

The Influential

A Bulletin of the Global Centre for Policy and Strategy

Strengthening Kenya's resilience to the dynamics in the Eastern Africa region

Peaceful elections
2022



Exploitation of
capture fisheries



Food security and
aquaculture



Growing criminality
in the sports industry

Political fragility in the
Horn of Africa



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THE GLOBAL CENTRE FOR POLICY AND STRATEGY
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ABOUT US

The Global Centre for Policy and Strategy (GLOCEPS) is a think-tank based in Nairobi, Kenya with an overarching vision of being a leading global centre of excellence in policy influence and strategy formulation. We provide a strategic linkage between experience and research by bringing together distinguished professionals, thought leaders and academia to advance key issues on peace and security. Our work cuts across five pillars namely: Foreign policy, Security and Defence, Transnational Organized Crimes, Governance and Ethics, and Development.

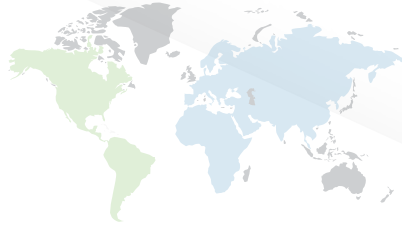
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WELCOME NOTE

On behalf of the Global Centre for Policy and Strategy (GLOCEPS), I invite you to read our **fourth Issue** of the **Influential Bulletin**. This publication contains papers written by our research team. The content is derived from the following research pillars of the Centre: Security and Defence; Foreign Policy; Transnational Organized Crimes; Development; Governance and Ethics. These papers align with our vision of excellence in action research, policy influence, and strategy formulation.

This fourth Issue is organized around conversations on strengthening Kenya's resilience and adaptation to changing socio-economic, political, and security dynamics in the Eastern Africa region. These papers which are products of research are geared towards stimulating scholarly and policy conversations around critical questions centered on security, foreign policy and development. The papers reflect interdisciplinarity in their outlook. We hope that these articles will ignite future research and policy conversations within our research pillars and beyond.

We would like to acknowledge the Board of Directors and administrative team for their leadership, planning and support roles; research teams for their conceptualization and execution of the papers; and the editorial team for peer review and finalizing the Bulletin.

We welcome you to be part of our journey in pursuit of our mission of contributing to global peace and prosperity.

Warm regards,

**BRIG (RTD) DR R G KABAGE, PhD, EBS
EXECUTIVE DIRECTOR**

EDITOR'S NOTE

We invite you to read our **Fourth Issue** of the **Influential Bulletin**. This is part of our August to December collection. It is themed on strengthening Kenya's resilience and adaptation to changing socio-economic, political, and security dynamics in the Eastern Africa region.

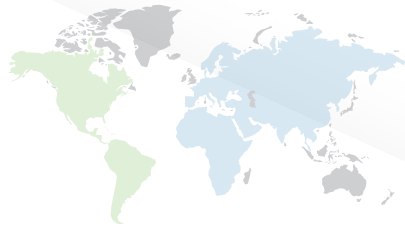
The papers bring together cross-cutting themes around peace, security and development. This collection invites discussions on contemporary debates around electoral violence in Kenya; political fragility in the Horn of Africa and its implications on Kenya's strategic options; improving Kenya's food security through aquaculture development; exploitation of capture fisheries in marine and freshwater-based counties in Kenya and growing criminality in Kenya's sport's industry.

The articles have been developed through applied research methods and a robust peer review process as part of our quality assurance process. Each of the papers offer precise policy recommendations.

We are pleased to receive your feedback or comments on this issue. Kindly reach us on email at info@gloceps.org.

Kind regards.

**DR K O ASEMBO, OGW, HSC
EDITOR-IN-CHIEF**



INTRODUCTION

Welcome to the **fourth issue** of our flagship publication, The **Influential Bulletin**. This edition contains five papers themed on strengthening resilience to changing dynamics in the Eastern Africa region. The contributions are as follows:

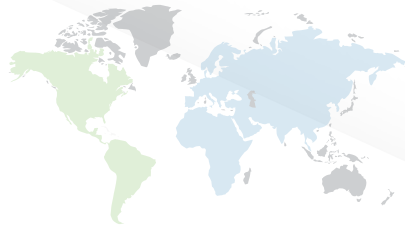
Dr John Mwangi focuses on forestalling prospects of electoral violence in Kenya's 2022 elections. This paper offers several policy interventions. It argues that fair and credible electoral processes; increased public awareness of peace; social media restraint and the timely presence of election observation missions are critical in pre-empting electoral violence.

Janet Kiguru examines political fragility in the Horn of Africa and suggests Kenya's strategic response options. This paper explores a series of diplomatic, information, military and economic measures that will be critical in safeguarding Kenya's strategic interests and recalibrating her engagement in the region. They include the need for Kenya to regain her strategic position in IGAD while supporting the push for Ethiopia to be admitted to EAC.

The third paper is by **Michael Owuor** offers policy insights geared towards improving Kenya's food security through aquaculture development. The paper opines that the potential of Kenya's fisheries sector remains to a large extent underutilized. The unrealized gain is attributed to policy and resource challenges hence, the sector's inability to reliably contribute to the country's food security and economic wellbeing. To actualize opportunities accruing

from the country's aquatic potential, there is a need to reorient support to addressing prevalent challenges which are related to input factors of production. This requires joint support from both the government and private sector. The paper recommends that policy action should be directed towards the development of innovative aquaculture financing products, modern production technologies, reliable and quality aquafeeds, an enhanced value chain, and research and training programs. The implementation of these options will engender the subsector's growth, social, and marketplace opportunities in line with the Big Four Agenda and Vision 2030 blueprint.

Stephen Nduvi focuses on the effective exploitation of capture fisheries in marine and freshwater-based counties in Kenya. The paper argues that the performance of Kenya's capture fisheries remains below its economic potential. While the maximum sustainable yield of capture fisheries is 300,000 metric tons (mt), the country has only managed to harvest up to 46% (137,333, mt) in 2021. This is yet to meet the current projected demand of 600,000 mt. Key impediments include destruction of fish breeding zones, inadequate infrastructure, capacity and management gaps in Beach Management Units (BMU), and poor post-harvest handling techniques. To revitalise the county's potential in the management of her capture fisheries, the paper recommends that the government prioritizes border trade controls; access to affordable energy; building capacity of BMUs and sustainable post-harvest handling techniques.



Ida Gathoni explores the growing nature of criminality in Kenya's sports industry. The paper discusses the key opportunities exploited by criminal actors to the detriment of a potential thriving industry. It argues that systematic and structural loopholes in the governance and regulation of the sports industry have contributed to the growing criminality. Using cases of four

prominent sports in Kenya (athletics, football, rugby, and volleyball), the study isolates various forms of criminality in the industry such as doping, and money laundering, exacerbated by criminal adaptation and policy regulation gaps. The paper recommends prudent governance as well as enhancement and enforcement of laws and regulations to safeguard the sector.

EDITORIAL TEAM

Editor-in-Chief

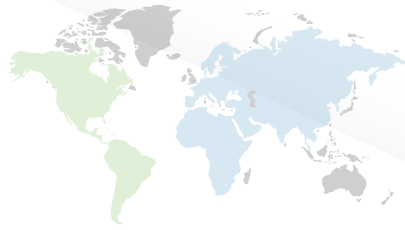
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ACRONYMS

ABDP	Aquaculture Business Development Program
AGOA	Africa Growth and Opportunity Act
AMISOM	African Union Mission in Somalia
AU	African Union
ATMIS	African Union Transition Mission in Somalia
BMU	Beach Management Unit
DRC	Democratic Republic of Congo
EAC	East African Community
ENDF	Ethiopian National Defense Force
ESP	Economic Stimulus Programme
FIFA	Federation Internationale de Football Association
HOAC	Horn of Africa Cooperation
HOC	House of People
IEBC	Independent Electoral and Boundaries Commission
IFAD	The International Fund for Agricultural Development
IGAD	Intergovernmental Authority on Development
LVFO	Lake Victoria Fisheries Organization
KDF	Kenya Defence Forces
KNBS	Kenya National Bureau of Statistics
KMFRI	Kenya Marine and Fisheries Research Institute
LAPPSET	Lamu Port South Sudan- Ethiopia Transport Corridor
MFA	Ministry of Foreign Affairs
NIS	National Intelligence Service
ONLF	Ogaden National Liberation Front
PSC	Peace and Security Council
RAS	Recirculatory Aquaculture System
TPLF	Tigray People Liberation Front
UNCTAD	United Nations Conference on Trade and Development
WADA	The World Anti-Doping Agency



Forestalling prospects of violence in Kenya's 2022 elections

Dr John Mwangi

Photo Credit: aljazeera.com

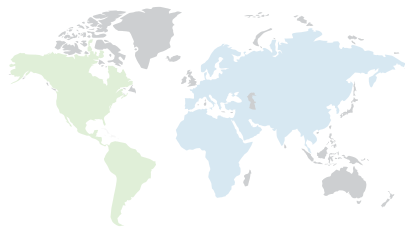
Executive Summary

This paper observes the need for policy interventions to forestall prospects of electoral violence in Kenya's 2022 elections. It argues that fair and credible electoral processes; increased public awareness of peace; social media restraint; and the timely presence of election observation missions are critical in pre-empting electoral violence. The paper proposes that the Independent Electoral and Boundaries Commission (IEBC) should engage in strategic communication on its interventions to deliver credible elections. Other recommendations include, the enforcement of existing legal and policy guidelines to pre-empt hate speech and surveillance of violence hotspots for anticipatory interventions.

Introduction

Elections have tendencies to trigger violence, especially where the contest is seen as a winner-take-all. Electoral violence is understood as the use of coercive force directed at multiple actors and or objects in the confines of electoral competition in pre and post-election periods. This violence can target candidates, election officials, election observers, and voters. A review of electoral violence trends indicates that it is a global phenomenon largely affecting electoral authoritarian states in diverse places such as Asia, the Middle East, and parts of Africa (Birch & Muchlinks, 2018).

The African continent has been characterized by recurring electoral violence over the last



three decades. This occurs in a context of up to 30-year experience in holding elections, including multiple reform efforts in the electoral, judicial, and security institutions. These reform efforts are however yet to result in peaceful elections across the continent with more than 60 percent of elections experiencing varying levels of violence. The persistence of electoral violence requires robust mitigation measures (Bekoe & Burchard, 2021).

The notion of peace is used in this context to denote the absence of fear and violence and the strive to enhance long-term structures necessary for mutual co-existence and tranquility. Long-term peace can be achieved through sustainable development, and investments to overcome systemic structural violence issues such as poverty, and unequal development. Addressing structural violence remains important in the pursuit of long term and sustainable peace (Galtung, 1969).

Interventions to mitigate electoral violence include activities directed at diverse actors that would include: police training, election management bodies capacity building, peace messaging, including grassroots peace advocacy (Birch & Muchlinski, 2018).



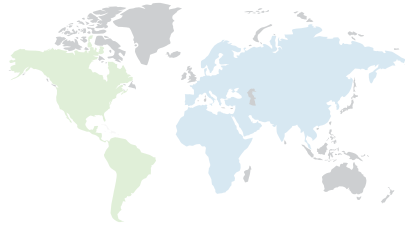
Photo Credit: kenyanews.go.ke

Electoral integrity which refers to a how a contest is deemed to be free, fair and procedurally secure is key to preventing electoral violence. Presidential elections are considered high stakes and in contexts marked by low integrity around electoral processes, they can exacerbate civil conflict. Perceptions around electoral integrity can impact on some actors' resolve to mobilize protests, riots, and low scale violence (Donno, Morrison, Savun, 2020). Elections are however, conceived as a viable mechanism for peacefully resolving competition for political power. While elections allow for the selection of the popular choice of leaders in democratic states, they are usually associated with different forms of electoral violence in attempts to influence the outcome.

Kenya is heading towards a highly contested Presidential election under the 2010 Constitution on 9th August 2022 that could alter the future of the country's democracy. The political situation is unique given the existing circumstances. These include the existence of multiple political coalitions supporting candidates in different political outfits, and having a sitting President openly declare his democratic right to his successor. This is also an election perceived



Photo Credit: iebc.or.ke



to be influenced by the incumbent president. The Kenya Kwanza Coalition led by Deputy President William Ruto has framed this as a campaign issue. This perception is likely to influence election results and could surface as a key area of grievance in the post poll period. Opinion polls have projected a tight race between the two leading candidates Raila Odinga and William Ruto.

The percentage of undecided voters further indicates the uncertainty of the electoral outcome.

This election is also being conducted in the context of a poor economic outlook with indicators such as growing youth unemployment, high cost of living and a growing debt burden. These are issues that have dominated the presidential campaigns. Moreover, these issues raise the possibilities of transcending the traditional ethnic mobilization in electoral cycles. Both of the coalitions however continue to project narrow elite interests that will manifest in either of the winning

coalitions activating neo-patrimonial networks. These networks are mobilized on ethnic identity then stake a claim on political power and access to state resources (Vertigans, 2017). Devolution of power to county governments post 2013 have further extended layers of patronage and rent seeking from a political economy perspective (D'Arcy & Cornell, 2016).). Loose alliances among the political elite have also meant that violence hotspots keep shifting depending on political persuasion of the day.

Local and national level elections assume a zero-sum logic. Political competitors engage in a variety of strategies to win elections. These include the planning of political violence, hate speech, and ethnic mobilization, including attempts to rig polls. The August 2022 election is projected to be a tight election, further raising the prospects for electoral violence. The ability of either of the two main candidates in this election, Raila Odinga and William Ruto to concede defeat and in turn the reactions of their

¹<https://www.bloomberg.com/news/articles/2022-07-29/opposition-leader-odinga-keeps-narrow-lead-on-eve-of-kenya-vote> (accessed 29/07/2022).



Photo Credit: Biometric Update

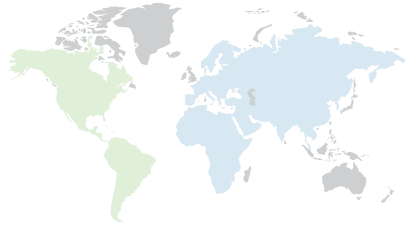


Photo Credit: redress.org

supporters in a win or lose situation holds prospects for peace.

Electoral violence has largely been a result of ethnic manipulation, the evoking of historical grievances, and the winner takes all models of politics (International Alert, 2022; Lynch et al 2019). Moreover, the non-programmatic nature of Kenyan political parties has meant that ethnicity continues to be deployed as a tool for voter mobilization. This has been enabled by the use of divisive ethnic narratives to instrumentalise violence. A growing culture of impunity manifested by the disregard for the law has meant that electoral violence has continued to be a threat to Kenya's democratic consolidation process.

Electoral violence has been conceptualized as a strategy to address various ends. The pursuit of violence is focused on political exclusion. The manifestations include; attacks on candidates, disruption of campaign events, and the prevention of electoral participation through intimidation, coercion, and voters' displacement (Birch et al, 2020).

Characterization of electoral violence in Kenya

Electoral violence in Kenya precedes the advent of the multi-party democracy in 1991. In 1983 for instance, in Kitutu Chache constituency then represented by late Minister Zachary Onyonka, Ouru Ndege was shot dead as he attempted to attack Onyonka on the campaign trail. This section reviews the evolution of electoral violence, and the key actors/issues that have characterized successive polls post the return of multi-party democracy in 1991.



Photo Credit: newsweek.com

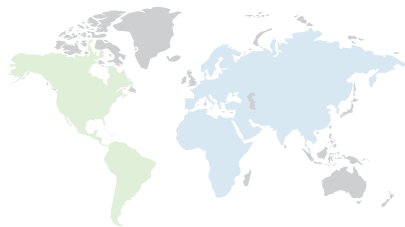


Photo Credit: chinadialogue.net

1991- 1993 electoral violence: elements of state complicity

Historically more widespread violence was reported in the multi-ethnic Rift Valley region between 1991 and 1993 and involved ethnic groups associated with the then ruling party Kenya African National Union (KANU), such as Kalenjin and Maasai against those in the opposition including Kikuyu, Luos, Luhyas, and Kisiis. The violence in the period was deemed to have been planned by senior state operatives who were opposed to the reintroduction of multi-party politics. The logic of the violence in the Rift Valley was to displace members of the opposition. This then allowed KANU to win the majority of parliamentary seats while reducing the share of votes cast for opposition presidential candidates (Mutahi & Ruteere, 2019).

