that the CS statement in 2005 is more critical than the previous statement in that it goes further in recognizing and addressing the international dimension in respect to power structures and negative effects of the proposed macro-economic reforms, and also takes a more critical stance towards the performance of the Kenyan government. Nevertheless, the statement of 2005 places its main focus on the aforementioned performance and leaves out the interrelation between the latter and the international community, as well as the power of discourses. Alternative accounts or calls for a fundamental change are not mentioned or advocated in the report.

7.3. *Effects on society*

The outlined reforms and areas of attention of both the Kenyan government and the World Bank highly influenced the conditions and quality of life of the peoples of Kenya, although in different ways, according to their status or position. In the following section, the consequences of the implemented reforms on marginalized groups, which constitute the majority of Kenyans and which were mainly involved in the execution of the PEV, will be shown.

The opening up of political space was one factor that the NARC regime was congratulated for. The expectations in this respect, and also in respect to the general change of political affairs, rose significantly and led to the feeling of betrayal and disappointment when the change failed to appear. However, independent researchers are questioning the opening of the political space: “in as far as free expression is concerned the regime has shown that it cannot stand criticism. This has happened in regard to the treatment of journalists as well as civil society activists who have dared organise public actions against certain excesses. [...] [T]here is a clearly frightening lack of consistency in allowing the use of this space by different voices in society. Entrenching a culture of human rights demands that Kenyans be allowed to freely express themselves, but more than this, that their concerns be accorded more than fleeting consideration” (Ambani et. al 2005: 33).

Another major characteristic in Kenyan society that President Kibaki promised to eliminate or at least reduce is the tremendous inequality. This disparity in the living conditions can be regarded as precondition for further social policies as well as an outcome of previous reforms. Inequality “is projected through income distribution trends, access to social amenities such as clean drinking water, good housing, clothing, entertainment/ leisure and health” (Nyong’o 2009: 42). As was outlined in the Civil Society statement cited above this inequality did not diminish during the incumbency of President Kibaki, but became even more apparent and was increased. An example of the same is the “difference in life expectancy between Central and Nyanza provinces [that] is a staggering 19 years” (ibid.). Another example is expressed in the World Development report: “Kenya is [...] one of the most unequal countries in the world with a Gini index of 44.5. The top 10% richest households are estimated to earn [47%] of overall income while the poorest 10% earned only

[1.8]%" (World Development report 2000/ 2001, cited in Government of Kenya 2003: 2).

Inequalities can also be observed in terms of the generational divide: "Overall, the population aged below 20 [years] accounts for 56 per cent of the total. Moreover, this age group is disproportionately represented amongst the poor (58.9% compared to 52.8% of the non-poor)" (ibid.). This comes along with the high unemployment rate of 40% (cf. index mundi 2008: w.p.) resulting from the introduced reforms and consequently the need to engage in the informal sector that is more insecure and does not offer security and stability.

7.4. *Referendum 2005*

The referendum on 21st November 2005 on the draft constitution, presented by the NARC government, is considered as a precursor to the matters on which the election campaign in 2007 was based, that is, as one Interview- partner puts it, the 'balkanization' of the country into two fronts: those who supported the document and those who opposed the document" (Interview with Keyo). Nevertheless, this balkanization derived from the feeling of betrayal of the NARC government in respect of the fight against corruption, the dismissal of the MoU, the failure to create jobs and reduce inequality, etc. (cf. Interview with Jonyo) (see also Chapter 9.2.1.). Therefore, "[i]n retrospect, it emerged that the referendum was more on the performance of President Kibaki and his government than on the merits and demerits of the draft constitution" (TIK 2007: 2).

This shows that the mere economic growth that could be witnessed during the NARC rule and that was praised by the international community, above all by the World Bank, was not perceived by Kenyans as an achievement for all, but rather for a few who profited from it. Therefore, while it appeared that "the people of Kenya said that the document is not legitimate, it did not represent their interests and they needed a new one" (Nyamwamu, cited in TIK 2005: 4), it was in fact dissatisfaction with the government which led to the rejection of the constitution, since the GoK was in favour of the draft constitution. However, the process of the peaceful referendum with a very high turn-out and the acceptance by the ruling party of the

outcome was described as a further consolidation of democracy in the country (cf. Mati, cited in TIK 2005: 2f).

On the other side it has also “resulted in the ‘institutionalization of national division’. It has divided and polarized the country and has had a very massive effect on governance in the country, because government operations can’t go on as before” (Nyamwamu, cited in TIK 2005: 4) as the cabinet was sacked after the announcement of the result.

These matters have to be considered when looking at the underlying root causes for the PEV in 2007 and 2008 in Kenya: the high expectations that accompanied the coming into power of the NARC regime in 2002 could not be met, which led to feelings of frustrations and betrayal. These were used to split the society into two fronts and deepened the rivalry between different groups that exploded in PEV at the end of 2007 and early 2008. The emergence and underlying root causes will be elaborated on in the following chapter.

8. Post- Election-Violence 2007/ 2008

This chapter will give an overview of the emergence of Post- Election Violence in 2007/ 2008 in Kenya. After the presentation of this recent occurrence the historical background shall be outlined in order to acknowledge the historical implications of past issues. However, a short overview of the same will be enough, since most of the happenings have already been analysed in the previous chapters.

This outline will be complemented with a short summary of the factors considered as causes for the PEV as outlined in the Waki- Report, although negative ethnicity does not play a crucial role within this presentation. Due to the fact that different independent analysts see negative ethnicity as one of the main factors contributing to the PEV, this implication will also be mentioned, as will the wider theoretical discussion regarding PEV.

8.1. *Emergence*

On 30 December 2007 the incumbent President Mwai Kibaki was announced as the winner of the presidential election in Kenya. Claims that the Electoral Commission of Kenya (ECK) had rigged the election were followed by weeks of “protest riots, repression by security forces and revenge killings by supporters of both camps” (International Crisis Group 2008: 1). The political, security and humanitarian crisis after the proclamation of the contested result caused over 1.000 deaths and more than 300,000 internally displaced persons (IDPs).

The reports of the CIPEV and IREC, as well as other independent analysts like Roberts (2009), Gibson and Long (2009), Lafargue (ed.) (2008) and the exhibition and book “Kenya burning”, containing photographs taken during the violence that was published jointly by the Godown Arts Centre and Kwani Trust (2009) illustrate the cruel and shocking events that followed the pronouncement of the election result: the regional disparities of the violence, the involvement of different actors such as inhabitants of certain areas, security forces, the media as well as influential

politicians and business people. However, a detailed portrayal of the occurrence of violence and destruction cannot be undertaken here, since the main emphasis lies on the root-causes that made the skirmishes possible in the first place.

The presidential election was a close contest between the leader of the Party of National Unity (PNU) Mwai Kibaki and the opposition party's Orange Democratic Movement (ODM) Raila Odinga, with the third candidate Musyoka Kilonzo being far behind.

After weeks of negotiations during the violence (at the end led by the former United Nations Secretary General Kofi Annan) after the announcement of Mwai Kibaki as the winner of the presidential election and inauguration into office of the same, Mwai Kibaki and Raila Odinga signed a power sharing deal on 28 February 2008 followed by the enactment of the National Accord and Reconciliation Bill creating the post of the Prime Minister (GoK 2008) that was consequently assigned to Raila Odinga.

On 4th March 2008 the parties agreed to form two commissions: the Independent Review Committee (IREC) and the Commission of Inquiry on Post- Election Violence (CIPEV). The non-judicial bodies were appointed by the President and agreed upon by the two parties (the PNU and the ODM). Their task was to investigate different aspects of the post- election crisis: IREC created a report about the electoral process and recommendations for further improvements, whereas the CIPEV had to investigate the facts and surrounding circumstances of the violence and make recommendations to prevent the outbreak of such occurrences in future (cf. Dialogue Africa Foundation 2009: viii).

The following presentation of the Post-Election Violence (PEV) will mainly rely on these reports, even though some members of the ODM and the population claim the findings contain incurable errors and contradict the constitution (cf. Mugonyi 2008: w.p.) (although these allegations could be led by the fear of being persecuted due to the investigations and findings of the reports) or instead regard them as influenced by the government and therefore not independent (BBC News 2008: w.p.). However, the reports form part of the way national politics, actions and modes of interpretation are perceived and are therefore crucial for the following analysis.

8.2. Background

As the analysis will show, the post-election crisis should be placed in the wider context, including the historical background, international actors and the economic and political situation. Special attention should also be paid to the theoretical discussion about democratisation, agency, development, international relations, economic liberalisation etc. and how it affects the practical implementation of policies.

However, to fully grasp and understand current events it is necessary to present a basic historical background. Therefore, a brief overview will be given on past events that still influence present occurrences and actions, partly constituting a replication or rather summary of the previous analysis:

In May 1963 Mzee Jomo Kenyatta from the Kenya African National Union (KANU) was elected Prime Minister of Kenya and became the first Kenyan President after the country achieved independence from British colonial rule in December 1963 (cf. Ogot 1995: 75ff). However, the attainment of independence did not entail the realisation of the long-term goals of the nationalists, but rather the implementation of a “‘neo-colonial’ state in economic, political and cultural fields” (Ochieng’, Atieno- Odhiambo 1995: xiii): emphasis was focused on economic growth rather than redistribution, based on continuing ties with major Western industrial nations, especially Britain. Through foreign aid and investment, external investors and multinational corporations highly influenced the Kenyan economy and countervailed aspirations by the society to alter inequalities. Also, policies to Africanize the economic sector only led to the replacement of a few Europeans, but were not able to fundamentally challenge the structure of the former colonial economy and the fact that Kenya is highly open and vulnerable to external factors (cf. Ochieng 1995: 85, 90).

Politically Kenya soon became a one-party- state, after Kenyatta had managed to eliminate “major enemies and headaches” (Ochieng 1995: 102). The omnipotent power of the President and his allies can be demonstrated by the revised constitution, which was changed 16 times within the 15 years of Kenyatta’s rule to increase his power and undermine laws to protect individuals and their human rights (cf. Föllner 2009: 2, Ochieng 1995: 107).

The former Presidents Jomo Kenyatta (1963- 1978) and Daniel arap Moi (1978-2002) and also to a certain extent the incumbent President Mwai Kibaki (2002 to date) are described as personal rulers, although the role of ODA and the way it is distributed, namely through private enterprises connected to political leaders, has to be considered, as has been outlined previously. However, this connection often remains invisible and goes unquestioned, which leads to the conclusion that even though a change towards a more devoted examination of constitutional issues since the 1990s can be noticed from the side of the Kenyan government, the failed constitution process, for example, shows the unwillingness to decentralise power and to obey to the demands of society (cf. Kimenyi 2006, Kimenyi and Shughart 2008).

Apart from the aforementioned mostly negative aspects of Kenyatta's rule, improvements should also be considered, for example the peaceful ending of racial segregation and the expansion of health and education services, even though these were highly influenced by or rather inherited from the colonial state (cf. Maxon 1995: 143f).

After Kenyatta's death in 1978 the then Vice President Daniel arap Moi was inaugurated as acting President. He continued Kenyatta's policies, promising to follow the philosophy of *nyanyoism*¹¹, whereby Moi undertook to implement social, economic and political reforms without discontinuity to the previous regime (Ogot 1995b: 192).

Due to the capitalist and pro- Western alignment of the Moi regime, Kenya was a trusted ally and among the top five recipients of Official Development Aid (ODA) in the region. On the other side, "human rights abuses and restricted political opportunities in Kenya seemed relatively unimportant to donors, as did the increase in corruption and state repression that occurred" (Brown 2007: 305).

Only after the disappearance of the cold war did domestic political arrangements start to play an important role in the development discourse of the donors, in contrast to the early post-colonial era, during which "pro-Western authoritarian regimes had long been praised for their allegedly higher rates of capitalist-oriented economic growth and superior potential for eventual democratisation" (Brown 2007: 301).

¹¹ 'Nyayo' is a Kiswahili word meaning 'footsteps'

The Good Governance Agenda also emerged at this time and a return to multi- party democracy could be witnessed on the African continent. In Kenya a multi- party system was reintroduced in 1990 and elections were held in 1992. Conventional accounts locate the reasons for democratisation within the continent, whereas external factors are downplayed as inspirational and supportive.

The movements leading to the democratisation process in Kenya were very heterogeneous in their composition and vision of democracy. With this in mind it becomes evident that the achieved or promoted democracy was not a victory for all, but only for those who gained from the liberal conceptualisation of democracy and, connected to this, the continued economic liberalisation: the elite and the middle class, as well as donors and creditors (cf. Abrahamsen 2000: 110).

The case of Kenya shows the strong influence of donor agencies and policies on domestic democratisation processes: the former President of Kenya Daniel arap Moi's (1978- 2002) decision to reintroduce multi-party elections was affected, on the one side, by the negative effects of the SAPs introduced in 1986, which led to the deterioration of living conditions and therefore undermined the support of the elite and society which is necessary in a fundamentally neo- patrimonial system and, on the other side, by the cutting of aid and threats to cut aid if democratic rights were not respected (cf. Brown 2007: 305ff; Cherotich w.y.: 26f). These demands were expressed during the aforementioned wake of democratisation and the Good Governance Agenda.

The existing democracy movement was led by the economic and political elite, which marginalised the calls for redistribution in favour of an increase of their own power. This elite emerged during the colonial era with the support of the colonial rulers and again manifested their power and supremacy through the legitimisation of their rule as democratic, assisted by but also accountable to the international community (later in connection to the Good Governance Agenda) which determined and defined acceptable neo-liberal policies that were necessary to earn recognition (cf. Ogot 1995a: 240). This came along with the persisting personalisation of rule and the instrumentalisation of ethnicity, in order to stay in power and enjoy the benefits associated with political power.

The focus on ethnicity was consolidated during colonial times through economic and political favouritism of specific groups and manifested in the post- colonial era.

The multi- party election in 1992 demonstrated the government's pursuit of ethnic politics, the suspicion created within the opposition parties, pushing them into ethnic groups and the view of both the ruling party and the opposition that a winning coalition does not merely rely on programs and ideas, but on connections with the correct groups (cf. Muigai 1995: 191).

Despite the holding of multi-party elections President Moi was able to stay in power, since external pressure largely declined between elections, concentrating on economic reform. This led to the perception that "[t]his focus away from politics allowed the regime to act with relative impunity on a number of non-economic issues. As a result, donors wound up helping to keep Moi and his party in power" (Brown 2007: 313).

Therefore, the democratic system formed during the 1990s did not benefit the majority of the population and instead favoured mainly the elite, middle class and international community. Since Kenya is a very unequal society it can be said that a big part of the society is disadvantaged by the political system because of the economic orientation, the higher risks connected to the personal rule and the preferential treatment of certain groups. Yet the donor community is in favour of economic liberalisation, which is perpetuated by the Big Man. However, positive effects of the economic orientation and the political system, especially through the opening of political culture with the inauguration of President Kibaki, shall not be left out, partly because they also played a role in the emergence of the PEV in that they too favoured certain groups and areas (cf. Kiamba 2010).

The transition from the KANU and its leader Daniel Arap Moi to the National Rainbow Alliance (NARC), led by Mwai Kibaki, in the course of the elections in 2002 is seen as "one of the most significant political changes since independence" (Närman 2003: 343). However, Kibaki was one of the longest-serving ministers under Kenyatta and Moi, as well as other NARC MPs who previously served the KANU. Other indications that the Kibaki regime would not entail a clear break from the previous government were the continuation of corrupt affairs (cf. Närman 2003: 343; Brown 2007: 322f), the failure to respect the promise to install the post of prime minister to decentralise power, as agreed in the unofficial Memorandum of Understanding during the election campaign, and the failed creation of a

constitution, followed by the rejection of the proposed constitution during the referendum in 2005.

The general election in 2007 was therefore expected to be an important factor in the further consolidation or rather implementation of “democracy” and, as emphasised at least during the election campaign, was expected to lead to a more devoted examination of inequality and marginalization.

This short overview of the historical background of the political landscape and the main characteristics of the political system of Kenya as well as the previous analysis was intended to illustrate the context within which the PEV emerged: the shift to multi-party politics in Kenya had been influenced and determined by international actors who encouraged continued economic liberalisation. On the other hand characteristics favouring neo-patrimonialism, politicising of ethnicity, unequal distribution of wealth and power, negative effects of economic liberalisation and deteriorating living standards etc. were not addressed. Therefore, the political arena and possible methods of interpretation and action have to be considered when analysing the factors considered as causes for PEV, which will be illustrated in the next part.

