



Kenya — Va-PoReg Country Report

Kailitz, Steffen, et al., 2026: Varieties of Political Regimes (Va-PoReg). Country Report Kenya, Dresden: Hannah Arendt Institute for Totalitarianism Studies.

DOI: <https://doi.org/10.7910/DVN/JYEL7U>

[in colonial times modern Kenya was known as East Africa Protectorate]

12/14/1895 Start Direct Rule Colonial Regime [of United Kingdom, Protectorate (along the coast)]: Kenya came under British control in the late 19th century (Lansford 2021: 870). The protectorate of Kenya (coastal line) was governed as part of the Colony of Kenya by virtue of an agreement between the United Kingdom and the Sultan, dated 12/14/1895.¹ According to LIED no multiparty executive or legislative elections were held during this period. Both LIED and V-Dem's PCLI classify political liberties as absent. For the relevant regime period, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were limited, and from 1907 onwards V-Dem's LCE is similarly interpreted as indicating that legislative constraints on the executive were also limited. Before 1907 V-Dem's JCE indicates that judicial constraints on the executive are limited. At the same time, V-Dem's LCE shows no value, which, with appropriate caution, can be interpreted as an absence of legislative constraints on the executive. A Legislative Council was established following an Order in Council dated 10/26/1906 and first met on 08/07/1907. Members of the council were the Governor, six appointed members and two unofficial members, all of European descent. In 1919, a Legislative Council Ordinance expanded the seats to 17, including 11 to be elected by European inhabitants of Kenya, and made European Women eligible as council members. Another amendment to the 1919 Ordinance in 1924, created five seats to be elected by the Indian community and one for the Arab community. In 1951, 14 Europeans were elected, as well as six Asians, and one Arab. Further, six Africans and one Arab were appointed as members. In 1954 a council of 14 ministers was created, including two Asian and one African minister, who were appointed by the Governor.² General elections open to European, Indian, and Arab inhabitants were held between 09/25/1956 and 10/02/1956, in 03/1957 elections were held for the eighth African constituencies. These elections marked the first elected representation of Africans in Kenya, though the native population remained severely underrepresented.³

On 07/23/1920, the Colony and Protectorate of Kenya (British East Africa) was established when the territories of the former East Africa Protectorate (except those parts of that Protectorate over which His Majesty the Sultan of Zanzibar had sovereignty) were annexed by Britain. The Kenya Protectorate was established on 11/29/1920 when the territories of the former East Africa Protectorate which were not annexed by the UK, were established as a British Protectorate.⁴

02/01/1961 End Direct Rule Colonial Regime [of United Kingdom, Electoral Democracy]/Start Indirect Rule Colonial Regime [of United Kingdom, Electoral Democracy]: In February 1961, general elections were held in Kenya, which for the first time ever saw a majority African seats in the Legislative Council, allowing for appropriate representation and participation by the African population. The Kenyan African National Union (KANU) emerged as the strongest party, winning 19 out of 53 elected seats.⁵ In 01/1960, 02/1962 and 1963, conferences were held at Lancaster House to work toward independence for Kenya under a new constitution.⁶ Pre-independence elections were held between 05/18 and 05/26/1963. The result was a victory for the Kenya African National Union (KANU), which won most seats in the House of Representatives and in the Senate (Lansford 2021: 870). After the election KANU and Jomo Kenyatta coopted the leaders of the main opposition party, which dissolved itself.⁷ According to LIED only multiparty legislative elections were held.

Universal suffrage was only achieved in 1963 before not all groups of residents had the right to vote, especially the black majority. Both LIED and V-Dem's PCLI classify political liberties as absent. For most of the relevant regime period, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were limited, and V-Dem's LCE is similarly interpreted as indicating that legislative constraints on the executive were also limited. Between 1957-1963 the LCE improved and indicated moderate constraints.

