

MULTIPARTY POLITICS IN KENYA

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It is now widely recognized that in the late 1980s and early 1990s a combination of international and domestic forces were responsible for establishing multi-party elections in Kenya. International forces, particularly ones associated with the donor community, were concerned to attach political conditionality as well as economic conditionality to future aid to Kenya. The end of the Cold War caused the strategic importance of Kenya to decline. Domestic forces representing the disillusioned *wananchi* (or ordinary people) believed that opposition parties would add an element of pressure on the government, by providing checks and balances in all areas of public expenditure. Together they pressed for greater accountability in Kenyan politics. Corruption and mismanagement had by now entered most areas of public life. Now, a decade after these pressures first were exerted, what have been the consequences of establishing this form of democracy? This article examines the nature of both the 1992 and 1997 multiparty elections, before proceeding to analyze the politics of ethnicity in this particular East African country, during the last ten years.

After raising hopes of a major political renewal, Kenya's wave of democratization seems to be running out of steam¹. The euphoria over the so-called 'second revolution' or Samuel Huntington's third wave of democracy in Kenya, as in other African states, is dying somewhat². While some form of political liberalization is taking place, the underlying dynamic of the process has not resulted in a radical restructuring of the context and content of politics. Nonetheless sufficient time has now elapsed since multi-party elections held in Kenya in the 1990s for scholars to consider whether they did, or did not, mark a watershed in the political evolution of the continent³. Samuel Decalo among others has suggested that, "single-party rule –once hailed as Africa's contribution to political philosophy– has been rolled back across a swathe of Africa, giving way to competitive elections and multipartyism"⁴. Between the ending of the Cold War in 1989 and 1994 most African

- 1 Julius O. Ihonvbere, 'Where is the third wave? A critical evaluation of Africa's non-transition to democracy', in *Multiparty Democracy and Political Change: Constraints to Democratization in Africa*, edited by John Mbaku & Julius O. Ihonvbere (Aldershot, Hants: Ashgate, 1998), p. 9.
- 2 Samuel P. Huntington has been a major contributor to the literature on the re-democratization process in Africa in *The Third Wave: Democratization in the late Twentieth Century* (Norman, Oklahoma: University of Oklahoma Press, 1991).
- 3 Patrick Chabal, 'A few considerations on democracy in Africa', *International Affairs*, Vol. 74, Nº 2, April 1998, p. 290.
- 4 Samuel Decalo, *The Stable Minority: Civilian Rule in Africa, 1960-1990*, African Study Series, Nº 1 (Gainesville, Florida & London: Florida Academic Press, 1998), p. 274. The first generation of post-colonial leaders in Africa perceived the one-party regime as the organizational expression of the most stable and

countries did move away formally from single-party political systems. Some multi-party elections have been held in Africa, nonetheless, which have resulted in the incumbent governments and leaders relinquishing power in a peaceful political transition⁵. Kenya exemplifies, on the contrary, a process of blocked political reform. The determination of the country's president to hold on to power, and the division of the political opposition largely on an ethnic basis, have combined to prevent any change of regime. The experience of Kenya seems to indicate that, where a ruling regime wishes to prevent democratic change, it can find the means to do so⁶.

The prime reason given earlier for constraining political choice –and defended by African leaders right up to the time that introduced multiparty politics– was that competitive politics is an imported luxury neither needed nor affordable in developing countries. A multiplicity of political parties mirrors, even politicizes, existing social cleavages (ethnic, clan, regional, religious) because these are the most easily mobilizable sources of political support and power in Africa, while the countries concerned actually need unity and rapid development rather than Western-style liberal democracy if they are to advance economically. While globally the absence of democracy has not necessarily resulted in economic decline (as in Japan, South Korea, Taiwan), 'benevolent' authoritarian rule has also not infrequently been defended as a recipe for economic development and nation building (as in the Middle East and Latin America) and as a justification for the single party state⁷. In Africa, by and large, there has usually been neither democracy nor economic development, nor indeed national unity, since the ending of European colonial rule; more often there has been authoritarian government in association with economic pauperization and decline⁸.

1992 GENERAL ELECTIONS

On 29 December 1992, Kenya held its seventh national elections since the granting of independence by Britain on 12 December 1963⁹. The 1992 national elections were the first multi-party elections in 27 years and they represented a test not only for Kenya but also for the democratic system elsewhere in Africa¹⁰. In December 1991, the ruling Kenya

acceptable types of regimes on the continent. The universal argument was that unity should be achieved at all costs. National unity was pitched against open politics; it was seen as a choice between one or the other. Whether the one-party system has been a blessing or a curse so far in Africa, is a matter of conjecture. But the debate on its pros and cons has dominated the African political scene since independence in the 1960s. In the first 15 years of independence (1960-75) African countries had been relatively prosperous and the claims made by one-party states seemed to be well suited to the twin tasks of national integration and development. However, in times of economic crises, the weaknesses of these African political systems were soon exposed. As internal discontent grew, African regimes became more repressive. Political violence increased as opposition to the regimes in place rose, as did the desire for more political accountability and greater respect for human rights. Patrick Chabal, 'A few considerations on democracy in Africa', *op. cit.*, p. 292.

5 *Ibid.*, p. 290.

6 *Ibid.*, p. 289.

7 *Ibid.*, p. 278.

8 *Ibid.*

9 The first six elections were held in 1963, 1969, 1974, 1979, 1983 and 1988. Kenya's record of eight elections (including the 1992 and 1997 elections) is unrivalled on the continent. See Samuel Decalo, *The Stable Minority: Civilian Rule in Africa, 1960-1990*, *op. cit.*, p. 207.

10 D. Pal Ahluwalia, 'Democratic Transition in African Politics: The case of Kenya', *Australian Journal of Political Science*, Vol. 28, 1993, p. 509.

African National Union (KANU) party reluctantly repealed Section 2A of the Constitution which had hitherto prohibited the formation of other political parties in Kenya¹¹. The repeal came after spirited local and international pressure to force KANU to allow political pluralism in the country. A constitutional amendment had made Kenya a *de jure* single party state in 1982. At the height of 'nyayoism', no dissent was allowed not even within the party ranks¹².