8.3. Causes

Perhaps the most comprehensive report investigating PEV was released by the Commission of Inquiry into Post-Election Violence (CIPEV) set up by the Kenyan government, which delivered the Waki- Report on 15th October 2008 (referred to as the Waki- Report because of the head of the Commission, Justice Philip Waki). Not only the Kenyan government, but many independent researchers as well came up with interesting presentations on the political system, its impact on society, the historical background, matters of ethnicity and tribalism, etc. (cf. Anangwe 2009, Bratton and Kimenyi 2008, Chege 2008, Cherotich 2009, Elischer 2008, Kimenyi 2008, Kimenyi and Romero 2008, Kimenyi and Ndung'u 2008 among others).

Nevertheless, the following presentation mainly builds on the report of the CIPEV, since it is perceived as the most inclusive and far-reaching report about the violence

and fits the overall discussion and perception that the crisis can and should be analysed and solved on the national level.

In the following section, the major findings of the commission on the causes for the violent reaction to the contested result of the presidential election will be presented and subsequently placed in the wider context of the Good Governance Agenda.

8.3.1. *The use of political violence*

The Waki-Report shows the legacy of political violence within the colonial state, which played a major role during the Kenyatta and Moi era and still persists to date. Political violence in this regard means the exercise of power by the government including political harassment, various types of repression, detention without trial, etc. Due to different reasons political violence increased under the rule of Kenya's second President Daniel arap Moi: policies aimed at diminishing the power and wealth of the larger ethnic groups like the Kikuyu and the Luo, and increasing access to resources and good positions within the public sector and the military for members of smaller ethnic groups, mainly members of his own community, the Kalenjin, led to increasing opposition. Consequently political oppression was increased to remain in power.

Following the increased opposition from the opposition movement, civil society and international organisations, the then President Moi very reluctantly agreed to the re-establishment of the multi-party system in 1991. He presided over two multi-party elections, in 1992 and 1997, during which violence became standardised during presidential and parliamentary elections in order to stay in power. The fact that those involved in the planning of the violence and destruction, as found by reports of several organisations, were never punished or held responsible, led to a culture of impunity that still persists.

These reports state that violence during elections was planned by politicians to stay in power and executed by youths and gangs in response to promises from different politicians. Consequently gangs like Mungiki, Taliban, Chinkororo, Kamjeshi and Baghdad Boys grew and their influence increased within a political landscape using and tolerating extra-state violence (cf. CIPEV 2008: 24ff).

As the report notes “[v]iolence trickled down into daily life and the State no longer commanded the monopoly of force it once had in a previous era. [...] Once the Government itself used both its own and extra state violence for partisan political ends, it lost its legitimacy, was not seen as dispassionate, and consequently has been unable to maintain peace and security or to reform itself” (ibid.: 27f).

8.3.2. *The Personalisation of Presidential Power and the deliberate weakening of Public Institutions*

The power within the government was personalised around the presidency and this was increased through amendments of the constitution by every president since independence. Rules and laws perceived as being in the way have either been changed or ignored, leading to scandals like Anglo-leasing¹². Therefore, “irrespective of the laws, the executive arm of government determines what happens. Hence, the State is not seen as neutral but as the preserve of those in power” (ibid.: 2008).

Consequences are as follows:

- This sense of lawlessness has led to a perception of government institutions and officials as lacking integrity and autonomy. Also during the election in 2007 institutions were not seen as impartial and objective but as lacking integrity and not independent of the presidency and therefore unable to conduct the election fairly. On the other side history has taught members of the provincial administration and police that it is, at times, more important for their personal survival to obey to the “directives or inclinations of either the President or MPs in their areas rather than to uphold the law” (ibid.: 29).
- The perception on the side of the public that the presidency comes along with benefits and better access to resources and power is connected to the belief that this will have a positive impact for the members of the president’s community. The run for political power is therefore being described as a zero-sum- game, with politicians doing everything to gain and keep power.

¹² Anglo Leasing and Finance Limited (ALFL) was given contracts by the government at commercially exorbitant rates. The widespread fraud through non-delivery and overpricing was made public in early 2004 (cf. Taylor 2006: 294, Timamy 2005: 390)

Fears of their communities' loss of benefits and possibly land, jobs and entitlements if another community comes to power are used and exploited to mobilise violence.

- Prior to the elections in 2002, when Mwai Kibaki came to power, the then opposition coalition agreed on an informal Memorandum of Understanding (MoU) with the post of Prime Minister being established in order to reduce the power of the President. However, once elected, Kibaki rejected the MoU and instead proposed a draft constitution, which did not include diffusions of power. As advocated by Raila Odinga and his group, the public rejected this draft constitution during a referendum in 2005. Odinga and his group left the NARC coalition government, blaming the government for pursuing ethnic policies and for having broken the promise to diffuse power. Therefore tensions increased and much was at stake in winning the election in 2007 (cf. *ibid.*: 28ff).

The Waki-Report therefore states that PEV can partly be seen as the failure of President Mwai Kibaki and his first government “to exert political control over the country or to maintain sufficient legitimacy as would have allowed a civilised contest with him at the polls to be possible. Kibaki’s regime failed to unite the country, and allowed feelings of marginalization to fester” (*ibid.*: 30).

8.3.3. *Land and inequality*

Kenya is divided into 8 provinces and consists of 42 ethnic groups. Even though marginalization and inequality is often perceived in ethno- geographic terms, disparities are often wider between members of an ethnic group than between ethnic groups and geographic areas. Studies have also shown that inequality and a variety of ethnic groups do not per se explain ethnic violence, even though it can be an issue.

The constitution allows every individual to own land in any area, since no area belongs to an ethnic group. However, the preference to acquire land in ethnically homogeneous areas persists and leads to the notions of ‘insiders’ and ‘outsiders’. It also interferes with the “balance between group interests and the rights of individuals as entrenched in the Constitution” (*ibid.*: 31).

Another major problem is gross corruption in the acquisition, registration, and administration of land matters. The Ndungu-Report (Republic of Kenya 2004) disclosed the illegal and irregular allocation of public land to reward “politically correct individuals” (Republic of Kenya 2004: 14) during the 1980s and 1990s. The Report’s recommendations were never implemented, leading to a sense of frustration. Consequently, individuals were encouraged to take land issues into their own hands and even resolve them violently. Furthermore, politicians took advantage of the issue to generate support.

The Waki-Report states that the perception of the Kalenjins, that the violence prior to the election in 1990 and the PEV in 2007 was a product of longstanding anger over land distribution following independence, contradicts the findings of the Akiwumi Report and the Waki Report. These reports point at the peaceful coexistence of ethnic groups for many years until the advent of multi-party democracy. Even though land played a role in the increasing violence connected to elections after the 1990s, the main issue was the desire for political power.

However, there was corruption in the misallocation of land that has to be addressed. Also the fact that some communities have done better than others should not be forgotten. It led to a sentiment of powerlessness and resentment often manipulated by politicians. Furthermore, a growing number of urban poor are not landowners. Therefore, the perception of Kenya as almost exclusively agrarian and affected by land issues is misleading (cf. CIPEV 2008: 30ff).

8.3.4. *Unemployed youth*

The CIPEV estimates the number of unemployed youths to be as high as two million; furthermore the number of street children increased by 300% between 1992 and 1996. The Report states that the “combination of being rootless, having survived amidst violence [connected to elections], plus their need for an identity and a livelihood makes them ready recruits for violent gangs, which exist all over Kenya and are tapped by politicians, particularly but not exclusively during elections” (ibid.: 33).

Additionally, unemployment among youths with a university education is rising.

Unemployed youths were recruited into violent gangs along ethnic lines, and the gangs' power increased due to the failure of the government to provide services such as infrastructure, social services and security. Instead the government used funds to mobilise political support to back up its power.

Meanwhile, the government was unable to deal with the increase of gangs for different reasons:

- Many politicians themselves needed and used the gangs for their own interests;
- By the time the government tried to ban the gangs they had become so big and influential that they disobeyed the ban;
- Security forces including the police were also targets of the gangs that led to excessive and ineffective violence against them.

Apart from this, the fact that security forces (the military as well as the police) were hired along ethnic lines led to the assumption that in times of crisis, ethnically organised gangs could be trusted more than the responsible forces, whose loyalty may not be guaranteed (cf. *ibid.*: 33ff).

However, the Report does not detract from the interconnection between the growth of violent gangs and “weak institution, ethnic polarisation, and the willingness of the political class to hire gangs to engage in violence to obtain political power” (*ibid.*: 35).

8.4. *Negative ethnicity*

Kenyan politics is to a great extent organised and operated along ethnic lines. The foundation for this perceived loyalism to a person's own ethnic community, and the perception in society that the power of a member of their own group would automatically benefit the whole community, was laid during colonial rule and became increasingly apparent during the administrations of Mzee Jomo Kenyatta and Daniel arap Moi.

Koigi wa Wamwere¹³ draws these underlying premises in Kenyan politics back to the curse of negative ethnicity, which, according to him, ”manifests itself when we

¹³ Koigi wa Wamwere is a Kenyan politician, human rights activist, journalist and writer

begin to imagine that we are superior to others because our religion, food, language, songs, culture, or even looks are better. Assumed ethnic superiority leads to negative ethnicity in many people, from Kenya to Nigeria to South Africa” (Wamwere 2008: 97). Reports from different actors and newspapers also explained the violence by following Wamwere’s line of argument, namely that the skirmishes emerged due to hatred resulting from the feeling of superiority between the different ethnic communities which was also instigated during the election campaign and after the announcement of the allegedly manipulated result. However, such a presentation reduces the Kenyan voter to her/ his ethnic identity and does not take into account personal interests and preferences influencing the voters’ decision (cf. Bratton, Kimenyi 2008; Kimenyi, Romero 2008; Erdmann 2007) and, in regard to the PEV, neglects class differences between the ethnic communities.

This is not to deny that negative ethnicity plays a crucial role within Kenyan politics and that the violence erupted to a great extent between the respective ethnic allies of the two main Presidential candidates Mwai Kibaki and Raila Odinga. Ethnicity played and plays an important role in the formation of political parties (cf. Elischer 2008) and election campaigns, and fuelled violence in connection to elections in the past as well as after the election in 2007 (cf. Klopp 2001), in many occasions directly or indirectly aggravated by political leaders. Negative ethnicity has the potential to become a hugely influential variable in politics, and arises from daily life for 2 reasons: “Firstly, in their continued rivalry with members of other communities over jobs, land, business opportunities and other resources, millions of Kenyans don’t see negative ethnicity as an enemy. They see it as a friend and an ally against their ethnic rivals or enemies. On embracing, they propagate it actively, but secretly. Secondly, having adopted the tribe as their first domicile and identity, millions of Kenyans are no longer convinced they need Kenya as much as they need their tribes. In their political lives, the tribe comes first and Kenya second. And when the two clash over loyalty, we pick the tribe. The tribe has thus killed Kenya” (Wamwere 2008: 12).

This curse of negative ethnicity and the connected consequences play a role in daily life as well as during elections. As Atieno Odhiambo illustrates, this phenomenon is perceived within two simultaneous discourses in Kenya: “tribalism as a lived reality or a practice of daily life, and ethnicity as a generic topic by the academy. The two

terms may refer to the same epiphenomenon, but they do not necessarily bear the same meaning. While for the academy, ethnicity may be a distant ‘dazzling, and ambiguous category, at once descriptive and value-normative’ (Lentiz 1995, 304), Kenyans do not speak of ethnicity in their offices, on public platforms, or in whispers along the streets. They talk and think about tribalism as the regular experience of their everyday lives, in its many enabling capacities, its incapacitating impediments upon the hopes of individuals, and its blocking opportunities for whole communities. They use tribalism as a practical vocabulary of politics and social movements” (Odhiambo, cited in Wamwere 2008: 96).

However, these presentations regard negative ethnicity as a national problem and challenge, and neglect other influences, as the briefly introduced link between the working of development aid and personal rule has shown.

Later, the eruption of such destructive violence was only possible in connection with the factors pointed out above: the personalisation of presidential power and weak institutions, the use of political violence, land and inequality and the high number of unemployed youths. Therefore, negative ethnicity does play an important role within the political system and the analysis of the PEV, but other factors must also be put into consideration in order to acknowledge the active role of the different individuals and to show the interconnection between life conditions and discourses, also influenced by international standards and policies, and the decision- making process during elections and consequently the possibility of such skirmishes occurring.

Accordingly, negative ethnicity as well as the factors pointed out in the Waki-Report, will be analysed in connection to other factors, rejecting the notion of reducing explanations to a simplified version of circumstances.

8.5. *Theoretical approach towards PEV*

The Commission of Inquiry into PEV mainly addresses domestic factors as having led to the PEV. It takes into account multiple reasons and explanations such as the historical context, political events in the past and present, constitutional issues, social factors like living situations and perspectives of the society, etc.

It therefore fits into the prominent perception of the state as hindering and curtailing development and democracy and the civil society as demarcated from the state (cf. Ferguson 2006: 90ff). Even though unemployed youths and gangs are seen as contributing factors within the analysis, solutions and necessary measures, according to the report, are mainly to be located at the political level.

However, this explanation and interpretation leaves out important factors like the discourse of the GGA and the practical implementation of the same. According to the GGA the international community is regarded as fostering democracy and development through policies to improve governmental issues and the empowerment of the civil society. However, negative or contradictory effects are not mentioned or discussed, as the report of the CIPEV shows.

Efforts of social scientists to analyse and explain the Post-Election violence in Kenya can be mainly grouped into two differing views: The ‘pessimists’ regard the crisis as an affirmation that democracy has not yet been established, and some even contest whether the pre-conditions for democracy exist (cf. Chua 2004, Collier 2009, Carothers 2007, Mansfield and Snyder 2007). On the other side there is the ‘optimistic view’ that the crisis can be resolved if the root causes are understood, contextualised and remedied (cf. Branch and Cheeseman 2009, cf. Anangwe 2009: 2).

However, both views regard ‘democratisation’ and (implicitly) ‘Good Governance’ as a way out, or rather the goal to be achieved in order to avoid such incidents in the future.

The approach in this paper will be different in that it will point out how the practical implementation of the GGA influenced Kenyan national politics. The focus will lie on the effects on the factors considered as causes for PEV as defined in the Waki-Report.

9. Causes for Post- Election Violence reconsidered

The above analysis has revealed the impact of discourses and attributed actions by donor organizations, specifically the World Bank, on Kenyan national politics: not only did the withdrawal of aid lead to the reintroduction of multi-party elections in 1992, but subsequent reforms were also directed towards ‘Good Governance’ and democratization. However, the new focus still implied and reinforced the neoliberal strategies followed in the period of the Structural Adjustment Programs and generally did not lead to a political system that favours the ‘poor’ and reduces inequality, but to a situation that can be described as a continuation of the previous system based on a small political and economic elite. At the same time the international structures of the market and the way ODA is channeled remained the same.

In the following section, the causes for PEV outlined in the Waki- report and cited in chapters 8.3 and 8.4. will be put in the context of the above analysis, in order to acknowledge the impact of the named factors and broaden the area of inquiry. The factors are interrelated and cannot be separated completely. However, to keep better track of the points and arguments they will be analyzed as described in the report and outlined above.

9.1. *Neo-Patrimonialism and negative ethnicity*→ reconsidered

Negative ethnicity, and the perception that a leader of one’s own ethnic community would have positive effects for the members of the community and is necessary to push forward ‘development’ of certain regions, doubtlessly fuelled the violence and demarcated the lines along which the fighting erupted. Hence the concentration of power on the President in connection to the favouritism of certain communities counts as one major cause and simultaneously as the conflict line (in that it

manifested associations of ethnic communities joined and hardened during the election campaign) for and during the PEV.

A critique on this presentation, specifically the theory of neo-patrimonialism, has been outlined in chapter 4.4.4.: instead of blaming the phenomenon of personal rule and the attributed distribution of resources to certain groups on traditions and ‘African problems’, Hauck (2009) expands the argument in that he points at the wider macro-economic ties and limitations encountered by the political and economic elite. He argues that the global structures of the market leave the local elite with little choice other than to fall back on political connections.