06/01/1963 End Indirect Rule Colonial Regime [of United Kingdom, Liberal Democracy]/Start (Monarchical) Electoral Autocracy [semi-sovereign, external affairs under United Kingdom, Liberal Democracy]: On this date, Kenya attained internal self-government with Mzee Jomo Kenyatta as the first prime minister leading KANU in the autonomous government on basis of the pre-independence elections (Embassy of Kenya in Brussels, Embassy of Kenya in Japan).⁸ In 1963 universal suffrage was introduced (Marshall 2018a).⁹

12/12/1963 Continuation (Monarchical) Electoral Autocracy [as independent country]: On this date, independence from Britain was granted and Kenya became an independent British Dominion with Queen Elizabeth II as the head of state represented by a governor general.¹⁰ De facto single-party rule was maintained mainly through the president's control over resources and patronage. When Odinga, who had led the opposition and initially agreed to the merger, resigned from KANU and attempted to form a new opposition party, the government used various manipulations and intimidation to undermine it before it was banned in 1969 (Decalo 1998: 194-95, 218-27, Geddes/Wright/Frantz 2014: 72). Based on our observations, multiparty executive and legislative elections were held during this period, which aligns with the observations of LIED. However, according to our observations as well as them of LIED they were not competitive. V-Dem's EF&FI scores the elections somewhat free and fair while their CEI scores electoral cleanliness as ambiguous. Besides, political liberties were absent (LIED) and not really present according to V-Dem's PCLI. In 1963, as per Polity5's classification, the executive's authority was significantly constrained by institutional checks. In 1964, based on Polity5's assessment, the executive's power was noticeably limited but not substantial, fitting Intermediate Category 2. For the relevant regime period, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were limited, while V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were robust.

12/12/1964 End (Monarchical) Electoral Autocracy/Start One-Party Autocracy: Upon the adoption of a republican form of government within the Commonwealth on this date, Kenyatta became the country's first president (Lansford 2021: 870).¹¹ The main opposition party, the Kenya African Democratic Union (KADU) dissolved itself and merged with KANU in 1964 leaving KANU as sole party in Kenya (Hartmann 1999: 476). According to LIED executive and legislative elections, which weren't multiparty, were held during this period. Furthermore, LIED continued to code political liberties absent. V-Dem's PCLI indicates them as not really present for this time. According to Polity5, during this period, the executive's constraints were categorized as Intermediate Category 2, between slight and substantial limitations. For the relevant regime period, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were limited, while V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were robust.

03/01/1966 End One-Party Autocracy/Start Electoral Autocracy: On this date, a new opposition party, the Kenya People's Union (KPU) emerged, led by Odinga, whose forced resignation as vice president in April 1966 caused a minor split in the ruling party. The new party was joined by 29 Members of Parliament. The government subsequently issued a constitutional amendment which stipulated that the defected MPs needed to have their constituencies reconfirmed through by-elections. However, the starting conditions were highly unfair due to KANU's political and administrative control. The by-elections between 06/11/1966 and 06/12/1966 resulted in the KPU receiving the most votes, but KANU winning more seats (Hartmann 1999: 476).¹² The main opposition party KPU was banned shortly before the first post-independence elections (Lansford 2021: 870). Based on our observations, multiparty executive and legislative elections were held during this period, which aligns with the observations of LIED. These elections were not competitive (LIED) and not really clean (V-Dem CEI). The overall election conditions were ambiguous (V-Dem's EF&FI). In addition to that, political liberties remained absent (LIED) and not really present (V-Dem PCLI). From 1966

to 1968, based on Polity5's assessment, during this period, the executive's power was noticeably limited but not substantial, fitting Intermediate Category 2. In 1969, as per Polity5's classification, the executive's authority was subject to minor institutional constraints. For the period 1966-1967, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were limited, while V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were robust. From 1968-1969 we interpret V-Dem's LCE as moderate.

12/06/1969 End Electoral Autocracy/Start One-Party Autocracy: On this date, general elections were held, the first since independence with Kenyatta's Kenya African National Union being the sole party to participate in the election.¹³ Therefore, this period is coded as one-party autocracy. Kenya became officially a one-party state with the Kenya African National Union as the sole lawful party by constitutional amendment (de jure) on 06/09/1982 (Lansford 2021: 869). The bill enshrined.¹⁴ As classified by FH for 1972-1983, the country scores between 9 and 10 as not free, which we interpret as rather not free. From 1984 onwards, the country is scored from 11 to 14 as not free, which corresponds to our interpretation of not free. According to LIED executive and legislative elections, which weren't multiparty were held during this period. Moreover, political liberties are coded as absent by LIED and can be interpreted as not really present, except between 1982 and 1989 they are absent per V-Dem's PCLI). According to Polity5, during this period, the executive encountered slight limitations on decision-making power imposed by other institutions. For the relevant period V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were limited between 1969-1979 and 1990-1992 and absent from 1980-1989. V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were moderate.