On New Year's Day, 1990, the Reverend Timothy Njoya of the Presbyterian Church of East Africa, delivered a fiery sermon at the St. Andrew's Church in Nairobi¹³. He openly challenged the Kenyan leadership to give serious thought to a return to multi-partyism in line with the changed global situation¹⁴. After the scare of the 1982 coup attempt, Kenya had become a repressive state. Songs, plays and magazines were banned. No one except the church, and a few newspapers, raised a voice in protest. Government reaction was predictable:

They screamed for his blood. KANU secretary-general Joseph Kamotho termed the cleric's call treasonable while then Agriculture Minister Elijah Mwangale suggested that the clergyman be detained without trial. President Moi pronounced that a return to multi-party politics in Kenya was "an evil dream by a few clergymen on the payroll of foreigners"¹⁵.

A few days earlier in Kisumu, Bishop Henry Okullu of the Church of the Province of Kenya (Anglican), had delivered a sermon in which he hailed the collapse of communist regimes in Eastern Europe and added that a similar fate awaited all other "dictatorships" the world over¹⁶.

In February of the same year, Foreign Minister Robert Ouko was murdered in circumstances that are yet to be fully resolved. In May 1990, in a clear departure from diplomatic practice, the US Ambassador to Kenya, Smith Hempstone, told a gathering of Nairobi Rotarians that the Kenyan leadership should read the sign of the times and go the multi-party way¹⁷.

- 11 Gibson Kamau Kuria, 'Majimboism, Ethnic Cleansing and Constitutionalism in Kenya', *Thoughts on Democracy Series* [Issue I], A Kenya Human Rights Commission Publication, Nairobi, Kenya, April 1994, p. 1.
- 12 Catherine Gicheru, 'When sycophancy reached an all-time high', *Daily Nation*, 7 July 2000, online edition. 'Nyayoism' was the name for President Moi's political philosophy. Kenya's first President, Jomo Kenyatta's doctrine of *Harambee*, the Swahili term for co-operative self-help, symbolized his approach to politics and means 'let us pull together'. Moi's doctrine *Nyayo*, which in Swahili means 'follow in the footsteps', was supposedly intended to convey respect for Kenyatta and highlight the need to pursue the course he had set for Kenya. However, as Widner explains, "nyayo acquired a second interpretation: do what the Office of the President tells you to do." See Jennifer Widner, *The Rise of a Party-State in Kenya: From "Harambee!" to "Nyayo!"* (Berkeley: University of California Press, 1992), p. 130.
- 13 'Church/State Relations: Clerics kick up a storm', *The Weekly Review*, 5 January 1990, p. 5. Church involvement in the protection of civil liberties began in 1986 over objections to replacement of the secret ballot with a queuing system. Reverend Timothy Njoya –officially a Presbyterian minister– his work has arguably has more impact in the political than in the religious domain. He has campaigned vociferously against injustice and for political reform for more than three decades in Kenya.
- 14 Kwamchetsi Makokha, 'Ten years of noise and little else to celebrate', *Daily Nation*, 7 July 2000, online edition.
- 15 Kamau Ngotho, 'The day democracy visited and stayed', *Daily Nation*, 7 July 2000, online edition.
- 16 'Church/State Relations: Clerics kick up a storm', *op. cit.*, p. 5.
- 17 Kamau Ngotho, 'The day democracy visited and stayed', *op. cit.*

On 12 June 1990, taking their cue from Njoya, the former cabinet ministers, (and businessmen) Kenneth Matiba and Charles Rubia, applied for a licence to hold a public rally at Nairobi's Kamukunji Grounds. This was to take place on July 7, so that Kenyans could openly discuss the merits of a multi-party system¹⁸. The choice of 7 July and the Swahili term *Saba Saba* were both borrowed from Tanzania's revolution day holiday held on the same date. Moi's government refused their request, suggesting that advocates of multi-party politics intended to unleash killer gangs to terrorise people and then blame the government¹⁹. Police stormed press conferences, confiscated notebooks and pens from journalists. In Nakuru, the district KANU boss Wilson Leitich warned that "anyone displaying the two-finger salute should have [their fingers] chopped off"²⁰. KANU national chairman Aloo Aringo claimed that Matiba and Rubia were grooming the veteran Luo politician Jaramogi Oginga Odinga to take over from Daniel arap Moi as President of Kenya²¹.

A few days before the intended rally, Matiba, Rubia, Raila Odinga (Odinga's son) along with a number of lawyers, were arrested and detained. Kenyans spoke out in anger. They marched in the streets, attempted to attend the proscribed public meeting, burnt vehicles, blockaded roads, and looted shops. The rally, and the violence with which it was put down, marked the beginning of the end of Kenya's one-party state²². The *Saba Saba* riots of July 7, 1990, were the most marked form of mass protest in Nairobi and other towns against the crackdown by the government on advocates of multi-party politics²³. After the events of *Saba Saba* day, Moi declared that multi-party democracy would not be tolerated in Kenya until the society became 'cohesive' enough and 'tribal' thinking was eliminated²⁴.

The economic situation was rapidly deteriorating, however, and Moi's government was finding it increasingly difficult to meet its financial obligations both locally and with external aid donors. These conditions led President Moi to announce reluctantly that Kenya would go multi-party. At this time, a Kenyan journalist commented, Iraq's attack on the oil-rich state of Kuwait had led to a massive counter-attack by the US government and its allies in the Middle East and

whether we like it or not, Kenya is facing deep economic problems and as the world political/economic situation shows, we should not give room to the illusionary optimism of better times ahead. This country, contrary to misleading utterances by some politicians, cannot sustain itself without foreign aid. Thirty percent of the country's annual budget is derived from foreign donors. Agricultural exports and tourism contribute the remaining seventy percent. As of today, coffee and tea, the major earners of foreign exchange are fetching dismal revenue, due to the fall of prices in the world market. The crisis in the Gulf has not only deteriorated [sic] tourists from visiting

18 Philip Ochieng, 'When the politics of anger nearly tore Kenya apart', *Daily Nation*, 7 July 2000, online edition.

19 Kamau Ngotho, 'The day democracy visited and stayed', *op. cit.*

20 *Ibid.* There were widespread local demands for political changes, symbolized by the two-fingered 'salutes' to signify and to suggest the desirability of a multi-party system in the country.