A look at the contracts given out by the World Bank shows that most of the executive performers are private enterprises (cf. World Bank 2010: w.p) and hereby proves the above-mentioned critique: ODA funds, in this case from the World Bank, are channeled through private firms, and for that reason increase the ability of local government to reward members of associated communities and sustain personal ties.

However, the factors pointed out in the Waki-Report were necessary to make the violence possible in the first place, and, on the other side, also promote negative ethnicity.

Subsequently, these factors will be placed in the context of the previous analysis to complete the comprehensive research on the impact of the Good Governance agenda and its implementation by the World Bank in Kenya.

9.2. *The use of political violence → reconsidered*

The historical background is very important when referring to the use of political violence in Kenya and has to be considered. Even though political violence, as defined above, had already emerged during colonial times and was manifested under the regime of Jomo Kenyatta upon independence, the SAPs allowed the then President Moi to “initiate and sustain a ‘politricks of reform’ that attenuated donors, facilitated further aid flows and at the same time allowed him to intensify internal abuse” (Murunga 2007: 276ff). Further, the SAPs increased the level of extra-state violence and repression, in that the negative effects of the SAPs undermined the

legitimacy of the government and made repression necessary for President Moi to stay in power.

Also during the NARC regime the proposed reform of the police force never took place (cf. Interview with Jonyo 2010) and even though authoritarianism declined drastically after 2002 the promised reforms were not implemented and this increased the sense of betrayal and disappointment within society. At the same time, freedom of the opposition and other critical voices was denied on several occasions, probably by the government (cf. Ambani et. al 2005: 1ff).

The World Bank did not question or challenge this continuing use of political violence in Kenya. As different interview partners stated (cf. Interview with Kiamba, Jonyo, Kieyah), the focus of the WB lay mainly on economic reforms and it saw political changes as a means of achieving those reforms. However, this did not entail a break with past policies, and also in addition the political reform process was not followed as such, apart from suggestions and promises. Therefore it can be said that the WB helped to increase the expectations and hopes of society for a more inclusive and participatory process in respect to suggested reforms as well as in the political sphere, but did not fulfill them. It only included some Civil Society Organizations that conform to their way of thinking, while blaming failures or negative effects of reforms on the political elite. This put pressure on the national government, which sometimes controlled society through oppression of critical stances until this culminated in the PEV, with the police force playing a major role in the destruction of lives and property.

At the same time, the actual deterioration of living conditions in the 1980s and 1990s for youths, along with frustration in relation to unfulfilled promises, can be regarded as one factor leading many to join gangs that were supported and needed by different groups, including the government.

9.3. *Personalization of Presidential Power and Deliberate Weakening of Public Institutions → reconsidered*

SAPs favoured or at least did not challenge authoritarianism and deepened the personalized rule of former President Moi. The GGA criticized this system and blamed it for bad performance and declining economic growth. However, the international structures of the market, contracts in the area of development aid as the only possibility for the national elite to engage in business and consequently the need to build up personal ties with government officials favoured Big Man rule, as Hauck (2009) has pointed out and as was approved in chapter 9.1.

Therefore, even though the WB forced Moi to reintroduce multi-party elections and applauded President Kibaki for promising to implement far-reaching political reforms, the underlying structures that made the neo-patrimonial system possible were not questioned. On the contrary, the WB focused mainly on macro-economic reforms that did not take the needs of marginalized groups into account.

Despite the recognition that there were delays in the institutionalization of the promised reforms, and the growing dissatisfaction of society, the WB did not profoundly disapprove the Kenyan government, but always referred to the astonishing economic growth. In this respect one should inquire “[w]hat, for instance, is the implication of the president of Kenya, Mwai Kibaki, being the landlord of the World Bank Country Director, Mr Makthar Diop” (Murunga 2007: 296) and then of preceding Country Director Colin Bruce. This good relationship and the actuality, that economic orientation is more important than political performance, can be extracted from the fact that Colin Bruce was the first to congratulate Mwai Kibaki for winning the election, referring to a UN- report that never existed (cf. Wallis, Holman, Guba 2008a and b: w.p.).

It can be argued that the WB, as the “most influential of the multilateral agencies in anchoring donor support” (Wallis, Holman, Guba 2008b: o. S.) in Kenya made the continued personalization of the presidency and, connected to this, the deliberate weakening of public institutions, possible and helped President Kibaki to rule as Big Man. This results from the view that the role of ‘Good Governance’ is to foster economic growth, and is not a goal per se. This neo-liberal understanding of

Governance aims to increase economic growth, which is given higher priority than political reforms and performance. Decentralization, redistribution, diffusion of power, equity etc. do not constitute a main concern in this conception.

9.4. *Land and Inequality → reconsidered*

According to the Waki- Report land was not a serious issue as such, but was politicised to gain power and then stay in power. The aforementioned way of getting into, staying in and exercising power applies here as well, i.e. the question is whether the implementation of the GGA helped to manifest a political culture supporting or necessitating personal rule and, connected to it, the favouritism of certain groups/ areas.

According to the Waki- Report, some communities have done better than others (cf. Waki Report 2008: 30). However, inequalities can also be witnessed within the ethnic communities, between generations, regions, gender, etc. Kenya is one of the most unequal societies in the world, and, as the analysis of reforms introduced, especially after 2002, has shown, this issue is not addressed adequately. In this situation, the discourse that everybody is responsible for her/his own well being/ success and ‘sound management’ suggests that everyone can have success, and strengthens the notion of using any means to get to power so that policies can be created to profit their own group. It provides and advances an environment where big companies expand while the majority of the population suffers due to the growing gap between the poor and the rich.

In the 1960s and 70s “foreign capital came to control key sectors of the economy including the main productive arteries in agricultures, manufacturing and the service sectors” (Murunga 2007: 267), which also affected the allocation of land and resources. Local elites, mainly consisting of those who gained power and wealth upon independence, played an important role in this distribution of resources and ascended to the level of those in possession of foreign capital. They used their connections to the political elite to inhibit discussions about inequality and struggles against the same. Their material goods and links helped them to avoid change and “when economic decline hit in the late 1970s, the local leadership in alliance with foreign capital did not act to correct the causes of the decline” (ibid.: 268).

The coming into power of the NARC- regime, which was expected to bring a change in the management of political affairs, did not have a significant impact on this functioning of relations. “After all, they (Matiba, Kibaki, Charles Rubia, Njenga Karume, etc.) were ‘literally almost creatures of the [KANU] state’ (Holmquist et al. 1994: 98). For them, removing Moi from power without radically changing the institutional base of that power was enough” (Murunga 2007: 282).

This can also be seen in respect to the illegal accumulation of public land: the introduced Anti-Corruption measures were barely carried out, and the corruption in the misallocation of land continued. Therefore, even though the government was supported and basically praised by the World Bank, it did not challenge or hinder the misallocation of land, nor did it introduce measures to reduce inequality. On the contrary the political system, supported by international structures, remained the same.

9.5. *Unemployed Youth → reconsidered*

The Waki-Report identifies both the government’s failure to provide basic services such as infrastructure, social services and security, as well as high unemployment among youths, as main reasons for the increase in violent gangs, in addition to the willingness of political leaders to make use of the gangs for their own purposes, especially to stay in or even increase their power.

These factors stand in connection to the continuous high unemployment rate¹⁴, estimated at around 40% since 2002 (which presents a reduction of 10% since 2000 from 50%) (cf. index mundi 2008: w.p.). The introduced reforms also failed to challenge unemployment, since they did not focus on the reduction of inequality, but rather followed premises of the free market and entrepreneur skills.

Therefore it can be said that the policies favour a zero-sum-scenario leading to a growing gap within society, with a minority benefiting from the neo-liberal policies and the majority bearing the negative effects.

¹⁴ index mundi defines ‘unemployment rate’ as “the percent of the labor force that is without jobs. Substantial underemployment might be noted” (index mundi 2008: w.p.)

9.6. *Significance of the analysis for the discussion of Post-Election-Violence*

These points express a critique on the World Bank and the Good Governance Agenda, and the agency of the Kenyan government in the process has not been left out. The analysis does not represent an excuse for national actors along the lines that “they were dependent on the World Bank (or other donors) and are therefore not to be held responsible for their actions”. Neither does it represent the view that Good Governance, although not yet achieved, will lead to positive effects if there is a more profound and extensive implementation.

The aim was to expand the theoretical discussion in a way that acknowledges the power of discourses and attributed actions: national actors and events did play an important role for the emergence of the violence, but were also determined and influenced by the wider macro-economic structures, international organisations like the World Bank and the discourse surrounding issues like ‘development’, ‘democracy’, etc.

Consequently solutions and improvements should also include perceptions of the proposed enlarged view, instead of focusing solely on national factors as envisaged in current attempts to reduce the risk of future outbreaks of such skirmishes. However, the presented constraints deriving from the discourse and attributed actions restrict the possible ways of action and interpretation and do not allow alternative accounts to be advocated, or rather make it difficult for them to manifest themselves and get popular support.

Hence it is important to point out these structures and the impact they have in certain contexts, in this case, national politics in Kenya as precondition for the PEV. Even though the analysis had to leave out many aspects, actors and interconnections, it showed the importance of such a study.

10. Conclusion

In the course of the presentation a line has been drawn between the implementation of the Good Governance Agenda of the World Bank in Kenya and the violence that broke out after the announcement of the election results at the end of 2007: according to the methodological approach, building on discourse- analytic principles, the discourse formation ‘Good Governance’ and its implementation has been analyzed in order to recognize the inherent power structures and attributed ways of interpretation.

The analysis has shown that the World Bank highly influences Kenyan national politics and proves the assumption that external influences should be included when looking at incidents like the PEV in Kenya, instead of exclusively focusing on national factors. However, the effective agency of domestic actors also has to be considered.

In the process of the analysis two lines of argument have been discussed in order to prove the statement that a connection can be drawn between the implemented policies and the factors considered as having caused the Post- Election crisis:

- During the implementation of the GGA the focus was placed on policies in the area of macro-economic liberalisation and privatisation constituting a continuation of the Structural Adjustment Programs of the 1980s and 1990s, while other areas such as social services, anti- corruption measures, strengthening of institutions etc, which could have benefited marginalised groups or rather could have led to a more equal distribution of resources and power, were marginalised.
- The second point draws on the effects of the policies: implemented measures in the economic and financial sector had a negative impact on the majority of the population and increased inequality. This led to increased willingness to engage in violence, since a large section of society did not have much to loose, and were driven by a sense of betrayal and disappointment that intensified and fuelled the feeling that there was only something to be gained, and nothing to be lost.

Therefore it can be concluded that a more comprehensive view that includes the impact of discourses and attributed actions in connection to international organisations should be applied when analysing events in ‘developing’ countries, since there exists a mutual interconnection: not only do the discussion and interpretation inherent in far-reaching discourses influence the approved policies and measures of international organisations, but they also determine expectations, ways of interpretation and actions on the national level. However, when evaluating achievements and outcomes of domestic politics, especially during a crisis or in connection to negative consequences, this relationship between different actors and the underlying discourse is denied. This leaves little room to manoeuvre and leads to the attributed roles of the actors defined in the ‘development discourse’.

To fundamentally change or question power relations on the international as well as national level, the aforementioned perception has to be acknowledged and examined. The study of the influence of the Discourse Formation ‘Good Governance’ and its implementation by the World Bank on Kenyan national politics constitutes only a small contribution towards challenging power structures and creating a vision of international relations which are built on more democratic principles. However, more empirical investigations applying the emphasised theoretical and methodological approach will lead to a better understanding of present structures and possible ways of interpretation.

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12. Annex

12.1. Abstract

The study “Causes for Post-Election-Violence 2007/2008 in Kenya reconsidered. Critical analysis of the Discourse Formation ‘Good Governance’ and its implementation by the World Bank” deals with the impact of discourses and connected power structures on Kenyan national politics. The focus lies on the GGA and the practical implementation of the same by the World Bank and follows the argument that the discourse formation merely constitutes a continuation of the Structural Adjustment Programs and doesn’t challenge inequalities on the national level. Therefore the introduced policies and the attributed roles of the different actors and accepted interpretations of events on the national level have to be included when looking at the underlying root causes for the eruption of widespread violence in Kenya after the announcement of the disputed election results in 2007: the willingness to engage in violence was informed and hardened by the betrayed promise of change, whereas the WB and the discourse formation ‘Good Governance’ helped the NARC government not to adhere to far-reaching changes, and this ensured the continuation of difficult living conditions for a big part of the population.

The investigation shows the impact of discourses and attributed actions, which define the roles and possible ways of interpretation within international relations. Events in Kenya as a ‘developing’ country have therefore to be put in the wider context of international organizations, actors and discourses rather than being analyzed and discussed on the national level. This would lead to a questioning of the role of the international community as a ‘helping hand’ and helps us to recognize the impact of external influences as well as the agency of domestic actors.

12.2. Deutsche Zusammenfassung

Die Diplomarbeit "Causes for Post-Election-Violence 2007/2008 in Kenya reconsidered. Critical analysis of the Discourse Formation 'Good Governance' and its implementation by the World Bank" beschäftigt sich mit dem Einfluss von Diskursen und damit im Zusammenhang stehenden Handlungen und Interpretationsweisen auf die Kenianische nationale Politik. Der Fokus liegt dabei auf der Implementierung der Diskursformation 'Good Governance' der Welt Bank. Dabei wird die These behandelt, die Diskursformation würde im Kern eine Weiterführung der Strukturanpassungsprogramme der 1980er Jahre darstellen und Ungleichheiten auf der nationalen Ebene nicht in Frage stellen, sondern im Gegenteil legitimieren und manifestieren.

Die Untersuchung folgt dabei einem theoretischen und methodologischen Hintergrund, welcher auf Prinzipien einer kritischen Diskursanalyse baut und Verbindungen zwischen verschiedenen Akteuren und den Handlungen legitimierenden Diskursen in internationalen Beziehungen und im Feld der 'Entwicklung' aufzeigt und kritisch thematisiert.

In diesem Zusammenhang liegt der Fokus auf der Diskursformation 'Good Governance', welche hinsichtlich ihres historischen Hintergrundes und der ihr zugrunde liegenden Diskurse bzgl. Entwicklung, Demokratie, Strukturanpassung und Neo-Patrimonialismus untersucht wird. Außerdem liegt das Augenmerk auf den sich daraus ergebenden Möglichkeiten der Interpretation von Gegebenheiten und möglichen Handlungen der verschiedenen Akteure.

Anschließend wird die praktische Implementierung der Agenda von Seiten der Welt Bank in Kenia untersucht. Um Kontinuitäten und Diskontinuitäten zwischen den Strukturanpassungsprogrammen und vorgeschlagenen und/oder eingeführten Reformen im Zuge der GGA aufzeigen zu können, beginnt die Analyse in den 1980ern, sprich während der Regierungszeit von Daniel arap Moi. Eine nähere Betrachtung der polit-ökonomischen Reformen der 1980ern und 1990ern zeigt, dass die GGA und der damit einhergehende Fokus auf politische Reformen zwar zur Wiedereinführung des Mehr-Parteien-Systems in 1991 geführt hat, jedoch zu keinen maßgeblichen Änderungen auf politischer oder ökonomischer Ebene. Im Gegenteil, der Fokus von internationalen Akteuren auf der Fortführung der

makro-ökonomischen Reformen in den 1990er Jahren legitimierte die nach wie vor repressive Herrschaft Moi und verhinderte Bemühungen hinsichtlich einer gerechteren Verteilung von Macht und Ressourcen.

Aufgrund der Tatsache, dass der Regierungswechsel in 2002 unter Präsident Mwai Kibaki als zentraler Schritt in Richtung ‚Good Governance‘ angesehen wird und die im Wahlkampf gegebenen Versprechen hinsichtlich ‚Guter Regierungsführung‘ sehr stark zu Präsident Kibakis Wahlsieg beigetragen haben, stützt sich der zweite Teil der Analyse auf die Zeit zwischen 2002 und 2007, sprich seine erste Amtsperiode.

Dabei wird Kenyas ‚Economic Recovery Strategy‘ (ERS) und die ‚Country Assistance Strategy‘ (CAS) der Welt Bank vorgestellt, welche den Fokus der Kenianischen Regierung bzw. der Welt Bank wiedergeben und in der Folge hinsichtlich der ihnen zugrunde liegenden Annahmen und Prämissen untersucht wird.