12/29/1992 End One-Party Autocracy/Start Electoral Autocracy: After 26 years of single-party rule under KANU, a multiparty system was approved by constitutional amendment on 12/20/1991(Lansford 2021: 869-870). On 10/28/1992, President Moi dissolved the parliament, five months before the end of his term and on 10/29/1992 the first multiparty elections in post-independent Kenya were held.¹⁵ Observers criticized the polling as tainted by KANU intimidation tactics, electoral fraud, and vote rigging (Lansford 2021: 870). While Moi and KANU retained authority over electoral laws and administration, and allegedly incited „ethnic clashes” in areas opposed to them - resulting in the disenfranchisement of hundreds of thousands – it is not solely the discord among opposition leaders, but rather the lack of competitive conditions, that must be seen as the primary cause of their loss (Hartmann 1999: 477-478). Before of the general elections on 12/29/1997 incumbent President Moi made some concessions to electoral reform, which he won by a plurality (Haggard/Kaufman/Teo 2016: 37). Per FH, for this regime period, the country scores between 11 and 14 as not free, which we also interpret as not free. Based on our observations, multiparty executive and legislative elections were held during this period, which aligns with the observations of LIED. LIED categorizes elections as not competitive. V-Dem's EF&FI scores the electoral freedom and fairness as ambiguous. V-Dem's indicates that elections were not clean. Furthermore, political liberties were still absent (LIED). Whereas V-Dem's PCLI outcomes enhanced to a somewhat presence of political rights. Based on this, we continue to label Kenya as an electoral autocracy at said time. From 1993 to 1996, as per Polity5's classification, the executive's authority was subject to minor institutional constraints during this time. From 1997 to 2001, based on Polity5's assessment, the executive's power was noticeably limited but not substantial, fitting Intermediate Category 2. In 2002, according to Polity5, the executive's constraints fell into Intermediate Category 3, between substantial limitations and executive parity or subordination. For the relevant regime period, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were limited between 1992-1997 and moderate between 1998-2002, while V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were robust.

12/27/2002 End Electoral Autocracy/Start Electoral Democracy: On this date, Kenya conducted general elections, recognized as the inaugural genuinely free general election held in the country since gaining independence, which were held under universal suffrage.¹⁶ In this period competitive multiparty executive and legislative elections were held (also confirmed by LIED, except for 2008-2012). LIED recognizes elections as