21 'Journey through turbulent history', *Daily Nation*, 7 July 2000, online edition.

22 'Kenya: Brutal seventh', *The Economist*, 19 July 1997, p. 54.

23 Kwamchetsi Makokha, 'Ten years of noise and little else to celebrate', *op. cit.*

24 Wanjiri Kihoro, *Politics and Democracy in Kenya Today*, based on a paper presented to the Royal African Society of Scotland Conference, Centre for African Studies, Edinburgh University Occasional Papers, N° 37, 27 May 1992, p. 7.

Kenya, but our major foreign donors are diverting money to sustain the Allied Forces there. This means that Kenya will require more or less 50 percent of her budget from foreign aid²⁵.

In December 1991, it was announced that the Kenyan constitution *would* be changed to allow competitive multi-party politics in future. Aid donors who had decided at a meeting in Paris on 24 November 1991 to delay further aid and credits to the country for six months, in the hope that, in the interim, economic and political reform might take place. Political conditionality therefore tipped the balance in persuading his government to abandon its earlier hostile stance towards multi-party elections, in addition to widespread domestic pressures for reform, accountability and freedom²⁶. Earlier, President Moi had described multi-party democracy as being part of a foreign ideology "peddled by some unpatriotic people with borrowed brains"²⁷. Then he had also said that advocates of political pluralism were "anarchists, rats and drug addicts"²⁸.

According to the report of the National Election Monitoring Group, a local umbrella organization, "Kenya through the repeal of section 2A, which legalized one-party rule, followed by the holding of the subsequent multi-party elections has taken a first step in her quest for freedom, one of the legacies independence had brought"²⁹. However, this report also concluded that, though the elections of 1992 were not free and fair, they had nonetheless been the most competitive elections to take place in independent Kenya's history³⁰.

A similar conclusion was reached by the Commonwealth Observer Group. This pointed out that,

despite the fact that the whole electoral process cannot be given an unqualified rating as free and fair, the evolution of the process to polling day and the subsequent count was increasingly positive to the degree that we believe that the results in many instances directly reflect, the expression of the will of the people. It constitutes a giant step on the road to multi-party democracy³¹.

Evaluations by election monitoring and observer groups need to be treated with caution. John Wiseman argues that, "where competitive elections have taken place it is perhaps natural for observers to pay them close attention in trying to assess the authenticity of the democratization process"³². But this can lead to a number of problems, such as an inaccurate assessment of how 'free and fair' the elections were or where evidence of malprac-

25 Mburu wa Kiago, 'Of debt relief, accountability and political reform', *The Nairobi Law Monthly*, N° 31, March 1991, p. 38.

26 Wanjiri Kihoro, *Politics and Democracy in Kenya Today*, *op. cit.*, p. 11.

27 Quoted in Stephen P. Riley, 'Political adjustment or domestic pressure: domestic politics and political choice in Africa', *Third World Quarterly*, Vol. 13, N° 3, 1992, p. 545.

28 *Ibid.*

29 The Multi-Party General Elections in Kenya, 29 December 1992, *Report of the National Elections Monitoring Unit (NEMU)*, p. 92.

30 *Ibid.*, p. 90.

31 The Presidential, Parliamentary and Civic Elections in Kenya, 29 December 1992, *Report of the Commonwealth Observer Group*, p. 40.

32 John A. Wiseman, 'Democracy and the new pluralism in Africa: causes, consequences and significance', *Third World Quarterly*, Vol. 14, N° 3, 1993, p. 443.

tice exists, or how significant its effects were in relation to the results³³. As far as international observer groups are concerned, the great majority of them are only in the country for a short period of time and, thus, their assessment of the electoral process cannot fully appreciate what happens before or after elections take place.

There is also a danger of attributing too much importance to elections in predictions of future developments in the democratization process³⁴. It is unrealistic to suggest that countries such as Kenya, can suddenly reverse course and institute stable democratic government simply by changing leaders, constitutions and/or public mentalities³⁵. If progress is to be made towards developing a democratic movement, it is more likely to be gradual, messy, fitful and slow, with imperfections in the process³⁶. Keith Somerville points out that

western pressure was unable to exercise a governing influence on the way in which KANU conducted the transition to multiparty politics and fought the subsequent elections. The nature of the transition period and the result of the elections were governed by the ability of KANU to use the state machinery for its own political purposes, the divided nature of the opposition, and the persistence of a 'winner-takes-all' approach to politics³⁷.

Yet if the election itself was not substantially marred by rigging or violence, the government's behaviour during the run-up to the campaign did reflect KANU's determination to hold on to power, no matter what the cost. Through much of 1992, Kenya experienced the terror of occasional state-sanctioned ethnic cleansing.

Attacks on non-Kalenjin residents in the Rift Valley in western Kenya began in late 1991 after declarations by some Kalenjin politicians that people from other ethnic groups were not welcome there. The assaults –which came to be termed “ethnic clashes” in the Kenyan political lexicon– appeared to be carried out by “traditional warriors,” but these were warriors who had been recently trained and armed in a very traditional fashion. At least 1,500 people died and 300,000 were displaced³⁸.

Since the onset of this particular outbreak of violence, more than 1,500 Kenyans, mostly settlers with Kikuyu, Luo and Luhya affiliations, died at the hands of Kalenjin and Maasai

33 Any election is a long and complex process in which polling day is only the most visible part. The issues which need to be addressed are; restrictions on or harassment of contestants and their supporters, voter registration, candidate nomination, the conduct of campaigns, media freedom, the use of state resources by incumbent rulers, the actual arrangements at the polling stations, and the counting of votes and publication of results. See John A. Wiseman, 'Democracy and the new pluralism in Africa', *op. cit.*, p. 443.

34 *Ibid.*, p. 444.

35 Samuel Decalo, 'The future of participatory democracy in Africa', *Futures (Journal of Forecasting, Planning and Policy)*, Vol. 26, N° 9, November 1994, p. 991.