Der Fokus liegt dabei auf den Schwerpunkten und Leistungen der nationalen Regierung bzw. der Welt Bank, der Position von Organisationen der Zivilgesellschaft und den Auswirkungen der Reformen. Im Zuge der Analyse wird klar, dass die Reformen nach wie vor auf neo-liberalen Prämissen beruhen und die Ungleichheit zwischen einer kleinen Elite und der Mehrheit der Gesellschaft vergrößern. Dies liegt zum einen am Fokus der Reformen und der makro-ökonomischen Strukturen und wird zum anderen durch die Art verstärkt, wie ODA-Mittel verteilt werden, nämlich indem sie über die Regierung an private Firmen zugespielt werden und dadurch die persönliche Herrschaft der Regierung unterstützen bzw. zu einem gewissen Grad möglich machen.

Aufbauend auf die dargestellte Analyse wird die Verbindung hergestellt zwischen den im Rahmen der GGA durchgeführten Reformen und dem Ausbruch der Gewalt nach der Bekanntgabe der Wahlergebnisse Ende 2007. Dabei wird v. a. auf die Ursachen der Gewalt Bezug genommen, welche im Bericht der Commission of Inquiry into Post-Election Violence (CIPEV) definiert werden: Verwendung von politischer Gewalt, Personifizierung von präsidialer Macht und bewusste Schwächung von öffentlichen Institutionen, Land und Ungleichheit und arbeitslose Jugendliche. Jedoch auch negative Ethnizität und Neo-Patrimonialismus werden kurz behandelt, da diese Charakteristika eine wichtige

Rolle spielen in der Kenianischen Politik und während des Ausbruchs der Gewalt.

Das Zusammenführen der Analyse von GG und nationaler Kenianischer Politik und den Ursachen der zwei Monate andauernden Gewalt Ende 2007 und Anfang 2008 bestätigt die eingangs vorgestellte These: die Reformen, welche im Zuge der GGA durchgesetzt wurden, stellen großteils eine Weiterführung der SAPs der 1980er Jahre dar und hatten negative Auswirkungen auf die Kenianische Gesellschaft. Dies zeigt sich an der politischen Kultur, welche keine signifikanten Verbesserungen hinsichtlich Korruption, Personifizierung von Macht und damit einhergehenden Ressourcen, ungleiche Verteilung von Ressourcen in Bezug auf geographische Gebiete wie auch bestimmte Gruppen (d. h. die Kenianische Elite und ausländische Investoren profitieren von den Reformen, während große Teile der Bevölkerung in vielerlei Hinsicht negative betroffen sind), Reformierung der Bereiche Polizei, Land, etc. vorzeigen kann. Auch auf der ökonomischen Ebene stellen die 1990er und frühen 2000er eher ein Weiterbestehen der früheren Strukturen und Schwerpunkte dar.

Die Diplomarbeit zeigt daher, dass Geschehnisse in ‚Entwicklungsländern‘ nicht ausschließlich unter Bezugnahme von nationalen Einflüssen gesehen werden können, sondern eine Erweiterung hinsichtlich Diskursen und internationalen Akteuren notwendig ist. Diese stehen in direktem Zusammenhang mit nationalen Akteuren und der Art, wie Geschehnisse und Entwicklungen wahrgenommen und behandelt werden und sollten deshalb in die Analyse mit einbezogen werden. Die vorliegende Analyse stellt deshalb keine Erklärung oder Analyse der gewaltsamen Unruhen 2007/2008 in Kenia dar, da dafür noch mehr Faktoren hätten miteinbezogen werden müssen. Die Arbeit soll vielmehr aufzeigen wie wichtig es ist, die Analyseeinheit zu erweitern und die Macht von Diskursen und damit einhergehenden möglichen Handlungen und Interpretationsweisen anzuerkennen.

12.3. Lebenslauf

Persönliche Daten

Name	Mirjam Tutzer
Email	tumirjam@yahoo.de
Geboren am	24.05.1986 in Bozen, Italien

Studium

Oktober 2006- September 2010	Universität Wien Individuelles Diplomstudium: Internationale Entwicklung. Fokus auf kritische Theorien im Bereich ‘Entwicklung’ (Post- Development, Post- Colonial Studies), Internationale Politik und Ungleichheit, regionaler Fokus auf Ostafrika.
März 2007- März 2010	Universität Wien Diplomstudium: Politikwissenschaft Fokus auf Friedens- und Konfliktforschung, Menschenrechte.
März 2010	Abschluss: B. A.

Arbeitserfahrung

Februar- August 2010	Forschungsaufenthalt in Kenia
Wintersemester 2010	Universität Wien <ul style="list-style-type: none">○ Tutorium im PS “Transdisziplinäre Entwicklungsforschung: Internationale

Politische Ökonomie”, Fokus Kenia.

Februar- September 2008 **Organisation „Hands of Care and Hope“ in Nairobi, Kenya**

Juli- September 2007,
Juli 2005- Juli 2006,
Juli- September 2004 **Gesundheitsstation „Mangima- Self Help Project” in Oyugis, Kenya**

2003- 2005 **Verein „MANU- Die offene Werkstatt“ in Bozen, Italien**

Schul Ausbildung

1999- 2005 **Oberschule „Lehranstalt für Soziale Dienste- Robert Gasteiner“, Bozen**

1996- 1999 **Mittelschule „Aufschnaiter“, Bozen**

1991- 1996 **Volksschule „Johann Wolfgang von Goethe“, Bozen**

Sprachen

Deutsch: Muttersprache

Englisch: Sehr gut (in Wort und Schrift)

Italienisch: Sehr gut (in Wort und Schrift)

Swahili: Gut (in Wort und Schrift)

12.4. Interviews

I (M.T.) conducted the Interviews with experts on Kenyan politics, Conflict prevention, international relations and development theory. They took place in Nairobi in different locations and were all tape-recorded and subsequently transcribed partly. Some passages were only paraphrased, while the statements of importance for the study were given a literal account.

12.4.1. Samuel Keyo

Interview on 15.04.2010 with Samuel Keyo from the Institute for Development studies at the University of Nairobi. Conducted by Mirjam Tutzer. Duration of Interview: 36minutes.

S. Keyo

That is now how you find that there was a bit of misunderstanding between the WB and the countries in question in regard to what was bound to be of maximum benefit to the countries. Maybe the countries had bigger problems than the prescription given by the WB. Or the prescriptions might have increased or sharpened our problems. Because if a country is like Kenya was suffering from dictatorship: how are the SAPs going to help them, how are the people going to become meaningful contributors to the way they are being governed. It is not through the prescriptions of the WB. Because even when we started the whole quest for multi- party- politics it did not yield to a change in governance, because the same people in power now said this is a new political compensation and we have just started. Nobody said for example that if we start now introducing multi-party democracy, we now have to contest that position, and those who were there before are not eligible. They did not get into that political backbone and start dictating things from there this can not be acceptable. So people knew that they had an arena to increase the number of political parties, but the same people had no say, they could not say that because you are the one who has led us all this far and all this astray, you are not eligible as a candidate. So most countries in

Africa, Kenya for example, did not see a change of governance. Because the same people who were leading them under the one-party system, which had messed up the economy, still continued being candidates, and they could manipulate the outcome of results. So they continued. And even that element of allowing for political democracy which should have meant Good Governance did not happen because they still had their own interests to protect.

M. T.

How do you see the connection between the SAPs and the (negative) effects on the society in connection to GG: Was it just a continuation with a different focus of the WB or was there a change?

S. Keyo

Well the only good thing that you can put to that expectation or that prescription of GG of the WB was only that it opened the space for other actors, the Civil Society could now make more noise. Irrespective of how useful that noise was, or irrespective of how that noise was mainstreamed into mainstream political thinking. Because if a Civil Society organization makes noise does not mean a change in policy or it's just ignored. And we continued like before the introduction of GG by said that this is part of the discontented view. Was there any structural accommodation rather than just making the market place having more speakers at the same time?

M. T.

And which civil society organizations were heard? Because most civil society organizations had the power to go and put their voices there were also somehow financed by international organizations. In how far did that change their agendas, or influence their agendas?

He agrees that many CSO are influenced by international actors, but also brings in the blame of the government and local people that therefore they don't address important issues per se. Also, they would attack the President, and leave out the weak institutions which should be considered when analyzing problematic issues

on the national level. He stresses the importance to address institutional issues instead of blaming everything on individuals, which as a consequence leads to ethnic politics.

M. T.

Where there alternative accounts during the 1990s when the multi-party system reemerged, or in 2002 or even now, who would have a different look on constitutional issues, power diffusion, etc.?

He states that the noise has helped in the sense of increasing the opposition, awareness that people can not go away with it has deepened. Therefore the situation has changed. The level of political awareness has increased.

M. T.

In how far did this also influence the PEV or made it possible somehow, this changed political culture?

S. Keyo

What you see is that especially after 2005, just as you see today: the kind of space which is given at the political level makes people to air their views from different perspectives. They may be wrong, even as they are more noise than others. But they have the forum, they have the podium and can say whatever they want and nobody will take action against them. That in itself has had an impact in terms of having more voices at the national level. Although some of those voices have also meant a slow pace of implementing certain policies because some people will question certain policies from a point of ignorance. But because they are more visible, because they are more audible than others, than they carry the deal, and people start questioning things that have nothing negative for them, but they still keep on discussing them all the time.

M. T.

Would you say everybody is having the same voice?

S. Keyo

No. That is not true. Because we are also using the created space to market our own sentiments or even settle scores with each other.

M. T.

And who or which organizations are being heard by the international community? Or by actors like the WB or even the government?

S. Keyo

The government more or less works alone, in that it has its own policies, it has its own mandate with the people, but you find there is a mix in terms of who is heard at the international level. The civil society for example may have more sympathetic listeners than the government. Because they always point at the weaknesses of the government, because nationally that is how the CS benefits. The funds that the CS gets will always be to address a certain problem. And that is a problem they pick from the weakness the government of the day has. So the international community, in a way or the other, has more sympathetic listeners. And the WB listens to both the CS and the government.

M. T.

But the CS is also, as you said before, mainly financed or influenced by the international community. Would you say that they give the points of the people or they mainly reproduce what is said on the international level?

He says that the CSO do not have a machinery to get a representative view of the people, they mainly represent one community. On the other side they also have their own interests. Therefore there isn't a complementary relationship between the CS and the government, but a competitive.

M. T.

How is the Waki- report being looked at by the Civil Society?

S. Keyo

I don't think the CS has been very clear in terms of what stand they have taken against the Waki- Report. *He criticizes that the CS has also not picked up a strong advocacy to address issues on the national level, because also Den Hague can only handle a few issues or rather persecutors, but not the underlying root causes. These should be addressed on the national level, however the CS has not started doing that.*

M. T.

Could you please repeat what you said about the Waki- Report, I am sorry I don't have it.

S. Keyo

About?

M. T.

You said that the causes which are laid down there are mainly influenced by who and why they are investigating.

S. Keyo

Yes yes yes. you find that mainly the problems that we saw leading to the 2007 skirmishes had more or less a very direct ...(link) to what happened in 2005 during the referendum, which was more or less a balkanization of the country into two fronts: those who supported the document and those who opposed the document. And the argument was that those who supported the document came from communities that had benefited from the political leadership from 1963. Those that opposed it where more or less viewed like the so called reformists people who wanted things changed, people who had been systematically marginalized by the governments since independence. And that alone than put issues or reduced issues at the national level to ethnic agenda that it is this community vs. this community, that this front is composed of this number of this communities so that by 2007 it was almost a case of given number of communities against a number of communities. So that even the outcome of results in 2007, if it was not that this front of communities has won, it can only be

that there was rigging. The same side if it didn't win it could also blame that it was leaking. It is very interesting in that the skirmishes in 2007 came within the background of good economic performance, the economy had moved from -2,1% in 2003 to 7,1% growth rate in 2007. *He concludes that it was not because of economic reasons or inequality, but because of the leaders/ political battle.*

M. T.

And the Waki-Report again? The causes laid there, because there those ethnicity issues are mainly not there.

S. Keyo

Because again, look at it in terms of you are asking a patient to tell you what may have ailed him two years ago. He is not an expert. He is a victim of those influences, but what you see is more of ethnicity than anything else. Because when they went to confess or testify to the Waki- tribunal they were not particularly addressing the issues at the national level, they were just trying to give evidence or to give testimony as to how they participated or as to how they know whoever participated did participate within the crisis. It is not a question of what factors led to. So you don't expect from the population anything saying that I did so because so and so is from a different community. Rarely would that be the case. They would always say I was paid. So you see the economic part of it. But they will not tell you that even without being paid the kind of hatred that was pumped into my thinking I could have done it without being paid. Because there are people who did it without being paid. But because they have been poisoned properly by their political patrons into believing that their enemy number one is their neighbor who happened not to come from their community; that their main problems affecting their community was because of community x. Not because of that policies, because they were always given the impression that those policies even if they were there, they were particularly tailored it fits particular community. I am not sure the WB thought about communities when it came up with those prescriptions. It was national, it was to address more or less those economic problems, and those problems were viewed from that macro level. But this time even the micro level is not looking at the small institutions, but is now

looking at the community level. And that is the only political. Because there is no way that a policy can be applied differently in one community as opposed to the other. That would be such a difficult implementation strategy. So you find that that ethnic issues being such a big problem that led to the skirmishes in 2007 as opposed to policies. And again if you look at policies the problems started earlier than 2005, they started in 1963. How they have not been addressed by successful governments is a conspiracy of the political class and not of communities. Because every community is represented at the national level, every community has a member in the cabinet. How the cabinet has never addressed this things can only be a class issue, because irrespective of which member of the cabinet comes from, he or she is bound to have certain benefits which the rest of the members do not have. But the same person will not turn round and poison the communities when there seem a better way or this and that has been a problem, and they point fingers at another community. *On the political level there is not issue of ethnicity, only when it comes to answering to the own community. He further elaborates the important role of ethnicity during the PEV...*

If one can say that the WB is the one to blame because of recommending the retrenchment of public servants, which led to unemployment, the freeze of employment which made so many qualified youths not to have jobs and therefore making them available for simple manipulations by the political class, that then can be a link. But even at that point I don't think one can argue that a government has to employ all the time, and than have the problem of having the salaries to pay the same staff. Because the same problem therefore would have been you have a civil servant who is working but who has had a ... of salaries of five months not paid. The same person will still be open to manipulation, by anybody who pays him or pays her. The same person might even be more bitter with the government than the person who is not employed. Because he has given his time, he has given his energy, but for the last five months he doesn't have money with which to pay rent, he doesn't have money with which to commute to work, he doesn't have money to pay school fees for his children. ... The main question is was the economy performing or not performing because of the WB or because of political leadership at the national level.

M. T.

It is a very complex issue.

S. Keyo

It is because the issues were not that easy. There were those that were visible and maybe more influential ones were still below the surface, you couldn't see them from far away. ...

12.4.2. *Solomon Otieno Owuoche*

Interview with Solomon Otieno Owuoche, Professor at the Institute of political science at the University of Nairobi, on 16.04.2010. Interview conducted by Mirjam Tutzer. Duration of Interview: 53:21minutes.

M. T.

I would like to ask you a few questions about the WB and about how which policies they implemented in Kenya and consequently how this also affected some of the causes which have been or factors which have been defined as causes for PEV. So its like first maybe you could tell me about the effects of SAPS and later the GGA on the society in Kenya.

S. Owuoche

The main point of reference or entry point, you have to look at why the WB came so much into the Kenyan economy. For a very long time the WB was mainly an economic institution, they are mainly concerned with economic well being, if you are to call it so and so. But with time, because of the push of the US, because of the push of other bilateral donors, they simply came to get involved not only on the economic side but also they came to get involved in the management of the political economy of Kenya. So that initially we did not have conditionalities, you must do this if you are to get aid. But with time, I don't know around the 1980s, they started saying if you want aid from WB, if you want aid from the Bretton Woods Institutions, you must achieve certain conditions among them you must at least encourage a participatory political culture

you must open up your political space. If you do that then we will give you this aid, but initially it was not like that. Because of that most of the WB projects or most of the WB activities were simply seen as been pushed not by the WB per se but by the US. What was happening is that WB being an economic entity people were expecting it to focus so much on the economic but they ended up starting to interfere in both with the political economy of Kenya and that's how SAP came in and how this enhanced SAPs also came in. We are not going to give you aid if you do not fulfill the following.

