MILDRED NGESA

KENYA: VOTING FOR OUR OWN
THE DYNAMICS OF TRIBAL POLITICS IN THE EASTERN AFRICAN STATE

Written after the March 2013 Kenyan presidential and parliamentary elections, the following article by Mildred Ngesa, a Kenyan journalist and the director of Peace Pen Communications in Nairobi, analyses the framework and structures of politics in Kenya. She leaves us in no doubt that under circumstances where political parties actually do not have different political agendas, the main tools currently used to influence voters are (pseudo-)ethnic factors, and in particular depicting other ethnic groups as arch-enemies. These tools leverage the myth of unconditional solidarity between members of the same ethnology. However, politicians have (so far) failed to prove that an electoral victory won by a rich member of the Kenyan elite will directly benefit thousands of poor people belonging to the same ethnic group. Furthermore, a voting behaviour based on ethnic factors has long-lasting consequences for the distribution of power in an electoral democracy. Electing a president from their own ethnology is a practical impossibility for smaller ethnic groups. Put simply, the largest ethnic groups’ elites effectively have a permanent guarantee of power and thus the opportunity to enrich themselves.

“I must vote for our guy, no one else! When our person gets the presidency, everything will be okay for us”. This was the declaration by the watchman (gatekeeper) at my bank just a week before Kenya went to the polls on March 4th 2013. A jolly and talkative fellow, he had paused to make small talk with me as I went in. “I know you don’t think like me but honestly, your people are your people and when they need your vote, you show up and help them; eventually, it is your community that benefits” he affirmed when I prodded him further for the main reason he was going to vote for the person he had chosen.

To understand tribe and community perception in Kenya, the definitions of the two must be understood. Whilst the term “tribe” may be derogatory or even demeaning in other societies, in Kenya “tribe” actually invokes a sense of belonging – an ancestral inheritance that marks what binds a people together. The perfect definition of tribe in Kenya would therefore be: “… a group of people who consider themselves as a united group, related by common ancestry, customs, traditions, religion, geographic location and so on. In other words, they share a common identity. This group may be divided into various clans, moieties, sections or whatever, but they still hold themselves to be one people…” (Jens Finke; www.bluegecko.org). It is therefore these tribes, brought together mostly by their geographical location, living together, speaking the same language and sharing the same beliefs, which embody community. Hence a simple dictionary definition states: ethnicity is the fact or state of belonging to a social group that has a common national or cultural tradition. Now tribe or belonging to a tribal community is something of profound importance for the people of Kenya. Identifying with a specific tribe expresses a sense of unequivocal belonging.

The watchman (whose name I do not know) is not alone. His sentiments resonate with many Kenyans who have been caught up in tribal politics in this East African country since independence fifty years ago. It is a peculiar trend, which is unlikely to disappear any time soon. The surprisingly bloodless Kenyan elections in March brought to the fore a number of intriguing aspects of this country taking tentative steps on the road to realising full democracy; these are worth unpacking. Amongst its East African counterparts and across the continent more broadly, Kenya is ranked as fairly progressive, with democratic ambitions and a vibrant, reforming governance process. Yet despite this Kenya faces a myriad of challenges, many of which are exemplified by sensitive political processes such as the recent elections. Today, two indictees at the International Criminal Court (ICC) claim the highest offices of president and deputy president. Uhuru Kenyatta and his counterpart William Ruto of the JUBILEE Coalition finally emerged victorious in a hotly-contested election that saw its initial results challenged before the supreme court and subsequently split the country straight down the middle with the defeat of veteran political bigwig Raila Amolo Odinga of the CORD Coalition. The politics here is mind-boggling. The two victors are wanted by the ICC for their alleged role in the infamous post-election violence of 2007/2008 in which over 1,500 people were killed, and thousands more displaced. It was a dark period in Kenya’s history that thrust this nation of 44 million into the international spotlight and kept it there through the intricate ICC process in subsequent
years. Today, Kenya is emphasising the concept of healing and reconciliation amidst a conglomeration of judicial and security reforms necessitated by the promulgation of a new constitution in 2010. The country is balancing precariously atop a great heap of historical misgivings that unfortunately remain with its people. One such misgiving is the question of tribalism – politically instigated tribalism. Contrary to popular belief that this may be a notion perpetuated by the less-educated class of Kenyans, concerns of ethnicity are so deeply embedded in Kenya’s DNA that they transcend boundaries of class and intellect.