1997 elections: State complicity and factionalized politics

In the 1997 elections, electoral violence was again experienced in parts of the Rift Valley and the Coast Province. This violence targeted opposition supporters and the so-termed 'upcountry' communities at the Coast. Elements of state complicity and the ethnic mobilization for violence characterized these

elections. Violence mobilization was made possible by the use of insider- outsider categorizations that enabled the displacement of voters. In sections of the Coast province, the framing of 'Wapwani' (Indigenous) communities versus 'Wabara' (up- country) communities was used as a marker of belonging or difference and hence rendered displacement possible.

2002 elections: a peaceful transition of power

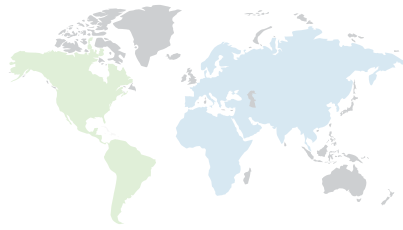
The 2002 elections were largely peaceful. The elections was won by a broad base coalition of parties that united under the National Rainbow Coalition (NARC) under the leadership of the late President Mwai Kibaki. The NARC coalition defeated the then ruling party Kenya African National Union (KANU) that had been in power since Kenya's independence. By 2005 the NARC coalition had collapsed and set the stage for the 2007-08 electoral violence.

2007 elections: Elements of pre-meditated and spontaneous violence

In 2007, a post-election crisis ensued that led to the loss of 1,333 people and the displacement estimated at 600,000. The root causes of the crisis included the then winner take all political system. This political system encouraged the rise of factionalized politics and which raised the



Photo Credit: Twitter



cost of winning and an appeal to violence (Mutahi & Ruteere, 2019). The violence is deemed to have been triggered by a flawed electoral process. Some analysts portend that this violence had elements of spontaneity but also aspects of planned violence. This combined with the presence of state weaknesses in different sectors further provided an opportunity for political violence (Murunga, 2011).

2013 elections: Advent of devolution, the ICC factor and nascent institutional reforms

The 2013 elections experienced minimal incidences of violence. Several factors were at play, one was the International Criminal Court (ICC) factor, which helped to unite Uhuru Kenyatta and William Ruto, both indicted by the Court. Additionally, their candidacy unified the two previously warring communities (Kikuyu & Kalenjin) into one political alliance. Moreover, this was the first election under the 2010 constitution, which in turn created a new electoral commission, including a Supreme Court led by the well-regarded human rights lawyer, Willy Mutunga. The Supreme Court has jurisdiction to hear presidential election petitions (Mutahi & Ruteere, 2019). It is notable too that security

sector reforms in the national police service post the 2010 constitution helped to secure the 2013 elections.

Moreover, before the 2013 elections, and cognizant of the aftermath of the 2007 elections, the private sector, the civil society, and the government pursued a peace narrative, even though some analysts critiqued this peace messaging as minimizing the accountability of the electoral process (Lynch et al 2019). Other interventions geared toward a peaceful election involved training journalists on conflict-sensitive reporting (Maweu, 2017). Peace messaging commenced in 2013 with actors such as National Cohesion and Integration Commission, teaming up with a host of local organizations to address hate speech (Lynch et al 2019).

The opposition contested the presidential results in the Supreme Court in 2013 in which it lost the petition. The 2013 elections process had equally been deemed to be free and fair by regional and election observation missions such as the African Union, the European Union, and the Common Wealth Observer groups even though their verdicts on the electoral process have been critiqued (Maweu, 2017).



Photo Credit: bbc.com

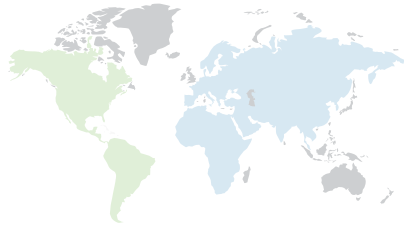


Photo Credit: crisisgroup.org

2017 elections: peaceful with aspects of political polarization

In the 2017 elections, anticipated widespread electoral violence did not occur even though there were ethnic tensions and polarization. Violence was however limited to protests and excessive force used by security agencies (Mutahi & Ruteere, 2009). The elections occurred in a context characterized by the mistrust of the electoral body. The presidential result was contested at the Supreme Court and which led to its nullification and a repeat election held.

2022 elections: apprehensions of a peaceful election

As Kenya approaches the 2022 elections, there exist multiple perceptions on whether the elections will be peaceful. Several factors have come into play and will likely impact electoral violence. These include; the credibility of the electoral management body, the rising political rhetoric, high stake elections, and the likelihood of organized political violence. The latter has already taken shape with the resurgence of criminal gangs mainly in urban informal spaces. The proliferation of small arms and illicit drugs further complicates the policing of these gangs. These gangs could be mobilized for electoral violence (Shauri, Mutubwa, and Musa, 2020). Some of these gangs including

the Mungiki, Taliban, Baghdad boys and Sungu Sungu could be activated for political violence based on previous mobilization (Noyes, 2013). Prior to the elections emergent gangs in Nakuru such as the Confirm and a host of juvenile gangs in Mombasa further complicated the security situation.

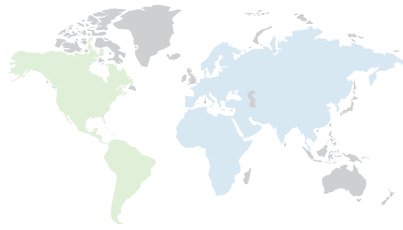
This paper situates several interventions to pre-empt electoral violence in Kenya. A key intervention remains the trustworthiness of the IEBC to conduct credible polls. The perceptions of the preparedness of IEBC to hold elections shall impact the legitimacy of the polls' outcome and voters' participation. This integrity shall be assessed on its pre-election logistics preparedness, its ability to conduct civic education, non-partisanship, and independence in the polls management process.

Methodology

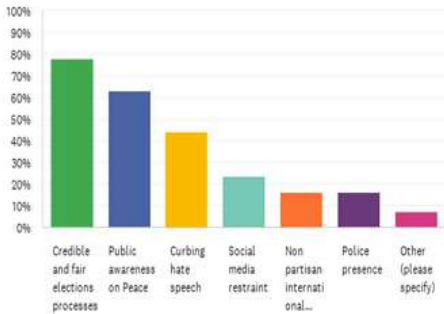
The findings of this paper are drawn from primary and secondary data collected in line with the study objectives. In terms of primary data, an online survey tool was deployed with 69 respondents. Primary data was collected in April and May 2022. Secondary data relied on journals, books and grey literature. The study findings are organized thematically.

Key Issues

This section discusses the key insights drawn from primary data and analysed alongside secondary data. From the survey deployed with one of the questions presented below, study respondents (69) highlighted in order of importance the following measures they perceived could ensure peaceful elections: credible and fair elections processes; public awareness of peace; curbing hate speech; social media restraint; non-partisan international election observations; and police presence.



Q10 What measures could be taken to ensure peaceful elections in Kenya?



Credible and fair election processes

Drawing on the survey results, a key determinant in pre-empting electoral violence is how the 2022 elections are managed. A majority of the respondents, (78%), expressed that credible and fair electoral processes would be critical in safeguarding peace in the pre and post-elections period.

Electoral integrity matters as electoral misconduct creates triggers for electoral violence. The conduct of IEBC shall influence the polls legitimacy. The lack of integrity characterized by electoral malpractices, bias, or institutional weaknesses creates legitimacy deficits with prospects for political violence. Departures from electoral integrity raise the grievances of the losing political party, and offer opportunities to political entrepreneurs for violence mobilization. This would be made possible by framing electoral grievances (Donno, Morrison & Savun, 2022).

A key area of focus likely to impact the potential for electoral violence is how the Independent Elections and Boundaries Commission (IEBC) conducts the elections. In the 2013 and the 2017 elections, the credibility, and accountability of the electoral process was put in doubt. In the 2013 elections, IEBC processes meant to enhance the accountability of the electoral process were ineffective. For instance, in the 2013 elections, the biometric voter registration kits (BVR) failed in mock elections and on the actual voting day, yet they were

meant to curb voter fraud and rigging (Maweu, 2017). Moreover, IEBC took over a year to release the official 2013 election results (Maweu, 2017).

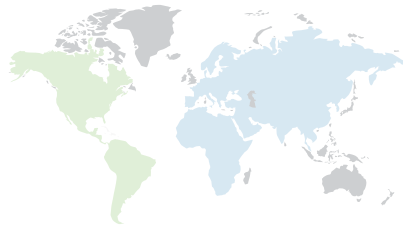
In the 2017 elections, the credibility of the electoral body came up for scrutiny. The presidential results nullification shifted the blame to the IEBC on account that the electoral process had been characterized by massive irregularities in the results transmission process. The attendant implication of this nullification was a restoration of faith in the judiciary particularly in the opposition. The opposition then had been displeased with the upholding of the 2013 general elections by Kenya's Supreme Court (Maweu, 2017; Mutahi & Ruteere, 2019). The credibility challenge has continued to persist. In 2021, an Afrobarometer survey conducted in Kenya indicated a low trust deficit with the IEBC. This is illustrated below (next page).

Similarly, a National Cohesion and Integration Commission (NCIC) study conducted between January and April 2022 rated the IEBC with a low trust level of 26% out of a sample of 1,914 respondents (NCIC, 2022).

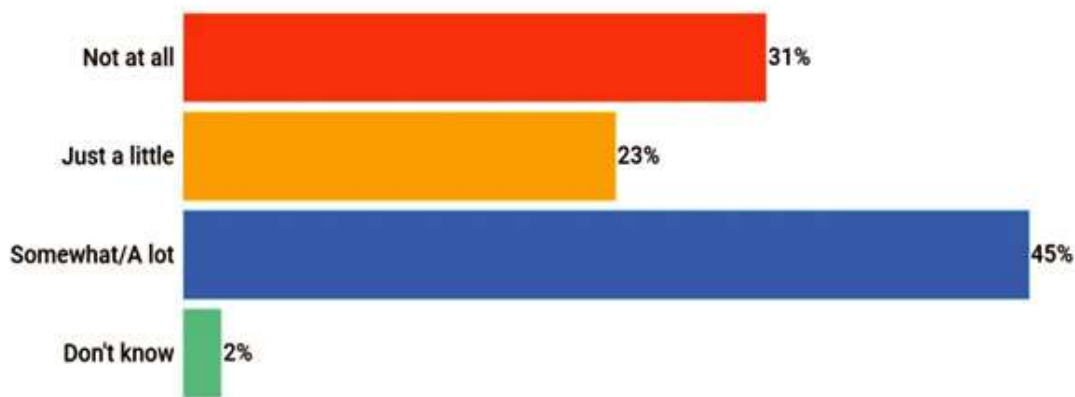
The credibility of the electoral process shall equally be judged on the technical and logistical preparedness of the voting process, including the timely and efficient transmission of electoral results. Lessons will need to be gleaned from Kenya's 2017 Supreme Court nullification of the presidential vote. Some of the key lessons for the IEBC include



Photo Credit: theeastafrican.co.ke



Citizens' trust in the electoral management body (IEBC) | Kenya | 2021

AFROBAROMETER


Respondents were asked: How much do you trust each of the following, or haven't you heard enough about them to say: Independent Electoral and Boundaries Commission or IEBC?

Source: <https://www.afrobarometer.org/online-data-analysis/> (accessed 29/07/2022).

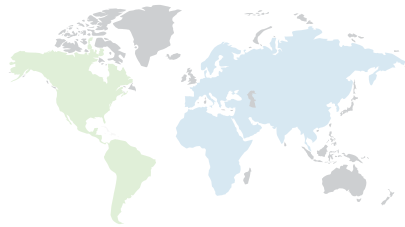
adherence to the constitutionally prescribed guidelines on election results transmission. A key area of focus is whether the IEBC has complied with all the recommendations of the Supreme Court as it nullified the 2017 presidential elections result. Additionally, the presence of domestic and international election observation missions in elections monitoring is salient in safeguarding the vote, and for lesson learning. The observers need to be neutral and impartial. Some of the observation missions have wide monitoring experiences and can share insights to improve electoral processes. How the IEBC conducts the August 9, 2022 elections shall matter for the post-poll phase.

In late July 2022, a series of incidences such as the Venezuelans arrested at the Jomo Kenyatta International Airport (JKIA) with sensitive polls materials, as well as contentions between a digital versus a manual electoral register will have implications in the post-poll phase. Other concerns relate to the unavailability of a live tally results even as the main coalitions have put in place parallel tallying centres. The IEBC is holding continuous media engagement as envisaged in its 2021 Elections Operations Plan (EOP). This engagement remains important particularly to curb prevalent misinformation and disinformation on the electoral process. Stakeholder engagement similarly envisioned in the EOP would serve to

address the concerns and mutual partnership of multiple actors in the electoral space (IEBC, 2021). There ought to be key engagements with actors such as the Office of the Director of Public Prosecutions (ODPP), the Ethics and Anti-Corruption Commission (EACC), including the National Police Service (NPS).

Progressive electoral reforms have been achieved following the Kriegler Report that investigated the working of the then Electoral Commission of Kenya (ECK) in the 2007 general elections. The ECK was faulted for a poorly managed election that included irregularities in the results transmission system. Some of the recommendations that came out of the Kriegler report was the use of technology not only to identify voters, but also to enhance the results transmission management system. The independence of the electoral body has also been enhanced, although funding delays to the present IEBC have continued to hamper its operations and thus impacting its execution of electoral preparation plans (IEBC, 2021).

The non-interference by both the political actors and the executive in IEBCs' operations and the impartiality of the judiciary is additionally important. The Judiciary remains a key arbiter in electoral dispute resolution mechanisms, and therefore its impartiality is pertinent in the electoral process.



Public awareness of peace

The majority of the respondents (63%) averred that public awareness of peace was the second most important factor in pre-empting electoral violence. Creating awareness of the need for peaceful existence irrespective of the electoral outcome is important. This would require an emphasis on the negative effects of electoral violence as a deterrence. This awareness is informed by previous electoral cycles such as 1992, 1997, 2007, and 2017 contexts that experienced violence. Key peace concerns include the possibilities for internal displacement, the destruction of personal and public property, and the breakdown of law and order. Consequently, peace messaging needs to counter related dynamics of mobilizing electoral violence based on ethnicity, geography, and perceptions of institutional weaknesses in elections management.

Identity-based markers such as ethnicity have been used by political elites to create inter-ethnic conflicts. In the vote-rich Rift Valley, for example, the previous mobilization of violence has been centered on unsettled historical grievances such as land. Gaps in addressing land issues by successive administrations have meant that political elites can continue to deploy it as a political tool (Malik &

Onguny, 2020). While previous elections have used such terminologies as Madoadoa (meaning blemishes in Kiswahili) in efforts to show differences between communities including influencing their political participation in 'non-indigenous' spaces.

Atieno-Odhiambo's (2002) observes that language is a marker of identity but also a tool that can be used for exclusion. The 'Madoadoa was reintroduced in the 2007 electoral cycle. In Kenya's Rift Valley region, violence has recurred since the 1992 general elections, with a brief interruption in the 2002 elections. Electoral violence resurfaced in 2007 and was in part tied to claims of a fraudulent electoral process. The use of Madoadoa which is a derogatory term was applied in the Rift Valley to identify the 'outsiders' (i.e., those who did not belong to the region) and hence a social construction that they needed to return to their 'indigenous' lands. This label was particularly applied to reclaim Kalenjin ancestral lands. This discourse was articulated in political rallies, informal conversations, mobile phone messages, email listservs, internet blogs, and radio stations (Njiru, 2018; Wachanga, 2011; Wambua 2017).

It has reappeared in the context of the 2022 elections. The National Cohesion and Integration Commission (NCIC) has banned certain popular words like as Madoadoa in campaign rallies, but that has largely been disregarded.



Photo Credit: image-images.com



A related metaphor of guest immigrant versus indigenous communities and which in part can limit political participation for the so-called non-indigenous communities has previously been applied largely in the Rift Valley (Jenkins, 2012). Jenkins observes that geopolitical imaginaries are appropriated using electoral cycles through oppositional identities by constructing the other as an immigrant. This is a narrative that was deployed in the 2007 electoral cycle. The immigrant is conceptualized by local-level actors and elites as someone who needs to conform to the political wishes of the host community. The immigrants that align with the political wishes of the host community, are welcomed and thus indicating the malleability of the metaphor (Jenkins, 2012).