M. T.

Where was the focus of those policies?

S. Owuoche

The focus was basically on both the political and economic reform. They were simply calling for greater accountability and transparency of the monies that they were giving to African governments.

M. T.

How did those economic policies affect the society?

S. Owuoche

One thing for a very long time they were mainly concerned with the project: helping projects you identify a project whether it is some schooling somewhere and then they give you aid.

With time they came to focus so much on balance of payment deficit. If your budget cannot balance. You are spending so much but you are collecting very little, then they very simply trying to balance.

Most of their projects were simply aimed at helping the poor. But of course with a lot of mis- management the effect of both bilateral and multilateral aid was not felt at the grassroots.

M. T.

Was it only because of mismanagement and poor implementation or was it that the economic policies per se did not benefit the poor?

S. Owuoche

The policies are very good. If you look at various economic surveys, if you look at the government development plans they are very good. But you know a policy is only as good as its implementation. If there is a disconnect where the WB at one point was not insisting on greater transparency or accountability, so actually the WB basically used to give money without expecting some kind of monitoring or some kind of how is this money of ours being used, they were not bordered with that. So many people took advantage of that. Simply to misuse the money. At the end of the day the intended beneficiaries who are the less fortunate or the poor of the society did not benefit. But with time by the introduction of SAPs they started to ask for accountability. This did not go down well with those people who were used to getting the aid and not accounting on how it is being used. You get the point? Yes and that is what happened.

So most of the government in Africa, not only Kenya, they started to see the WB as an enemy. You get the point? They started seeing that the WB was interfering in the sovereignty, their independence and that is why there was this cry “ooh the WB can leave us alone, we know how to manage our affairs, nobody really want WB policies and they haven’t been seen to work anywhere etc”.

But that was simply because the WB was now calling for greater accountability because the WB was being pushed by the USA. We can not be taxing our people as the USA and at the end of the day it does not help the targeted beneficiaries, the less fortunate.

M. T.

How do you see the power of WB in government, how much say do they have in formulating policies?

S. Owuoche

It has reduced, at one time if you went to a treasury building ... so many floors were occupied by WB and WB I mean people from the developed countries.

They were the people shaping the policies of Kenya. I don't remember the exact year but there was a time even the WB used to determine who is to be employed to spear head reforms in government. And you remember coming in of the dream team in Kenya?

M. T.

What was that?

S. Owuoché

It was basically technocrats from the private sector being brought to spear head reform programs in public affairs.

M. T.

In the 90s?

S. Owuoché

In the 90 during the Moi regime. And what happened was that the government was forced since the civil servants were not able to carry out reforms then you need to borrow people from WB, you need to take people from private sector to come and manage the reform program. Quite a number of people came in, one of them was Dr. Richard Leaky who came to actually be the head of civil service, then there was Oduor Otieno who is now heading Kenya Commercial Bank, there was Mwachofi somebody, so many of them, Adhola they were taken even from the WB to come and work in the civil service.

But now there was a problem in the sense that the so called dream team coming from the private sector were getting astronomical salaries and yet you find those people who had actually come up in the civil service get very little pay. The dream team were earning in millions while the civil servants were earning peanuts maybe 10 thousand, 20 thousand, you are a senior officers you are earning 30 thousands. So there was no way this dream team would have achieved success given that there was a disconnect between the dream team and the people who were actually civil servants. There was this idea of sabotage, there was this idea of dream team people not understanding the nitty gritty in the working of the

civil service and that's why there was a problem. Not much could be achieved apart from retrenchment where they sent home so many civil servants but that did not translate into efficiency in the civil service. Are you getting the point?

M. T.

Yes

S. Owuoche

So with time the WB does not have that much of a hold in Kenya. Particularly after the President Mwai Kibaki came in. From 2002 the WB has actually lost that grip that it had on the Kenyan economy because we have had the Kenya revenue authority at least collecting more taxes which is able to finance the government without the government relying so much on these multilateral donors.

M. T.

Even though certain issues like education it is still relying on WB and other donors.

S. Owuoche

Yes we are still relying but the dependency is not so much for example you remember some of our ministers were accused of corruption in the education sector and the Britain and USA said they don't give aid to the government. That did not impact so negatively on the free primary education. I am not saying they are not helping, they are, but the punch that used to be there in the 1990s is gone. You remember when a policeman arrested then WB country director, Collins Bruce, and it shocked everybody because during Moi's time the WB was seen as existing above the law because of the dependency of our economy on WB. If you see a small police man corporal, constable arresting an WB employee it is symbolic and it shows that we do no longer need that aid as we used to do. But that is my perception; you don't have to agree with it.

M. T.

What do you think would happen if now for example the government decides to close the market for example?

S. Owuoche

To close the market?

M. T.

If it doesn't push those policies perceived by the WB, would they accept, or what do you think would happen?

S. Owuoche

It does not have to be the WB per se you know we are living in an era of globalization and if Kenya wants to move away from what the other world is doing then we are going to suffer. It is for our own benefit to open up. Because when you do not open up your markets you have so many problems: one inefficiency comes in. you have cartels, you have monopolies. Like you see what is happening with our oil industry. These are cartels, they are the ones who determine actually the price in the session. They can sell their products so high because they know you do not have a choice. You can even see what is happening with a player like Safaricom, where they come into the market and even before being in the market for 5 years they have recovered their initial costs. Because to a large extent Safaricom is more like a monopoly. You get the point?

M. T.

Not so much any more?

S. Owuoche

It is still a monopoly somehow because Zain/I don't know Orange they constitute a very small percentage in the market. They need to liberalize completely. But note one thing there are certain sectors of the economy that should not be liberalized because they are crucial to our survival. Just like in Germany can not liberalize their agricultural sector.

I think in Kenya we also need to stop the issue of liberalizing maize, sugar, coffee, tea. I think those are areas that we need the state coming in. Even in the USA the economy is not very liberal. There are certain areas where you can not invest. Even the trade war between China and the USA. There are certain areas you cannot open your economy for other people to come in. In most of Latin America the banking industry because we have local skills you simply end up in a situation where they say banking is not an area where you can invest in if you are a foreigner. I think this is what we need to do. But horticulture that one they can liberalize.

M. T.

But that is exactly what the WB is doing that they in their countries like USA, UK and other countries they decide what is best for them while in other countries they say privatize everything, liberalize or open the market?

S. Owuoche

Like when we liberalize our markets, the galley bags it collapsed. Kenya used to produce so much sisal even for external markets. We liberalized and the Japanese came and stole our technology, the market basically collapsed, completely.

M. T.

Can they go back and de- liberalise, do they have the power or the right to do so?

S. Owuoche

The government has the power but there will be a problem: the world is moving towards liberalization, even China is doing that. If you start closing your market again you'll be moving against the trend and the repercussions will be great. If you decide to control the market so much, again you will have cartels, syndicates, inefficiency coming in and the people are going to suffer. E.g. Kenya produces a lot of coffee but how many of us Kenyans can afford to drink that coffee? We can't because of poverty. If we decide to close the market the world might turn against you. Germany might say we are not interested in your coffee. We can not drink it because we do not have the capacity to consume, we do not even have the

capacity to process our own coffee to good quality. If its flowers, Kenya do not appreciate flowers so much, so it must find a market outside there.

M. T.

So even though financial dependency is not so high somehow economically and through those policies and perceptions it is still there?

S. Owuoche

Dependency is still there, we are still dependent and our economy is too much dependent of service industry: tourism. There is a small problem, all the gains that we have been building over the years have disappeared. For example you remember what happened in 2008/2007, the post- election violence. Before that Kenya was such a robust economy we were growing at around 7%. When the post- election came in we realized our economy was still very weak because we hadn't diversified. We over relied on 1. not the manufacturing but on tourism. And when the US and other countries started to send their travel advisories it affected us negatively. We have never recovered up to today, though we are trying to. When you look at coffee the pricing is not determined by us, its determined by the external market. When there is too much production there we suffer. So we need to go into manufacturing because the outside market is more interested in manufactured goods.

M. T.

How does that affect the society, those policies, the economic liberalization?

S. Owuoche

Liberalization is very hard on poor man, you will find I am growing tea, I am growing coffee, I am growing maize. Maybe when I am growing maize I use about 2000 shillings to produce one bag of maize, a 90 kg bag. The market is saying maize is very cheap because it is surplus, so I will buy your maize at 1700. You are making me poorer. When you are bringing in your fertilizer from outside there it is too expensive for me because you want to sell it at a very high price but again people will say that is the market. But the market is always not correct.

Because there are always those distortions in the market. There are people if you are wealthy you can actually create some kind of artificial shortage and then you benefit with that by offloading whatever you had coded later on. It is the poor man who suffers. So liberalization is not always the best.

M. T.

Does it increase inequality?

S. Owuoche

Definitely. Look at Kenya. In Kenya there are people extremely wealthy, there are others who are extremely, chronically poor. Note one thing: the rich men in Kenya is rich all over the world, you can actually compare them with any other rich person in the world. But how many are they? 46% of Kenyans are poor.

M. T.

How do you define poor?

S. Owuoche

I am coming to that.

56% are chronically poor.

We usually go by the WB definition: if you are living with less than a dollar a day (a dollar is around how much these days, 76-78 shillings) then you are very poor. Less than one Dollar a day. Note one thing 46% (according to economic survey) of Kenyans are poor. Meaning they are fluctuating around the dollar, maybe sometimes they overtake the dollar and then they slum back; 46% are poor, 56% are chronically poor. That is poverty. We have the biggest slum in Africa. You heard of it? This informal settlement called Kibera, the biggest. Is that something to be proud about? No. And then ask yourself what has the WB (I hope you don't work for the WB) done for this poor people.

We even have a very big UNEP here, the headquarter, there is so much waste, what have they done for Kenya? I think at times there is a disconnection between these institution and the targeted beneficiaries. Very big disconnect.

Because they present very beautiful papers and they even invite us. I can not deny I have also been a beneficiary, even if you work at the WB you will see my name has appeared once or twice. Where you are told by UNDP develop this. Once they get a good report they dump it somewhere. Full stop. They say we have beautiful papers but they don't implement them.

M. T.

The good governance agenda blames or is saying that it is now favoring participation. Would you say that the poor Kenyan is being heard on that level through civil society organizations or civil society organization are so much influenced by international actors as well that certain views are being considered while others are not.

S. Owuoché

There are 2 faces, it's not my own idea, let me appreciate somebody called Ndegwa, who said that there are two faces of civil society: Civil Society I think haven't been active and effective in terms of making the poor man's voice to be heard, they do not give a platform for the less fortunate in the civil society. Most of this civil organization mainly benefit, they are relatively well off in the society. They organize seminars and talk so beautifully and it ends there. And then they are usually more concerned with sporadic very interesting, very easy things. The moment it fades from the national agenda they forget about it. There is a problem with that. They always speak the voice of those who finance them at one time you find they are talking about FGM, they talk about it, they talk about it, they make money, and then when the donor says we addressed enough they move on to something else, they talk talk then they move again. So they are not consistent. Today there are saying this, tomorrow they are saying that.

Today is about girl child education, tomorrow it's about informal settlement, the poor sanitary conditions I mean hygienic conditions in the slums, the next day it's this and that, there is no very well consistency and systematic towards achieving a particular goal. But again it's because of what the donor is demanding. Today they are fighting corruption tomorrow they are part of that corruption. When they are invited by the government they agree and they stop talking. There is another

society that has helped in one way or another, maybe in promoting education, maybe pointing out the ills in government etc. but they have 2 faces. One that is not beneficent at all and the other, which is beneficent, but maybe facing a lot of challenges.

M. T.

Which one is being heard more?

S. Owuoche

Unfortunately it is this one which is not benefitting society that is being heard more. Like right now, look around you, what is it that the civil society is focusing so much on: the constitution. And then that will be something passed, they move to something else.

M. T.

Its not addressing root causes but symptoms?

S. Owuoche

Exactly, how many times have you heard civil society is working with certain organizations to eradicate poverty and they achieve nothing. There was a time when HIV/ Aids was so much the In thing. We had mushrooming organizations. When that died they moved on to a new topic. During Moi time, the former President, it was about governance freedoms, they were fighting against torture, talking about multi-partyism and better governance. When Kibaki came in nobody even hears about these civil society organizations any more. Now they are talking about something totally different, driven by selfish interests. After the violence it was all about IDPs, now nobody, no civil society, is talking about this IDPs because the donor has not spotlighted on IDPs.

M. T.

How would you say did this also lead to skirmishes that sense of the root causes of inequality or the underlying problems within the society are not being addressed on the political agenda?

S. Owuoche

Am telling you the reason why we had post election violence had nothing to do with either stolen or corrupted elections. That was basically a catalyst. A spark. If you look at it it is all about inequality. We have too many idlers who do not have an alternative way of life. You walk around very many young youth with nothing to do. That person is like a time bomb. Am idle and I have nothing to lose, I have nothing to get from all this. So my life has become complex that it's better for me to die. That's why many of them took that as opportunity to show how annoyed they are with the system and nothing has been addressed till today. Nothing. Employment is still very hard, nepotism very high, favouritism is still there, ethnicity is still there, and nobody, none of our leaders has actually addressing these issues.

Now they think that having a constitution will solve everything. It won't. I am 100% sure that most Kenyans think that by having a new constitution all the problems they have been having will go away. It will not go away. It is simply because we have failed in terms of giving appropriate civic education to the people, it is simply because at the end of the day we have refused to hold our leaders accountable. And trust me if we do not address these issues one day Kenya will dis-integrate. It is so futuristic, it is so bad, but I am simply describing what I am seeing. There are too many idle youths around, no way of life, no employment. And then look at land. Only a few people own land, just a few, unfortunately most of this land is lying idle. Nobody cultivates it, you just know this land belongs to so and so, some big elite. That land lying idle there can be put into better use. I know the new constitution or the draft constitution is addressing that. But our problem is not the constitution; it is basically a culture of impunity. I steal money from the public I become a hero. How many of us have stolen money as senior people. Nobody cares. But you the poor man is you try steal someones eggs or chicken the judge will say I want to make an example of you: 20years in jail. It's all about impunity. And that's why at times I say lightly I wish Ocampo could deal with this issue. Just take a few rich people even 4 of them and make an example of them and this funny culture of impunity will disappear.

M. T.

Are there alternative movements who tried to decentralize power and how were they perceived by the government or by international actors during the 90s or early 2000?

S. Owuoche

Of course we had so many people who brought about the wave of change, but of course their impact was not as great.

Interruption by another student who came in to pick a book.

S. Owuoche

Sorry, you were asking a question on..

M. T.

Alternative movements towards decentralizing politics

S. Owuoche

They have been very many. We have had individuals, very many individuals coming up and saying we need to do things differently; we need to adhere or to embed democratic principles. We had people like Kenneth Matiba who suffered detention, even the current prime minister Raila Odinga was detained the longest in Kenya because of that: Calling for a change in the way we manage our public affairs. We have also had bilateral donors even ambassadors who were dearly not supposed to interfere with the management in internal affairs of state coming up and saying, like Hempstone, coming up and saying we need multipartyism, we need things to be done differently.

We also had the churches that time playing a very central role. The churches used to give people a platform of opposing unpopular government policies. They were also repressed. Somebody called like Reverend Timothy Njoya from Presbyterian church, who was beaten because of fighting for better governance, for good governance, we had people like Okulu who was very consistent in calling for

better governance, we had people like Bishop Muge who was also very consistent in calling for a better way of managing public resources. Those were just alternative sources and of course many other civil society organizations.

Did they succeed? Of course you know you can not measure success as an event, it is gradual and one way or another whatever gains we are witnessing today in terms of increased political freedoms it is because of this groups.

These days you can even stand on a platform and abuse the president nobody will touch you. This days you can look at the newspaper and see slander nobody will sue you. Those are basically freedoms as a result of what happened in the 1980s, 1990s. And remember even in 2002 Kenyans were described as the most optimistic people because we were expecting so much change but the change has been slow. Again because of the infighting between the political elite.

M. T.

How do you see the Waki report?

