



مركز الجزيرة للدراسات
ALJAZEERA CENTER FOR STUDIES

Report

Kenya's 2013 Elections and Emerging Foreign Policy

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Kenyan lady cast her ballots at a polling station in the Kibera slum in a general election in Nairobi, Kenya, Monday, 4 March 2013. Kenyans are waiting in long lines to cast their ballots five years after more than 1,000 people died in election-related violence [AP Photo/Jerome Delay]

Introduction

Following elections in early March 2013 and the Jubilee Coalition's rise to power, both Kenyans and the world have reasons to expect changes in the country's policies, especially foreign policies. However, a consensus is emerging that the new regime is unlikely to make major policy shifts. This position is reinforced by the perception that although the new leadership is young, it represents the old order. In addition, the new leadership has come to office with a major problem: the International Criminal Court (ICC) cases. The ICC cases are already influencing the direction of foreign policy. Also, because the new leadership represents the old order, the direction of its foreign policy will be based on the old order as it remains beholden to it.

Interestingly, even appointments to cabinet positions in the new government have largely been influenced by the fact that both the head of state and his deputy hold a first, each being the first person to be elected while facing trials at ICC on serious crimes against humanity. This unique position is likely to impact decisions including appointments to key government positions. It is in this light that the appointment of the Secretary of Foreign Affairs, Amina Mohamed, is to be viewed. Although considered experienced, her level of competence cannot be vouched; her position is clearly that of a loyalist and hence the appointment served President Kibaki well and ethnically right. Thus, her appointment indicates the desire for continuity. This is further enhanced by the list of the invited heads of state at the president's inauguration. More importantly, analysts see events that have occurred since the Jubilee Coalition's assumption of power as geared towards the unveiling of already strong relationships but more towards galvanising reluctance to accountable governance and democratisation in Africa.

Prior to their elections, President Uhuru Kenyatta and his deputy embarked on regional visits across the East African region. The visits were aimed at fighting the perception that the pair were unacceptable internationally. It worked well in the country particularly

among their ethnic groups and partly contributed to the ethnic voting that was seen in March 2013.

Emerging Foreign Policy

Kenya appears to be at a crossroad when it comes to the questions of politics and policy. It displays both modernity and backwardness in equal measure. For instance, mobilisation for elections remains largely ethnic, and in the last resulted in the victory of a coalition of two tribes, displaying democracy. The election results allowed the paid attempts of the drafters of the new constitution to embrace a technocratic cabinet that cleverly worked to reward the ethnic voters. This is despite attempts to ensure that the influence of ethnicity is reduced in the daily interactions of citizens. The debate in Kenya's parliament about the cabinet captured this clearly when parliamentarians questioned the diversity of the team nominated and eventually appointed as cabinet secretaries.

Uhuru Kenyatta is poorly understood. He has been in public life for about a decade and a half and is the son of the founding president of Kenya, Jomo Kenyatta. He came to public life via a nomination after the resignation of Mark Too and was soon promoted to become the minister of local government. Aside from his relation to the late Jomo Kenyatta, the public had scant information about his background. His appointment to the highest position in the country gives analysts the chance to evaluate his mentality and inclinations. More importantly, there are fears that he may repeat his late father's sins and ensure that the democratic reform processes in the country are negated.

The nomination and subsequent appointment of Amina Mohamed as Cabinet Secretary for Foreign Affairs point towards a desire for the continuity of the foreign policy that had been pursued by President Kibaki and Moi respectively. Mohamed has been a part of the Department of Foreign Affairs for close to two decades starting from a junior position and rising to represent the country in the United Nations. A simplistic assessment would be that her work in the foreign affairs agenda will ensure continuity. Thus, just as the Kibaki regime used regional bodies including the Intergovernmental Authority on Development (IGAD), the African Union (AU) and the East African Community (EAC) to rally support against the west (Europe and the United States) particularly when it came to the sensitive question of the ICC, the new regime is expected to do the same.

The keynote speaker at Uhuru Kenyatta's inauguration, President Museveni, captured the mood of the supporters of the Jubilee coalition when he castigated the ICC, and by extension western governments, for meddling in leadership in Africa. He also congratulated the Kenyan people for allegedly repulsing what he called "the blackmail of the ICC," stating:

I want to salute the Kenyan voters on the rejection of the blackmail by the International Criminal Court (ICC) and those who seek to abuse this institution for their own agenda...I was one of those that supported the ICC because I abhor impunity. However, the usually opinionated and arrogant actors using their careless analysis have distorted the purpose of that institution. They are now using it to install leaders of their choice in Africa and eliminate the ones they do not like.

The election of Uhuru Kenyatta and William Ruto, however, presents the Kenyan nation with an opportunity to test the functionality of the new constitution and its resultant institutions. Public spirited groups such as civil society organisations that openly campaigned against the elections of the two have a chance to test the new institutions that the new constitution established. This should allay the fears of organised non-state actors who, as James Verrini observed, present a mourning picture but argue that:

...most Kenyans do not want to weep. They want to forget the past, as this election shows, not confront it. They didn't care to hear, again, about the murders and evictions that accompanied the 2007 elections, nor about the decades of grief that came before. Kramer wrote of Austrian Jews in 1986 that they "liked the euphemistic surfaces of Austrian life," and the same can be said of Kenyans today. A nation of aspiring entrepreneurs (and, like Americans, lifestyle-aspirants in the ballot booth), they preferred to recall the theme of success in Kenyan history.