In the 2021/22 period, the hustlers versus dynasties narrative is likely to promote a divisive electoral context given its attempt to shift the traditional political mobilization based on ethnicity to class politics. Other peace concerns relate to uncertainties around whether the main presidential candidates and their respective voting blocs would accept the poll outcome. In pre-empting some of these uncertainties, peace messaging should be undertaken in a series of print, electronic, physical, and social media platforms to sensitize the importance of peace.

Peace messaging around electoral cycles is not however unique to countries emerging from



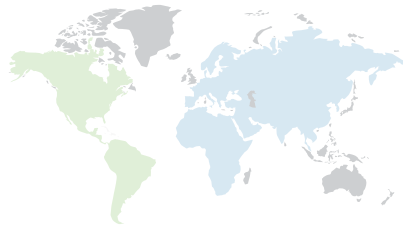
Photo Credit: UN Development Programme - Medium



Photo Credit: nccok.org

electoral conflict on the African continent. It has been emphasized even in relatively consolidating democracies such as Ghana. In the Kenyan context, a peace narrative was advanced by the media, the civil society and the international donor community as the country headed to the 2013 elections. The messaging was meant to forestall the aftermath of the 2007 elections that led to massive displacement and widespread electoral violence. A similar campaign was re-emphasized in the 2017 general elections. Critics of peace messaging however observe that while necessary for stability, it can be detrimental to democracy. Academic analysts portend that it can allow authoritarian tendencies by governments to justify fear of conflicts by adopting repressive tactics (Lynch et al 2019). This has been largely due to the politics of fear around elections and consequently the securitization of elections. The resultant then becomes multiple peace narratives that aim to pre-empt violence, but in the process militarize elections for the sake of order and stability (Jenkins, 2020).

The religious actors such as the Inter-Religious Council of Kenya, the National Council of Churches of Kenya have also remained engaged with peace work. They have held peace meetings and rallies to sensitize on the importance of peace. They have similarly reiterated the value of free and fair elections, and the seeking of legal redress in courts



in courts in cases of electoral disputes.²

Hate leaflets surfacing in parts of the Rift Valley warning some communities of dire consequences if they do not vote in a particular way is a course of concern ahead of 2022 elections.³ Peace messaging therefore remains imperative. The government, the international community and non-state actors have supported local peace infrastructures over time. These include local peace committees, and the multi-stakeholder platform the Uwiano (Cohesion) platform that brings state actors such as the National Police Service, the National Cohesion and Integration Commission. These infrastructures are critical for early warning, conflict management, including peace messaging to prevent electoral violence (Alihodžić, 2012).

Addressing hate speech

From the survey results, 44% of respondents noted that hate speech needed to be addressed to pre-empt electoral violence. It is applied in this paper to mean the use of expressions (whether verbal or written) that have the intention of inciting violence or promoting intolerance of other groups. The utterances of politicians in the campaign rallies need to be monitored. From a

preventative stance, politicians ought to be restrained in their speeches at campaign rallies and in public spaces. In the pre-electoral period, ethnic incitement has become prevalent in political rallies and particularly in identified hotspots such as the North Rift. In the concluded political parties' primaries in April 2022, hate speech and divisive language had become widespread in political spaces further raising prospects for violence in the pre-election period.

Hate speech has been a constant feature in Africa's electoral space. Its use has been more prevalent during electoral cycles. Moreover, it has been linked as a proximate cause to some of the electoral violence incidences. State regulation of hate speech is considered to have been critical in the reduction of electoral violence in Kenya's 2013 elections even as the media, and the international partners advocated for peace (Asogwa & Ezeibe, 2020). The regulation of hate speech is paramount to promote national cohesion and support inclusive governance

²<https://www.the-star.co.ke/news/2022-07-29-lobby-to-meet-political-actors-in-nakuru-to-preach-peace/> (accessed 01/08/2022); <https://www.standardmedia.co.ke/article/2001445192/nckc-calls-for-free-fair-and-peaceful-elections-on-august-9>

³https://www.the-star.co.ke/news/2022-08-02-more-security-sent-to-molo-kuresoi-and-eldoret-ahead-of-polls/?utm_term=Autofeed&utm_medium=Social&utm_source=Twitter (accessed 03/08/2022).

⁴<https://www.the-star.co.ke/news/2022-07-31-were-coming-for-you-kibicho-warns-against-election-threats-leaflets> (accessed 01/08/2022).

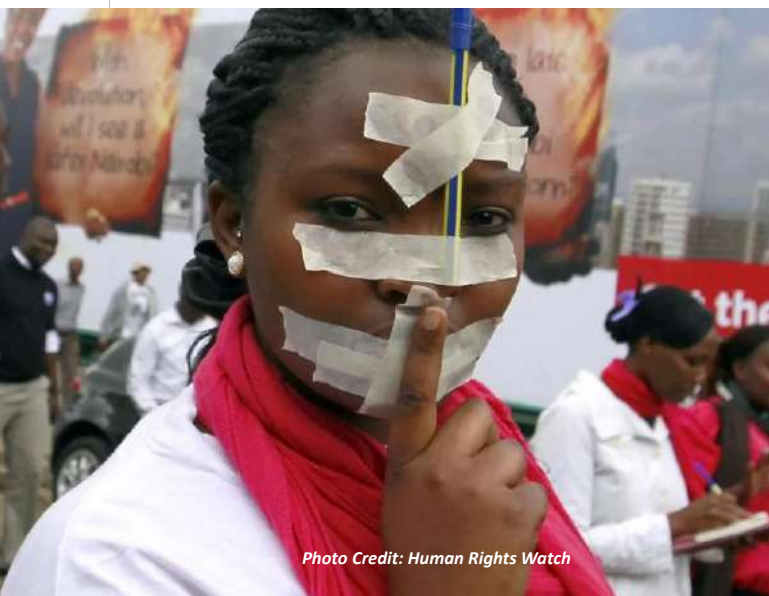
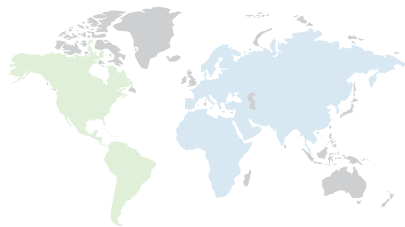


Photo Credit: Human Rights Watch

irrespective of ethnicity, religion, and economic status among other variables. Hate speech is an instrument used by the elites to manipulate primordial cleavages during campaign seasons (Asogwa & Ezeibe, 2020).

The intention to criminalize hate speech in Kenya began out of the need to counter politicians' use of hate speech as a campaign strategy. This would serve to pre-empt electoral violence. In 2008, there was the enactment of the National Cohesion and Integration Act (NCIC), that prohibited hate speech. This law provides among others for a fine not exceeding one million or an imprisonment term not exceeding three years or both for hate speech offences (Asogwa & Ezeibe, 2020).

While the NCIC Act prohibits hate speech, Kenya's legal system remains ineffective in terms of prosecution. The legal system has been faulted for failures to prosecute offenders that largely comprise politicians in government and in the opposition. NCIC's recent attempts to ban some words in the political space have been ignored by the political elite, further raising questions about the available enforcement mechanisms. Ineffective enforcement of hate speech regulations is linked to weak institutions. Failure to curb hate speech presents dangers to sustaining democratic gains even as Kenya pursues democratic consolidation path

(Asogwa & Ezeibe, 2020).

The curbing of online hate speech has become particularly challenging for NCIC even as internet penetration grows in the country. An expanded social media space has meant that ethnic polarization is more prevalent. Debates surrounding the 2022 elections have been framed as 'us versus them', narratives that promote violence and hostility towards so termed 'outgroups'. Scapegoating and stereotyping of other groups then becomes possible in a situation where politics is framed as a context between ethnic groups rather than political positions (Strong Cities Network, 2021).

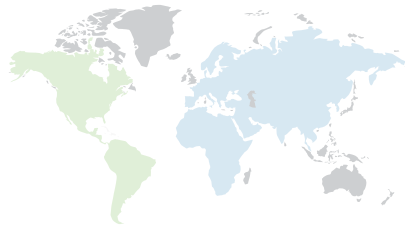
Social media restraint

From the survey, 24 % of the respondents advocated for the ethical use of social media to pre-empt hate speech, misinformation, and disinformation that are common in Kenya's electoral cycle.

Previous elections have been marked largely by the unrestrained use of social media that has contributed to ethnic tensions, polarized politics, and the projection of political violence. The enforcement of existing legal and policy regulations such as the Computer Misuse and Cyber Crimes Act, 2018 could help to



Photo Credit: statnews.com



counter social media misuse. This restraint will need to work in a context of a vibrant digital space that is marked by the presence of both online and offline social media platforms. Some of the popular platforms include Facebook, Twitter, and Tiktok, with the latter being popular with the youth.

Non-partisan international election observation missions

From the survey findings, 16 % of respondents perceived that the presence of non-partisan election observation missions was a crucial factor in pre-empting electoral violence. Election observation is considered good practice.

Their presence, especially on the voting day can reduce incidences of electoral fraud, voter bribery, or intimidation. The presence of these observation missions can serve to displace violence as a strategy by varied actors in the political space. While elites can manufacture violence, other actors in this space would include political candidates, militia and gangs (Birch et al, 2020).

While credibility challenges have been raised with some of the observation missions in past elections, their interim reports and statements serve to evaluate the electoral body's preparedness

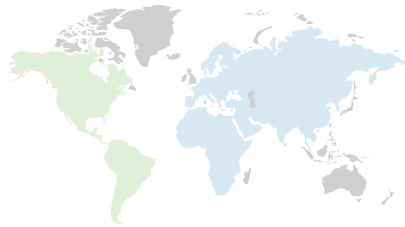
and election execution. Some of the deployed teams ahead of the elections are drawn from the East African Community, the African Union, the European Union, The National Democratic Institute/International Republican Institute (NDI/IRP), including local observation missions. For instance, the joint NDI/IRP observation mission issued a press statement on 1st July 2022 calling for among others, the need for the IEBC to provide timely updates on all aspects of the electoral process including conducting election results management systems tests (NDI/IRP, 2022).

Additionally, they offer recommendations on strengthening elections management from other observation contexts. These recommendations would include strengthening aspects of the electoral management, the conduct of political parties, and institutional oversight such as those offered by the legislature. These recommendations would be focused on improving the quality of future elections. The downside of electoral observation missions is that their negative assessment of electoral outcomes can be used by losing parties to critique the electoral process and can present possibilities of violent protests (Bekoe & Burchard, 2021).

⁵<https://www.theeastafrican.co.ke/tea/news/east-africa/election-observers-arrive-in-kenya-3889636> (accessed 02/08/2022).



Photo Credit: au.int



Police presence

From the survey findings, police presence was rated as the lowest in pre-empting electoral violence at 16%. The interpretation of this finding is that security was not the most important consideration in pre-empting electoral violence. For the majority of the respondents, the most significant concern was the management of the electoral process.

Police presence is important to deter acts of violence, voter intimidation, and bribery that have been rampant in electoral cycles. The police

deployed to secure elections should therefore be sensitized and trained on the roles they ought to play in safeguarding the electoral environment. This would need to occur in the context of democratic and accountable policing.

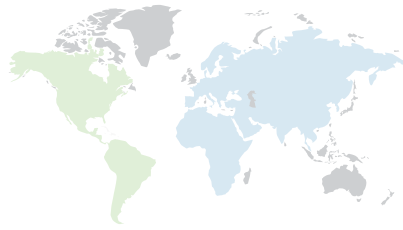
Police-community relations should be enhanced as a way to enhance the policing of elections. This would involve continuous trust building through community safety structures such as community policing and Nyumba Kumi (Ten households). The police would need to overcome previous shortfalls such as excessive use of force in quelling the 2007 and 2017 electoral related violence. Ongoing security sector reforms and electoral security plans roll out would help the police maintain law and order. Meaningful yet incomplete reforms in the post 2010 constitution have taken place, but more remains to be done. Key areas of reform include accountability, adherence to the rule of law and addressing endemic corruption in the police service (Noyes, 2013; Diphorn & Van Stapele, 2020; Osse, 2016).

Conclusion

This paper has observed several areas of intervention to pre-empt electoral violence. The credibility of the electoral process and peace messaging remains the most important risk factors for electoral violence. This calls for increased efforts by relevant agencies to enhance public awareness of peace during elections and credible management of the electoral process.

Recommendations

- 1 The IEBC should run a strategic communication campaign to assure the Kenyan public that it has put adequate measures in place to ensure credible elections.
- 2 The National Police Service should work with the IEBC to forestall any electoral malpractices that could damage the credibility of free and fair elections. They should at the same time, prepare for the possibility of electoral violence should IEBC fail to achieve the expected threshold of credibility.
- 3 National Computer and Cyber Crimes Coordination Committee (NCCCC) set up in November 2021 should engage in regular monitoring of social media spaces to map the trends of misinformation and disinformation for pre-emptive action.



Recommendations

- 4 The National Cohesion and Integration Commission (NCIC) should:
 - a) be more proactive in enforcing the National Cohesion Act of 2008 to counter hate speech
 - b) run public awareness campaigns on the negative effects of hate speech on Online platforms
- 5 The Ministry of Interior and the Coordination of National Government and other actors in a multi-agency approach should engage in the regular mapping of likely violence hotspots and mount pre-emptive interventions.
- 6 The Media Council of Kenya (MCK) should engage mainstream media broadcasters to adopt conflict-sensitive reporting. This would allow peace messaging to be prevalent in media spaces as opposed to conflict stories.
- 7 The civil society including the religious community should advocate for peace in the pre and post- poll period. Key umbrella organizations such as the Inter Religious Council of Kenya, and the National Council of Churches of Kenya should take lead.

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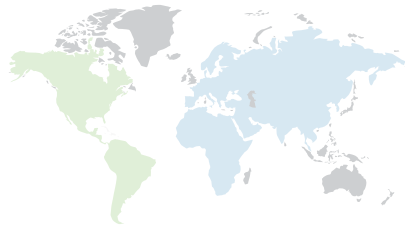
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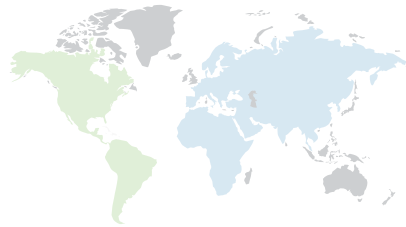
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Political fragility in the Horn of Africa: Kenya's strategic response options

Janet Kiguru

Former President Uhuru Kenyatta with Former President Mohamed Farmaajo & Prime Minister Abiy Ahmed at State House Kenya_Photo Credit: Cyclone Times

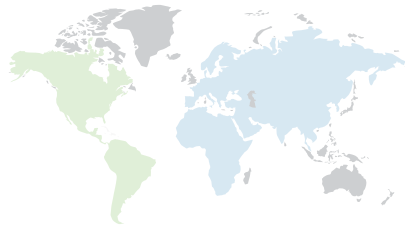
Executive Summary

Kenya's vulnerability in The Horn of Africa (hereafter referred to as The Horn) is compounding as she faces surmounting national threats with limited stable and reliable regional allies. Her strategic interests are stifled by the uncertainty on the Kenya-Ethiopia defence relations. Ethiopia has taken advantage of the power vacuum in Intergovernmental Authority for Development (IGAD) to assume the region's leadership. Meanwhile, Somalia remains a contentious neighbour, as Eritrea pursues belligerent interests in the region. These three states have formed a bellicose alliance, backed by powerful geopolitical entities keen on edging Kenya out of Somalia's state stabilisation process and dominating regional security. This paper seeks

to analyse the competing interests on The Horn's fragility. The analysis then informs a series of diplomatic, information, military and economic measures that will be critical in safeguarding Kenya's strategic interests and recalibrating her engagement in the region and regain dominance in IGAD.

Introduction

The Horn is a flux regional security complex threatening Kenya's security, strategic interests and development (Adeto 2020; Republic of Kenya 2020). Kenya's threats are multifaceted as she remains the only relatively stable democracy among autarchic, anarchical, autocratic and unstable states in The Horn (Humanitarian Foresight Think Tank 2017).



The threats emanate from Ethiopia, Somalia, and the bolstered militaristic Horn of Africa Cooperation (HOAC) encompassing Eritrea.