competitive except between 2008 and 2012. V-Dem's EF&FI varies during this period with stints in which it scores elections as not really free and fair, all the way to somewhat free and fair. Their CEI also varies between no and ambiguous electoral cleanliness. The ruling party lost in competitive elections (Kagwanja 2005: 51, Geddes/Wright/Frantz 2014: 72).¹⁷ A new draft of the constitution was released in September 2002 which aimed to reform many of the existing systemic issues standing in the way of good governance. The new draft sought to create more accountability by establishing new and improved checks and balances on the executive and limit the powers of a dominant executive. Nonetheless, implementation remained exclusive for multiple years. While human rights and civil liberties improved significantly, some abuses and issues persisted (Watch 2002). Moreover, according to LIED the country could not provide political liberties for the entire time. However, V-Dem's PCLI classifies the political liberties as fully present since 2003. After elections on 12/27/2007, concerns of electoral manipulation led to wide-ranging post-election violence and uprising.¹⁸ A new constitution was approved by referendum on 08/04/2011, providing for a mixed presidential-parliamentary system with a bicameral legislature (Lansford 2021: 869). Following the nullification of the initial presidential election in 2007, the parliament (National Assembly) passed contentious measures stipulating that if a candidate withdraws from a runoff election, the remaining candidate automatically wins the election.¹⁹ The fraudulent results of the general elections in 2007 led to widespread violence throughout the country resulting in the deaths of more than 1200 people.²⁰ While the EU EOM praised the improvements proclaimed by the new constitution, the elections in 2013 were a test for these new principles. Overall, the EOM noticed some shortcomings, the most significant issue being the lack of transparency in processing official results. Election observers and party agents did not have sufficient access to the processes at the constituency, county, and national tallying centers (Lisek 2013). In 2017 the results of the presidential elections were brought before the Supreme Court. The opposition candidate Raila Odinga, did not accept the victory of the incumbent president Uhuru Kenyatta and claimed that the Independent Electoral and Boundaries Commission (IEBC) had failed to conduct fair elections, resulting in a falsely declared winner. The IEBC refused to grant the Supreme Court access to the IT system, which was at the center of the legal dispute. Therefore, the Supreme Court annulled the results. Members of the IEBC itself raised concerns about the probability of a fair second presidential election. The second presidential elections were held in October 2017 and Kenyatta emerged again as winner and was sworn in on 11/28/2017. Odinga refused to participate in the second round. The ruling of the court received international attention and was praised.²¹ AF, BR, GWF, HTW and MCM all classify Kenya since 2003 as democracy. Only LIED codes a change towards a multiparty autocracy between 2008 and 2013. We classify this period according to our criteria as a borderline case between an electoral democracy and an electoral hybrid regime, because of the severe violence in the aftermath of the 2007 elections, the allegations of fraud in 2007 and 2017 and the intransparency of the electoral process as noted by the EU EOM in 2013. At the same time, the independent ruling of the judiciary must be acknowledged above all. On 08/09/2022 general elections were held. They have been considered as „largely peaceful, free and fair.“²² As per FH, from 2002 onwards, the country is classified as partly free, fluctuating between 6 and 8 and thus moving between our categories rather free and rather not free category. While V-Dem's CEI scores them with ambiguous cleanliness, the overall election conditions can be viewed as somewhat free and fair (V-Dem EF&FI). Freedom of expression is a constitutional right in Kenya. However, there are multiple cases of harassment of journalists and laws restricting press activity.²³ Until 2007, according to Polity5, the executive's constraints fell into Intermediate Category 3, between substantial limitations and executive parity or subordination. Since 2008, based on Polity5's assessment, the executive was either equal to or subordinate to other institutions, demonstrating strong constraints on decision-making authority. The judiciary is relatively independent and limits the power of the executive. For the relevant regime period, V-Dem's JCE is interpreted by us as indicating that judicial constraints on the executive were moderate between 2003-2009, robust between 2010-2020 and comprehensive between 2021-2022. V-Dem's LCE is classified by us as indicating that legislative constraints on the executive were comprehensive. A recent demonstration of this was in April 2022, when the Supreme Court upended a constitutional review process that would have expanded executive power. It also upheld

election results of 2022 after allegations of the opposition that the online voting system had problems.²⁴ However, concerns about corruption are high. A charge of corruption against deputy president Rigathi Gachagua was withdrawn in September 2022, among other high-profile persons, raising questions about judicial independence.²⁵

Electoral Democracy as of 07/01/2025 continued.

Additional Sources (Barkan/Okumu 1978, Elklit 1994, Kaltschew 2010, Kim 1984)