Perhaps the most telling summary of the last elections, James Verrini adds, was a ten-second FM radio service announcement that was aired a few weeks before voting:

It's important the youth remember Kenya is a brand," the DJ purred, "a brand people are comfortable investing in. You have made a major leap here; perhaps you want to say more before you get to UK. Nobody symbolises the comforts of investment like Kenyatta, maybe the country's richest man, through little effort of his own. His family is the premier brand in Kenya.

One is thus tempted to agree with James Verrini in his conclusion that President Kenyatta's foreign critics, failed to concede that countries will confront their pasts, or not, only on their own terms.

In post-conflict societies, many public figures have blood on their hands. Kenyans are as aware of this now as Austrians once were. They can take it. What they don't want is sanctimony. They'd far rather see defiance, even if it entails a certain sadistic hypocrisy. So, like the Auschwitz survivors who voted for Waldheim, Kenyans who saw family and friends killed after the 2007 elections voted for Kenyatta, though they knew he may have ordered those deaths. No, because he may have ordered those deaths. He allied with Ruto not to avoid these dark imputations, but to drive them home. Though tribe was the watchword of this election, their alliance, and their victory, was nationalistic, not tribal -- just as Waldheim's was. Their unspoken but resounding message was this: Yes, we killed. We killed for you, for Kenya. And we'd kill again. It's the most seductive platform in politics.

Foreign Policy Pillars

Uhuru Kenyatta's 9 April 2013 inauguration speech implied the basis of his foreign policy when he mentioned regional security, free movement of goods and people, reliance, the strengthening of regional bodies and, most importantly, the equality of nations.

Similarly, Kenyatta's Jubilee Manifesto also had hinted at what the foreign policy the party would follow. Although the party spluttered largely inconsistent positions driven more by a well thought-out hypocritical nationalistic propaganda under tutelage of a British public relations firm, it gave a smattering of what the coalition had in mind. In the president's manifesto, the coalition reiterated its position that largely saw Kenya as a leader in the East African region and beyond while also asserting the sovereignty manta and alienating western countries. The focus of foreign policy in any respect does not appear to be new. It is largely made of patches from the past regimes that the Jubilee Coalition seems to ably represent.

Thus, despite the rhetoric against western countries within the same manifesto, the coalition asserts that it will engage the traditional economic powers, including the United States, the United Kingdom and other European countries, and emerging players such as China, Brazil, India and Russia.

In a recent opinion piece for *The East African*, regular newspaper commentator Peter Kagwanja observed that the newly inaugurated government of Uhuru Kenyatta is recalibrating Kenya's foreign policy to reflect an assertive new Africa-centered approach as the central plank of Nairobi's regional and global policy. Certainly, Kenya's new "look inwards" policy as opposed to the traditional "look West" policy, or the emerging "look east policy" now in vogue, is in line with the Uhuru-Ruto campaign's frequent assertions that Western powers wanted to use the International Criminal Court to effect regime change during the recent presidential election on 4 March 2013.

These assertions led scholars as the inauguration came closer to predict that Uhuru Kenyatta's administration is unlikely to overhaul the country's foreign policy, arguing that he would merely re-emphasise the role of the East African region and give a pride of place to the new economic powerhouses, mainly BRICS states.

In the end, the inauguration appeared to signal a search for foreign policy orientation that is anchored in sub-regionalism and pan-Africanism, with Kenyatta's government pledging to strengthen its ties with EAC member states – Uganda, Tanzania, Rwanda and Burundi as well as South Sudan, Ethiopia and Somalia, which are likely to become EAC members in the future.

Uhuru Kenyatta's Presidency, Western Powers and the Contradictions

Kenyan elites feel that their position is a special one and the West can only ignore the country at its own risk. Thus, the rise to power of Uhuru Kenyatta and William Ruto has been touted as putting, western powers in a difficult situation; and this argument has largely been peddled by regime supporters. It is based on the unfounded assumption that Western governments and businesses fear that Asian countries such as China are likely to replace them as strategic partners. This position appears untenable given the recent visit of President Kenyatta to the United Kingdom soon assuming office. The visit yielded a clear demonstration of what essential contacts entail. This brings to mind questions like are western governments really concerned about African rights or is it their interests that worry them?. It is on these grounds that the recent debate in the House of Lords urged the British government to enhance its relationship with Kenya.

From the analysis, it can be seen that the new Kenyan government plans to unveil a policy focused on East African integration, pan-African cooperation and trade, with a smattering of anti-Western rhetoric and hostility towards the ICC process. This approach will definitely lead to tensions and contradictions in the foreign policy.

