



# KENYA

**THE STRUGGLE FOR A NEW  
CONSTITUTIONAL ORDER**

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africa**now**



# Kenya The Struggle For A New Constitutional Order Africa Now

**Victor M. Corman**



## **Kenya The Struggle For A New Constitutional Order Africa Now:**

Kenya Godwin R. Murunga, Duncan Okello, Anders Sjogren, 2014-12-11 The aftermath of recent Kenyan elections has been marred by violence and an apparent crisis in democratic governance with the negotiated settlement resulting from the 2007 election bringing into sharp focus longstanding problems of state and society The broader reform process has involved electoral judicial and security sector reforms among others which in turn revolve around constitutional reforms Written by a gathering of eminent specialists this highly original volume interrogates the roots and impact of the 2010 constitution It explains why reforms were blocked in the past but were successful this time around and explores the scope for their implementation in the face of continued resistance by powerful groups In doing so the book demonstrates that the Kenyan experience carries significance well past its borders speaking to debates surrounding social justice and national cohesion across the African continent and beyond

**Africa Now!** Adebunsi Adeniran, Lanre Ikuteyijo, 2017-11-20 This book presents relevant and timely endogenous procedures for addressing the challenge of transforming ideas into sustainable opportunities in Africa It explores how Africa could be understood in the context of emerging global realities providing alternative frameworks that will not just be participatory in conception and practice but equally show a contextual workability for the varying aspects of the developmental enterprise in Africa Despite having alternative and less cumbersome sources of funding with commendable economic growth indices and several economies among the fastest growing globally African countries have been unable to transmute related opportunities into sustainable human development outcomes for majority of its citizenry Over four rich sections the authors cover subjects ranging from environment and natural resource management to governance economy and sustainable development The book continues with a section on Education and Human Development and a case study in transnationalism The final section discusses crime conflict and regional dynamics including highly disputed topics such as forced migration and sex trade This indispensable resource will be of great use to students and researchers globally in fields such as sociology anthropology environmental studies politics and economics with a focus on contemporary Africa as well as to policy planners and human rights activists invested in the future development of Africa

Women and the Informal Economy in Urban Africa Mary Njeri Kinyanjui, 2014-06-12 In this highly original work Mary Njeri Kinyanjui explores the trajectory of women's movement from the margins of urbanization into the centres of business activities in Nairobi and its accompanying implications for urban planning While women in much of Africa have struggled to gain urban citizenship and continue to be weighed down by poor education low income and confinement to domestic responsibilities due to patriarchic norms a new form of urban dynamism partly informed by the informal economy is now enabling them to manage poverty create jobs and link to the circuits of capital and labour Relying on social ties reciprocity sharing and collaboration women's informal solidarity entrepreneurialism is taking them away from the margins of business activity and catapulting them into the centre Bringing together key issues of gender economic informality and urban planning

in Africa Kinyanjui demonstrates that women have become a critical factor in the making of a postcolonial city **Aid and Authoritarianism in Africa** Tobias Hagmann, Professor Filip Reyntjens, 2016-03-15 In 2013 almost half of Africa's top aid recipients were ruled by authoritarian regimes While the West may claim to promote democracy and human rights in practice major bilateral and international donors such as USAID DFID the World Bank and the European Commission have seen their aid policies become ever more entangled with the survival of their authoritarian protégés Local citizens thus find themselves at the receiving end of a compromise between aid agencies and government elites in which development policies are shaped in the interests of maintaining the status quo Aid and Authoritarianism in Africa sheds light on the political intricacies and moral dilemmas raised by the relationship between foreign aid and autocratic rule in Africa Through contributions by leading experts exploring the revival of authoritarian development politics in Ethiopia Uganda Rwanda Cameroon Mozambique and Angola the book exposes shifting donor interests and rhetoric as well as the impact of foreign aid on military assistance rural development electoral processes and domestic politics In the process it raises an urgent and too often neglected question to what extent are foreign aid programmes actually perpetuating authoritarian rule