**THEY ARE ABUSING US!**
Some weeks before the elections, a close lawyer friend called me from outside Nairobi, sounding distraught. “Mildred, they are abusing us; they are saying that they snatched the presidency from us since independence and they will never let us lead. They are abusing us! We must make sure that our man wins!” An accomplished lawyer with a doctorate to boot, my friend had sunk into the ethnic cocoon and was lamenting the treatment of her community by other communities perceived as enemies. She was drawing from the deep well of ethnic loyalty in support of the community’s preferred candidate. Like the watchman at the bank, she was bent on getting “her person” elected, to the detriment of other communities, and assumed this victory would ultimately benefit her. To understand the ethnic arithmetic on Kenya’s political scene, let us take a look at the issues that defined Kenya’s 2013 elections. Kenya is said to have 42 tribes. According to the 2009 census, Kenya’s population was 38,000,000. Table 1 shows a run-down of the biggest tribes in Kenya, who only identify themselves as “Kenyans”.

**Table 1. Population of the biggest tribes in Kenya**

<table>
<thead>
<tr>
<th>Rank</th>
<th>Tribe</th>
<th>Population</th>
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<tr>
<td>1</td>
<td>Kikuyu</td>
<td>6,622,576</td>
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<tr>
<td>2</td>
<td>Luo</td>
<td>5,338,686</td>
</tr>
<tr>
<td>3</td>
<td>Kalenjin</td>
<td>4,967,328</td>
</tr>
<tr>
<td>4</td>
<td>Luo</td>
<td>4,044,440</td>
</tr>
<tr>
<td>5</td>
<td>Kamba</td>
<td>3,893,157</td>
</tr>
<tr>
<td>6</td>
<td>Kenyan Somali</td>
<td>2,386,572</td>
</tr>
<tr>
<td>7</td>
<td>Kisii</td>
<td>2,206,689</td>
</tr>
<tr>
<td>8</td>
<td>Mijikenda</td>
<td>1,960,574</td>
</tr>
<tr>
<td>9</td>
<td>Meru</td>
<td>1,658,108</td>
</tr>
<tr>
<td>10</td>
<td>Turkana</td>
<td>988,592</td>
</tr>
<tr>
<td>11</td>
<td>Masai</td>
<td>841,622</td>
</tr>
<tr>
<td>12</td>
<td>Kenyan Somali</td>
<td>610,122</td>
</tr>
</tbody>
</table>

Source: Kenya Population Census 2009

It should be noted in relation to category 12 above that recently, owing to the mounting inter-tribal tensions in Kenya and the overriding impact of negative ethnicity, a significant part of the population now opt to downplay their tribal identity and prefer the largely perceived notion of being “neutral”, thus identifying themselves only as “Kenyans”.

According to the country’s electoral body, the Independent Electoral and Boundaries Commission, voter turnout for the recent elections stood at 87 percent, with slightly over 12 million voters out of the 14.3 million registered turning up to vote on election day. The polls were a litmus test for the reforms introduced by the government under the new constitution following the infamous post-election violence. Mounting anxiety that the 2013 elections would once again spark violence and ethnic tension was all too real. This is because tribal and ethnic lines were clearly marked in the previous, failed elections that saw the birth of a coalition government between the outgoing president, Mwai Kibaki, and the outgoing prime minister, Raila Odinga.

**POWER AND TRIBAL GROUPINGS**
Tensions ran exceptionally high between the Kikuyu of Central Province and the Luo from Nyanza Province, where the former prime minister, Raila Odinga, hails from. Even though international intervention and locally-instigated peace-building efforts and community cohesion drives were a source of light in the dark years that followed the post-election violence, the underlying tensions remained, as exemplified in ethnic patronage and tribal political groupings. Then there is the thorny question of the ICC. Initially, emotions were raw for quite some time when it was revealed that hefty politicians like Uhuru Kenyatta and William Ruto would be summoned to The Hague to answer charges on crimes against humanity committed during the post-election violence. Uhuru Kenyatta’s Kikuyu community, apparently the largest tribe in Kenya, and William Ruto’s Kalenjin community, considered the third-largest, were at loggerheads during the post-election violence, amidst the wave of killings and displacement that occurred. In fact, the two tribes were pitted one against the other in the violence that reinforced their sworn enmity, which dates back as far as the colonial era. A number of theories have been advanced to defend this stance.