Notes

- ¹ https://en.wikipedia.org/wiki/Kenya_Colony#cite_note-5
- ² https://en.wikipedia.org/wiki/Legislative_Council_of_Kenya
- ³ https://en.wikipedia.org/wiki/1956%E2%80%939357_Kenyan_general_election
- ⁴ https://en.wikipedia.org/wiki/Kenya_Colony#cite_note-5
- ⁵ https://en.wikipedia.org/wiki/Legislative_Council_of_Kenya, https://en.wikipedia.org/wiki/1961_Kenyan_general_election
- ⁶ [https://en.wikipedia.org/wiki/Lancaster_House_Conferences_\(Kenya\)](https://en.wikipedia.org/wiki/Lancaster_House_Conferences_(Kenya))
- ⁷ <https://www.britannica.com/topic/Kenya-African-National-Union>
- ⁸ <http://www.kenyabrussels.com/index.php?menu=2&leftmenu=23&page=38> ; <http://www.kenyarep-jp.com/en/kenya/government/>
- ⁹ https://en.wikipedia.org/wiki/Women%27s_suffrage
- ¹⁰ [https://en.wikipedia.org/wiki/Kenya_\(1963%E2%80%93931964\)](https://en.wikipedia.org/wiki/Kenya_(1963%E2%80%93931964))
- ¹¹ https://en.wikipedia.org/wiki/Queen_of_Kenya#:~:text=Kenya%20adopted%20a%20new%20constitution,Kenya%20as%20head%20of%20state.
- ¹² https://en.wikipedia.org/wiki/1966_Kenyan_parliamentary_by-elections
- ¹³ https://en.wikipedia.org/wiki/1969_Kenyan_general_election#cite_note-1
- ¹⁴ <https://www.nytimes.com/1982/06/10/world/kenyan-parliament-approves-measure-for-one-party-state.html>
- ¹⁵ https://en.wikipedia.org/wiki/1992_Kenyan_general_election
- ¹⁶ https://en.wikipedia.org/wiki/2002_Kenyan_general_election
- ¹⁷ <http://africanelections.tripod.com/ke.html>
- ¹⁸ https://en.wikipedia.org/wiki/2007%E2%80%932008_Kenyan_crisis
- ¹⁹ <https://freedomhouse.org/country/kenya/freedom-world/2022>
- ²⁰ https://en.wikipedia.org/wiki/2007_Kenyan_general_election#
- ²¹ https://en.wikipedia.org/wiki/2017_Kenyan_general_election# ; https://en.wikipedia.org/wiki/Independent_Electoral_and_Boundaries_Commission#
- ²² <https://english.news.cn/20220812/5ceae447bfe14ad787bf90c37aa86419/c.html>
- ²³ <https://freedomhouse.org/country/kenya/freedom-world/2023#CL>
- ²⁴ <https://freedomhouse.org/country/kenya/freedom-world/2023>
- ²⁵ <https://freedomhouse.org/country/kenya/freedom-net/2023#C>

References

- Barkan, Joel D./Okumu, John J. (1978): 'Semi-competitive' Elections, Clientelism, and Political Recruitment in a No-party State: The Kenyan Experience, in: Hermet, Guy, Rose, Richard & Rouquié, Alain (Hrsg.), *Elections Without Choice*. London: Macmillan, 88-107.
- Decalo, Samuel (1998): *The Stable Minority: Civilian Rule in Africa, 1960-1990*. Gainesville: FAP Books.
- Elklit, Jorgen (1994): Is the Degree of Electoral Democracy Measurable? Experiences from Bulgaria, Kenya, Latvia, Mongolia and Nepal, in: Beetham, David (Hrsg.), *Defining and Measuring Democracy*. London: Sage, 89-112.
- Geddes, Barbara/Wright, Joseph/Frantz, Erica (2014): *Autocratic Regimes Code Book*. Version 1.2. Los Angeles, University Park, Bridgewater: UCLA, Pennsylvania State University, Bridgewater State University.
- Haggard, Stephan/Kaufman, Robert/Teo, Terence (2016): *Distributive Conflict and Regime Change: A Qualitative Dataset (Codebook)*. San Diego/Rutgers: University of California/State University of New Jersey.
- Hartmann, Dirk (1999): Kenya, in: Nohlen, Dieter, Krennerich, Michael & Thibaut, Bernhard (Hrsg.), *Elections in Africa: A Data Handbook*. Oxford: Oxford University Press, 475–494.

- Kagwanja, Peter Mwangi (2005): 'Power to Ururu': Youth Identity and Generational Politics in Kenya's 2002 Elections, in: African Affairs 105, 51-75.
- Kaltschew, Kristian (2010): Das politische System Kenias: Autokratie versus Demokratie. Potsdam: Universitätsverlag Potsdam.
- Kim, Chong L. (1984): The Legislative Connection: The Politics of Representation in Kenya, Korea, and Turkey. Durham: Duke University Press.
- Lansford, Tom (2021): Political Handbook of the World 2020-2021. Thousand Oaks: CQ Press.
- Lisek, Krzysztof (2013): General Elections in Kenya: Election Observation Delegation. European Parliament.
- Marshall, Monty G. (2018a): Polity5 Regime Narratives: Kenya. Center for Systemic Peace.
- Watch, Human Rights (2002): Kenya's Unfinished Democracy: A Human Rights Agenda for the New Government. Washington: Human Rights Watch.