36 *Ibid.*

37 Keith Somerville, 'Africa: is there a silver lining?', *The World Today*, Vol. 50, N° 11, November 1994, p. 217.

38 Quoting from Frank Holmquist & Michael Ford, 'Stalling political change: Moi's way in Kenya', *Current History*, Vol. 94, N° 591, April 1995, p. 178. See also Kiraitu Murungi, 'Ethnicity, Multi-Partyism in Kenya', *Thoughts on Democracy Series (Issue III)*, A Kenya Human Rights Commission Publication, Nairobi, Kenya, February 1995, p. 4.

'warriors'³⁹. Violence disrupted the registration of voters prior to the December 1992 multi-party elections, preventing thousands of people from voting. It also altered land ownership patterns in parts of the Rift Valley, interrupted schools, caused food shortages (since the affected areas were some of the most productive food supplying areas in Kenya), and deepened inter-ethnic suspicions⁴⁰.

These clashes left Kenyan society so divided that it was thought at this time that a civil war was quite possible. In September 1991, some KANU activists and leaders from the Rift Valley took up the call for *majimboism* (federalism) as the way to silence demands for pluralism⁴¹. The leaders included Vice-President George Saitoti, Nicholas Biwott (still described as the second most powerful person in Kenya after the president), William ole Ntimama (the then Minister of Local Government), Kipkalya arap Kones (the then Minister of State), and Francis Lotodo (the then Minister of Home Affairs)⁴². *Majimboism* is the Swahili word associated in Kenya with the call for the division of the country into semi-independent 'ethnic' states. On 8 September 1991, while addressing a rally in the Rift Valley, Dr. Joseph arap Misoi, MP for Eldoret South (Rift Valley Province) declared that "once we introduce *majimbo* in the Rift Valley, all outsiders will have to move and leave the same to our children"⁴³. Other KANU politicians delivered similar messages. 'Outsiders' from the Rift Valley were seen as potential or actual supporters of opposition to Moi's government. Many victims of ethnic cleansing had acquired land in the Rift Valley through purchases, inheritances or gifts after independence. There were also many 'settlers' from the Kikuyu, Luo, Luhya and Kisii communities⁴⁴. Many had been brought to the Rift Valley originally as farm workers or squatters for European settlers who had acquired land in the Rift Valley and Central Province⁴⁵.

President Moi and his "Rift Valley barons" now reminded Kenyans that they were a collection of 'warring tribes'. Later they asserted that multi-party democracy was responsible for the ethnic tensions, bloodshed and the chaos of all ethnic clashes in Kenya, and the ethnic carnage which took place in 1994 in Rwanda⁴⁶. A parliamentary report into the ethnic clashes, and also church leaders, concluded that government officials in fact fuelled the clashes in Kenya⁴⁷. KANU officials, however, continued to blame them on the opposition, claiming that it heightened ethnic sentiment⁴⁸.

39 The African population of Kenya consists of 43 ethno-linguistic groups. These groups belong to 4 linguistic families – Bantu, Nilotic, Paraniotic, and Cushitic. The largest distinctive groups are the Bantu-speaking Kikuyu, Luhya, and Kamba; the Nilotic-speaking Luo; and the Paraniotic –speaking Kalenjin. [Kenya's population is approximately 30 million: Kikuyu account for 22%, Luhya:14%, Luo:13%, Kalenjin:12%, Kamba:11%, Kisii:6%, other African:15%, and non-African (Asian, European & Arab):1%].

40 Gibson Kamau Kuria, 'Majimboism, Ethnic Cleansing and Constitutionalism in Kenya', *op. cit.*, p. 8.

41 *Ibid.*

42 *Ibid.*

43 *Ibid.*

44 *Ibid.*, p. 9.

45 About 4000 squatters from Central Province were further settled in Olengurone in Nakuru after they were displaced by white settlers in 1941.

46 Kiraitu Murungi, 'Ethnicity, Multi-Partyism in Kenya', *op. cit.*, p. 2.

47 The Kiluku Report struck very close to Moi, naming Vice-President George Saitoti and MPs Ezekiel Barnetguny and Nicholas Biwott, Moi's closest confidant and power broker with responsibility for the clashes. Maasai and Kalenjin ministers and MPs were paying young warriors to join the fight to preserve the heartland from 'intruders' and 'anti-KANU' forces. See Jeffrey S. Steeves, 'Re-Democratization in Kenya: 'Unbounded Politics' and the Political Trajectory towards National Elections', *Journal of Commonwealth & Comparative Politics*, Vol. 35, N° 3, November 1997, p. 37.

48 Nelson Kasfir, 'Elections in Kenya', *Africa Demos*, July & August 1993, p. 11.

The National Election Monitoring Unit later concluded that, "while some of the opposition parties exhausted their energies in self-destruction, they, unwittingly perhaps, allowed KANU the opportunity to pour scorn on multi-partyism and to manipulate the electoral process to its advantage"⁴⁹. Under the pressure of competing politicians, the opposition coalition, FORD (Forum for the Restoration of Democracy), split into three opposition parties⁵⁰. The multi-party elections of 1992 therefore led to a deeply fragmented political scene: KANU won 100 seats; FORD-Asili and FORD-Kenya each secured 31; the Democratic Party took 23; while 3 others were divided between the Kenya National Congress, the Kenya Social Congress and an independent⁵¹.

This electoral process disillusioned many Kenyans. David Throup points out that, "having voted so overwhelmingly to get rid of President Moi and KANU, they cannot understand why he remains in office."⁵² Despite widespread allegations of rigging against KANU, the opposition parties collectively garnered 3.3 million votes in the presidential contest compared to Moi's 1.9 million⁵³. An electoral alliance between any of the three main opposition parties would have won control of the presidency. A few months before the elections, the Government introduced the controversial clause stipulating that the winner in the presidential race had to get, in addition to a simple majority, at least 25 percent of the votes cast in at least five of the eight Kenya Provinces to be 'first-past-the-post'⁵⁴. The results showed that President Moi secured only 38 percent of the overall vote, with 1.9 million supporters, compared with nearly 1.4 million supporters for Matiba, 1 million for Kibaki, and 904,000 for Odinga⁵⁵. He did however get 25 per cent of the vote in five provinces.