One of the most sustained debates is based on the fact that the Kikuyu, who were the first to hold power through Kenya’s post-independence president, Jomo Kenyatta, allegedly squandered land initially belonging to the Kalenjin who are widely distributed across the Rift Valley. When Kenya attained independence in 1963, it is said that the incumbent government led by Jomo Kenyatta awarded large chunks of land belonging to the Kalenjin to well-connected Kikuyus as well as a significant number of wealthy white settlers who were “sympathetic” to the Kenyatta government. This was allegedly done without due compensation to the Kalenjin community in the Rift Valley, a region considered as the “bread-basket” of the country characterized by its arable, fertile, lush environment and reliable rainfall. It is from here that the hostility between the two communities is said to have emerged. This historic land-based hostility between the two communities remains as contentious now as it was then.

Professor Edward Kisiangani, a Kenyan political historian and a senior lecturer at Kenyatta University, as well as an impassioned commentator on issues of ethnicity, is adamant that historical injustices make it almost impossible for Kenya to awake from its ethno-political slumber. He explains: “It stems from 1963 when the first president of the republic took power. Mzee Jomo Kenyatta and his Administration unequally distributed the national cake at the end of colonialism in a system of exclusion that saw his Central Province get the lion’s share to the detriment of other communities. This system distorted history claiming that those who fought for independence mainly came from Central Province and thus it entrenched a sense of entitlement that resources and power belongs to a specific group. Power was therefore ‘naturalised’ to belong to a certain group, if they had power and had more of their people in government, then the community will control more of the resources and wealth.”
Curiously, he says, it is this same sense of entitlement that has dogged Kenya for the last 50 years of independence, through four post-colonial presidents to date. The fourth and current president is the son of the founding father of the nation, Mzee Kenyatta, a Kikuyu from Central Province, while the second president was Daniel Arap Moi from the Kalenjin community. The outgoing third president, Mwai Kibaki, also from Central Province, is said to have been a close personal ally of the founding father: hence the assumption that he worked closely with those who assured the current president, Uhuru Kenyatta, of victory in the last elections. This all begs the question: how deeply is tribalism ingrained into Kenya’s political landscape? Just how deeply entrenched is this ethnic entitlement that it has such immense power as to distract the electorate from more pressing issues? Is the Kenyan tribal division irredeemable? Does it mean that Kenya will always view political leadership through a tribal lens?

After the post-election violence in 2008, it seemed that many Kenyans wanted justice for the victims and survivors of the violence and were particularly keen that those responsible for the violence be prosecuted. But this was before politics became embroiled in the ICC debate, and the two accused Uhuru Kenyatta and William Ruto forged common ground so as to purposely distract us from that ICC debate. They achieved this by attracting attention instead towards their “innocence” and by rallying the two large communities, the Kikuyu and the Kalenjin, behind their ambitions. To many pundits, the coming together of Uhuru Kenyatta and William Ruto prior to the elections was in essence a leap of faith aimed at discrediting the ICC process and proving their innocence through their ability to unite the two communities that had previously been bitter enemies, especially during the post-election violence. It is interesting to understand how the duo succeeded in garnering public sympathy despite the serious allegations of gross violations levied against them by the International Criminal Court. According to the international criminal lawyer Dr Godfrey Musila, who is also the director of the African Center for International, Legal and Policy Research in Nairobi, the Kenyatta/Ruto pact (read Kikuyu/Kalenjin union) would never have happened without the ICC case. It is by using the ICC case in their power play that the two inductees won the support of the people and subsequently sailed into office.