**Constitutionalism and the Economy in Africa** Charles M. Fombad, Nico Steytler, 2022-11-14 Despite expectations that the celebrated second wave of constitutional democracy in the 1990s would facilitate economic development Africa remains the continent with the highest level of poverty in the world The fight against poverty hinges on a vibrant economy that creates jobs and income by generating enough revenue to enable the state to take pro development measures However instead of the economic benefits that were supposed to accrue from the constitutional reforms of the last three decades including entrenching a market economy African economies remain weak a situation that has been aggravated by the COVID 19 pandemic By focusing on the relationship between constitutionalism and economic growth in Africa this volume addresses five questions 1 In the constitutional reforms of the 1990s and thereafter did constitutions also reflect the shift towards a market economy and if so in what manner 2 Given that agriculture and extractive industries are the main sources of state revenue in many African economies how are matters of land and other natural resources dealt with constitutionally 3 Where the market economy is captured in a constitution what is the state's relationship to that economy interventionist or laissez faire or somewhere in between Have constitutions also established a social state that provides its citizens with the basic elements of a dignified life 4 In the process of constitution making and implementation concerning the economy what impact has globalization had on constitutionalism and economic growth in Africa 5 Finally how has the relationship between constitutionalism and economic growth played out in practice Is there a symbiotic relationship Has constitutionalism led or may do so to greater economic prosperity Constitutionalism and the Economy in Africa offers a range of comprehensive arguments and case studies that will be of interest and use to academics post graduate students judges lawyers economists and policy makers involved in the economic role of the State the impact of globalization and the constitutional foundations for

land and natural resources exploitation      **Africa's Return Migrants** Lisa Åkesson, Maria Eriksson Baaz, 2015-07-15 Many African migrants residing abroad nurture a hope to one day return at least temporarily to their home country In the wake of economic crises in the developed world alongside rapid economic growth in parts of Africa the impetus to return is likely to increase Such returnees are often portrayed as agents of development bringing with them capital knowledge and skills as well as connections and experience gained abroad Yet the reality is altogether more complex In this much needed volume based on extensive original fieldwork the authors reveal that there is all too often a gaping divide between abstract policy assumptions and migrants actual practices In contrast to the prevailing optimism of policies on migration and development Africa's Return Migrants demonstrates that the capital obtained abroad is not always advantageous and that it can even hamper successful entrepreneurship and other forms of economic political and social engagement      **Africa's World Trade** Margaret C. Lee, 2014-10-09 Are Africa's world markets really contributing to development across the continent for individuals nations and regions This is the key question posed by Margaret Lee in this provocative book in which she argues that all too often the voices of African traders are obscured amid a blizzard of statistical analysis However it is these very voices from those operating on the ground as formal or informal traders that must be listened to in order to form a true understanding of the impact trade regimes have on these individuals and their communities Featuring a wealth of oral histories from across sub Saharan Africa and beyond including Africans in China Africa's World Trade offers a unique insight into how the complexity of international trade agreements can shape the everyday lives of ordinary Africans      Kenya and the Politics of a Postcolony Wanjala S. Nasong'o, 2024-08-06 This book sets out to probe explore and evaluate the betrayal of anticolonial nationalism in Kenya Contemporary Kenya's emergence is rooted in the colonial enterprise its deleterious effects and the subsequent decolonization spearheaded by a fierce anti colonial nationalism that was embodied in freedom struggles at the cultural political and military levels As a settler colony the colonial settlers hived off millions of hectares of the best land in the highland areas of Kenya and appropriated them for themselves thereby generating a large mass of the landless This land alienation constituted one of the most deeply felt grievances which together with the exclusivist exploitative and oppressive colonial system inflamed anti colonial nationalism that undergirded the struggle for independence The expectation on the part of the masses was that independence would bring about social justice restitution of the stolen lands and a government based on the will and aspirations of the governed Political developments soon after independence however demonstrated the extent of betrayal of the cause of anti colonial nationalism which has remained the reality to date This book covers the extent of this sense of betrayal from the time of independence to the present It begins by locating contemporary Kenya within the colonial context then proceeds to thematic issues of betrayal including the fall out between President Kenyatta and Vice President Odinga over ideology and issues of development which constituted the first betrayal the scourge of bureaucratic corruption and rent seeking the question of land and associated historical injustices and electoral malpractice

since the return of multiparty politics in 1992 to the most recent elections of 2022 The implications of these dynamics for the future of the Kenyan polity are delineated and discussed

**South Africa, Settler Colonialism and the Failures of Liberal Democracy** Doctor Thiven Reddy, 2015-12-15 In South Africa two unmistakable features describe post Apartheid politics The first is the formal framework of liberal democracy including regular elections multiple political parties and a range of progressive social rights The second is the politics of the extraordinary which includes a political discourse that relies on threats and the use of violence the crude re racialization of numerous conflicts and protests over various popular grievances In this highly original work Thiven Reddy shows how conventional approaches to understanding democratization have failed to capture the complexities of South Africa's post Apartheid transition Rather as a product of imperial expansion the South African state capitalism and citizen identities have been uniquely shaped by a particular mode of domination namely settler colonialism South Africa Settler Colonialism and the Failures of Liberal Democracy is an important work that sheds light on the nature of modernity democracy and the complex politics of contemporary South Africa