On one hand, Kenya-Somalia relations remain uneasy over the unresolved maritime dispute, the stalled state stabilisation process, the AMISOM transition process, terror attacks and intensified anti-Kenya sentiments. On the other hand, Kenya-Ethiopia relations are reeling from Addis's foreign policy re-posture on Mogadishu and Asmara. The Tigray insurgency has also bedevilled her economy and exposed Kenya to mass transiting illegal migrants, illicit weapons flow and economic dislocation. Meanwhile, Eritrea, a regional destabilising force with terror financing history, is bandwagoning with Ethiopia to challenge Kenya's dominance in the Intergovernmental Authority on Development (IGAD). Eritrea's Isaias Afwerki is fronting HOAC and has joined the Red Sea Council in an effort to re-join the international system after years of isolation and United Nations Security Council (UNSC) sanctions (Kabandula and Shaw 2018; Plaut 2013). Afwerki is an impediment to Ethiopia's peace process and is the force behind Ethiopia's and Somalia's power centralisation ambitions.



Photo Credit: Embassy of the Republic of Kenya-Addis Ababa

Former President Uhuru and Ethiopia Prime Minister Dr Abiy Ahmed

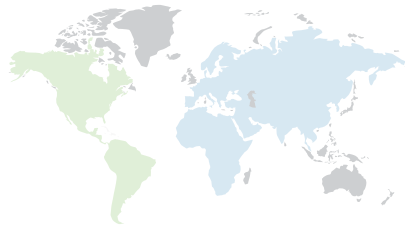
His autocracy is also a source of illegal migrant flows. These dynamics highly expose Kenya to the fluidity of this fragility as she shares porous borders with these states amidst banditry crisis in the North Rift region, inter-communal fighting and The Horn's worst drought in decades (Republic of Kenya 2020; Humanitarian Foresight Think Tank 2017).

Nairobi's potential allies—Juba and the Post-Bashir Khartoum—are struggling with their ongoing internal turmoil (Plaut 2013). Juba is balancing interethnic violence and political infighting, while the turmoil in Khartoum has created uncertainties on how to engage and secure allegiances. The rivalry on the 2021/2022 UNSC position has amplified the tepidity of Kenya-Djibouti relations. Djibouti's authoritarian regime remains a strong ally of Ethiopia and is a potential candidate for HOAC. With limited reliable allies and no clear hegemony in The Horn, the political fragility has the opportunity to upset the power balance in the region, considering both Ethiopia and Kenya present themselves as benevolent hegemons (Le Gouriellec 2018; Cannon and Donelli 2020). This study focuses on Ethiopia, Somalia, and Eritrea as their alliance and strategic manoeuvre in the region is



Photo Credit: VOA

Former Somali President Mohamed Abdullahi Farmajo (L) and Former President Uhuru Kenyatta



an immediate threat to Kenya's strategic interests. The discussion examines how to recalibrate Kenya's engagement in The Horn to secure her interests while managing the persistent fragility.

Methodology

The paper draws on desktop research and fieldwork interviews with regional security specialists, diplomats, ex-military personnel, government officials, analysts, and academics on the Horn of Africa. The qualitative data gathered has been thematically analysed based on the recurring issues within primary and secondary data.

Key Issues

The following section dissects the ongoing political fragility in The Horn as a threat to Kenya's strategic interests. It accentuates the simplicity and complexity of geopolitical interests in The Horn vis a vis Kenya's.

Kenya's strategic interests and fragility in the Horn

Kenya's strategic interests in The Horn are not clearly articulated and executed even as hegemonic power balances Nairobi and Addis.

Nairobi's diplomatic strategy has focused on the global arena while relegating The Horn, which presents monumental security challenges. Within the Ministry of Foreign Affairs (MFA) Strategic Plan for 2018-23, The Horn is lumped together with Africa even as the EAC and Great Lakes Regions are given distinct departments. IGAD, the de facto regionalism for the region, is barely referred to in the strategy—a clear indication that the regional bloc is not given as much prominence as its counterparts. As a result, Kenya has not aggressively pursued strategic positions or agendas in IGAD. This challenge is amalgamated by the multiple roles served by the ambassador at Addis, who is also accredited to the African Union (AU) and the Djibouti-the host state of IGAD. Simultaneously meeting the demands of all these portfolios can lead to some strategic interests being side-lined.

As Nairobi disrates IGAD, the power vacuum has been increasingly filled by Ethiopia. Nairobi's weak strategy on the regional front has humiliated her even on the international front as she has struggled to get regional support for her international positions or 'global' diplomacy. Even so, Kenya is a stabilising factor as she uses



Photo Credit: Horn of Africa Alliance

(From left) Eritrean President Isaias Afwerki, Ethiopian Prime Minister Abiy Ahmed and Former Somali President Mohamed Abdullahi Mohamed cut the ribbon during the inauguration

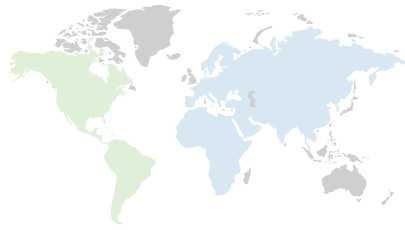


Photo Credit: IGAD Secretariat Twitter

Former President Uhuru Kenyatta, Sudan leader Abdel Fattah al-Burhan, Ethiopia Prime Minister Abiy Ahmed and Djibouti President Ismail Omar Guelleh during the 39th Extraordinary IGAD Summit at Safari Park Hotel, Nairobi, on July 5, 20

her domestic stability to project regional power, show leadership, custodianship, and protect other Horn of Africa states (Humanitarian Foresight Think Tank 2017; Cannon and Donelli 2020). Kenya has also carved a niche as a one-stop hub for global diplomacy, communication, investment, innovation and transit.

This section explores the overt and implied strategic interests in Somalia, Ethiopia and IGAD. Though Eritrea is not a direct neighbour to Kenya, it is simultaneously analysed. This is because Asmara remains a regional influence peddler with some reservations towards Kenya, and is keen on puppeting Addis and Mogadishu against Nairobi.

Kenya Strategic Interests on Ethiopia

Kenya's strategic interests in Ethiopia are shaped by the shared security concerns on Somalia, trade relations, state fragility and competition for regional hegemony. Kenya has projected her interests in Ethiopia through the Kenya-Ethiopia defence relations and the peace efforts dubbed 'The Kenyatta Process'.

The Kenya-Ethiopia Defence relations

While Kenya has always had a strategic ally in Ethiopia, this relationship is no longer reliable as Addis has usurped The Horn as its sphere of influence while isolating Nairobi. The Abiy regime no longer shares Kenya's interest in federalising Somalia and deterring Pan-Somali expansionism. Addis has managed to de-securitise Pan-Somalism and even deregistered the Ogaden National Liberation Front (ONLF) as a terrorist group. The Ethiopian PM has endeared himself to the Ogaden region by releasing Abdikarin Sheikh Muse—a commander of the ONLF, who was deported from Somalia. Instead Abiy is backing Farmaajo's power centralisation agenda.

The Abiy-led Prosperity Party focuses on diminishing the influence of the Tigray People Liberation Front (TPLF) and their allies within and around Ethiopia. It has collapsed the previous regional architecture Kenya and Ethiopia designed to isolate Eritrea. The new Ethio-Eritrea alliance has been disconcerting for Kenya's strategic interests. Nonetheless,



Photo Credit: Twitter

Kenya Ethiopia Defence Pact

western allies, who equally feel threatened by HOAC, are banking on Nairobi to guide Ethiopia towards a sustainable peace deal. The West is putting pressure on Abiy to abandon HOAC and Afwerki, for the national dialogue to work as the latter is being seen as a potential spoiler. This is being positioned as a pre-condition for Ethiopia to access loans and lift economic sanctions by Western-affiliated donors.

Ethiopia is banking on Kenya to collaborate in fighting 'internal' terror threats along their shared border as the Tigray war has decimated the ENDF. Addis's external threats are also compounding as the possibility of a dialogue or peace deal with the TPLF is straining her relations with Eritrea. Asmara seems uninterested in peace, while the problematic financial and economic situation is pressuring Abiy to reconnect with the West and their financial system. It is evident that Eritrea will eventually turn against Abiy. Nevertheless, Ethiopia is aggressively rebuilding her military capability through her defence industries and the support of some Gulf States, Turkey and China. This internal threat gives Addis the window to enhance her military material capabilities. Ethiopia's internal and external security concerns have made her vulnerable

and created an opportunity for Kenya to tighten and re-evaluate the Kenya-Ethiopia defence relations. These relations remains critical for Kenya because of Somalia's hostility and potential Middle East proxy wars likely to be fought in the Horn of Africa.

The Kenyatta-Led Process Politics

Kenya has a strategic interest in the proposed national dialogue in Ethiopia due to her security and economic interests, including LAPSSSET, the Cairo-Cape Town Highway project, and Safaricom, which has just permeated into the heavily controlled telecommunications sector and semi-closed economy. President Uhuru Kenyatta leads the 'Kenyatta peace process', which runs parallel to the Obasanjo-led and AU-backed process. Though the Tigray crisis is likely to take its own course, the national dialogue enables Kenya to influence her interests in Addis. However, Addis is attempting to wiggle out of the Kenyatta process as she is not interested in a national dialogue or even delisting the TPLF as a terrorist group (Gemechu 2022). The Prosperity Party has hijacked the process, which they view as an internationally acceptable way to end the war.



Photo Credit: Ethiopia Insight

Eritrea's President Isaias Afwerki holding the hand of Prime Minister's Abiy Ahmed of Ethiopia



The support for the Kenyatta process and the Obasanjo-led process keeps flip-flopping. The belligerents are using this window to rearm and conscript fighters as there is a massive trust deficit for the national dialogue. The Western-backed Kenyatta process is pushing for a ceasefire, dialogue, and humanitarian access. Nairobi has goodwill, given the AU process is tainted with political controversies. However, its push for humanitarian access has been politicised as Addis claims that Tigray is taking advantage of aid efforts to move weapons. The politicisation of humanitarian access is risky as Kenya still faces a similar threat through the North-Eastern region's irredentism. Previously, gun smugglers in Somalia and the North-Eastern region moved weapons from Somalia to Kenya, packed in World Food Programme bags while taking advantage of rights accorded to relief aid. If Kenya finds herself in a similar position, her current response in Ethiopia will equally be applied against her. Thus, Kenya should recognise that Ethiopia's security concerns are real and a reflection of her own internal fragility.

Kenya's Strategic Interests in Somalia

Kenya's concerns on her territorial integrity, terrorism, threats of irredentism and an antagonistic Mogadishu government have made her to project her power by occupying Jubaland, and deploying troops bilaterally and through AMISOM. The following issues summarise her interests in Somalia.

African Union Transitional Mission in Somalia (ATMIS) politics

The newly established African Union Transitional Mission in Somalia (ATMIS) will largely disadvantage Kenya. The AMISOM transition is happening when Al-Shabaab affiliated attacks targeting government entities and civilians on the border region have intensified in recent months. For Kenya to be side-lined in the Somalia stabilisation process is a critical threat as Somalia is the source of most of Kenya's external threats.



Soldiers of Tigray Defence Force (TDF) in Mekele, Tigray region, Ethiopia



Former MOD CS Monica Juma and the Egypt's Armed Forces Chief of Staff Lt Gen Mohamed Farid Hegazy

AMISOM's withdrawal is bound to threaten Kenya's position in Somalia. ATMIS is changing the configuration of AMISOM by expanding the composition of Troop Contributing Countries (TCC). To Kenya's advantage, Rwanda and Egypt are priority ATMIS candidates. Though Kenya and Egypt signed a Defence Cooperation Agreement in 2021, it is designed to isolate Ethiopia on the Nile and not necessarily promote Kenya's strategic position in the Horn or Somalia. Strengthening partnerships with states joining ATMIS remains critical to Kenya's survival strategy. Secondly, the force commander will be drawn from the largest TCC and will no longer be a rotational position. Historically, Uganda has the largest contingent, but the incorporation of other states will further dilute Kenya's position and influence in ATMIS. The unfavourable design of ATMIS points to a discordant strategy between the Defence and Foreign Affairs ministries as Kenya has had adequate representation both in the UNSC and AU Peace and Security Council (PSC), which negotiated the new institution.

Even then, Mogadishu wants to manage its stabilisation agenda and are pushing to have ATMIS hand over to the SNA by the end of 2023. This is a quagmire for Kenya as the SNA is divided along clan lines that overlap into Kenya's North-Eastern region. The command structure of the SNA is fragmented and incoherent, and it comprises former clan militias who were simply given SNA uniforms and operate within their clan's territories.

The likelihood of SNA arms finding their way into Kenya remains a real threat due to the FGS pressure on UNSC to lift the arms embargo on Somalia. More so, Eritrea and Somalia have a shadowy military training deal in which thousands of Eritrean-trained Somali youth have been deployed to unofficial assignments in Ethiopia and Somalia (Beyene 2020). An SNA takeover will be hostile to Kenya's interests as the army has remnants of Eritrean, Ethiopia, Turkish, Al-Shabaab and clan proxies. Thus, Kenya needs to strategise on how to reinforce her position in ATMIS and exit Somalia on her own terms.

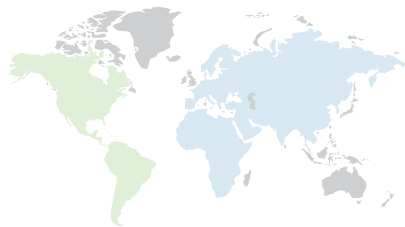


Photo Credit: Garowe Online

The evolving regionalisms in The Horn

The dominance of Kenya-championed IGAD as the de facto regionalism is waning with the emergence of HOAC and the Red Sea Council. Kenya's interests have been subjugated due to the non-strategic use of IGAD, the rise of competing regionalisms, and a power vacuum arising from Sudan's leadership crisis. Ethiopia has taken advantage of this vacuum arising from Sudan's leadership crisis. Ethiopia has taken advantage of this vacuum and applied her soft power through Ethiopian airlines to translocate Djibouti's host responsibilities to Addis. Instead, IGAD, which would have tamed the emergence of HOAC, lauded its creation and called it a positive political development. IGAD has been unable to institutionalise a security arrangement in The Horn. It now serves as an ineffective mediation forum, especially with the multiplicity of geostrategic interests in the region (Walsh 2020; Mahmood 2022).

HOAC remains a ticking time bomb to Kenya's defence posture. Initially, experts disregarded HOAC as a weak and short-lived, informal arrangement of dictators. However, this militaristic alliance has sustained cooperation

in Somalia's power centralisation efforts and Ethiopia's Tigray Crisis (Munene 2022). Kenya's security is under threat as these three aggressive and authoritarian regimes, hostile to Kenya's interests, are working together at a time when Kenya and Somalia remain tense. These undercurrents indicate a looming arms race in the Horn of Africa regional security complex as these regimes seek to prop each other's security.

Given that Eritrea and Somalia have an arms embargo working against them, the ongoing fragility in the Horn has allowed an unprecedented and unregulated flow of arms from the Middle Eastern states through the Bab-el Mandeb Strait (Bahadur 2021; Redondo 2020; Cannon and Donelli 2020). Ethiopia's internal crisis has justified unlimited weaponry acquisitions. Somalia's external defence budgetary support remains opaque while Eritrea mobilises from fellow pariah states, including Iran, North Korea, and Russia.

Nonetheless, IGAD's multilateralism serves a purpose as it is recognised and consulted on regional issues by the AU, European Union and the UN. When Kenya last held the chairmanship of this bloc, the country was able to use the regional body and its member



Photo Credit: TesfaNews.net

African Arguments Abiy and Isaias embrace after signing the Joint Declaration of Peace and Friendship

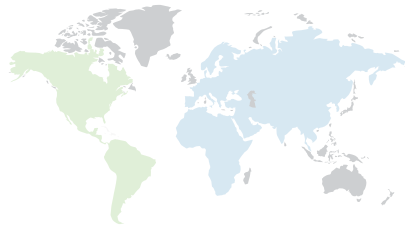


Photo Credit: Twitter

Former President Kenyatta & Ethiopia Prime Minister Dr Abiy Ahmed at State House Kenya

states to gain support for its operations in Somalia. IGAD can only be as strong as its member states want it to be. A weakened IGAD serves the interests of Afwerki, who is keen on recasting the regional architecture in his favour. Thus, Nairobi must re-strategise on how to revitalise IGAD.

Conclusion

Kenya needs a grand strategy to handle the challenges emanating from the Horn. These threats are multifaceted, stemming from

her immediate neighbours—Ethiopia and Somalia and the regional antagonist—Eritrea. There are also many geopolitical actors from the Gulf and West interested in the region. Kenya has to diversify her response through bilateral and multilateral options as it has limited allies. This strategy entails maintaining overt neutrality while pursuing strategic realism, especially on matters pertaining to The Horn.