Dr Musila describes the process: “In a well cultivated political strategy, there began a sustained misinformation about the ICC process to the public who actually had no knowledge of the ICC. The court was presented as a Western ploy, out to ‘finish’ innocent Africans. It was marketed as an enemy of the two communities that even at some point, the politicians aligned to the two (Uhuru Kenyatta and William Ruto) invoked pre-independence events like the incarceration of the ‘Kapenguria 6’ freedom fighters who included Uhuru’s father Mzee Kenyatta as a repeat of the West’s intentions to ‘finish’ the Kikuyu community. The ‘Kapenguria 6’ freedom fighters were six leading Kenyan Nationalists who were arrested in 1952, tried at a remote northern town called Kapenguria in 1952-1953 and imprisoned thereafter. The ‘Kapenguria 6’ included revered freedom fighters Bildad Kagia, Kungu Karumba, Fred Kubai, Achieng Onoko, Paul Ngei, and Kenya’s first post-colonial president Jomo Kenyatta. Therefore, in invoking the sufferings of the ‘Kapenguria 6’, politicians whipped out emotions from the community by mis-informing the people that the ICC process was a replica of this event where their ‘innocent sons’ (read Uhuru Kenyatta and William Ruto) were to be incarcerated for fighting for the rights of their people. The court was presented as an enemy of the Kikuyu and the Kalenjin because the two communities had enjoyed the privilege of holding office – the Kalenjin through 2nd President Moi and the Kikuyu through President Jomo Kenyatta and President Kibaki. This plan seems to have worked very well in duping the people. It was therefore the ability of the political class to whip such deeply rooted emotions from the people that led the voting class to think with their emotions rather than with their heads and ‘forget’ the initial grievances that led to the ICC process and instead, install their sons who were allegedly being ‘hunted down’ by the West.” In other instances, the March 4th elections were viewed by many western analysts as some sort of “referendum against the West” by the people of Kenya. Dr Musila does not entirely agree with this notion, stating instead that the ICC issue was only a contributing factor. The main culprit was the devil of negative ethnicity, which gives some communities a sense of power over others.

THE POWER OF THE PRESIDENCY

“The seeds of ethnicity and tribal affiliations were sown much earlier, before many of us were born. The nature of the Kenyan presidency is such that fortunes are quite closely tied to political power. Development has followed the presidency or the president’s community. Political elites and clever tribal chiefs have perfected the art of exclusionary politics in that the tribe in power takes the lion’s share of resources, holds most of the positions in government and therefore plays into the mentality of the people that it is indeed ‘their community’ in power”, says Dr Musila. This is the major factor that was overlooked by the ICC in the first four years of instituting international criminal justice processes in Kenya. The court needed to focus specifically on working with the local communities (who constitute the bulk of the electorate) to educate and empower them about the international criminal justice process. This would subsequently shield them from the manipulative, ethnically-based politics perfected by tribal chiefs and politicians.

Dr Musila states: “As the ICC process unfolds, it is a difficult road for the Court to counter the misconception that has already been entrenched into the minds of the people especially the population that voted in President Uhuru Kenyatta and his deputy, William Ruto. The main consistency the ICC should have is to maintain the focus on the victims. It is the vulnerability of victims and the failure gap by the ICC to educate the masses on the validity of the court’s process that left them even more vulnerable to the manipulation by other political approaches.” But with or without the ICC case, it has been the norm in Kenya’s 50 years of independence for tribal politics and ethnicity to take centre stage every five years during elections. The country has gone through many political upheavals which should ideally have been sufficient to put the people off a tribal mentality that seems to pervade all efforts towards cohesion and ethnic harmony.

Atieno Ndomo regrets that Kenyans suffer from selective amnesia every five years when the madness of election campaigns kick off. “We know very well that it is not necessarily true that I will benefit if the president comes from my community. We know that we elect them to office and suffer in our poverty until the next five years when the politicians show-up to whip-out emotions once again. We surely have to resolve to do things differently from how we have been doing them,” says Atieno, a social, economic and policy analyst. “While
ethnic affiliations have infiltrated how we do everything in this country, we must be brave enough to ask ourselves if it has sorted out the many problems that we have and the answer is a loud ‘NO’. Diversity is not a problem, it can in fact be used as a massive strength, however, we must strengthen our structural systems to make sure that they work and people begin to believe in them.” But seeking solutions without solving the root causes of the problem becomes an exercise in futility. This is what Kenya has been doing for eons, since open discussions and debate on ethnicity took centre stage. For many academics like Professor Edward Kisiangani, embracing the future of ethnicity-free politics in Kenya will be achieved by strategically challenging a past that brainwashed Kenyans into adopting tribal affiliations to the extent of not thinking beyond ethnic lines. One of the commonly perpetuated fallacies, as advocated by the watchman at the bank, is that when “our person” is elected, the community will benefit. It is a façade that has clouded the judgment of many during their lifetimes, hindering them from empowering their minds by understanding the true essence of democratic governance and service delivery. There are so many pressing issues in Kenya today that are obviously not being remedied by the politics of ethnicity. Kenya’s unemployment rate stood at 40 percent in 2008, with an ever-growing, restless under-25 population living in the country’s most populous cities of Nairobi, Mombasa and Kisumu. With unemployment comes the growth and expansion of informal slum settlements that exacerbate the rate of crime in the big cities. Car-jacking, violent robberies and gang crimes have become rampant in the cities, to the extent that some areas are considered no-go zones past a certain time of day or night.