Moi had warned that the reintroduction of multi-party politics in Kenya would be accompanied by an upsurge in 'tribal' animosities and, largely because of ethnic and personal rivalries, the electorate were presented with a list of opposition candidates which did just that. Moi and other KANU representatives insisted that they won the election because they were more popular than observers had expected although, as we have noted, neither the president nor KANU won by a large overall margin⁵⁶. As a result of few differences in policy but a large emphasis on personality differences, voting went along ethnic lines as parties divided themselves up between the different ethnic communities. President Moi was given a third five-year term of office amid opposition claims of widespread rigging and threats to boycott Parliament. The new multi-party government opened for its first sitting amid scenes of violence, only to be suspended the following day.

The 1992 elections illustrated how difficult it was to define a common front to challenge the Moi regime and KANU. Each of the dominant personalities in the opposition placed a high value on himself standing for the presidency, and each of their respective followings fell victim to ethnic preferences⁵⁷. In the aftermath of the 1992 elections, a Nairobi City

49 The Multi-Party General Elections in Kenya, 29 December 1992, *Report of the National Elections Monitoring Unit (NEMU)*, p. 91.

50 David Throup, 'Elections and Political Legitimacy in Kenya', *Africa*, Vol. 63, N° 3, 1993, p. 392.

51 *Ibid.*

52 *Ibid.*

53 'Democracy Police' on Trial', *Africa Confidential*, Vol. 34, N° 1, 8 January 1993, p. 3.

54 Rok Ajulu, 'The 1992 Kenya General Elections: A Preliminary Assessment', *Review of African Political Economy*, N° 56, March 1993, p. 99.

55 David Throup, 'Elections and Political Legitimacy in Kenya', *op. cit.*, p. 392.

56 Nelson Kasfir, 'Elections in Kenya', *Africa Demos*, July & August 1993, p. 11.

57 Jeffrey S. Steeves, 'Re-Democratization in Kenya: 'Unbounded Politics' and the Political Trajectory towards National Elections', *op. cit.*, p. 38.

Convention, a Conference of Parliamentarians and a joint National Conference of the International Committee of Jurists (ICJ), the Kenya Human Rights Commission and the Law Society of Kenya, initiated a dialogue on the burning issues of good governance and accountability⁵⁸. In 1993, Bernd Mutzelburg, the German ambassador to Kenya asked that,

I may be allowed to state here that all three events were sponsored, were supported by German political foundations. And I may be forgiven, if I add that I feel proud of it. From our experience, we know that the transformation of an authoritarian structure to a participatory democratic society is a long and arduous task, which has not ended with the holding of the first multi-party elections. We know, also, that countries that embark on this road need support. We are prepared to render this support because a Kenya, which can realize its full potential through equal participation of its people, through basic human rights and freedoms, through transparent, accountable, responsible Government will be a stable, prosperous Kenya – and a stable and prosperous Kenya is what we need⁵⁹.

The next five years (1992-1997) were characterized by further opposition splintering. FORD-Kenya, led in 1992 by Oginga Odinga, the veteran Luo and Kenyan nationalist and left wing challenger, decayed after his death in January 1995⁶⁰. Michael Kijana Wamalwa, then the Second Vice-Chairman of the party, succeeded as leader, bringing strong Abaluhya support to the party⁶¹. Raila Odinga however, left FORD-Kenya at this time, and joined the National Development Party of Kenya, a small and rather obscure party, which was officially registered on 14 May 1994⁶².

Domestic and international pressure for constitutional reform continued however⁶³. Disappointed by opposition divisions, and worried by the worsening social and economic conditions under KANU, Kenyans were losing faith in both government and opposition camps⁶⁴. Although President Moi agreed to meet opposition leaders to discuss future possible reform, the timings of his reactions raised suspicions, as they came at a critical stage in negotiations with the IMF. Government officials were anxious to send positive signals to an IMF delegation visiting Nairobi in July 1997 to decide whether to renew or suspend a loan agreement of \$220 million⁶⁵. By June 1997, political tensions had increased dramatically. Maina Kiai reported that

58 Bernd Mutzelberg, 'Good Governance and Accountability', text of his speech to an official opening of a lawyers' conference in Nairobi, *Society*, 23 August 1993, p. 6.

59 *Ibid.*

60 Jeffrey S. Steeves, 'Re-Democratization in Kenya: 'Unbounded Politics' and the Political Trajectory towards National Elections', *op. cit.*, p. 39.

61 *Ibid.* The Abaluhya are a Bantu ethnic group predominantly located in Western Kenya, north of Lake Victoria. The account for 14% of Kenya's population.

62 *Ibid.*

63 Scott Straus, 'Moi clamps down after Nairobi riots: Four Kenyan opposition leaders held during rally', *The Guardian*, 2 June 1997, p. 14.

64 'Kenya, Constitutional counter: opposition demands for political reforms before the elections unsettle President Moi', *Africa Confidential*, Vol. 38, N° 14, 4 July 1997, p. 5.

65 The three-year loan was already running a year behind schedule largely because of Kenya's failure to crackdown on corruption. See Michela Wrong, 'Moi agrees to hold talks with opposition', *Financial Times*, 17 July 1997, p. 4.

the National Convention Executive Council (NCEC), composed of civil society and opposition political parties, called for a mass-action campaign that attracted significant support. The Moi government's violent reaction to the NCEC's campaign prompted serious civil unrest and instability. On 7 July, the violence reached new levels when security forces killed at least a dozen people throughout the country and desecrated Nairobi's main Anglican cathedral. Dozens more were seriously injured as police forces attacked people in their homes and in the streets. The police violence, amply recorded and broadcast around the world, evoked fears that Kenya might slide into a cycle of chaos all too familiar to Africa⁶⁶.

The Anglican archbishop, David Gitari, verbally attacked President Moi at All Saints Cathedral in Nairobi, during a ceremonial 'cleansing' that was held because police had stormed the building during clashes with pro-democracy demonstrators. Demonstrations, called in support of opposition demands for constitutional reforms ahead of elections due at the end of 1997, were held in several towns despite a government ban. The Reverend Timothy Njoya, called for the Kenyan public to boycott the 1997 elections, unless reforms were implemented⁶⁷. The IMF eventually decided in July 1997 to withhold its three-year programme of support of \$220 million, including a projected contribution of \$141 million to the 1998 budget, due to the lack of political will to tackle high-level, pervasive corruption in Kenya⁶⁸. The World Bank and other bilateral donors followed suit, bringing the total in suspended aid to over \$400 million – more than the total aid suspended in 1991⁶⁹.