Kenya cannot afford to have Ethiopia as an enemy, as she tames Somalia, while maintaining constant surveillance on Eritrea as a potential detractor. The gradual geopolitical derogation of the UN charter indicates that sovereignty now lies squarely in a country's ability and muscle to defend itself. Kenya's ability to make allies will be primarily hinged on her capacity to identify and synthesise rapidly evolving opportunities on the diplomatic, intelligence, military and economic fronts.

Recommendations

Ethiopia

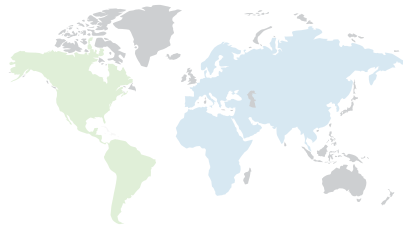
- 1 The Presidency and MFA should support efforts to admit Ethiopia to the EAC.
- 2 The Kenyatta-led Peace Process should prioritize maintenance of the ceasefire and commencement of national dialogue.

Somalia

- 3 The Presidency should continuously nurture the diplomatic channels, seek support, and advocate for peaceful settlements of disputes in the Horn of Africa.
- 4 The Presidency should seek bilateral defence pacts and military intelligence sharing accords with Rwanda and Egypt in anticipation of their roles in ATMIS.

Eritrea

- 5 The MFA should strengthen relations with regional states to improve Kenya's position in IGAD and The Horn.



Recommendations

IGAD

6

The Presidency should work within the IGAD structures to strengthen regional peace and stabilization interventions.

7

The MFA should be proactively involved with the regional peace and stabilization interventions in the region through leadership, collaboration and joint fundraising to improve scale and efficiency.

8

The MFA should use developmental diplomacy through the involvement of Kenya's excess human resource capability to 'benevolently' rebuild The Horn. For instance, the National Youth Service (NYS) could build schools, roads, hospitals and teach English.

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Improving Kenya's food security through aquaculture development

Michael Owuor

Photo Credit: bfa.global.com

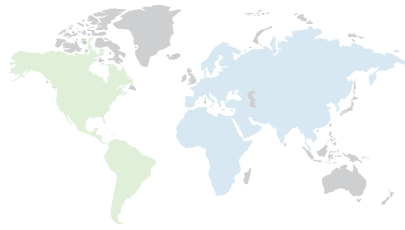
Executive Summary

Kenya's aquaculture sub-sector is still in its infancy and requires sustained attention and support to contribute to food security in Kenya. Currently, the country's aquaculture potential is seriously underutilized. In both inland and maritime aquaculture resources, less than 10% of the possible output is realized. The annual output is greatly dependent on wild fish caught from Lake Victoria. The lake accounts for around 85% of all fish caught. However, the existing potential is encumbered by dwindling wild fish resources. Thus, to sustain and advance the fisheries sector, reorientation to aquaculture and exploitation of aquatic resources are needed. The paper discusses issues inherent to the promotion and strengthening of aquaculture

development. They include strengthening financial support, sustainable production, and value chain capacities. Equally, it addresses the availability of quality and affordable fish feeds. The paper recommends actionable policy options that will reengineer the country's aquaculture sub-sector by mitigating the resource, skill, and production challenges while advancing emerging value chains and marketplace opportunities.

Introduction

Kenya is at the stage of progressive transition concerning the development of the fishing sector. Traditionally, the sector relies on wild fish caught from her fresh water and maritime resources. However, with the consistent



decline of wild fish coupled with infrastructural limitations, inappropriate fishing crafts, and gears, the focus is shifting. While traditional wild fish capture is prominently undertaken as rudimentary and small-scale ventures, (Amadiva & Tarus, 2018; FAO, 2015; KMFRI, 2017; Nyandat & Owiti, 2013), alternative production through aquaculture is increasingly being adopted.

Growing practices are indicative that aquaculture is being pursued as a commercial enterprise. This evolution is a stark difference from traditional fisheries which were mostly practiced for self-sustenance. The viability of aquaculture by the public and private sectors is alluring as an investment vehicle, an avenue of poverty reduction, and employment creation (RoK, 2007, 2013, 2016). Though ownership of aquaculture production and value-chain resources are predominantly in private hands, there is a considerable rise in support from the government and development partners.

For instance, the Economic Stimulus Program (ESP) saw the allocation of Ksh 1.12 billion in 2009 and a further Ksh 2.866 billion in 2010/2011 by the national government. This initiative resulted in the construction of 48,000 fish ponds across 160 constituencies (Nduku,



Photo Credit: The Fish Site

2015). Through government interventions, production from fish farms increased from 4,895 metric tons (MT) in 2009 to 24,096 MT in 2014, representing a 500% increase. During the same period, fish from the freshwaters of Lake Victoria stagnated. 108,934 MT was caught in 2009 and 128,708 MT in 2014. This represented an increase of 18%. The ESP was a great return on investment as the value of freshwater fish increased from Ksh 10.718 billion in 2009 to Ksh 20.543 billion in 2014 (Nduku, 2015).

The foregoing facts indicate that aquaculture development has immense potential. Sustained support with regards to resources allocation and technical capabilities is required to mitigate the regression of aquaculture development. This is evidenced in the reduction of fish production in 2016 when 14,952 MT of the fish farm was produced (Opiyo et al., 2018). This dip coincided with the transition from the ESP program to the jointly funded Aquaculture Business Development Program (ABDP) by the Government of Kenya and the International Fund for Agricultural Development (IFAD) (IFAD, 2021). The US\$ 143.3 million ABDP program intends to support existing and potential aquaculture producers to enhance fish production in an economical and



Photo Credit: AgriFarming



environmentally sustainable manner. However, there is a need to address encumbering such as unreliable financing and fish feeds production, low adoption of modern aquaculture production technologies, and rudimentary value chains.

Background

The fisheries sector plays a critical role in advancing sustainable food security. The centrality of this economic segment informed campaigns to popularize fish farming. One of the campaigns was dubbed "Eat More Fish". However, there has been a lag between demand for fish and its production. Fish farming is concentrated around small ponds constructed in the Central and Western regions of Kenya. Despite the initial and noble efforts by the government, the number of production units reduced between 1970 and 2009. This was due to inadequate financing and input resources like quality fingerlings (Nduku, 2015). Incidentally, these drawbacks are still prevalent and compounded by other hitches emanating from the aquaculture value chain and support services (ABDPU, 2021; IFAD, 2021).

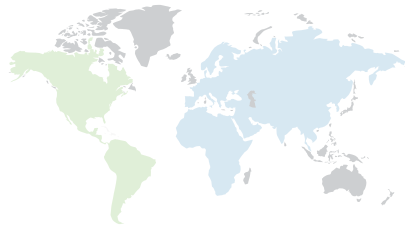
While the sector was initially characterized by low subsistence production, interventions and

publicity by the government in 2009 raised the sector's profile (Nduku, 2015). These efforts are targeted at harnessing the country's underutilized inland and marine water resources (FAO, 2022). The sector's potential to create about two million jobs across the aquaculture value chain has made it an attractive proposition (KMFRI, 2021).

However, to realize aquaculture's blossoming potential, policymakers and stakeholders must identify and resolve the underlying pitfalls, which revolve around the commercialization of aquaculture. This includes addressing the questions around the shortage of factor inputs that are required for the advancement of aquaculture as nutrition and economic endeavor. Most of the fish, fishery, and aquaculture products are imported (LVFO, 2019). The country lacks an effective and economic fish feed production system that caters to the different stages of fish development. Thus, Kenya remains dependent on expensive imports of over 7,000 tons of aqua-feeds annually (Alando, 2022). Consequently, fish producers are predisposed to a costly and fluctuating supply of feeds to the detriment of overall production. Equally, the issue of sustainable financing of aquaculture investments remains unaddressed.



Photo Credit: The National Aquaculture Research, Development and Training Centre, Sagana



Thus, the country's annual feeds production of 400,000 tons lags behind the annual demand of 600,000 tons (Alando, 2022). Kenya will remain hindered from exploiting its vast network of aquatic resources that has an annual production capacity of over 11 million tons of fish (Alando, 2022; FAO, 2022; KMFRI, 2021). It is against this landscape that the paper analyses the key challenges and opportunities that remain central to a viable aquaculture ecosystem in Kenya.

Methodology

Primary data was collected from researchers and practitioners with in-depth knowledge and understanding of Kenya's aquaculture environment, practices, and challenges. This has been supplemented with secondary data from relevant literature and analyzed thematically. Consequently, the following key findings and recommendations are advanced.

Key Findings

The analysis revolves around factors that are central to Kenya's aquaculture development. They include the financing of aquaculture programs, quality and affordably feeds, sustainable aquaculture technologies, strengthening the aquaculture value chain including the integration of gender dynamics.

Financing aquaculture development

Aquaculture development in Kenya has progressed due to significant investment by government and development partners. Central to this has been the Economic Stimulus Program (ESP) which ran from 2009 to 2016 (Nduku, 2015). This was later succeeded by the injection of USD 143.3 million under the Aquaculture Business Development Programme (ABDP) (ABDPU, 2021; IFAD, 2021). The financial support is geared to addressing challenges related to securing fisheries input (such as feeds, pond construction and linings, and fingerlings), training, and extension services. While the funding was central to the construction of 48,000 fish ponds countrywide and the rise of fish production, its design and implementation have caused other challenges. Key to this is donor syndrome where fish farmers who received the factor inputs did not commit much effort to assert ownership. According to supported fish farmers, investments on their land were owned by the government. Hence, the ultimate responsibility for success was equally under the purview of government and development partners. Gaps in commitment and ownership have resulted in the reduction of pond

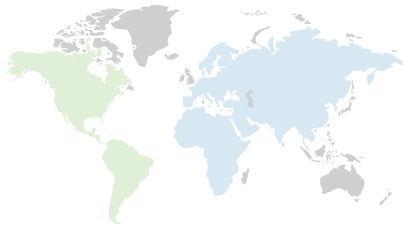


Photo Credit: Kenya News Agency

Fish farmers in Siaya County receiving aquaculture input support from officers from the Aquaculture Business Development Programme (ABDP)

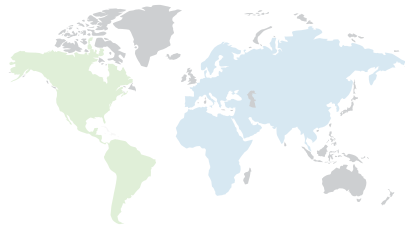
production resources and fish. Most fish farmers are unable to transition to the second and third cycles of production where monetary support from government and development partners had been exhausted. An important lesson is that contribution and investment by both the benefactors and beneficiaries are necessary for the resilient and viable development of aquaculture in Kenya.

Pertinent to the existent support model is its persistence to finance pond production systems. This trend was initially witnessed under the ESP initiative and later adopted under ABDP. This is despite the emergence of modern and more fecund systems like cage farming and recirculating aquaculture system (RAS), which are more intensive and high production systems. The situation is exacerbated further by the lack of alternative financing products. Banks and other credit service providers rarely develop finance products aligned to aquaculture development. Kenya Women Microfinance Bank (KWFT) seems like the only exception with their Kilimo Bora loan product

(KWFT, 2022).

Likewise, financing of aquaculture inputs under the ESP and ABDP is yet to fund local input production systems. Most of the aquaculture production resources including feeds and construction materials are imported. For instance, the country annually imports 7,000 MT of fish feeds (Alando, 2022). This approach is costly and directly responsible for the withdrawal of existing and potential fish producers.

Fish eggs, fry, and brood (parent stock) are mostly imported from East African Community (EAC) countries, the Netherlands, Israel, China, and Indonesia among others. Equally, fish feeds are traded across EAC, with Kenya making significant imports from Zambia, the Netherlands, Mauritius, Israel, Egypt, and Brazil. Other aquaculture inputs including drugs, cage materials, hatchery materials, floaters, seine nets, graders, happa nets, pond liners, feed binder, and water quality monitoring equipment, drugs, and hormones are imported from China, India, the Netherlands, Thailand, and Vietnam, among others (LVFO, 2019). It is important to note that financing the acquisition of these inputs is considerably pricey and out of reach for most indigenous farmers. These factors resonate with the inconsistency in the development of marine aquaculture. Practiced in the coastal region, it is cost-intensive. As a result, marine aquaculture is commercially practiced by foreign investors for foreign markets. While the country earns foreign exchange, a bulk of the benefits accrue to foreign investors and their nations. Without consideration by the government on fish input subsidies and tax waivers, the development of aquaculture to support food security, and social and economic progress will continually be inhibited.



Quality and affordable fish feeds

Feeding of fish reared in aquaculture production systems is a key cost component that Kenyan farmers are forced to incur. On average, fish feeds constitute 50-70% of the total production costs. However, Kenya has limited capacity to locally produce quality and affordable feeds. The demand for fish feeds is likely to rise exponentially due to an insatiable local demand for fish and the rising adoption of intensive production systems such as cage technologies and recirculating aquaculture systems (RAS) by private entities.

Unfortunately, the imported commercial feeds are highly-priced. Unlike other input resources in the agricultural sector, local fish feed producers indicated that aqua-feeds do not enjoy government subsidies. Even when Kenyan producers pursue local production, they are forced to import the critical components for the fish feeds. The imported individual components and raw materials are subjected to import and excise taxes. From anecdotal information, the high cost of feeds informs why most farmers supported under the ESP and ABDP programs failed

to transition to second and third production cycles. Thus, pricey feeds hurt the resilience and sustainability of aquaculture in Kenya. The benevolence of the aforementioned programs makes it relatively easier to only undertake production in the first cycle. This is due to the provision of 45-60% of free feeds, in addition to free inputs like pond liners. After the depletion of the free feeds, farmers are required to purchase their feeds for the completion of the first cycle and subsequent production cycles. While this is practicable for financially endowed producers, costly feeds are a significant hindrance to small-scale fish farmers who form the bulk of Kenya fish farmers.

To address the availability of feeds, the ABDP initiative is closely working with local suppliers who are recruited as independent aquaculture aggregators. Most of the feeds by aggregators are sold to aquaculture fish farmers. Farmers are required to enter a contractual pact where aggregators recover the cost of input supplied when fish is sold. While this innovative supply idea has the potential to contribute to the resiliency in the availability of fish feeds, the cost component is still prohibitive. This is based on the paucity of rebates and subsidies.



Photo Credit: FarmBiz Africa

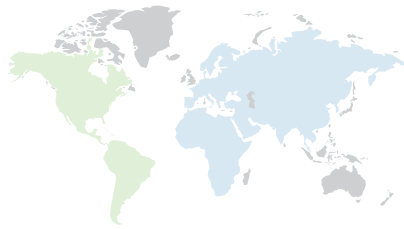


Photo Credit: Skretting

To mitigate this high cost, most farmers have opted to employ indigenous knowledge to formulate their fish feeds. They use locally available raw materials such as wheat bran and dried blood meal. However, most lack the technical knowledge, skills, and equipment to formulate fish feeds. Additionally, the feed quality is compromised. The protein content of the locally used raw materials ranges below 15% which is way below the recommended content of around 40-50%. As a result, the fish take more than twice the amount of time to attain maturity. In adverse cases, these feeds predispose the fish to diseases that can easily wipe out entire fish stock. The net implication is the irredeemable loss of investment and avenue for nutritional resilience. The current feed purchase and usage practices remain engrained despite the availability of scalable local feeds production technologies. For instance, insect larvae by Black Soldier flies can be locally produced at farm levels. The insect larvae have 50% crude protein, which is higher than the conventionally and costly alternatives of fish feeds and soya beans as protein sources (Shumo et al., 2019). The insect larvae production technology has around 20% more protein and cost-efficiency, resulting in faster maturity and cheaper fish production (IDH, 2020). Insect larvae production systems require less labor and capital thus compatible with gender inclusion

in the fish feed production system.

Based on these challenges, policymakers and stakeholders need to advance policies and practices on sustainable, resolute, and cost-friendly production systems. For example, private farmers can produce insect larvae for their usage. The excess larvae can be sold through cooperative organizations to large producers as is commonplace in the dairy industry. The large fish feeds producers, either from the private or public sectors, should offer a ready market for surplus insect larvae.

Due to the devolution of most aspects of the agricultural sector and implementation of the ABDP program at county levels, feeds production should equally follow a similar devolved pattern. Currently, the government has a single fish feed production facility



Photo Credit: Kenya News Agency

stationed at Sangoro aquaculture station in Kisumu county under the Kenya Marine and Fisheries Research Institute (KMFRI, 2018). This centralized production unit though lauded as the most commercially affordable feed is located far from high potential aquaculture regions. Moreover, with a maximum production capacity of 1500 kilograms per hour, it is unable to meet the current market demand for fish feeds. Thus, county governments should be at the forefront in promoting and advocating for the establishment of supplemental regional feeds production facilities.