*Political Science in Africa*, 2023-12-28 Bringing together African and international scholars this book gives an account of the present state of the discipline of political science in Africa generating insights into its present and future trajectories and assessing the freedom with which it is practiced Tackling subjects including the decolonization of the discipline political scientists as public intellectuals and the teaching of political science this diverse range of perspectives paints a detailed picture of the impact and relevance of the political science discipline on the continent during the struggles for democratization and the influence it continues to exert today

**Displacement Economies in Africa** Amanda Hammar, 2014-05-08 Large scale displacement whether caused by war state related political or development projects different forms of political violence structural crisis or even natural disasters evokes many stereotyped assumptions about those forcibly displaced or emplaced At the same time there is a problematic lack of attention paid to the diversity of actors strategies and practices that reshape the world in the face and chronic aftermath of dramatic moments of violent dislocation In this highly original volume based on empirical case studies from across sub Saharan Africa the authors reveal the paradoxical effects both intended and unexpected that displacement produces and that manifest themselves in displacement economies An important contribution to a topic of growing scholarly and policy interest

Democratic Backsliding in Africa? Leonardo R. Arriola, Lise Rakner, Nicolas van de Walle, 2023 This book advances ongoing debates on democratic backsliding and autocratization with specific reference to Africa It offers a carefully developed theoretical framework and unlike many previous studies adds an international dimension to the analyses of autocratization processes on the continent

**Diasporas, Development and Peacemaking in the Horn of Africa** Liisa Laakso, Petri Hautaniemi, 2014-08-14 Exiled populations who increasingly refer to themselves as diaspora communities hold a strong stake in the fate of their countries of origin In a world becoming ever more interconnected they engage in long distance politics towards send financial remittances to and support social development in

their homelands Transnational diaspora networks have thus become global forces shaping the relationship between countries regions and continents This important intervention written by scholars working at the cutting edge of diaspora and conflict challenges the conventional wisdom that diaspora are all too often warmongers their time abroad causing them to become more militant in their engagement with local affairs Rather they can and should be a force for good in bringing peace to their home countries Featuring in depth case studies from the Horn of Africa including Somalia and Ethiopia this volume presents an essential rethinking of a key issue in African politics and development

**The Politics of Historical Memory and Commemoration in Africa** Cassandra Mark-Thiesen, Moritz Mihatsch, Michelle Sikes, 2021-12-06 Essays in Memory of Jan Georg Deutsch The volume observes some of the principles that drove Prof Jan Georg Deutsch s research highlighting present day politics for the way they shape historical remembrance learning from people on the ground through fieldwork and oral history and bringing various parts of the African continent into discussion with one another From Cape Town to Charlottesville many societies are grappling with historical consciousness and the production of public memory In particular how and why societies remember and forget what should serve as symbols of collective memory and whether there exists space for multiple memory cultures are questions being vigorously debated once again These discussions present particular challenges not only to official memory bound to ideological constructions of nationhood but also to the teaching of history and its links to social justice movements The volume re centres Africa and African history in memory studies with each chapter drawing parallels to comparable cases in Africa and the world An underlying assumption is that what can be learned from the politics of historical memory in Africa will have relevance for contemporary politics globally and for understanding how memories can be mobilised for political ends

*The Handbook of Religion and Communication* Yoel Cohen, Paul A. Soukup, 2023-02-22 Provides a contemporary view of the intertwined relationship of communication and religion The Handbook of Religion and Communication presents a detailed investigation of the complex interaction between media and religion offering diverse perspectives on how both traditional and new media sources continue to impact religious belief and practice across multiple faiths around the globe Contributions from leading international scholars address key themes such as the changing role of religious authority in the digital age the role of media in cultural shifts away from religious institutions and the ways modern technologies have transformed how religion is communicated and portrayed Divided into five parts the Handbook opens with a state of the art overview of the subject s intellectual landscape introducing the historical background theoretical foundations and major academic approaches to communication media and religion Subsequent sections focus on institutional and functional perspectives theological and cultural approaches and new approaches in digital technologies The essays provide insight into a wide range of topics including religious use of media religious identity audience gratification religious broadcasting religious content in entertainment films and religion news reporting about religion race and gender the sex religion matrix religious crisis communication public relations and

advertising televangelism pastoral ministry death and the media online religion future directions in religious communication and more Explores the increasing role of media in creating religious identity and communicating religious experience Discusses the development and evolution of the communication practices of various religious bodies Covers all major media sources including radio television film press digital online content and social media platforms Presents key empirical research real world case studies and illustrative examples throughout Encompasses a variety of perspectives including individual and institutional actors academic and theoretical areas and different forms of communication media Explores media and religion in Judeo Christian traditions Islam Buddhism Hinduism religions of Africa Atheism and others The Handbook of Religion and Communication is an essential resource for scholars academic researchers practical theologians seminarians mass communication researchers and undergraduate and graduate students taking courses on media and religion