The pain of unemployment has no doubt produced this increase, though it should be noted that in early June 2013 the Kenya Police Department released a report stating that the crime rate in the country had in fact gone down. The report indicated that there were 30,285 crimes reported between January and May this year as against 33,538 in the same period last year and 31,055 in 2011. The statistics between January and May this year as against 33,538 in the same period last year and 31,055 in 2011. The statistics indicate a restless population, disillusioned by successive governments’ failure to deliver on their promises of providing jobs and employment opportunities in order to improve the standard of living. These are the desperate pleas of a struggling population collapsing under the weight of disturbingly corrupt regimes and big political family names that seem to be amassing more wealth even as the poor get poorer. In the last ten years, this country has borne the brunt of institutionalised corruption such as the Goldberg and Anglo-Leasing scandals that continue to cost the taxpayer billions of Kenyan shillings – all this under the watch of successive governments that have played the ethnicity card to their advantage and used their positions to gain greater power, control and resources.

A CONSTITUTION UNDER THREAT?

Within the reform processes that were installed after the post-election violence, the constitution of Kenya 2010 was a ray of hope that strove to dismantle inequalities, offer equal opportunities to all, uphold patriotism, and uphold the rule of law. Sadly, the honeymoon phase in which the achievements of the new constitution were celebrated has been rather short. A matter of months since it was promulgated, the country was already facing challenges from politicians and legislators attacking various clauses that sought to tame the powers of leaders and question their integrity and credibility. For instance, in the run-up to the elections in March 2013, Chapter 6 of the constitution on integrity in leadership was under threat from the glaring anomaly of Uhuru Kenyatta and his counterpart William Ruto running for higher office although they had not been cleared of charges brought by the ICC. Efforts to uphold this Chapter were however thwarted by legislators in parliament, which of course paved the way for the two to run for office; the rest is history.

Speaking on the above issue before the elections, the Chairman of the Commission for the Implementation of the Consti-
tion Mr Charles Nyachae had optimistic expectations of how the government and the citizens would uphold the supremacy of the constitution, but remained wary of the many efforts to derail the process of implementing the constitution, mainly by the ruling class. “Call me an optimist but I am convinced that instilling the constitution and legal framework and institutions needed in the reform process and for every duty bearer to do what they are needed to do then Kenya does not necessarily need to slide back to the events such as those we saw in the post elections violence of 2007/2008”, he stated. Mr Nyachae said that the country had learnt its lessons and was on the path to some sizeable, positive reforms. “Although there still looms inappropriate regard to the law and lack of obvious commitment to the constitution, there is still room for especially those running for elective office to remain loyal to the requirements and prevent a flaw in the process.” His optimism was however not shared by Adsango Chesoni, the executive director of the Kenya Human Rights Commission and a former commissioner with the Committee of Experts that delivered the new constitution in 2010. Adsango was particularly irked by the fact that the legislative assembly had massacred Chapter 6 of the constitution, leaving room for the two men indicted by the ICC to run for office.