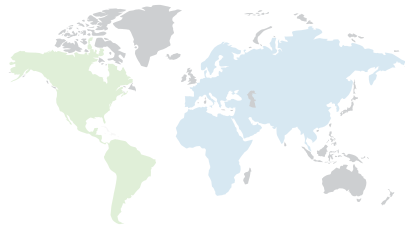


Photo Credit: KBC

Sustainable aquaculture production technologies

Aquaculture production technologies have been in a state of evolution. Technological advancements have made possible the realization of sustainable intensification of aquaculture. These include the increased uptake of recirculating aquaculture systems (RAS), tank-based systems, hydroponics, aquaponics as well as high carrying capacity intensive production in cages (KMFRI, 2021). However, the potential of these production systems is yet to be realized. Aquaculture production systems promoted by the government and development partners have persisted and stagnated around the various forms of pond-based production technologies. The variations of pond-based systems include earthen ponds, earthen-liner ponds, concrete ponds, raised concrete ponds, and raised-liner ponds.

This trend was systemic to the ESP program (Nduku, 2015), with a similar thought process dominating the ABDP initiative. According to anecdotal information and status reports, these production systems are synonymous with small-scale earthen pond-based farming systems and practices intended for self-sustenance with little or low levels of commercialization (KMFRI, 2017, 2021). Under ESP, most of these systems typically produced around 100 kilograms of fish annually. These developments are inconsistent with the commercialization aspect that aquaculture targets. To reach the intended

production, the capacities of these systems have to graduate from 100 to 500 kilograms annually. These targets are achievable across a myriad of high potential fishing zones that include central and western Kenya, parts of the Rift Valley, and coastal and eastern regions of Kenya.

Importantly, a rise in the inefficiency of the current production technologies requires the upscaling of resource and technical capacities. While the ABDP initiative targets the improvement of low awareness, skill levels, and cultural biases, especially in traditional non-fish consuming communities, the support remains limited across the 15 designated counties. This is restricted to pond-based production systems. The program design excludes other high-capacity technologies like cages and recirculating aquaculture systems which are more resource-intensive but have higher yields. This orientation of the support program is likely to negatively impact the adoption of modern aquaculture technologies to the detriment of the resultant nutritional, social and economic advantages.



Photo Credit: China Dialogue Ocean

Moreover, policymakers and stakeholders need to enhance the resilience of hatcheries and their production systems. Similar to fish production technologies, hatcheries are mostly in private ownership. Due to capacity challenges on authentication and registration of hatcheries, the quality of fish fry and fingerlings are negatively impacted. Research in this area is limited and underfunded as most research initiatives are donor-supported. Kenya has a single selective breeding facility at Sagana Aquaculture Centre.

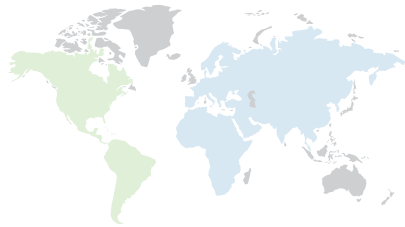


Photo Credit: Nyanza Perch

Other important researches like gene preservation and hatchery technologies are either limited or not undertaken in the country. Even in instances where research acquires government funding, this support is short term lasting two to three years. This is incongruent with the long-term nature of fish research and development on selective breeding, and gene preservation. These explorations last over 30 years (Camacho et al., 2001). Likewise, there is a limited capacity of government agencies to maintain and manage accurate aquaculture statistics that can inform decision-making, relevant research, and program interventions. These realities inadvertently compromise the development of aquaculture.

Strengthening the aquaculture value chain

The aquaculture value chain is a major component of improving food security in the country. In Kenya, it is nascent and rudimentary. The modernization of the value chain requires the standardization of production, handling, storage, and marketing systems. Currently, the harmonization process remains a critical challenge. A vast number of fish producers operate individually at small-scale levels. Most farms are yet to be authenticated despite certification and registration being

offered freely at both the national and county levels of government. As a result, they are unable to benefit from adequate extension support from the aquaculture extension officers.

The product mix from the country is limited. The local market has a strong preference for freshly caught fish which are sold after scaling and gutting, frying, or smoking. These value addition processes are majorly pursued to preserve the fish rather than add value. This scenario is exacerbated by the paucity of a centralized aquaculture training facility on value addition, fish preparation, and processing, especially in the high potential aquaculture regions. It compromises the skill levels on value additional components necessary for the marketing and sale of fish and fish products in more profitable local and international markets. Thus, sales are done at the farms where prices are lowest. Due to the individualized production and marketing systems, it is costly for fish and its value-added products certified by the Kenya Bureau of Standards (KEBS).

Linked to the limited fish product mix is the dominance of tilapia and African catfish species. Fish farmers are inclined to these two species because they are considered hardy and adapted to the local rearing climate. Equally, the high local demand for these two species informs their preference for

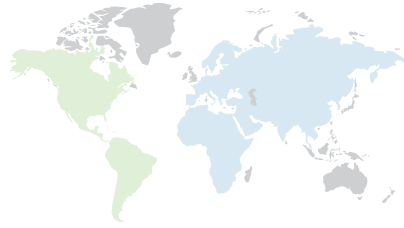


Photo Credit: Nakuru News

production. At current production levels, local aquaculture farms are overwhelmed by local and city demand for fish. Incidentally, it is these predilections that prevent the country from benefiting socially and economically through aquaculture development. The country has thus failed to diversify its fish product mix. For instance, Kenya can develop a competitive advantage in the lucrative trade in Nile perch maws which are hugely popular in the oriental markets of China, Hong Kong, Taiwan, and Vietnam. Fish, fishery, and aquaculture products can be processed and exported into high-value forms. Apart from whole fish products, fish can be exported as skinless and skin-on fillets, headless and gutted, loins, streak, portions, cubblings, and trimmings which can either be chilled, frozen, canned, salted, sundried, smoked, or powdered. Because value addition can be pursued more economically through the partnership of fish farmers and supporting partners, collaborative processing and marketing approaches like aqua-parks are most relevant.

Fish and its value-added products have the supplementary bonus of opening regional and global markets that make the sector more profitable and resilient to changing dynamics. These markets include China, India, Vietnam, Yemen, Japan, Mauritius, Norway, Israel, Namibia, Taiwan, South Korea, Spain, and Oman among others. Fish skins and scales can be exported to Germany, fish frames, and heads to the Democratic Republic of Congo (DRC), Thailand, and Vietnam. On the other hand, offals have a ready market in China and the

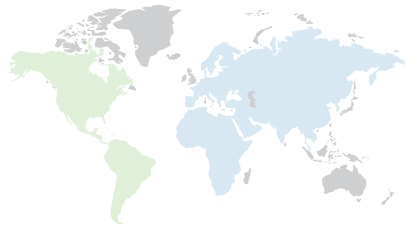
DRC. Benefits from these markets would accrue through diversification of fish and fish products rather than the currently prevailing market production option. The options are varied and can include fish sausages, cowry shells, fish oil, fish meals, mackerel, rabbitfish, reef cod, tunas, sardines, mackerel, anchovy, prawns, crams, crabs, lobsters, oysters, squids, mussels, smoked salmon, Pangasius fillets and steak that can be derived from Kenya's inland and marine aquaculture production systems. of these markets (LVFO, 2019).

The gender factor in the value chain

The strengthening of aquaculture development requires the participation of important segments of the population: women, and youth. While women may not play a critical role in owning factors of production like capital and credit, their input is critical. They face challenges ranging from limited access to land and land rights to a lack of capital to invest in fish production systems and input. Even in instances where initiatives like ESP and ABDP undertake programs to increase ownership and participation, this is mostly based on the agreement and support of male members of the households. Women are mostly proxy owners of these facilities. It is evidenced that women are also inconsistent attendees of training programs. This is related to their gender roles as caregivers. As a result, it is important to reorient women's inclusion programs to activities with limited entry barriers to aquaculture, while being aligned to their gender roles. For instance, women



Photo Credit: The Fish Site



are deemed more talented in other spheres of the aquaculture value system such as insect larvae production, feeding of fish, preparation and processing of fish, and marketing. Therefore, through established women groups, it is possible to enhance the involvement of women in these endeavors. Their progressive participation can enhance their financial capacity where they can later acquire land and capital for production units. Anecdotal evidence indicates that programs like ABDP are making considerations to support such group initiatives which are better tailored for gender inclusion of women.

Another constituent is the youth. They equally face challenges in integrating them into aquaculture development. For example, they are deemed impatient to commit the over six months required for fish farming. In instances where they are supported with input resources, these are abandoned and taken up by other members of the household such as their parents. These trends hamper the envisaged inclusion of youth to constitute the 30-50% population being supported in the ABDP program. To resolve this impediment, it would be prudent to match the inclusion of youth in aquaculture development to functions that are easily aligned with their interests. The youth are deemed to be better suited to functions related to transportation and supply. Additionally, youth excel in short-term roles that are labor-intensive like cleaning tanks, fish harvesting, and restocking

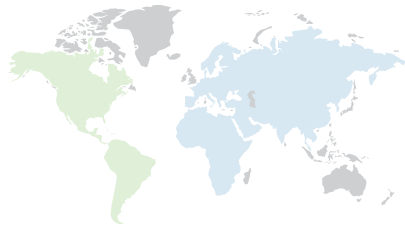
ponds. In instances where awareness is low, campaigns and information dissemination through youth groups can be utilized to mainstream youth to escalate their engagement and participation in aquaculture development.

Conclusion

Kenya's quest to improve food security through aquaculture development will be dependent on its commercialization and sustainable financing, diversification of fish products through value addition, and long-term research and development. Policy action is required to mitigate the encumbering cost of production, limited production facilities for quality feeds and fingerlings, restrictive financing options, limited capacities for aquaculture value-addition, and gender inclusion. This can be achieved through the development of indigenous production technologies, the establishment of an aquaculture training institute, tax exceptions, subsidies, and other financial support mechanisms that will enable Kenya's aquaculture sector to be competitive, regionally and globally. Without addressing these prohibitions, Kenya's inland and marine aquaculture resources will continue to underperform in their contribution to the country's nutrition, social and economic wellbeing. These proposed policy measures if accomplished would increase and diversify Kenya's food basket and economic prowess as envisioned under the Big Four Agenda and Kenya Vision 2030.

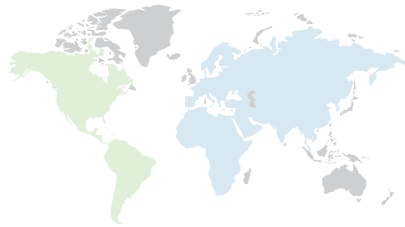


Photo Credit: FAO



Recommendations

- 1 Ministry of Devolution to prioritize the establishment of regional fish feed production facilities.
- 2 Ministry of Devolution to prioritize the establishment of regional fish processing and packaging facilities.
- 3 Ministries of Agriculture and Trade to explore regional and international markets for Kenya's aquaculture fish and value-added products.
- 4 Ministry of Finance to prioritize subsidies and financial support for imported aqua-feeds, technologies, and input resources like liners, nets, cooling, and storage equipment.
- 5 Ministry of Agriculture to lobby development partners and banks to develop attractive aquaculture financing products.
- 6 Ministries of Agriculture and Devolution to prioritize communication programs to address social and cultural disinformation on aquaculture.
- 7 Ministries of Finance and Agriculture to prioritize funding for long-term aquaculture research and development programs.
- 8 Ministries of Finance, Agriculture, and Devolution to promote alternative cost-effective feeds production technologies such as insect larvae production of the Black Soldier Fly.
- 9 The Ministries of Agriculture and Devolution to establish a central Aquaculture Training Institute for aquaculture farmers.



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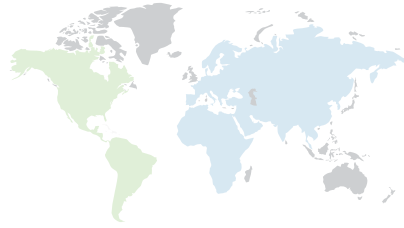
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Towards effective exploitation of capture fisheries in marine and freshwater-based counties in Kenya

Stephen Nduvi

Photo Credit: panda.org

Executive Summary

Addressing the challenges to effective management of capture fisheries is key to boosting Kenya's blue economy potential. Capture fisheries, the harvesting of naturally occurring fish in inland and coastal water bodies, has been on the decline in the country due to under-exploitation of the entire fisheries sector. Key impediments include destruction of fish breeding zones, inadequate infrastructure, capacity and management gaps in Beach Management Units (BMU), and poor post-harvest handling techniques.

This calls for greater efforts to manage the fisheries through controls on illegal fishing in marine and lake-based counties

to curb trade in undersized fish. Other recommendations include protection of fish breeding zones; bolstering capacity building on post-harvest handling; and installation of electric power at fish landing sites.

Introduction

The performance of Kenya's capture fisheries remains below its economic potential. Yet, Vision 2030 has prioritized the sector as key to employment creation, food security, and poverty reduction. While the maximum sustainable yield of capture fisheries is 300,000 metric tons (mt), the country has only managed to harvest up to 46% (137,333, mt) in 2021 (KNBS,2022). This is yet to meet the current projected demand of 600,000 mt per year.

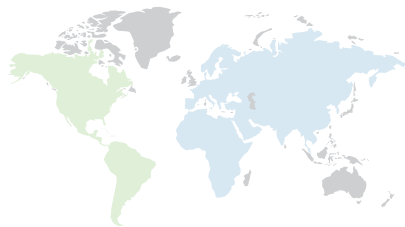


Photo Credit: bing.com

The capture fisheries are domiciled in the marine and lake-based counties across the country (KMFRI,2018). The former comprise Mombasa, Kilifi, Lamu, Kwale, and Tana River counties, along the Indian ocean. The latter include Homabay, Siaya, Kisumu, Busia, Baringo, Nakuru, and Turkana, which house the inland water bodies of Lake Victoria, Lake Turkana, Lake Naivasha, Lake Nakuru and Lake Baringo. Other resources with similar potential are Lake Jipe, Lake Kenyatta, Lake Kanyaboli, Turkwel dam, Seven Forks dam, Tana River, Tana Delta, River Nzoia, River Kuja, and Sondumiriu River (KMFRI,2018).

The government has relied on the Kenya Fisheries Policy (2005), and the Fisheries Management and Development Act of 2016 to manage their capture fisheries (GoK, 2016). While these policies create an enabling environment for regulating the sector, implementation gaps still hamper the harnessing of the fisheries wealth. Subsequently, the productivity of capture fisheries is on the decline yet it holds vast potential for economic growth (KNBS, 2021). This brief discusses the key challenges that the

country encounters in realizing the full potential of the capture fisheries sub-sector.

Methodology

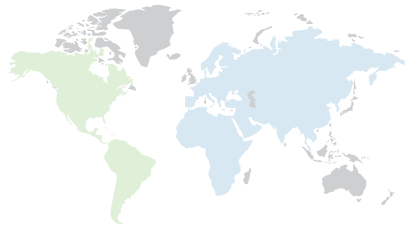
This research paper used primary data which was collected through interviews with key experts and practitioners and secondary data collected through a comprehensive desktop review of documented sources. The data was analyzed thematically as per the research objectives.

Key Findings

The following discussion constitutes the major challenges that the country encounters in realizing the full potential of the capture fisheries sub-sector.



Photo Credit: bing.com



Destruction of fish breeding zones

The destruction of fish breeding ecosystems is impeding the survival and abundance of Kenya's capture fisheries (Sumaila et al., 2014). This is due to the weak enforcement of fishing regulations, and unsustainable economic activities including aquatic and nautical sports. The breeding zones also suffer from overfishing occasioned by illegalities and non-regulation. Consequently, juveniles and brooders are captured before they complete their breeding cycle (Nyamweya et al., 2018). It is estimated that between 40-50% of immature Nile perch are caught in Lake Victoria annually and approximately 10 million juvenile Tilapia from Lake Turkana are smuggled weekly to the Democratic Republic of Congo (DRC) (Nyamweya et al., 2018; The Standard Newspaper 2022). More so, the laxity in mitigating noise, chemical contamination, marine debris, and shoreline erosion continues to adversely affect the aquatic ecosystems.