S. Owuoché

The Waki- report mmh it has its own limitations but again he did something very good. He is a judge of the high court. The Waki- report simply indicates one thing: he does not have much faith in the judiciary of which he is a member and a contributor. What he did was actually a master plan, where knowing very well that nothing much will come out from domestic environment he simply put the so called culture of impunity in the hands of the International courts. And I think that is good because trust me if we had tried to address this violence using this our local systems we could not have gone far because these political elites are the same economic elites they are the same who control the judiciary. And of course you know our judiciary is not very good although they've had reforms reforms reforms. But there are still people who aren't very straight. So they would have manipulated the judiciary and with time they would have been forgiven because they speak the same language as the contrallance of power and politics. The Waki report I hope is a good step, although a first step, although a very small step but we are moving in the right direction and trust me I do not think we are going to see the kind of violence we had seen in Kenya in 2008. Thanks to some extent

to that report. Now if you are doing anything contrary to the expectation of the people you always think twice. If you are inciting you know your days are numbered, if you are encouraging ethnic violence or even inciting your people to rise against another ethnic group you know one day you will be called to account. It is just a matter of time

M. T.

But on the other side the causes for the post election violence are still present and were not addressed and so even if the politicians do not call for the violence it might still happen.

S. Owuoche

I again say I do not agree with you per se. You know reform is something gradual. We aren't moving at the speed that was expected of us. Maybe because of the very different interests. But you've heard of agenda 4 under the agreement that was signed on 28th feb 2008, there are certain things that are longterm you cant address them as an event, it takes time.

M. T.

But you've not started to address them?

S. Owuoche

They have, the constitution. At least the document is not perfect but it will address some of these ills within society, like it is comprehensive in terms of land. Now land will not be allocated or will not be given to friends of the president and commissioner of land. There will be a board consisting of distinguished men and women who are going to manage public facilities who are going to manage land so that this thing of grabbing of public utility, you find a rich man walking and saying "oh that land is good who does it belong to, it belongs to the government, what it is, it is a forest, its mine." That one will go.

If you look at the kind of rights, the bill of rights contained in the harmonized draft, it is a move in the right direction. We are also trying to create a more accountable president, not a president who loads over parliament, who loads over

the judiciary. This is a president who can be impeached or sent home if the senate agrees. This is a president who will not be allowed to provoke and determine the agenda of parliament. So they are small gains but we are moving in the right direction. We are truly moving. And then beyond that look at the way these days we are trying to manage our economic resources. Its better. Everywhere you go you will find there is a road being made. You've been to most of Kenya?

M. T.

Yes

S. Owuoche

At least you will find there is something going on. We are having even more devolved funds. Where instead of that unitary system where everything began and ended with the president now we are being told part of the budget will be going to the grassroots. It is the people who will determine how this money is being used. Because of that we have seen so many, of course there is still mismanagement. But that is expected of any initial small project. We have seen people having a say on how their resources should be managed. It is a move to the right direction.

M. T.

Do you agree to the factors which are being considered as courses for PEV in the Waki report like unemployment, inequality, land, personalization of the president.

S. Owuoche

I agree, I agree fully. One problem we do not have faith in institutions and because of that you will have somebody coming up with a political party and then its only a particular ethnic group supporting that political party given the head of that political party. We have actually ethnicized everything. It is being addressed again e.g. the other day there was communication that was issued by the head of public service. They will not allow a situation within a particular organization 1/3 of the employees come from a particular ethnic group. It is wrong.

In terms of equality or equity you have heard the president himself saying at least 1/3 of all public positions should be reserved for women. It is not the best way forward but at least we are seeing some concerted effort towards addressing the issue. We have also had the so-called minorities being recognized in the constitution; they have a right to live where they want, they have a right for the resources of this country. And then you have also heard of these devolved funds. All this are just issues that are aimed at addressing the past ills. These days you can engage in corruption but if you are caught it will not be very good on you. Initially people could steal, plunder and nobody knows about it. You get the point? But now if you are caught it is embarrassing, you may be forced to resign if you are holding a senior public position and you suffer a lot of public ridicule.

M. T.

But you would say the crisis was because of those factors and not mainly because of ethnic tension. It evolved along ethnic lines, but it could have not happened without weak institutions, without inequality etc

S. Owuoché

One thing I believe even though I have been told it is a controversial statement, we are not so ethnically conscious. This ethnicity simply comes when we are approaching electioneering period or on Election Day or immediately after.

M. T.

In connection to power

S. Owuoché

Beyond that for 4 years, or 4 and half, people live so peacefully. You can't believe this is the same community which was killing one another the other day. So most of the time I say these are ethnically, no sorry, politically instigated ethnic clashes. Politically instigated. Because the leader there will manipulate people because of their poor civic education, poor exposure, and then when that happens the person down there being ill educated being docile will feel like oh my god my tribe is being persecuted. My tribe is being discriminated against. We are being

subjugated, we are being humiliated so let me take this panga and kill my neighbor. But the moment the election issue is solved, even people in the Rift Valley, live so peacefully together, they even share salt. They borrow from one another. As elections are approaching the same same process begins again. That's why we had 1992 election period ethnic clashed, nothing much was heard about it and nothing was addressed until 1997 ethnic clashes.

M. T.

But was this not also instigated by the government or linked to the government?

S. Owuoche

Not the government per se I would say individuals in government. People who feel threatened that they may loose their power. So what do they do, they say if I loose my power you the people will also suffer. If you support me I will continue to dish out goodies. It is basically something that a leader feels threatened, like even Ruto, Kimunya (this former finance minster) when he was facing corruption charges over grand regency or Raico he went to his people and said "oh you people are being finished, they want to finish all of us". When this minister for education, Prof. Onger, was facing corruption allegations in as far as management of education funds were concerned, he went to his people in Kisii that they are finishing us. Who is finishing who. And then those people there, the subjects feel like actually we are being finished because of poor socialization. But in reality I do not think we are so ethnically conscious, so as to become conflictual just because you belong to a different tribe. We are not like Rwanda. You have been to Rwanda?

M. T.

No

S. Owuoche

You have been to Burundi?

M. T.

No

S. Owuoche

There you find the Hutus and the Tutsis do not get along just because of your physical attributes as a result of your ethnicity. Kenya no, we are friends till election time. Then we say “Oh if one of us is out there we feel psychologically satisfied”. So we become people hostile to that person who may not support my candidate.

M. T.

Would you say that this attribute increased in the last 20 years?

S. Owuoche

It was started by our founding president. He was the one who filled the cabinet, important public positions, all strategic positions with his own kinsmen. When Moi came in in 1978 he simply perpetuated the same culture. When Kibaki came in in 2002 we thought things would be different. They were no different. You could find any strategic position that is held in Kenya and that is a fact is either from his background or related to his background.

Most of the people who occupy senior positions or strategic position; people have been crying about finance. In Kenya we have about 42 tribes and if you go to the ministry of finance from the head- the Minister Uhuru Kenyatta, Prime Minister is a Kikuyu, the permanent secretary -Kinyua, is a Kikuyu, the head of the Central Bank he is called Prof. Ndungu, the man in charge of Kenya revenue authority, Waweru, is a Kikuyu. Almost the whole board and the senior positions in Kenya revenue are Kikuyus. And then you ask yourself what is the problem?

The same same culture which was perpetuated during Mois time, then go to security which is strategic, Minister Saitoti, is Kikuyu, permanent secretary in charge of security (internal security), is Kimenya, Kikuyu, the chief of police is Kikuyu- Iteere. When you go the man in charge of administration police Mbugua Kikuyu. And then you ask yourself: the head of the public service is Kikuyu and then you ask yourself what is the problem. But again I have to tell you it is being

addressed. I hope that there is that political will to simply say Kenya is bigger than that the tribe who may have provided the president.

Personally I think if I was the one rewriting the constitution I would have gone for a parliamentary system of government. So that we do not create so much heat on the presidency. In Kenya we feel if the president is one of our own, belongs to our ethnic group, then we will benefit also. But it is not always the case. But it is just that feeling of satisfaction that one of us is the president.

M. T.

So you see that system as continuation from independence, or an increment

S. Owuoche

It is still there, until today. It has just been a continuation, I can not say there has been an increment because it has remained constant somehow, it is something that we have to deal with. But I am telling you it has to change, it has to change, because that is breeding ethnic rivalry and hatred. For example if you look at 2007 all the tribes were ganging up against the Kikuyus because they felt Kikuyus were benefiting but it is not the truth, just a few Kikuyus are benefiting, not all of them. But you find all the other tribes were against the Kikuyus. So the Kikuyus simply identified themselves with their cousins, the Merus, the Embus, and the Kambas to some extend. But all this other tribes were against them. So there is need to do things differently. And I am happy that in one way or another the government is trying to address these things. It may be slow, but again it will change, they may not be revolutionary, they must be gradual.

M. T.

I am very grateful, and unless you want to tell me anything else

12.4.3. *Anita Kiamba*

I, Mirjam Tutzer, conducted the Interview with Anita Kiamba on 16.04.2010. Anita Kiamba studied International Relations and is currently writing her PhD-

thesis in the field of Conflict management, whereby Kenya is one of her case studies. Duration of Interview: 44:58minutes.

M.T.

How would you relate the opening during the Kibaki regime in the political culture to or how did it affect the possibility of such skirmishes to happen?

A. Kiamba

We can actually trace it back to the year 2000 or the last decade when we opened up our politics, actually way back in the 1990s with the end of the cold war. There was a push not only in Kenya but in Africa to open up politics, to get democratic politics and to open up economy. From then we saw a trend whereby we were trying to engage in democratic ideals and we opened up the space for factually everyone, all people of all political ideals to come up with ways to lead the country forward and of course Kibaki was at the fore- front of that opening up of the democratic space. I think his party in the early 1990s was against the regime of Moi which was more closed and was only a One- Party system. ...

Kibaki came to power in 2002 and from then on we saw an exploration of political parties. ... Most of them from their ethnic communities. We got our leaders going back to their rural homes and getting supporters and mobilizing support from their ethnic community. And this is basically transected into the PEV that we had. Because nor was it about the politics per se it was about ethnic divisions. And it even transformed from being ethnic divisions into classes. Because later on it was classes: the rich class versus the poor class and all that. So we saw a lot of things coming up in the violence, but initially it was about the ethnic communities.

M.T.

But ethnic communities alone do you think could have led to such skirmishes, or was it connected to political power, resources?

A. Kiamba

yes, it was connected to political power, it was connected to resources, resource allocation, it was also connected to the way various regions have been felt left out. And some of these regions do not have only one ethnic community, you find that there are different ethnic communities so it transcended to the regions and how they have been left out from the whole development issue in Kenya. But further from that because of our you can say our political philosophy which was unlike other african countries except Cameroon and Cote d'Ivoire we adopted state capitalism upon independence. ... And because of that we found ourselves rapidly brought into capitalism from the time of independence. Since then we had on our minds I think that idea of we have to develop and we have to accumulate resources. Because of that we have seen a lot of movement of people settling in areas where they think they would be at advantage in this current capitalist world. Because of that especially from the 1990s to what we underwent in 2007/2008 we found people being unsettled or being displaced because eventually they settled into a community where they were not part of yet in their minds they were looking for economic opportunities. They were looking for opportunities where the state would provide at least some advantage.

That became an issue which was not clear from the beginning. But for those particular communities looked at those other communities that were settling there were out to rig them off yet from our history and from our background we adopted a capitalist system so people were going to places where they were settling in places where they knew the government would concentrate. Especially the Rift Valley which is heavily settled by a mix of all communities, because the government has concentrated- it's the bread basket of Kenya. So a lot of resources are bunched there. But in the minds of the people they were not going there because they knew that it will bring frictions, but because they knew there were opportunities...

M.T.

How do you see the international community within that perception or within the formation into a capitalist system? In how far was it the push of the government or also influenced from outside.

A. Kiamba

Initially, if I can go back to history, during the cold war of course we were leaning towards the US. It was the one who was providing us with we can say the blueprint as how to develop and engage in development after colonialism or after independence. There after we see a lot of business between Kenya and other countries which were practicing the same. So we got a lot of relationships with Britain as well as other European countries especially in the EU. And since they were able to provide us with foreign aid. ...

They come up with development policies and the only way they could engage in development policies was to ask those people who were providing those funds to get in touch. ... Through that we get a lot of relationships between ourselves and many European as well as american and other asian countries that were more or less using the same modalities for development. ...

She brings the example of South Korea starting at the same point, but “because of our own issues” Kenya could not reach the same stage as South Korea. 7:40

...

Also if I can go back ... when there was democratization and opening up of economic relationship between ourselves and other countries the WB and IMF came to ask us to open up, to privatize our sectors because the state was controlling most of our business. Through that we got a lot of countries and international community asking us to improve our sectors and of course this was lined up by IMF and WB. And there are some countries which decided to pull out, for instance we had Norway, at one point I think we has Sweden, which decided to pull out because we were not using the agenda they had layed out for us in term of restructuring and reforming.

M.T.

During the 90s?

A. Kiamba

In the 90s and also in the 2000, because they started to pull out when President Moi decided that he is not going to have any more aid. Because to him he saw that it was being used as a way to dictate our policies and basically our IR. So from than on you see Kenya moving towards the East, linking towards China as

more friendly because China for not asking us about our governance issues, didn't want to know what is happening.

Because of that you see Moi saying that "ok all your aid can stop coming we don't need to have any relationships and so we will move East."

M. T.

Because the relationship was not on an equal level but they imposed certain measures or policies Kenya saw as negative to them.

A. Kiamba

Yes, they saw the West as trying to impose their solutions to our problems yet in most cases when we see the 1990s during Moisi regime it asked there be under the regulation of INGO. And also to look at who is funding who. Once he knew that there were some of those countries funding some of those INGOs to push forth for the agenda of streamlining, he basically told those groups to pack up and leave. So most of the businesses were shut down. ... But of course with Kibaki we see the reemergence of groups coming in. Basically because the field has been opened up. ...

M.T.

Do you see those groups, the civil society organisations, as neutral and representing and reflecting the people or is it more like reflecting the views of the international community.

A. Kiamba

It is 50:50, because there is a mix of the civil society organisation and of course there are those who are funded from outside. In most cases those who are funded from outside engage in development activities. So at times they tend to be quiet because they know what their mandate is. ...

Then we have other CSO of which they come out to stand against or opposed to some of the initiatives which have been backed by the government and at times it is hard to know who is funding them. Of course we have those who are funded by the West but those tend to be quiet quiet you can say professional. Because if

they go against maybe their mandate and raise questions the funds can easily be withdrawn. In case they start creating bad relationship between the funders and the government, they are at times careful not to say certain things.

Then we have other organization that are well funded and we know they are funded. And at times when they speak in fact the people have well known, when they speak you can see that it's not quiet their agenda, it's not an agenda of Kenyans, you can easily see that it is an agenda thats from outside.

So we have three categories: we have those who make noise and rather speak out, but you wouldn't know, they may be speaking for a certain group of people. And these are called ... interest groups. ...

Then you do have those others funded from outside and they are quiet professional, and they engage in what they have been asked to do, be it development, be it political and so on.

Then there are those funded by the West to speak out.

M.T.

Which one of those is being heard most on the government level or also on the international level, since the GGA is more like the discourse changes towards the CSO should be heard more because its the group which knows what the people want.

A. Kiamba

Unfortunately we can say we are still young in terms of having vocal agendas from the people. In most cases when someone comes up and puts up an agenda ...

13:40

We are a-political a times unless we are aroused by the parliamentarians and MPs and politicians... 14:00

But in most cases I would say that the group that needs to identify itself most Kenyans are those which are speaking but nobody is listening to them. They may be speaking from a street corner and nobody gives them airtime, the media won't go to them. They will just be regarded as noise- makers ... At the end of the day the media also has a role to play. ...

M. T.

Coming back to the international actors: how do you define the effects of SAPs and later the GGA on the society in terms of inequality, economic effects, etc.?

A. Kiamba

To a large extent I would say that SAPs came at a good time however they coincided with democratic opening up. So there are some leaders like our former president Moi who said that they are too linked that we can not see where the line is between the SAPs and between Governance. To him and to most African countries they believe that it was a direct interference, not only on the economy of the state, but also on the politics of the state. And that is why he decided to ban all funders and call for a review of the funding of those projects and of course ask the people to go out.