“I am so disappointed because it seems that we are rolling back on the gains that we made in the new constitution. Things that are critical to ensuring integrity in leadership especially after the post-elections violence are now being trivialized. Just look at how they massacred Chapter 6 of the constitution on leadership and integrity. They watered it down so much to suit them that it almost ceased to make sense”, Adsango said of parliamentarians and law-makers who, through the parliametary legislative process, loosened the integrity requirements for elective office. Their intention was clear. “Integrity must apply to both elective and non-elective office and when we have a group of people manipulating the law to suit their own selfish gains, who knows what will happen at the ballot?” Such was the delicate balance before the elections of March 4th. Many analysts saw these matters as the starting point for discrediting the constitution and manipulating it for the selfish gain of the few. Today, with the new government in place, challenges to the implementation of the constitution persist. Currently, one such challenge is installing the devolved system of government. Many already see this process being frustrated by a powerful few who are opposed to letting go of controlling resources in favour of the many. These are the same powerful few who seemingly control ethnic and regional loyalties and are keen to reserve the control of power and resources for specific ethnic communities.

It is a challenge that has many analysts and policy makers like Dr Godfrey Musila particularly worried. “Devolution must be upheld in the constitution so that the control of power and resources can be evenly distributed back to the people in the regions. If we are able to do this, then we shall dilute the shine off the presidency and in turn dilute the pre-occupation with ethnic tribal affiliations”, says Musila. Atieno Ndumo sees it differently. “If we give the regions the control of what rightfully belongs to them then we will decentralize power and people will not care what happens in the capital city Nairobi. Political elites will be minimized because people will control their own resources. But unless we do this, we are still in submerged in tribal cocoons.” These are a few of the many challenges Kenya faces in implementing the “devolution of power” clauses within the constitution, by means of which power and the control of resources are to be decentralised in favour of the newly-created county governments. So far, empowering and enhancing the capacity of county governments and ensuring the smooth transfer of this power to the people seem to be the biggest challenges. The process is politically extremely demanding and will take time to be fully realized. Atieno Ndumo sees change as being at the heart of Constitutionalism, something that ought to be upheld and protected at all costs. “Devolution is under threat because the few people who are in the heart of manipulating their communities and controlling resources do not want to see this change happen. That is why we have to be alive to protect the constitution.”

WE MUST SINK DEEPER!
But taking a rather radical approach and looking at the successsive governments of and responses from the Kenyan electorate, Professor Kisiangani says the only solution for Kenya is to degenerate into a worse crisis before finally cleaning up its ethnic mess in a fresh start. “Judging from how bad these tribal chiefs play the game of dirty politics, I think the wound of 2007/2008 was not deep enough to snap us out of our tribal affiliations. The injury was not deep enough to cause us such pain that we would have no choice but to get out of the tribal and ethnic bondage we are in. Look at these people (politicians and legislators) fighting devolution; if they really wanted power to go back to the people as devolution stipulates, would they really be fighting devolution?”, asks a visibly agitated Professor Kisiangani. His rather unsettling sentiments stem from the fact that the post-election violence may not have impacted so deeply on the Kenyan mentality as it is through that very bloody encounter that a new sense of leadership and integrity. They watered it down so much to suit the mess. “Take the French revolution of 1789 for example, it is through that very bloody encounter that a new sense of governance and thus stem senseless bloodletting and ethnic bigotry. In order to shake the status quo of class consciousness and force a major paradigm shift in this regard, the professor argues, the country may need to sink into an even worse crisis and then be “forced” to clean up the mess. “Take the French revolution of 1789 for example, it is through that very bloody encounter that a new sense of governance was mooted and adopted. The social injury must reach a maximum level for us so as to force us out of this tribal stupidity and embrace a change of perception.”

He takes issue with the educated class and with civil society who need to make more effort to empower the people and caution them against destructive politics. “Even though we have a good constitution now, it is a great starting point but we are not yet out of the woods. It is up to us the educated to educate the ordinary Kenyan and empower them with their rights so that they are not taken advantage of by their tribal chiefs. Unless we do this, then people will always live with the mentality of voting for “their own””, says Professor Kisiangani. Recently, two months after the victory of Uhuru Kenyatta and William Ruto as Kenya’s 4th president and deputy president, I once again spoke to the watchman at my bank about how his life had improved since “one of their own” had ascended to power. He did not look so amused by my question but instead shrugged nonchalantly that life must go on. As I passed him, he looked the very picture of yet another dejected Kenyan who had been let down by “one of his own” but who nonetheless found it almost impossible to shake off his tribal loyalty.

Mildred Ngesa is a Kenyan journalist and the founder and director of Peace Pen Communications.
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