There are various zones of the lake resources have been mapped as suitable for fish breeding. These include Ferguson's Gulf and Ekoyo-Nariemet-Napasinyang river mouth complex in Lake Turkana; Crescent Island, Oserian bay, Korongo, and Malewa river mouth in Lake Naivasha (KMFRI, 2018; Malala et al., 2013). The Lake Victoria islands of Remba, Ringiti, Rusinga, Mageta, and Mfangano in Homabay and Siaya counties are also key zones (Boit et al., 2021). The protection of these zones can contribute up to 79% of the total fish captured compared to 21% from the unprotected areas (Bassa et al., 2014).

Inadequate infrastructure

The low power connectivity, high costs of energy, and inadequate transport infrastructure in the fish landing sites have impeded the scaling up of production, especially for small-scale operators (KMFRI, 2018; Compton et al., 2018; UNCTAD, 2014). These infrastructural hurdles have increased the overhead costs and subsequently hampered the competitiveness of fish and fish products in



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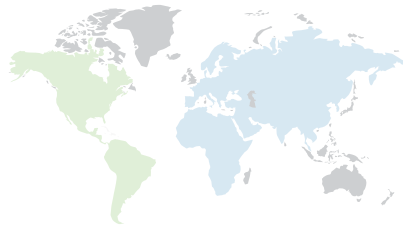


Photo Credit: talkafrika.co.ke

local and export markets. The limited access to the national power grid in the remote landing sites affects the serviceability of cooling facilities for fish preservation. For instance, some high potential fish landing sites in Lake Victoria, such as the islands of Remba, Migingo, Takawiri, Ringiti, Mageta, Rusinga, and Mfangano have dismal supply of electric power, at approximately 26.3% (LVFO,2016). Further, the high cost of electricity accounts for 75% of operating costs in fish processing. Most of the energy consumption is attributed to refrigeration and air conditioning systems (COWI Consulting Engineers and Planners AS, 2019; UNEP, 2019). This cost is transferred along the supply chain to the consumer.

Poor post-harvest handling techniques

The inappropriate handling techniques used in fish processing from the landing sites to the markets expose traders to massive losses while also exposing consumers to poor quality and contaminated fish (KMFRI, 2018). This is due to use of ill-equipped

artisanal vessels, unstandardized fish handling standards, limited cooling and transportation facilities. This affects the business viability, especially for small-scale operators with limited capacity for value-addition (Werimo and Malala, 2009). More so, the remoteness of some of the landing sites limits easy access to the market-leading to high post-harvest loss, which currently stands at an average of 70% (KMFRI,2018).

The challenges are further compounded by the market preference and availability of infrastructure, and technology (Kruijssen et al., 2020). Different fish products require different processing techniques. For example, Omena is mainly sun-dried, while Tilapia and Nile perch are either fried or smoked. These traditional methods are weather and market-dependent but often raise health concerns due to contamination from smoke. Other advanced post-harvest activities include packaging, filleting, salting, canning, and freezing (Kruijssen et al., 2020). However, the approaches are limitedly embraced by the various actors in the fish value chain due to high-cost implications.

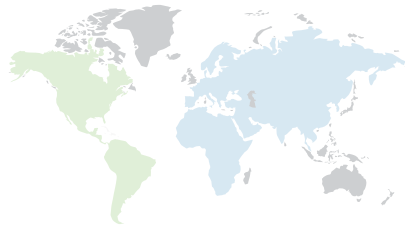


Photo Credit: tusk.org

Capacity building of Beach Management Units (BMUs)

The BMUs represent fisheries-user groups in the co-management and implementation of fisheries activities (GoK, 2014). The adoption of co-management has not sufficiently improved capture fisheries management. There exist gaps between the set regulations of the BMUs and their implementation (Kanyange, 2014). These include inadequate understanding of BMU mandates which impedes effective management and community participation in decision-making and oversight regarding sustainable fishing (Menza & Mange, 2020; Dupuy & Aarvik, 2017). The situation has often contributed to fishing conflicts, use of illegal fishing gear, environmental degradation, and a decline in fish production (Kolstad and Søreide, 2009). Moreover, the county-based Directorates of Fisheries (DoFs) have not been able to effectively execute their supervisory role on BMUs regarding registration, operations, and financing (Fisheries Act, 2007).

Other capacity gaps in the overall execution of BMUs activities relate to over-dependence on donors who may have competing priorities (Ogoma et al., 2019). These are further compounded by enforcement gaps as BMUs are under the direction of external actors such

as the fisheries department or the police in enforcing violations, such as unregulated fishing. Similarly, at the strategic level, there is a weak foundation for the co-management to efficiently run its operations (Tubman et al., 2021). While the structure of the BMUs should consist of an assembly and a committee, some consist of either one of these. This affects the validity of the BMU in decision-making. Moreover, the absence of either impedes accountability on the roles and obligations of the BMU.

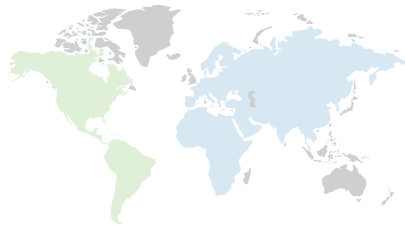
Leveraging the capacity of BMUs enhances the attainment of a more appropriate, efficient, and equitable resource management (Msomphora, 2016; Nga, 2015). Additionally, it ensures increased involvement of under-represented groups, enhanced trust, increased decision-making abilities, and social learning (Brumbaugh, 2017).



Photo Credit: Blue-revolution

Conclusion

The brief concludes that policy, human, and technical challenges continue to affect the maximum exploitation of the capture fisheries sector and consequently the country's ability to effectively manage the fisheries resource. Hence, the need to revitalize the potential of the sub-sector to spur economic growth across the counties.



Recommendations

The following policy interventions remain crucial for strengthening the management of capture fisheries.

- 1 The Ministry of Agriculture, Livestock and Fisheries Kenya should:
 - a) intensify conservation of fish breeding grounds and monitoring of illegal fishing and trade in undersized fish.
 - b) build capacity of fish traders in sustainable post-harvest handling methods to comply with the Fisheries Act requirement of 40% value addition to fish landed.
- 2 The Ministry of Interior and Coordination of National Government Kenya, should intensify border controls to curb the smuggling of undersized Tilapia to neighbouring countries.
- 3 The Ministry of Energy and Petroleum Kenya should increase access to electric power to all remote high potential fish landing sites in Kenya.
- 4 The Kenya Marine and Fisheries Research Institute should:
 - a) strengthen research and dissemination of findings on capture fisheries to BMU stakeholders. This will enhance their engagements to yield positive results for the fishing industry.
 - b) increase capacity-building programs for the BMU on sustainable capture fisheries practices in line with fisheries sector good practices.

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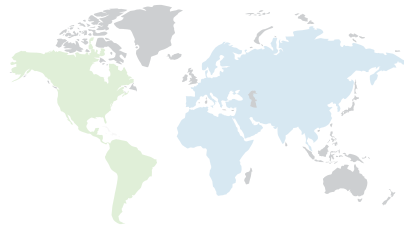
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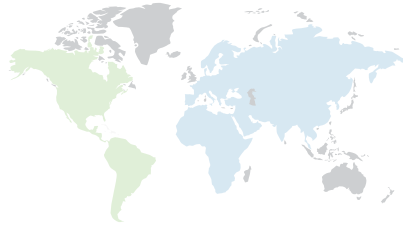
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Growing criminality in Kenya's sports industry: key facilitators

Ida Gathoni

Photo Credit: Gambling Sites

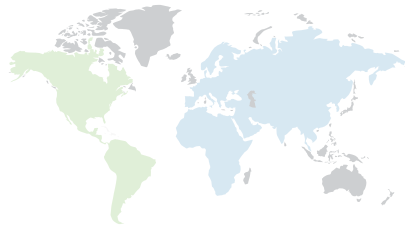
Executive Summary

This paper examines the growing nature of criminality in Kenya's sport industry. It takes a broad view to explore key opportunities exploited by criminal actors to the detriment of a potentially thriving industry. The paper argues in sum that systemic and structural loopholes in the governance and regulation of the sport industry have contributed to the growing criminality. The sector's fiscal mismanagement has attracted unscrupulous actors who are taking advantage of the existing financial literacy challenges among professional sportspersons (PSPs). Other opportunities exploited include the country's thriving betting and gambling culture; performance of athletes through doping and the politicization of the sector through gatekeeping and age fraud.

The paper concludes that the growth of these alliances is blocking potential benefits to the industry. The recommendations include creating financial literacy and capacity-building programs for Kenyan sportspersons and inspiring former PSPs into leadership positions in the sector. Equally, there is a need to focus on the objectives of the Sports, Arts and Social Development Fund strictly on the development of Sports.

Introduction

The rise of popular sports culture in Kenya has attracted criminal interests, necessitating the discourse of criminality as a key challenge threatening the industry. Lack of credibility and governance malpractices have significantly



enhanced the influence of criminal syndicates within the domain. A manifestation of this has been witnessed in doping, corruption, bribery and money laundering cases experienced in the industry. Between 2004 and 2018, 138 Kenyan athletes had tested positive for doping substances. Subsequently, in 2019, the country recorded the second highest anti-doping rule violations behind Russia. Kenya currently accounts for the highest case-use-of Nandrolone (a performance enhancing steroid) amongst athletes globally (WADA,2022). Separately, multiple entry points for illicit finances into the sports system through betting agencies have increased activities linked to the selection processes of teams and match-fixing (Mmbaya, 2011). The aforementioned factors amongst others discussed, continue to exacerbate the exploitation of professional sports persons (PSPs) through strategic alliances between criminals and sports officials in Kenya. Such alliances in the sports sector, continue to undermine law enforcement efforts. Thus, this brief explores the highlighted gaps within Kenya's sports industry behind growing criminality in the sector.



Photo Credit: New Theory Magazine

Context

Kenya's multi-billion sports industry is increasingly developing into a criminal enterprise (Andreff, 2016). The evidence is anchored on financial mismanagement and incidents of sports fraud as the industry continues to largely operate without culpability (Odhiambo, 2022). While lack of accountability among sports officials continues to threaten the performance of the industry, the government's determination to purge the corrupt officials has been hampered by international condemnation from governing bodies such as Federation Internationale de Football Association (FIFA). This has dented the country's image internationally (Tairo, 2022). The situation is compounded by a justice system that is lenient to those accused of misappropriation of funds within the Sports Ministry. The corruption is manifested in, for instance, the continued deplorable conditions of National football stadiums despite funds being set aside for renovations; and the financial crises that have been faced by the Kenya Rugby Union (KRU) and the Kenya Prison's

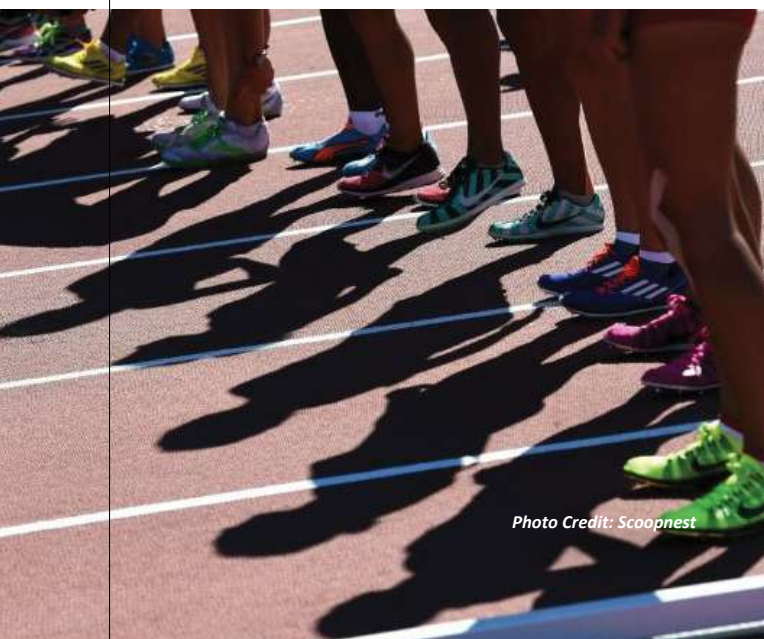
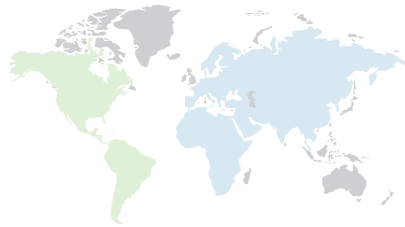


Photo Credit: Scoopnest



Service women's volleyball teams while abroad (Muange, 2018; Makhandia, 2019).

Consequently, the resultant state of sports is a policy predicament that continues to undermine the contribution of the industry to the economy. This brief will therefore discuss factors being exploited by the criminal enterprise within the sports sector.

Methodology

Qualitative data was collected from expert respondents using interview guides. The data focussed on four key sports: athletics, rugby, volleyball and football. Primary data was complemented by secondary data from documented sources. The data was analysed thematically. The anonymity of respondents was maintained. This allowed the study to identify and interpret patterns and themes in the qualitative data and how they lend themselves to the contextual issues being investigated.

Key Findings

This section addresses issues pertinent to the discourse about the opportunities

allowing the existence of criminality in Kenya's sports industry.

Vulnerability of PSPs

The majority of Kenya's PSPs are vulnerable to exploitation due to low levels of education. Most come from underprivileged rural life and only rise to fame through international competitions and exposure. The lack of knowledge of common business practices effectively puts such players at a disadvantage compared to their benefactors in key positions. These include top ministry officials, sports agents and managers. While respective agencies are supposed to work in the best interests of PSPs, enforcement becomes difficult when the players are not cognizant of the terms of various contracts. This includes the repercussions of breaching the contracts as well as conflicts of interest. Contract enforcement by agencies and sponsors has seen some PSPs give away up to sixty per cent of their earnings to stakeholders with whom they have signed agreements. Such was the experience of Ferdinand Omanyala



Photo Credit: CNN

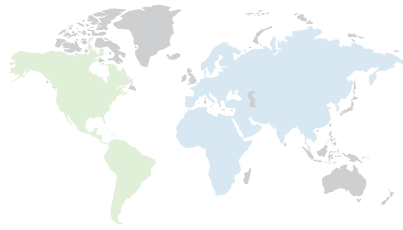


Photo Credit: Reuters

Former Kenyan sports minister Hassan Wario who was charged with corruption being taken to court, September 2021

when he ignorantly breached several contracts with various management teams leading to huge losses of his income (Ayodi, 2021).

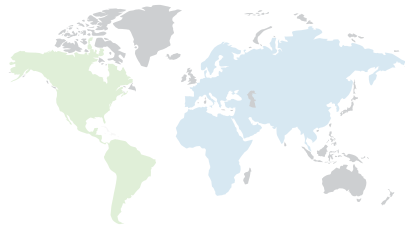
Furthermore, lifestyle and societal expectations contribute to the financial failure of many PSPs owing to the lack of financial literacy. With the capacity to earn huge sums of money over relatively short periods, most embark on erratic spending which leaves them broke and in debt. This then presents opportunities for exploitation by criminals, particularly those involved in match fixing and illegal betting. Moreover, the income from sports is generally unstable. It does not get paid out regularly which makes players extremely amenable.

Even with the abundant talent, the country has not been able to fully appreciate and tap into sports as a major socio-economic driver. The industry has for a long time been maintained as a poor man's industry with the majority of players coming from fissures of poverty and lacking exposure. This has contributed to the permissiveness of the injustices because the victims do not have avenues to fight for their rights. In fact, the best-managed sports in

Kenya are tennis and golf due to their association with the elite. The industry, therefore, remains dominated by frustrated players plagued with the shortsightedness of making quick money. This makes them easy prey for unscrupulous officials who are looking to make ends meet through match-fixing, sports management and sponsorships. Were the industry to be regarded as a source of economic development and an avenue for acculturation, citizens might be better inclined to defend its honour and fight the injustices imposed.

Financial imprudence in the Ministry

The sports industry is increasingly lucrative owing to a lack of accountability. This provides an opportunity and motivation for corrupt practices. The fact that PSPs in Kenya are unable to live off of sports despite the existence of the Sports, Arts & Social Development Fund, means that there is a general lack of accountability among Kenyan sports officials. Graft in the system has guaranteed that the industry cannot absorb the full amounts requisitioned



because kickbacks are awarded across the chain. The situation is compounded by leniency in punishments within Kenya's judicial system (Onyango, 2018). For instance, in 2021, Kenya's former sports Cabinet Secretary, was fined KES 3.6 million to avoid serving six years in prison having been found guilty of embezzling KES 55 million (Business Daily, 2021).