However it was able to streamline and create our sectors which were lagging behind. It was able to streamline them because to a large extent we find that the state had gone heavily into design what the commercial interest of the country would be. And because of that you see a lot of corruption because the state was heavily engaged in those particular offices and bureaus and so on.

So to a large extent I think it did play a good role, because we were able to privatize most of our state controlled enterprises and now they are in peoples hands, they are in companies hands. So I think it did play a good role.

M. T.

Are they in peoples hands or in international actors hands?

A. Kiamba

Actually it is said that 90% of Kenya is not owned by Kenyans, because 50% is owned by multinational cooperations which do not have Kenyans on their board, and the other half is owned by you can say the elite in Kenya. Those who apparently fought for independence. ... So to a large extent our economy is not quite our own, so to speak. It is foreign owned because we opened up... 17:30

M. T.

Would you agree that Good Governance is mainly a continuation of SAPs? Or is there a real change?

A. Kiamba

It is both; I would say it is both. When we talk about SAPs and adjusting some of the programs we are talking about how we are going to cover this particular programs. So I think governance is directly linked to SAPs. ... However, it became the ... to look at African leader to see how they are governing their countries. So on the other hand it also come up with initiatives for structural adjustment and so on. So I think SAPs and Governance are more or less linked to each other, we can't see the divide.

M. T.

And how would you say is the role by implementing policies of WB or other international donors? In how far can the government decide which policies they want to implement or in how far does the outside play a role?

19: 05 The link/ dependency is there as long as the WB or another donor funds the project. If the funding is not there it becomes tricky for the government to implement reforms seen that the government at times depends on external funding.

M.T.

Even though the part of aid within the budget is by around 5%.

To the question, whether a contribution of 5% of international donors to the national budget constitutes a smaller or larger part compared to other African countries, Ms. Kiamba states that the Kenyan national budget consists to a large extend of taxes. Though, certain programs like the Free Primary Education heavily depend on external aid. Therefore 5% is not so little.

M. T.

Let me profit from your conflict- management skills as well: why is it that such an ethnic conflict could emerge in Kenya and not in other countries where there is also a very plural ethnic diversity?

A. Kiamba

To a large extent even though we have only had for most part of the history of Kenya we have only had a one- party system. But even within that one-party system we saw there was a fragmentation of politicians within the one-party system to gain votes. And in most cases they would gain votes back from their rural areas. So our politics is determined in such a way that you have to lead a place where your ethnic community comes from. ...

M. T.

But how do the skirmishes come in? Is it only an ethnic problem or...

A. Kiamba

Mainly in cities and urban centers. For instance we saw that in Rift Valley, part of Nairobi, we saw that in Mombasa. *She goes back to the argument that the movement of people and consequently mixing of communities leads to frictions and skirmishes.*

M. T.

Would you link that ethnic conflicts to politics and political power?

A. Kiamba

Because of the mobilization of people and also because of resource allocation, to a large extent. If you read George Githongos book which talks about it's our time to eat, we have made politics in such a way that we look at it in terms of "who from the community can get to the presidential level so that he is able to distribute the pucks and resources and so on. So it is wired to our ethnic even though that is what many people want to believe. ...

Of course yes it was ethnic there were ethnic components but it moved from ethnic to class issues: who has and who does not have, has the government been

treating us because we live in this part of Nairobi and you live in that part of Nairobi and so on. ...

M.T.

Do you think it is connected to inequality, unemployment, and class issues as you also said? Because I think even if that ethnic tension was there, if there would have not been that feeling that if my candidate comes to power it will also profit me personally it could have not come to such skirmishes?

A. Kiamba

The Kenyan case is rather complex. Because on one hand it is not ethnic, but it has ethnic elements. On the other hand it has class elements. Because when we look also at the conflict that we went through especially in Nairobi: there are certain areas which are inhabited by members of certain communities. You find that in those slums you have the highest rates of ethnic animosity taking place. Because even though they are in a city and they are in a slum it now became about which communities are in that block of houses and which communities are in the other block of houses and who is going to attack the other and so on. Besides even class (ethnicity) it went back to the classes and among the different classes it was also a lot of fighting between the ethnic communities between those classes.

So a times politics in Kenya can not really be divorced from the ethnic communities because that is where politicians mobilize support from. ...

M.T.

But could it have come to such skirmishes without inequality, without

A. Kiamba

It could have, it could have in terms of the allocation of resources. It could have now gone to a situation whereby it is people fighting the government. Because the government is said to really rip a lot from the people in terms of taxation ... So it could have easily gone to that extend of let us fight against maybe the government because they are not providing us with what we need.

M.T.

But that would have been a different case than an ethnic conflict.

A. Kiamba

Yes, it would have been a different case all together. ...

30:00 ... I would say that our politics are based on patronage and clientelism. Such that if there is a leader he will only come through mobilizing support. Once he is there he forgets about the people. During election time you are given maybe money or you are given promises and left hanging. And that also culminated in the election violence that we saw because people were wondering they have been promised by a certain politician. Yet someone else has said that he is already president. Which means that whatever has been promised will not come to us. Therefore there was also that feeling that we have been promised a lot of changes, we have been promised jobs. But since our politicians have not made it we need to fight. Then of course it transformed into something totally different than even ethnic violence, even though ethnic violence was also there. But it is a complex, I think case, that has so many issues, underlying issues.

M. T.

How do you explain that in the Waki- report for example ethnicity plays a very minor role?

She argues that even though it might not be a major issue in the Waki- Report it was the major issue in the Kriegler- Report, from mobilization, to the organization and conducting of the violence.

M.T.

I would interpret the Waki- Report in a way that I say that those causes they find there, the root causes, made it possible for the ethnic tension to come up as we have seen in 2007. Would you agree to that?

A. Kiamba

I would agree to that. *Further on she goes back to the importance to mobilize support from people of the own ethnic community as important factor in Kenyan politics.*

But on the other side that mobilization is only possible if there is high unemployment among youths, inequality, the personalization of the president, leading to the feeling that if my candidate is

Yes, this is also the case in the creation of perceptions. *Then she moved on to the role of the media during the election campaign and the violence.*

Mr. Kiamba picked a phone call at 34:00

M.T.

Where there alternative movements towards a more just

A. Kiamba

There were definitely. I would say to a large extend especially those that were, I wouldn't like to put it down on classes, but the middle class itself was more of we do not need to go to violence.

M.T.

Not really during the violence, but even before during the democratization process. Were there alternative movements who wanted another form of government, a more equal distribution?

A. Kiamba

That was there, that was there definitely. And to a large extend we find them mainly in the ODM side. *Ms. Kiamba describes the political agenda of ODM, who campaigned for a change of governance, but not a radical, violent change.*

M.T.

How do you think would the international community see that? Even before, going back in time to the 90s or even 2000s, there were, as far as I read, some movements towards a different government. And they were not heard because

maybe the international community thought they would not bring that economic stability or

A. Kiamba

To a large extent yes, however we must also look at it from where we have come in history. *Ms. Kiamba states that Kenya never underwent radical change, but undertook small steps towards a change. However, this radical change, even though not violent, was expected in 2007*

M. T.

Coming back to that question I asked at the beginning: how do you see the more open political culture and PEV, do you think the violence could have been possible maybe during the Moi- regime?

A. Kiamba

I doubt. ... Mainly because in terms of mobilization, in terms of securitizing politics was able to do that. Such that even though when you talk about demonstration there is no way police would let .. it was authoritarian so to speak. Fortunately or unfortunately all this violence has come at a time when people can talk, people can demonstrate and so on. But it was bounced to happen, people were mad for... It was what we call structural conflict.

M. T.

What about the expectations of the people? That they now much higher because they saw there is a multi-party system, there is the opposition, there are different ways..

Ms. Kiamba agreed to that point, that the expectations were very high and are still high, what also had an impact on the violence.

Asked for her expectations for the coming election in 2012 she said that she doesn't want to be pessimistic, but the main issues, which were laid down in

Agenda 4, were not addressed. Therefore, the root causes are still present and could again lead to violence.

A. Kiamba

How do you see the impact of the international community on those factors considered as causes for PEV? Do you see a link?

She doesn't talk about the causes for PEV, but the solution, namely the concern of the international community to agree on a power-sharing solution and not on long-term solutions for example regarding IDPs, inequality, etc.

12.4.4. Joseph Kieyah

I held the interview with Prof. Kieyah on 09.06.2010 at his office at the Kenya Institute for Public Policy Research and Analysis (KIPPRA). KIPPRA is an autonomous institution whose mission is to produce public policy research for policy advice. The Think- Tank is partly funded by the government and partly by the donor community. Prof. Kieyah did his PhD in Economics at the University of Connecticut and is currently the head of the Private Sector- Section at KIPPRA. Duration of Interview: 35:51minutes.

In response to my question about the Structural Adjustment Programs in Kenya Prof. Kieyah made me aware that KIPPRA started only in 1999 and was therefore not active during the times of the SAPs. Consequently my questions focused mainly on the regime of President Kibaki as from 2002.

M. T.

Maybe you can tell me about the focus of the government as from 2002 in different economic sectors.

J. Kieyah

Well I think one of the mmh... when the Kibaki government came to power there was one of the major policy initiative was to create what you call job creation.

...*There was a KIPPRA document on that.* ... Basically they (the former regime under Moi) have been doing, you know, poorly. When Kibaki came in with a mandate of the people that there need to be a difference, one of the key initiatives was to deal with, reduce unemployment. So the theme was reducing unemployment as well as try to reduce poverty. ...

M. T.

How much was achieved between 2002 and 2007?

J. Kieyah

... When the NARC government came, there was the implementation of that policy, actually before the PEV we were growing at 6%. And we could feel it. ... Until the PEV took place and all the gains we had made almost erupted. ...

M. T.

How do you explain that unemployment is a very big topic within the Waki-Report as one of the causes for the PEV?

J. Kieyah

Sure, it was an important aspect. I don't think that PEV was about elections. I have a feeling that there might have been rigging, but there was an underlying factor that seems to have really, you know, sealed out to explain that factors like inequality played a major role in terms of, you know, it was not purely an instance of directions of ours.

M. T.

Which other focuses were laid during the Kibaki- regime a part from creating employment?

J. Kieyah

I think there was also an effort to reduce poverty. If you see again the creation of free primary education was also implemented. ... So it tried to tackle this two major problems.

M. T.

Again, how much was achieved?

J. Kieyah

We were doing very well, when you look at statistics from 2002, 2003, 2004 somehow there is a major work which was done, a huge national survey, called KiPis was done, it has shown at least the level of poverty has also gone down. ... funded like the Constituency Development Fund, ...

M. T.

Were there regional disparities? In that the government put more funds and more efforts in some regions than others.

J. Kieyah

Sure I mean there was a recognition of this disparity. It is historical, some areas which have been favoured because of the European settlers. ... *He talks about a government commission of a new ministry of the north-easterns which was set in place to do something against the disparities, it was a clear indication that something has to be done.*

You find areas in central areas are more developed. ... just drive at night to the West, ... you see the whole of development, the houses, ... electricity, ... the way the land is held, ...

M. T.

How would you define the relationship between the government and the World Bank?

J. Kieyah

If you ask me that it will be mainly my own opinion. But there is a general perception that ... the relationship has been very paternalistic. ... Because the World Bank and most of the international communities were using ... political

governance as a preconditions for funding. ... *He talks about the cutting of aid in the 1990s to urge the then President Moi to reintroduce a multi-party system.*

...

I think that when Kenya started to get creative is to start funding/ using its own taxes to pay for programs. And that's why you can see some serious development coming up. ...

M. T.

Do you see a change between the policies implemented under the name of Structural Adjustment Programs and later on under Good Governance, or is it mainly a continuation?

J. Kieyah

I think that is hard for me to really make a judgment about, but obviously things have changed. ... Because the basis of Structural Adjustment was that the problem of development countries economies was not an external thing but structural. They need to get their act together, surveying the external influence these countries were facing.

M. T.

But that is more or less the same, only that it is more political saying that if the governments are getting their own issues solved and having 'Good Governance' than everything will be ok.

J. Kieyah

True, but again GG is also depends on how you define GG. And also does democracy means GG, or could there be a case where maybe the ... would hold their leaders accountable? ...

M. T.

How would you define the effects of the policies implemented under Kibaki on the society, in terms of equality, employment as we already talked, ...

I specified that I mainly refer to Kibakis first term in power, namely from 2002 to 2007.

J. Kieyah

There is clear evidence that the policies that were instituted in 2003- 04 had a very positive impact on the economy... and when we look at the 2030 vision it is very likely that that trend will continue.

M. T.

Sorry to interrupt, but did this (economic growth) increase inequality, in that it favored a small elite, or did it favore the whole society?

J. Kieyah

We can say that probably in the short run it basically favoring inequality. One can see that the economy was going very fast, ...

M. T.

So even though the economy grew, it did not benefit the society but it did benefit a small elite.

J. Kieyah

Yes that is true.

M. T.

Any other effects on the society?

J. Kieyah

Again speaking as a Kenyan who has been away for some time, there has been this renewed hope that ... things are moving in the right direction. ...

M. T.

Would you say that this increase in expectations within in the society did also result in the No- vote during the referendum in 2005, that they saw the new

constitution or the new draft as again a constitution which leaves the power within a small elite and does not diversify.

J. Kieyah

I think you have to be very careful, because ... it is a political game that is also played by the politicians. I don't believe personally that an average Kenyan (would read the constitution). I can give you for instance in 2005 referendum it was about personalities. The prime minister was able to tell them I read the document and it is not good and rejected it.

M. T.

But he gave reasons and people followed definitely also the leader, but also the ...

J. Kieyah

Sure, but for example you and I, you know constitution is very difficult, even understanding it is a very difficult concept, even the politicians don't always understand it. ... Our politics here ethnic plays a major role in terms of how you vote, in how you perceive. ... Because if you control the government, you control the natural resources. So every ethnic group feels that if they can have one person in the government than they are going to benefit. ...

Kieyah talks about the draft constitution which will be decided upon in August 2010, the root elements of the same and criticises that during discussions the implementation process is never touched or addressed, which will constitute a major challenge in case the draft is being passed. He also points at the pressure from donor countries during the formation of the coalition government as well as during the formulation of the draft constitution.

M. T.

When they (the government) decide which policies to implement, how would you perceive the role of the international community? In how far do they influence decisions on that level?

J. Kieyah

The international community? A lot, a lot. ... Basically they can drive policies. *He brings the example of the negotiations after the PEV, which were led by international actors like Condoleeza Rice who stayed in the country for 3 weeks, Kofi Annan, the American ambassador, ...* A very paternalistic attitude.

12.4.5. Fred Jonyo

I conducted the Interview with Fred Jonyo, a professor at the Institute of Political Science at the University of Nairobi on 15.05.2010. Duration of Interview: 28:44minutes.

M. T.

Can you tell me about the government, the Kibaki regime from 2002 to 2007, where the focus of the government lay in terms of implemented policies, in how far they were achieved and how it affected the society.

F. Jonyo

Yes, Kenyas political system from 2002 was largely driven by reform. Since Moi was there for quiet some time, there were forces both within and without, internal and external, that wanted some specific reforms that could allow Kenya (1) to enhance its economic development, because Kenyas economy was performing poorly, but there was evidence that the economy could do better. But because of the nature of the political system the economy was held back. The other issue was also to create fundamental freedoms [2], because Kenya was basically like a police state, before 2002. And there was need also to open up the political space. Then the other reform [3] that was very political was the constitution, because we have had independent constitution that has been there for a very long and at times to overhaul or change it has been very difficult. So 2002 reform was the issue. But when the government of Kibaki came in there was a lot of expectations that, you know, he would undertake those reforms. Even though there were several areas around which reforms were required, which were critical. The other one based on fundamental freedom was on issues on human rights and the police. The

police was viewed as serious violators of human rights in terms of torture, in terms of obituary arrests, and they would hold you forever without taking you to the court of law. So there was also need to make the police more professional and remove the brutality, because they were extremely brutal and they would use excessive force, even where force was not necessary. So there was really need to reform the entire police force. Make it more civilian and make it some kind of friendlier face in terms of, in the interest of the people of Kenya.

And then there was also the issue of public management, particularly corruption was very bad. So they were fond to take care of such vices in the system.