**The Struggle for Land and Justice in Kenya** Ambreena Manji, 2020 Explores the limits of law in changing unequal land relations in Kenya

**The Making of the Constitution of Kenya** Charles O. Oyaya, Nana Poku, 2018-05-11 Kenya like the rest of Africa has gone through three sets of constitutional crises The first related to the trauma of colonialism and struggle for independence The second a period of constitutional dictatorship and the clamor for reform The third most recent crisis being one of identity legitimacy and the inability of the state to discharge its functions which has resulted in civil unrest violent ethnic conflicts poverty social exclusion and inequality The Making of the Constitution of Kenya examines the processes issues and challenges of constitution making governance and legitimacy in that country and the lessons that can be learned for others on the continent Equipping the reader with a sound historical perspective on constitutional developments and the crisis of constitutional legitimacy in Kenya it gives an invaluable insight into the normative and political complexities involved in evolving a truly democratic and widely acceptable constitutional order in Africa

*Constitutions and Conflict Management in Africa* Alan J. Kuperman, 2015-06-29 Each of Africa's countries has a different constitutional design is characterized by a unique culture and history and faces different stresses that threaten to undermine political stability Presenting the first database of constitutional design in all African countries along with seven original case studies *Constitutions and Conflict Management in Africa* explores the types of domestic political institutions that can buffer societies from destabilizing changes that otherwise increase the risk of violence With detailed comparative studies of Burundi Ghana Kenya Nigeria Senegal Sudan and Zimbabwe contributing scholars identify key turning points at which a state's political institutions either mitigated or escalated the effects of economic environmental demographic and political shocks They find that stability can be promoted by various constitutional designs not only by accommodative institutions that encourage decentralization and multiculturalism but also by the integrative centralized designs that characterize the constitutions of most African countries The greatest danger may arise from partial or inequitable accommodation that can exacerbate societal tensions culminating in violence up to and including civil war and genocide Accordingly *Constitutions and Conflict*



Management in Africa cautions against the typical international prescription for radical reform to replace Africa's existing constitutions with accommodative designs instead prescribing more gradual constitutional reform to strengthen liberal institutions such as strong judiciaries and independent electoral commissions. This detailed and methodical volume provides vital lessons for fostering democracy and reducing civil conflict via constitutional reform in Africa and beyond. Contributors: Justin Orlando Frosini, Gilbert M. Khadiagala, Alan J. Kuperman, Karly Kupferberg, Eli Poupko, Eghosa E. Osaghae, Andrew Reynolds, Filip Reyntjens, Arame Tall, Hillary Thomas, Lake Stefan Wolff, I. William Zartman. *Public Participation in African Constitutionalism*, Tania Abbiate, Markus Böckenförde, Veronica Federico, 2017-11-22. During the last decade of the 20th century, Africa has been marked by a constitutional wind which has blown across the continent giving impetus to constitutional reforms designed to introduce constitutionalism and good governance. One of the main features of these processes has been the promotion of public participation encouraged by both civil society and the international community. This book aims to provide a systematic overview of participation forms and mechanisms across Africa and a critical understanding of the impact of public participation in constitution making processes, digging beneath the rhetoric of public participation as being at the heart of any successful transition towards democracy and constitutionalism. Using case studies from Central African Republic, Egypt, Kenya, Libya, Malawi, Morocco, Senegal, Somalia, South Africa, South Sudan, Tanzania, Tunisia, Zambia, and Zimbabwe, the book investigates various aspects of participatory constitution making from conception to processes and specific contents that trigger ambivalent dynamics in such processes. The abstract glorification of public participation is questioned as theoretical and empirical perspectives are used to explain what public participation does in concrete terms and to identify what lessons might be drawn from those experiences. This is a valuable resource for academics, researchers, and students with an interest in politics and constitution building in Africa, as well as experts working in national offices, international organizations, or in national and international NGOs. *The Protection of Economic, Social and Cultural Rights in Africa*, Danwood Mzikenge Chirwa, Lilian Chenwi, 2016-10-20. The Protection of Economic, Social and Cultural Rights in Africa critiques the three main models of constitutionally protecting economic, social, and cultural rights in Africa: direct, indirect, and hybrid models. It examines the choices that states have made, how the models have worked, whether they have been tested in litigation, and the jurisprudence that has arisen. The book analyses the protection of the economic, social, and cultural rights in a range of African countries: Angola, Cameroon, Ethiopia, Ghana, Kenya, Mozambique, Nigeria, Senegal, South Africa, and Uganda. Leading legal academics explore how these rights feature at the regional and sub-regional levels, as well as the link between domestic and international mechanisms of enforcement.

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