There is widespread agreement that the return to multi-party politics has been matched by the government's increased use of informal repression of political opponents⁷⁰. Like the ethnic clashes which took place immediately before and after the 1992 elections, violence erupted in the opposition areas of Likoni and Kasauni on the Kenyan Coast immediately before the 1997 elections⁷¹. Between August and early October 1997, approximately 75 people were killed in the Coast Province and 40,000 left their homes following well-organized attacks against migrants or 'foreigners' from inland areas – in fact mostly Kikuyu and Luo people, or members of other ethnic groups in the political opposition to Moi's supporters at this time⁷². According to Frank Holmquist and Michael Ford,

the timing of the attacks suggests an electoral calculation, but the planning intimates official involvement, perhaps by KANU hardliners wanting to create a political climate of fear. The attacks against the upcountry people, however, mirrored a local desire to rid the region of a more wealthy, better educated, and often more powerful population that is thought to retard local opportunity and advancement. Meanwhile, the violence,

66 Maina Kiai, 'Commentary: A last chance for peaceful change in Kenya?', *Africa Today*, Vol. 45, N° 2, April-June 1998, p. 185.

67 'Archbishop criticizes Kenyan President', *International Herald Tribune*, 14 July 1997, p. 9.

68 Frank Holmquist & Michael Ford, 'Kenyan Politics: Toward a Second Transition?', *op. cit.*, pp. 231-232.

69 Perhaps most important, the suspension of aid led to a massive flight of short-term capital investment that devalued the Kenyan shilling by approximately 20 percent, a development that sent shocks throughout the business community. See Joel D. Barkan, 'Toward a new constitutional framework in Kenya', *op. cit.*, p. 218.

70 Roger Southall, 'Dilemmas of the Kenyan Succession', *Review of African Political Economy*, N° 84, p. 215.

71 *Ibid.*

72 Frank Holmquist & Michael Ford, 'Kenyan Politics: Toward a Second Transition?', *op. cit.*, p. 229.

and the inability or unwillingness of the regime to stop it, revived fears that top KANU politicians had employed private armies and thugs⁷³.

It is notable that while the political status of the Kenyan military and police had been much enhanced since 1982, neither the military or the paramilitary forces (the regular Police, the General Service Unit and the Administration Police) stopped violence during these clashes⁷⁴.

Shortly after the attempted coup of 2 August 1982 and the June 1982 constitution change making Kenya a *de-jure* one-party state, the military became *de-facto* co-rulers of the country alongside President Moi's government. Since that time, the loyalty of the military and the police has gained further importance in Kenyan politics⁷⁵. Although the principle of neutrality⁷⁶ still operates in theory, the silence of the military during the protracted and politically motivated clashes of the 1990s underlines their loyalty to the continuing dominance of the Moi regime⁷⁷. A group calling itself *Jeshi la Mzee* (Old Man Moi's Army) was active in attacking opposition supporters in 1997⁷⁸. Kenyans found themselves wondering how such a large, well-organized gang could have been recruited and set to work without the knowledge of the normally well-informed security services, which immediately crack down on illegal groups⁷⁹. They noted the similarity between these events and the violent ethnic clashes in the run-up to the 1992 general elections. Cynics suggested that the coastal violence was merely KANU's pre-election warm up⁸⁰. In short, approaching the December 1997 elections, divisions within KANU, an uncertain economy, declining patronage and administrative capacity, corruption at high levels, and increasing donor scrutiny of economic and political abuses all became clear⁸¹. The triumph of Laurent Kabila in the Democratic Republic of Congo was widely cheered, particularly among young people, and some of the press drew analogies between Mobutu and Moi⁸².

1997 GENERAL ELECTIONS

In 29 December 1997 the second multi-party election was held in Kenya. KANU secured another five-year term under the incumbent President Daniel arap Moi, and according to the constitution this was to be his last term.

73 *Ibid.*

74 Muga K'Olale, 'Arms and Politics', *Society*, 23 August 1993, p. 26.

75 *Ibid.*, p. 27.

76 Historically and constitutionally, the military and paramilitary are supposed to be permanently neutral irrespective of the political party or parties in power. In Kenya, this idea of 'neutrality' was derived from the British constitution at independence in 1963. See Muga K'Olale, 'Arms and Politics', *op. cit.*, p. 26.

77 *Ibid.* By 1995, the 28,000-man force of the Army, under Chief of General Staff General Mahmud Mohamed, was referred to in Nairobi as the 'Presidential Army', an allusion to its overall Kalenjin composition. General Mohamed, an ethnic Somali (normally likely to be viewed as unreliable) had single-handedly saved Moi's throne during the 1982 Air Force Coup, and, was later promoted from deputy commander of the Army to Chief of Staff. His brother, Hussein Maalim Mohamed, was brought into the Moi cabinet, and other relatives were hooked into the Moi patronage network. General Mohamed, as a minority Somali was incapable of constituting a threat for having ambitions. See Samuel Decalo, *The Stable Minority: Civilian Rule in Africa, 1960-1990*, *op. cit.*, pp. 243-245.

78 Louise Tunbridge, 'Gang kills five in Mombasa slum', *The Daily Telegraph*, 18 August 1997, p. 11.

79 'Kenya: War on the coast', *The Economist*, 23 August 1997, p. 45.

80 *Ibid.*

81 Frank Holmquist & Michael Ford, 'Kenyan Politics: Toward a Second Transition?', *op. cit.*, p. 234.

82 *Ibid.*

The constitution of Kenya (Amendment) Act N° 6 of 1992 required the Electoral Commission to tally the votes cast in all the constituencies for those standing for the Presidency. To be successful, a candidate needed (i) to have the greatest number of votes in the country, (ii) to have been elected an MP for a constituency, and (iii) to have acquired at least 25 percent of total votes cast in at least five of the country's eight provinces. However, if no candidate should meet these conditions, there would be a second round of voting within 21 days for the leading two presidential candidates⁸³.