But unfortunately when the Kibaki- government came in, there was some kind of pre-election understanding, which was between Kibaki and Raila Odinga. This was not implemented as they agreed. So we began to see our expectations declining, we began to see our expectations losing the momentum. Because in 2002 there was a lot of momentum for change, everybody was talking about change. But when the two coalition governments came in to govern there was a sense of betrayal among the major sources in government. So instead of the NARC government consolidating on their win against KANU, so that they can initiate reforms, the NARC dream was actually lost because of internal rumbles, and they were so vicious, because there was a strong sense of betrayal.

So whereas attempts were made to revive the constitutional debate, to revive the fighting against corruption, to revive reforms on the police, the tempo or the momentum was laggish. And again now each of the partners were keen on reforms that may be against their interest. So the reform process got caught up on the political intrigues of the two partners that felt betrayed: one side felt they are the once controlling government, one side felt we assisted you to come into power in the interest of us sharing, but its like you monopolize. So one side wanted to monopolize instruments of power, the other side wanted to also have a share. So from 2002 to 2007 not much was done, and in fact many have argued that the interest of fighting corruption, the interest of serious reforms dissipated, and focus was now on how to control each other.

So this kind of intrigues were to be witnessed in the 2005 referendum, when the government lost. And the government lost basically because there was a feeling or a sense of betrayal that was very strong, that you promised us a constitution

after 100 days, you promised us 500.000 jobs for the youth, and this are not forthcoming. Because focus was now not on fulfilling these things, but was now on, you know, settling political issues that were very strong. So the referendum was the final, was the climax of dissatisfaction or disapproval of the entire NARC government. This lamed along, no serious reforms were made and that's why 2007/ 2008 there was a lot of destruction, both of property and lives, because of the building anger. So one can argue that the NARC promise was never to be, but it would have been achieved if there was some kind of sincerity in government, and if there was some kind of understanding.

One thing that is very common in African countries, Kenya not being an exception, is that governments are behaving as if they are exclusive. They form government, when they get in its like a closed club, everybody is shut out. But if the NARC government would have been more participatory, would have been more inclusive, would have been more geared towards the interest of the people, not the interests of the ruling elites, Kenya would have done well. So that is in a snap shot, that is what basically explains the NARC government from 2002 to where we are now, a lot of promises, but the speed of implementation is low because of various feelings of betrayal, feelings of marginalization, and the exclusivity with which government is run.

M. T.

How did the WB perceive this, the reforms and what was implemented or not implemented?

F. Jonyo

The WB for a long time has been keen to stabilize support, stabilize the Kenyan political system through various reform packages. But the problem is that reforms in the economic systems can only be successful when there is some kind of political stability. And WB and its sister IMF majorly their interests have been economic, but they have also [...] what other governments talk about, that is need for democracy, need for, you know, strong institutions, that can be used in the interest of. That is basically what they have been saying, but a lot of reforms have been based on the economic system, liberalize, privatize, less government

involvement in the economic sector, maintain some fiscal expenditure discipline, this wastage should end, have a lean government that is efficient and more motivated, have proper infrastructure especially excess roads in the rural areas, provide the electricity that can enable you know, also support small scale. That has been in their talk, but what constrains these reforms is that economic reforms can only succeed when the political aspect is supportive and is stable.

Whereas the WB has been talking about but they are also keen, they realize that without political reform political reform cannot succeed. They now treat political and economic reform as complementary in the sense that one supports the other.

M. T.

As a means to achieve economic reforms they implement political reforms.

F. Jonyo

Yes, yes. Initially they would not care about politics, they would simply go into economics, you know macro-economic systems. But they realized that focusing on economics in isolation of politics is a waste of time. Have the two, you know, support each other, because if politically you are not stable, there is nothing that you can reform in terms of economics.

M.T.

Would you say the reforms have changed or is it more or less a continuation of the SAPs?

F. Jonyo

What we are seeing it is the same language, you call them Structural Adjustment Programs, you call them enhanced policy framework, you call them Poverty Reduction Programs, you call them New Partnership for Africa's Development, you call them what. All of them are driven by neoliberal, capitalistic economy: privatize, liberalize, less government involvement, market forces, you know, allow the market to determine [...] They can call them different names, but they remain the same [...]. All of them are driven by neoliberal economics: when you open up you enjoy bigger markets, you know stuff like that.

But there is also something that is also coming, in the sense that many countries in Africa have realized that sitting back for lectures from WB and the same may not be useful, they also need to develop their own in house programs that can support their own development. So there are a lot of initiatives that are coming up in many countries Kenya included, like we have now this Constituency Development Fund, the CDF, which is meant to transfer resources from the centers to the rural areas. And we also have local government funds, which is supposed to maintain success roads in the rural areas. We have massive cooperative movements that are supposed to bring together producers of particular commodities, and support them/ connect them with good markets. And then we also have this regional integration, where Kenya, Uganda, Tanzania, Rwanda, Burundi wants to come together. Their realization is that they have so much resources, but because they are fragmented they are not benefiting. The era of fragmentation is ending, whereby East African countries are keen to consolidate, are keen to unite their opportunities and have a common approach that they think would be a better way of nurturing the. Because for a long time most of our countries have ignored their internal capacities, they sit back and wait for an outsider. But after years of this outsider nothing has been seen.

M. T.

In how far are this internal policies also influenced by the outside?

F. Jonyo

They are influenced in the sense that a lot of funding that is supposed to oversee some of these programs are externally sourced. But in as far as they are externally sourced when you get this funding there are also guidelines, nobody will just throw money at you. They will give you money, but they will also want to engage you in some kind of policy direction. But I think it is not bad to share policies, it is bad if they are imposed. So its ok you can have internal programs, and many of these countries their per capita income is not very strong, to the extend that they cannot mobilize sufficient funding for their programs. So I think when you seek for funding, the most important thing is that those who are funding programs should also allow African countries to have a voice in terms of

what is it that is the problem. Because it is only this people who are here who knows where the problem is, an outsider can only do so much but there is a limit because the outsider does not live here. So I think as far as conceiving the problems, responding to the problems, sustaining the solutions, should be owned by local. But that does not mean that an outsider has no role, they have roles. But only the role of an outsider should not be at the expense of those who are in Africa.

M. T.

Did that apply to the NARC government?

F. Jonyo

In terms of what?

M. T.

In terms of the policies they implemented.

F. Jonyo

Yes most of the policies that they thought they would implement, the issue is that domestic capital is not sufficient. So you can have a very good idea, but you cant fund it. So the external angle comes in in the sense of funding and also technology. We don't have sufficient technology talk about, nor do we produce most of these techniques, they come from elsewhere. So in terms of funding particular programs, whether it is in development, whether it is industrial, you require funding, and you require some element of technology. So when you seek capital, whether money or machines, somebody gets in. But this person also has interests. There is no country that can support another just in the interest of supporting, they also have their interest. That is where this what one may call particular vested interests which are at play but that is very normal. Capital moves from one place to the other because of particular interests. So whether it moves or it does not you negotiate of how these interests can be sustainable without one side loosing out.

M. T.

How did the government perceive the WB?

F. Jonyo

Kenya has been very supportive of WB, but between during Moi's reign or during Moi's time the relationship was not as cordial as it should be, because as I told you WB which was initially meant to pursue economic programs and issues was seen by Moi to be becoming political, it was asking for things like democracy, human rights protection, reforms, stuff like that. So by that time there was very, I think Moi's government at some point was outright hostile and Kenya suffered you know because the WB stopped its programs, lending programs to Kenya because of what they perceived as hostility. But over the years I think right now the relationship is fairly cordial.

And there is another dimension which does also come in, which one may speculate has made both sides to soften. One, Moi is no longer in the scene, Kibaki is the President and Kibaki's approach to the management of public affairs is very different, you know soft approach, less controversial, that has softened. Moi was quite open-ended and would talk publicly about WB, dismiss them. But Kibaki has maintained a neutral approach, whether they quarrel or not is difficult to know, but in public he maintains very respectful comments and he calls them generally our development partners.

On the other side the WB has also softened, it is no longer the current and stick kind of institution we used to know it. Because of what? The emergence of China. China has emerged in Africa, if you go to Angola you will be shocked. China has emerged as a very serious alternative source of capital to many African countries. And China is not bothered about your internal democracy, whether there is corruption, whether there is. What they say those are your sovereign issues, ours is to provide funding, and I can tell you many African countries are very pleased with the Chinese behavior. And I think WB has also realized, they have read the mood of the time, and have realized that if we become to insist on some of these things, we are going to lose out on opportunities of funding. Because WB is in business, but if now people you do business with are taken away by someone else, I mean it is only credible that you also change.

So I think those two explain why right now the relationship between Kenya and the WB and many African countries is better. For the first time you see that the WB is not very keen to find out whether you fulfill all the requirements. They can provide funds if there is some kind of promise that you are fulfilling this policies.

M. T.

How do you see the effects of the policies implemented under the NARC regime on the society, like inequality in terms of employment?

F. Jonyo

Attempts have been made, but you have to be realistic of your expectations. This is a developing economy, and a lot of our exports are commodities that are raw materials. Returns that we get from this agricultural commodities are not good. Secondly they are grown based on the weather, we have not reached a stage where we can talk about Green revolution where you control your own temperatures. Climatic changes have been very severe to the extent at some point there is bumper harvest, at some point you suffer from serious weather related problems, which undermine production. Not to talk about pests and the rest. And also in 2007 and 2008 there was a serious internal, you know, almost a civil war. All these things really reversed the kind of gains that NARC had made to an extent that one can argue that several steps were made forward and again several steps were made backward. To an extent that we have not been able to consolidate the foundation of NARC, it got lost. And it began getting lost in 2005 because of the Referendum, people began losing faith in the government, the government itself began now to see how it can survive, whereby the initial promises reforms in the police, reforms in the constitution, reforms in the fight of corruption. So a lot of gains were lost because of political issues, and secondly also look at the nature of the economy, and also the globalization. Because the world is small, it is like one village. A problem in the United States, a problem in the Middle East, undermines our economic development in terms of gain.

So the reforms have been good, one can argue, but the implementation has faced serious challenges, some of which may not be based on the policy program, some of which are outside of the policy.

M. T.

Which parts of the society profited most from the policies?

F. Jonyo

Which parts?

M. T.

Parts of the society, was it mainly the poor or was it a small elite?

F. Jonyo

It is the poor generally, because the elite many of them have many sources of income. Because we are in a capitalist economy, and your comfort depends on how much capital you can generate, how much wealth you can put on the table. Some of this people have investments, even outside of the economy. Some of them have serious assets, you know, in key sectors of the economy. But the poor who is going out to work is the one who is going to be sent home if there is no money to pay them, is the one that faces difficulties of food security, is the one that cannot access medication if the cost is high, is the one that is insecure, because they live in areas that are either slums so their security is from health issues they live in areas that don't have no hygiene, no sanitation at all because they cant afford. If you don't have income, how can you afford decent, you know, shelter. So the poor will continue to bear the heaviest burden of these policy programs, in any society. It is not only Kenya, any society. Because the rich are cushioned, they are fine. If things become bad they have several alternatives.

M. T.

Where would you locate the root causes of the PEV?

F. Jonyo

Several. One is historical injustices. When we were colonialised, I hope you are familiar with colonial, they took away fertile chunks of land, and they did not

even pay a cent. Our local people became displaced, our land became scarce. The policy programs that they left behind in 1954 the British government knew that Kenya would get independence. Then they brought in what they call I.R.J. Swinerton. Swinerton was an assistant director of agriculture who came and wrote the first policy paper called the Swinerton- Plan on Kenyas agricultural land, and Swinerton talked about registration of land and registering it in terms of individual names.

In Africa there was nothing like you own land that it is yours, it was communal. Now when Swinerton wrote about land being registered and a title deed being issued, land was actually transferred from being a communal property to private. Then when we got independence the first government of Kenyatta did not undertake any serious reform, but they were rather conscious not to disturb the settler economy, because Kenya was a settler economy and there was a large number of British farmers that had taken thousands of acres of land. The constitution of Kenya was actually written by the British, and one of the articles argued that Kenya government shall protect private property. Land was now private property, the constitution said you protect it. Kenya therefore was closed out in terms of undertaking serious land reform.

Now in an agrarian economy like Kenya, if you don't undertake a meaningful land reform, it is the source of production, it is the source of livelihood, then serious problems have to emerge. Because one whichever policies you bring, so long as they don't discuss fair distribution you know of the factors of production you cant go anywhere. So one of the issues in the Rift Valley is land. Large numbers of people own thousands and thousands of acres of land, and some of them are not locals. In Kenya we know who is local and who is not.

Two, Moi was in power for very long. And Mo's home town is Rift Valley, when he left power a large number of Mo's people were loosing their jobs, are being retired or some were being taken to court. So Rift Valley or Kalenjins have viewed it as victimization. So that was building anger.

If you are familiar with theories of conflict, one of the major theories was developed by Robert Ted Goor. Robert Ted argued that if people are stopped from realizing or achieving their objectives they become frustrated. I want this but you are stopped from achieving it, and you are not given any alternatives.

You begin to build with anger and frustration. Frustrations if not given or if not addressed comes as aggression. The elections provided a life and death opportunity to get out of this anger. When the elections did not go as expected, then the rest is history now. Anger comes into violence, and that is what has perceived.

One was land, the other was that they were loosing. During Moi's time the Kalenjins were very privileged, controlling actually everywhere, talk about business, talk about. But now when Moi lost they had no option. The new system also comes with its own troops, so the others would rather ways will be found for them to exit. You see positions you used to occupy taken by others, it creates a sense we are being marginalized, we are being targeted.

That, to me, the elections were not a problem, the elections were just an excuse for this anger to erupt.

M. T.

And how do you see the causes defined in the Waki- report in connection to that, like personalization of the Presidency, weak institutions, inequality?

F. Jonyo

Yes the same things, they go round it its almost like a vicious circle. Whether you talk about weak institutions, whether you talk about personalization, the end result is marginalization, the end result is unfairness in the distribution of resources, the end result is that people feel there is a perception that people create that you favor them you don't favor us, you are our enemy. Let us see how we can remove you. So it does not matter really, but the end result is always the same. People feel that they are not part of it. Look at this, if you have been benefiting, and all over a sudden the benefits go away, and why? Because your person who speaks your language is no longer in power, how would you interpret it? It would be like we are now paying the price, it is revenge time, let us also try to organize and defend what we have. So it creates a sense of them and us. Go to Sudan, North and South, the same issues: unfair distribution of resources. Go to Somalia: clan issues (...). Go to Uganda, the Northern part of Uganda, the feeling of frustration that others are having access to good jobs, access to you know good

roads, medicare. But some people don't have roads. You go to Southern Sudan there are no roads at all.

So that whether it is out of policy, out of personalization, the end result is that in the 21st century, a government that wants to develop economically, whichever policies, must ensure that there is fairness in terms of distribution of resources, must ensure that there is inclusivity in access to public opportunities. I don't have to give you handouts, but I can facilitate you to go to school, if you are bright but you are poor, that should not be in that sentence. You should have access to programs that enable you to realize your dream.

M. T.

Does the CDF-Fund provide a more fair distribution?

F. Jonyo

It depends, one, CDF is a very young idea, which was just developed the other day. Secondly, the government of Kenya was still experimenting with CDF. The idea is good, fantastic. Challenges that it is meeting is in terms of management. It is given to members of parliament, who are also politicians. My view would be that we have seen that politicians may want to use CDF for personal power consolidation. But if we professionalize CDF, where we have a qualified team of professionals who are given this jobs on merit, we delink MPs from CDF. It will be fantastic, because it gives people a chance to say what they want. Because its the people themselves who know what they want. Central planning where Nairobi decides how to develop another area has failed, because people in Nairobi are not on the ground. But if you allow people on the ground who know where the problem is, you give them a chance under professional advise, then that would be the best way to maximize on development. Any new idea has to undergo through some challenges, the question is how do you overcome. We have seen that majority of the MPs are really not the kind of people to manage CDF, even though there are some areas where they have done wonders. I think that should be a learning experience, we should not now condemn the idea that wow it has failed, no the idea is very good, where it has taken it has done well, but even despite all this mismanagement, you still see some success. So suppose

we now consolidate, or suppose we now see where the problems are, I think it is just a matter of time until you know the whole idea erupts into some major success.