While the Sports, Arts & Social Development Fund (SASDF) was established to help support the industry, issues of financial misappropriation and non-accountability in the fund's management abound. The Financial Year (FY) 2020/2021 statement of expenditure indicates a receipt of 7% less than the approved amount for the promotion of arts and sports. These deficits amounted to KES 503,167,808. Yet the total expenditure at the end of the financial year exceeded the amounts disbursed by 35% and the sources cannot be accounted for.

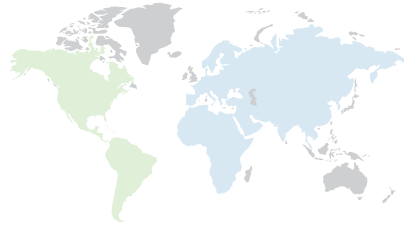
The sports public procurement system remains economically inefficient due to misappropriation of funds, thus invariably undermining the industry's growth. The

2019/2020 financial year was laden with irregularities including financial inaccuracies in pension, salaries, gratuity arrears, irregular board benefits, and double payment of water and electricity bills, amounting to KES 141,969,312. Indeed, there was a questionable expenditure of KES 2.5 billion for the construction of government stadiums. While KES 830,770,246 was paid to contractors, the majority of the sites were abandoned and no significant work was completed.

Sporting federations and teams continue to be subjected to difficulties in finding money to support the day-to-day operations of the teams, yet there is an annual disbursement for these specific causes. There have been allegations of late payments, problems with travel and accommodations, and a lack of training facilities. Whenever teams cannot sustainably rely on resources from SASDF, donors and sponsors step in, opening the industry to a myriad of opportunities for criminal interference including match-fixing.

Thriving betting and gambling industry

Betting, the action of gambling money based on unpredictable events, has over the years taken center stage within Kenya's sports sector. Following the emergence of mobile technology after 2012, Kenya witnessed a rise in online betting and gambling platforms. High unemployment rates coupled with the existence of betting firms and widespread internet accessibility have influenced the industry's growth. Resultantly, Kenya is currently, one of the biggest markets for sports betting in Africa. It is estimated that punters spend an estimated KES 463 million daily on sports betting through M-PESA (a mobile phone-based money transfer and micro- financing service) (Alushula, 2022).

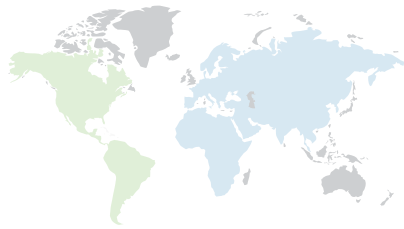


Sports betting platforms have been linked to criminal activities including money laundering, match-fixing and illegal betting. A report by the National Money Laundering and Terrorism Financing Risks Assessment (2021), indicates that while potential risks associated with money laundering are low on individual bets, the contrary is true with reference to foreign owners of such companies. The findings also highlight that through foreign ownership of such companies, funds from predicate crimes have the potential to be classified as genuine winnings from mega jackpots and later transferred to foreign bank accounts outside the country.

Separately, the endorsement of sports betting and gambling by legendary PSPs equally puts sports players at risk. It makes them prone to gambling and susceptible to its dangers including addiction and match fixing to guarantee favour in personal bets placed. While this is compounded by the poor remuneration habits in the sports industry, the reality of a sportsman with a gambling addiction is a highly exploitable opportunity for criminals.

Politicization of sports

Gatekeeping is commonly practised by compelling aspiring PSPs to pay off officials if they desire to qualify for national or international competitions. It is common to find situations where qualifier results are doctored and altered in favour of the PSPs who have the support of influential officials. There have been reported incidents of coaches and key officials demanding that players give them a fraction of their earnings to guarantee a position in national and international teams. This leaves little room for qualification by merit. The endemic corruption in the system continues to sustain a kickback culture which in turn leaves PSPs in deplorable conditions. It creates a governance challenge since the people at the top have not only bought their way into decision-making positions but also know very little about sports. This has led to sports organisations failing to comply with changes in the sector to protect self-interests such as salaries, bonuses and tenures.



Kenya's sports industry has been riddled with politics of ethnicity and nepotism. While football has for a long time been patronized by the Luo and Luhya communities, athletics is largely dominated by the Kalenjin community. This has made it difficult for aspiring PSPs from different ethnicities to penetrate specific sports.

Separately, the politicization of the industry has led to the interference of sports in schools through age fraud. National identification documents of exceptional student players are doctored by head teachers in conjunction with key sports officials while others are compelled to repeat classes to enable them to continue to participate in national competitions within specific age groups. An exceptional team will often translate into more funding for sports in a school. The problem is not unique to Kenya. FIFA has in the past conducted Magnetic Resonance Imaging (MRI) scans on potential players in under Under-17 World Cup teams to curb age fraud issues (Muchiri, 2019).

Gaps in policy

While the Sports Act, 2013 has been progressive in its mandate, it has also presented several obstacles to the sporting community. The Act does not protect all the stakeholders as the definition of sports professionals, side-lines coaches, teachers, trainers, sports scouts, sports agents, and fitness instructors, who are all key in the industry. Equally, it does not provide for individuals with accreditation from registered organizations to be considered professional sports people. These are the technical individuals in the field but the absence of their qualification and protection within the Act gives leeway to unprofessionalism and commandeering of the industry by entities who have no sports background.

Power is centralised in individual offices. Section 45 of the Act stipulates that the Sports Registrar has express authority to determine the existence of a sports organisation. To access the Sports Fund, an establishment

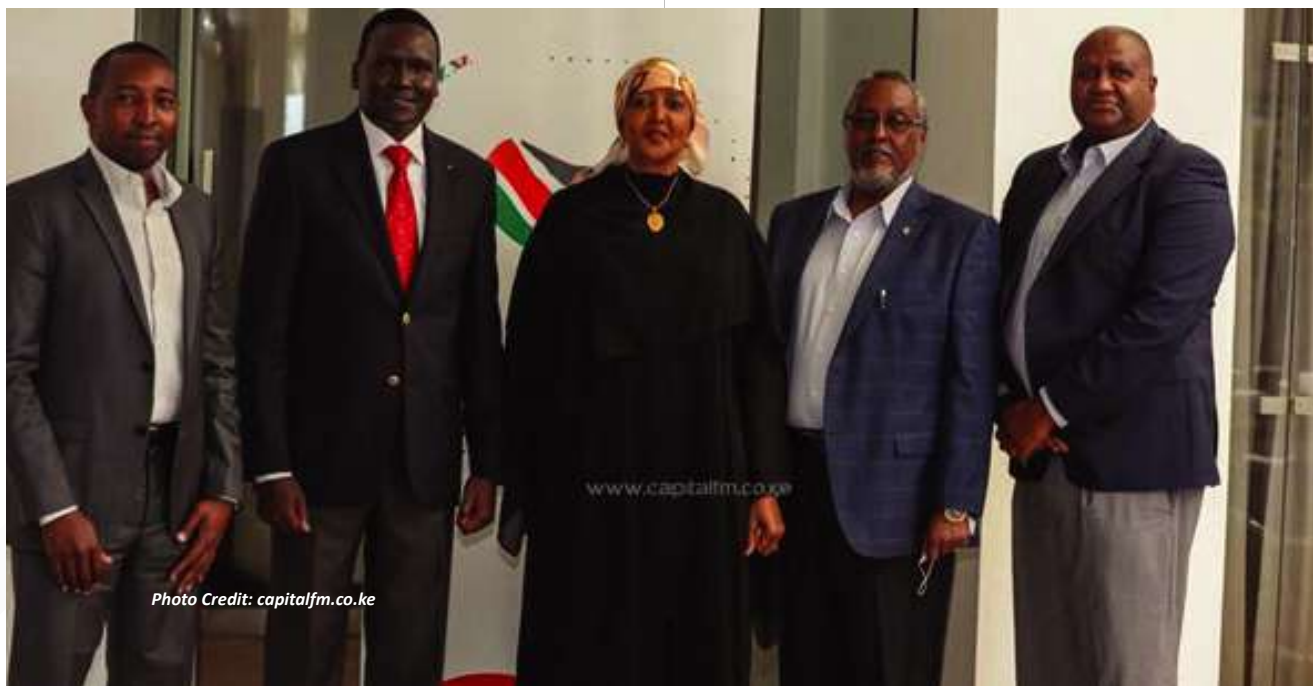


Photo Credit: capitalfm.co.ke

NOC-K officials from L-R Francis Mutuku (SG), president Paul Tergat, former CS Amina, 2nd Deputy Waithaka Kioni and treasurer Eliud Kariuki

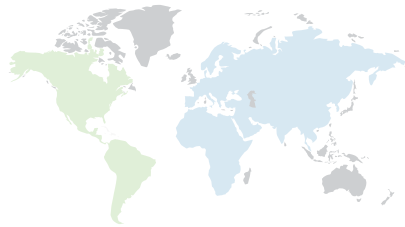


Photo Credit: Sports Management Degree Guide

merely has to prove that it is a sports organisation and be registered in the office of the sports registrar. The sense of autonomy in this office presents an opportunity for exploitation because one can easily corrupt the registration system to qualify for funding, equipment and facilities that could have been critical for existing-legal organisations. Separately, the powers afforded to the office of the Cabinet Secretary through section 54 of the Act have in the past compromised the autonomy of sports. If a sports organization fails to adhere to governing regulations, the Cabinet Secretary has the authority to designate anyone or a committee to manage, control, and conduct the organization's business. This has been witnessed in for instance the disbandment of the FKF which subsequently led to the indefinite ban by FIFA (Tairo, 2022; Munguti, 2020).

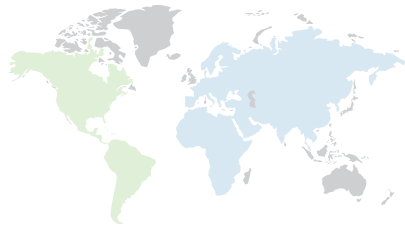
One of the key amendments proposed under the Sports Act Amendment Bill, 2021, is that the definition of a county sports association should change to one that oversees a particular sport operating within the county. This format of devolution would ensure that decisions are made based on the specific sport and within the context of the

specific county, while answerable to respective national bodies. In the United Kingdom (UK) the government has a non-interventionist stance on sports. Instead, it only intervenes when it is deemed to be in the public interest to do so. This leaves the majority of the regulation of individual sports to their national governing bodies (NGBs). These are autonomous bodies whose authority comes from a voluntary agreement between the NGB and its members. County devolution of sports would be a first step towards achieving sports autonomy in Kenya.

Despite the existence of the Anti-Doping Act, 2016, Kenya still remains a Red listed country, ranked in category (A) by WADA for doping cases (World Anti-Doping Agency, 2022). In 2018, Kenya's track athletes accounted for nearly a quarter of out-of-competition doping tests globally. A follow up study investigating the findings revealed that 68% of Kenyan elite athletes reported low to medium awareness of prohibited substances as a key contributor towards doping cases (Boit et al. n.d.). This indicates non conformity to the Anti – Doping Act, 2016. Specifically, Part 7 (Functions of the Agency), which mandates the Agency with the creation of doping awareness in order to discourage the practice of doping in the sporting sector.



Photo Credit: Athletics Kenya



Finally, the popularity of sports memorabilia makes it a prime target for merchandise counterfeiters. This is attributed to the high price of genuine goods such as team replica shirts. Indeed, when fans buy fakes, it is to the detriment of the sport itself as it denies the opportunity for reinvestment and in some cases contributes to organized crime. In fact, the trade transcends memorabilia with counterfeit equipment running through the market. The most commonly counterfeited include designer kits from Nike, Adidas and Puma. The challenge is often policing as most perpetrators and consumers are either unaware or simply ignore the anti-counterfeit laws.



Photo Credit: Reuters

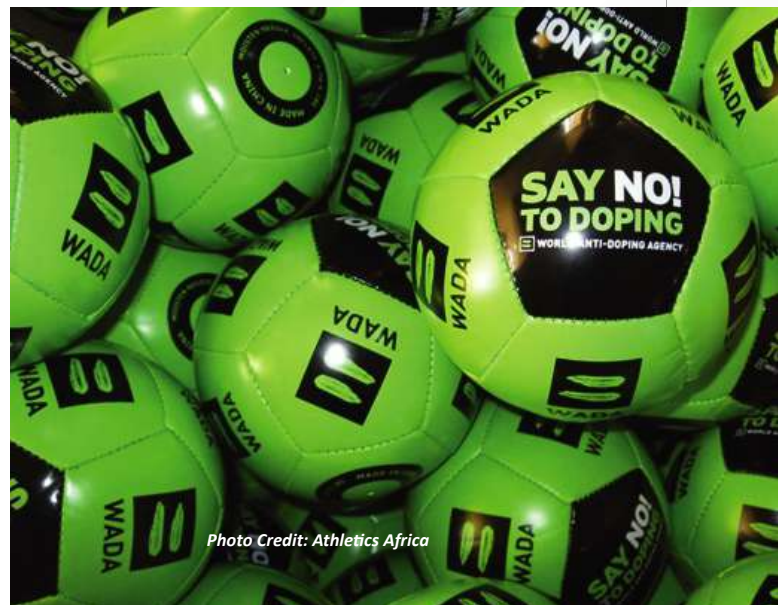


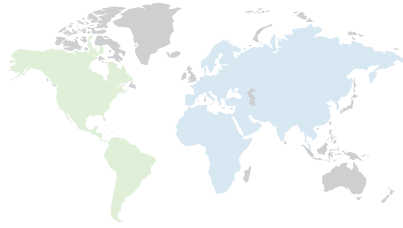
Photo Credit: Athletics Africa

Conclusion

The growth trajectory of Kenya's sports industry portends significant opportunities for criminal interference. The country's PSPs are significantly vulnerable on account of illiteracy. This is compounded by revenue shortfalls due to mismanagement and misallocation of the Sports, Arts and Social Development Fund. The industry remains heavily politicized with issues of gatekeeping and age fraud which are making it increasingly difficult and unattractive to investors and barring potential development benefits.

Recommendations

- 1 Kenya's parliament should:
 - a) Amend the definition of a professional sportsperson in section 2 of the Sports Act, 2013 to include all stakeholders i.e. coaches, teachers, trainers, fitness instructors, sports scouts and sports agents to enable them to qualify for accountability processes under the Act.
 - b) Amend sections 45 and 54 of the Sports Act to decentralize the powers placed in the offices of the Cabinet Secretary and the Registrar of Sports.
 - c) Assent the proposed amendment to the Sports Act to provide for devolved functions of county governments. This will see to the establishment of county sports associations that oversee individual sports operating within the county for accountability.



Recommendations

2 Ministry of Sports, Culture and the Arts to:

- a) create partnerships with financial literacy organisations to educate athletes on financial management, aimed at reducing susceptibility of athletes to scams and poor financial advice.
- b) create forums for the capacity building of PSPs focusing on equipping them with knowledge of contract enforcement.
- c) depoliticize the management of the Sports Arts and Social Development Fund, with veteran PSPs supervising the Fund due to their familiarity with the demands of the industry.
- d) establish an association of retired PSPs to mentor current and upcoming athletes for leadership positions in sports institutions.
- e) prioritize monitoring and evaluation of integrity strategies in the management of the sports industry.
- f) collaborate with the Anti-Doping Agency of Kenya and relevant stakeholders in intensifying awareness, targeting national and international PSPs to enhance Kenya's sports image.
- g) create a good sports governance framework to mitigate corruption in the sector.
- h) lobby the Anti-Counterfeit Authority (ACA), Kenya Bureau of Standards (KEBS) and Kenya Revenue Authority (KRA) to curb the trade in substandard and counterfeit sports equipment and memorabilia.
- i) lobby the Parliament of Kenya to tighten the Betting and Gambling Act, by increasing licensing fees and conducting more extensive background checks on company owners.
- j) institute strict punitive measures against individuals or organizations taking advantage of young upcoming prospective PSPs.



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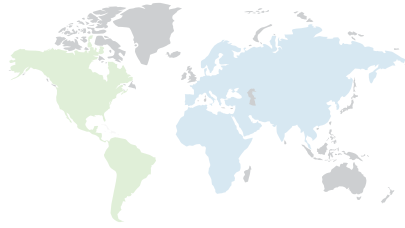
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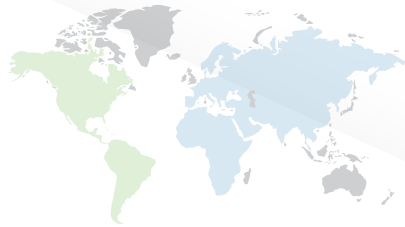
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