Despite various delays in the voting and counting process, results showed that President Moi had won with an unassailable lead and at least 25 percent of the vote in five of eight provinces, therefore meeting the requirement for victory on the first ballot⁸⁴. The voting pattern in most areas was very much a repeat of the patterns of the December 1992 election. In both cases, KANU and President Moi won because the opposition was again splintered. Unwilling to join forces and to put forward a single presidential candidate, the opposition parties divided their supporters' votes in such a way that no opposition candidate could meet the stringent electoral rule mentioned above.

Twenty-three political parties and fifteen presidential candidates contested these elections. Over nine million voters were registered. Voter participation was estimated at about 65 percent, with the highest turnout of approximately 75 percent in the Rift Valley Province and the lowest, 40 percent, in the Coast Province⁸⁵.

Mwai Kibaki of the Democratic Party (DP) secured second place to Daniel arap Moi as well as getting more than 25 percent in three provinces – Central, Eastern and Nairobi – where his GEMA community is well represented⁸⁶. The final results showed that President Moi had gathered about 2.5 million votes followed by Mwai Kibaki who had 1.8 million votes⁸⁷. In third place was Raila Odinga, the leader of the National Development Party (NDP) with over 700,000 votes⁸⁸. FORD-Kenya's Michael Kijana Wamalwa was in fourth place with 511,000 votes⁸⁹. Charity Ngilu, the first woman to launch a serious bid for the presidency since elections in 1963, obtained 422,000 votes leading the Social Democratic Party (SDP). This put her in an unexpected fifth place⁹⁰.

According to Githongo, the election results revealed that, in the end, some SDP supporters acknowledged that perhaps Kenyans were not ready for a woman presidential candidate and many voters, especially in the rural areas, simply could not bring themselves to vote for a woman⁹¹. Women did not vote for Ngilu in another commentator's view because gender was not as strong a uniting force as 'tribe'⁹². Out of more than fifty women candidates, only four were elected⁹³. Their performance was not only disappointing, but it was

83 'The Ethnic Trap', editorial in *The Weekly Review*, 9 January 1998, p. 3.

84 'Moi the winner, official results to be published', *Sunday Standard*, 4 January 1998, p. 2.

85 'Reflective of Voters' Wishes', *The Weekly Review*, 9 January 1998, p. 16.

86 GEMA represents the powerful Gikuyu, Embu and Meru Association – set up in 1971 as an economic vehicle for the enhancement of Kikuyu, Embu, and Meru interests, originally in land and farming, and later in other domains. See Samuel Decalo, *The Stable Minority: Civilian Rule in Africa, 1960-1990, op. cit.*, p. 220.

87 Douglas Okwach, 'Moi headed for poll win', *Sunday Standard*, 4 January 1998, p. 11.

88 *Ibid.*

89 *Ibid.*

90 John Githongo, 'What happened to the Ngilu Campaign Wave?', *The East African*, 5-11 January 1998, p. 15.

91 *Ibid.*

92 Okech-Kendo, 'Political leadership falls into the tribal trap again', *Sunday Standard*, 4 January 1998, p. 10.

93 'Gender Issues: Poor performance by women', *The Weekly Review*, 9 January 1998, p. 14.

worse than in 1992⁹⁴. In the immediate aftermath of the election, in a letter to the *Sunday Nation*, Fabian Makani suggested that

Kenya's political landscape has an invisible sign that reads 'Men Only'. As a nation, it is time we came to terms with reality. Marginalizing half of our population does not make any sense. There is some unfounded fear that, by allowing women to join Kenya's political mainstream, the national cake will shrink⁹⁵.

The ruling party, KANU, did not fare particularly well in the parliamentary elections. The party, which had a strong majority in the one-chamber legislature, now holds a tiny majority in the 210-seat parliament, the smallest majority since independence⁹⁶. The opposition candidates performed better than analysts had predicted. In theory, the numerical arrangement of political parties in Kenya's parliament constrains the way KANU conducts parliamentary affairs. With a little over 100 seats and closely followed by a combined opposition tally of about 100 MPs, KANU's strength is a far cry from the two thirds majority required to change the constitution⁹⁷. Of the 210 parliamentary seats, KANU won 108, the Democratic Party, 41, the National Development Party 22, Ford-Kenya, 18 and the Social Democratic Party, 16⁹⁸. In the previous Parliament, KANU had had a comfortable majority of 45 MPs. The smaller majority in 1997 meant that the government might subsequently face problems pushing through motions and debates⁹⁹.

There is virtual unanimity that Moi and KANU won the presidential and parliamentary elections of 1992 and 1997 not only because the electoral system was deliberately skewed in the government's favour, but because of the opposition parties' inability either to combine behind a single presidential candidate or to forge an electoral agreement¹⁰⁰. Instead, attempts at coalition fractured upon the rocks of personality and ethnic rivalry¹⁰¹. Gakunga and Dzuya, commenting on the chances of opposition unity in Kenya in 1996, noted that "our belief is that they are probably no higher than those of finding a snowman in the Sahara"¹⁰².

94 Only 4 women were elected in the 1997 election compared to 6 in 1992. See 'Gender Issues: Poor performance by women', *op. cit.*, p. 15.

95 Fabian Makani, 'Political culture anti-women', *Sunday Nation*, 11 January 1998, p. 18.

96 Stephen Buckley, 'As rivals cry foul, Moi emerges victorious from a tainted election', *International Herald Tribune*, 5 January 1998, p. 7 & Michela Wrong, 'Kenya's Moi savours victory before next challenge', *Financial Times* (London), 5 January 1998, p. 2.

97 Emman Omari, 'New House could transform the way KANU does business: Parliament has said goodbye to some political dinosaurs, but it still has people tainted by financial misdeeds and political violence', *The East African*, 5-11 January 1998, p. 14.

98 'New Parliament convenes on February 3, 1998', *The Nation*, 22 January 1998.

99 In the Seventh Parliament, KANU had a total of 25 Cabinet ministers, 49 assistant ministers and 36 backbenchers. Twelve of the Cabinet ministers failed to make it back, twice as many assistant ministers also flopped at the polls. See 'Hung Parliament to pose difficulties for KANU government', *The Nation*, 7 January 1998.