Principally, the plank predicated on East African integration will meet its first hurdle as Kenya attempts to join South Africa, Nigeria, Brazil, India and China as one of the sub-imperialist hubs in the African continent because Kenya can only achieve its regional hegemonic goals by undermining the interests of its neighbours in consolidating their own national economies and, by extension, their internal stability, security and sovereignty.

A case in point involves the foray of the Kenya Defence Forces into neighbouring Somalia. Although lauded by an uncritical, flag-waving chest-thumping jingoistic Fourth Estate, Kenya's invasion of its northeastern neighbour elicited a lot of critical interventions from a handful of home-grown analysts. One of these commentators is Onyango Oloo. In two digital essays posted on the Kenya Democracy Project blog and widely distributed across social media platforms, Oloo termed the adventure into Somalia as "quixotic" and implored the Kenyan government to learn from its mistakes before it was too late.

In a digital article, Oloo pointed out that contrary to the impression that this is an angry national reaction to a recent provocation, the fact of the matter is that this military operation has been in the planning pipeline for quite some time. He added that according to impeccable sources familiar with the inside workings of Kenya's military, intelligence and security machinations, what is happening in Somalia is part of a detailed and coordinated IGAD joint intervention in Somalia with specific roles for Ethiopia, the transitional federal government in Mogadishu, AU troops and the Kenyan military.

This argument was supported by a story published in the 28 October 2011 issue of The Africa Report that mentions the Kenyan political leadership as being at the highest echelons, admitting that an earlier plan to covertly go after Al-Shabaab using specially trained elite forces recruited from the ethnic Somali population in Kenya floundered. This was after most of the recruits deserted after their training.

Oloo further posits that rather than this incursion into Somalia being propelled by a patriotic Kenyan desire to defend the country, it turns out that the Kenyan people were just pawns in the larger US-NATO geo-political agenda to "stabilise" the Horn of Africa region. The stabilisation is in line with the wider imperialist agenda of consolidating world monopoly capital, which has of late been buffeted by a severe crisis in the United States itself, the meltdown of the Euro and growing protests by the burgeoning global Occupy Wall Street-inspired citizen mass movement. Oloo's arguments, although speculative, are tempting and may be believed by less discerning individuals outrightly. This is because he linked the speculative argument with the general uprising in the Arab world including the killing of Gaddafi.

More contradictions in the anti-Western posturing of the Jubilee crowd, particularly on foreign policy, revolve around key spinner. This is held by The Africa Report, which pointed out that the gulf between the hyperbolic anti-Western stance that was spewed in the media during the campaign and the sordid reality that those very messages were crafted for the Uhuru Kenyatta campaign by a savvy PR firm founded in London itself by a former Tory minister.

Although Kenyatta appeared against alleged British involvement in Kenya's 2013 elections, this position was in direct contradiction to his reality as he had hired a British PR firm to work on both his public image before of the ICC trials and his presidential election campaigns.

Kenyatta's use of a British PR firm is noteworthy given the campaign's consistent demonisation of the interference of "Western imperialists" in Kenya's affairs. Kenyatta is rich and could appear entirely hypocritical. In addition, the campaign kept hammering out a nationalist rhetoric. This approach appeared to win the support of the largely ethnic blocks that voted for Jubilee, and hence should be appreciated for its propaganda value. Thus, one needs to look beyond the slick marketing, image processing and electioneering propaganda and examine whether in reality the Uhuru-led Jubilee regime is actually as "anti-Western" as it projects itself.

In dissecting the true foreign policy and/or agenda of the new Kenyan regime, one needs to look beyond the pseudo-nationalist rhetoric of the Uhuru administration. This requires a relook at its proposed economic policies, and one may be tempted to conclude that although it is too early in their term, the regime is likely to emerge as the most pro-Western clique to rule Kenya since 1963. However, there are still many difficulties and numerous factors that make it difficult to unravel with regard to Jubilee's emerging foreign policy. This is still how the cases at the International Criminal Court evolve and are managed, which may provide a limited explanation to the recent visits by the deputy

president to countries in Africa that do not appear to add value to the country's economic wellbeing at relative expense to the public.

President Kenyatta and Deputy President William Ruto are on trial at the Hague for serious charges of crimes against humanity directly affecting their own citizens. What does this say about the national, regional, continental and international credibility and moral legitimacy of the Uhuruto administration? If these trials kick off, what is the likelihood that the Kenyan head of state will commit himself fully to court proceedings that are likely to take years before a verdict is pronounced anyway? Will the Kenyan government be tempted to borrow a leaf from Sudan and pull an al-Bashir on the ICC?

It is still difficult to tell with certainty the direction Kenyan foreign policy will go. This is particularly so because of the ICC case. However, it is relatively clear that there will be attempts to use regional and African bodies to rally support for the regime. In this respect, the regime has the capacity to twist her neighbours' arm given its economic muscle. The question, however, is for how long will the public, including the tribesmen, continue supporting? Thus, the emphasis of foreign policy is likely to continue shifting and will therefore not be based on any key principles. It will start and end with the ICC until the case is dispensed with either way.

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