100 Roddy Fox, 'Bleak future for multi-party elections in Kenya', *The Journal of Modern African Studies*, Vol. 34, N° 4, 1996, p. 607.

101 Roger Southall, 'Dilemmas of the Kenyan Succession', *op. cit.*, p. 213.

102 S. Gakunga & A. Dzuya, 'The People do not Fight for Ideas: An heretical view of the unfolding political process in Kenya', African Studies Association Biennial Conference, University of Bristol, 9-11 September 1996, p. 7.

THE 'ETHNIC' FACTOR

A most significant feature of both the 1992 and 1997 general elections is that, three decades after independence, ethnicity was such a central focus of political mobilization. In retrospect, President Moi's success in these elections is not surprising. With opposition leaders having ignored pleas to unite, it was a forgone conclusion that the opposition's divisions would work in the incumbent President's favour.

Moi's Kalenjin group voted for him, the Kikuyus for Mwai Kibaki, the Luos for Raila Odinga and the Luhya for Kijana Wamalwa. President Moi topped the polls among his own Kalenjin group and their political allies such as the Pokot, Turkana, Teso, Samburu, Maasai, Somalis, Borans and the Mijikenda of the Coast Province¹⁰³. He also did well among Luhya communities like the Samia and Maragoli of Western Province and the Kisii of Nyanza¹⁰⁴. These minority and relatively poor groups might have feared the prospect of a government led by the two largest groups, the Kikuyu and Luo, and considered Moi's KANU party to be their best guarantee against that eventuality¹⁰⁵.

As leader of the Democratic Party (DP), Mwai Kibaki, received overwhelming support from the Kikuyu in Central Province, Nairobi and Nakuru, as well as in the surrounding Meru and Embu districts¹⁰⁶. DP emerged from the general election as the strongest single opposition party, with 39 elected and two nominated MPs, while Kibaki himself receiving more than 1.8 million votes to emerge second only to President Moi as presidential candidate, thanks to a solid vote from his Kikuyu community, the largest ethnic grouping in Kenya¹⁰⁷. With this result, Kibaki far overshadowed Kenneth Matiba of the unregistered *Saba Saba Asili* party, who had finished second to Moi in the 1992 general election, when he had been chairman of Ford Asili¹⁰⁸. During the 1992 elections, Matiba had been clearly the more popular of the two leaders among the Kikuyu. The DP emerged after those elections as only the third force in the opposition ranks after FORD-Kenya and FORD-Asili¹⁰⁹. Still, Kibaki's DP had managed to win 23 parliamentary seats. Nyeri District also remained as Kibaki's stronghold and in both elections, he also did well among the Akamba, Embu, Meru and Kisii people¹¹⁰. Kibaki is the leader of the Nyeri Kikuyu as Matiba led the Murang'a Kikuyu.

During the 1997 elections, the situation changed in Kibaki's favour when Matiba decided not to register as a voter. In Matiba's absence, most Kikuyu votes appear to have gone to Kibaki who now became the leading Kikuyu political figure. Matiba still saw himself as the father of multiparty politics in Kenya¹¹¹. He saw his political rivals as cowards who had failed to take on Moi, as he had been the first to do¹¹².

103 'Kenya: Close shave, after the elections shambles, President Moi and KANU are still in power – just', *Africa Confidential*, Vol. 39, N° 1, 9 January 1998, p. 4. See Throup & Hornsby, *Multi-Party Politics in Kenya*, *op. cit.*, for the 1992 elections.

104 *Ibid.*

105 *Ibid.*

106 *Ibid.*

107 *Ibid.*

108 'Taking a separate route: the Democratic Party of Kenya seems determined to pursue its own political line', *The Weekly Review*, online edition, 20 March 1998.

109 *Ibid.*

110 *Ibid.*

111 Githu Muigai, 'Ethnicity and the renewal of competitive politics in Kenya', *op. cit.*, p. 182.

112 *Ibid.*, p. 184.

While in detention, Matiba suffered a stroke that saw him admitted to the Nairobi Hospital's intensive care unit¹¹³. His return from Britain in May 1992, where he received further treatment, threw FORD into total disarray¹¹⁴. He refused to act as Odinga's deputy, insisting he ought to lead the party himself¹¹⁵. The original FORD now split into FORD Asili, led by Matiba, and FORD Kenya, led by Odinga. This split transformed competitive politics in Kenya. Githu Muigai suggests that "the collapse of the democratic alliance meant that the ethnic imperative, hitherto underplayed in search for workable democratic unions, came into play more powerfully than ever."¹¹⁶

In much of the discourse on ethnicity and politics, the tendency is to treat entire groups as homogeneous and to assume that they exhibit uniform behaviour. In reality this is not the case¹¹⁷. Within ethnic groups there are differences¹¹⁸. The division of FORD also meant that thence forward the struggle for the Kikuyu mind, soul and votes became a straight fight between the politically conservative Kibaki and the more charismatic and left-wing, Matiba¹¹⁹. According to Gakunga and Dzuya,

FORD eventually split over a point of principle and practice – whether the party was to be a true mass movement in which popular participation was maximized or whether it was to be one in which the leadership controlled political activity, with popular participation kept to the minimum possible. Exacerbated though it was by the backgrounds of the two principal leaders – Matiba and Odinga – the split in FORD was a result of the divorce between the "radicals" and the "populist" elements of the left-wing of Kenyan politics, on grounds of irreconcilable differences in their approach to the political process¹²⁰.

The radicals were those who wanted to recast Kenya's institutions in a new mould. Matiba's FORD-Asili represented the populists, who articulated the concerns and desires of the common man¹²¹. Matiba's supporters included peasants, wage earners, artisans, the unemployed and underemployed in rural and urban areas¹²². They became a cult, inspiring intense political commitment¹²³.

The Luos turned to their leader Odinga to challenge and question the government. Odinga did both, and promised to 'deliver a piece of the national cake' to his community. This

113 He was admitted under the fake name of Abraham Muchiri. Soon after, he was set free and flown to London for further treatment. 'Where are all the key players now?', *Daily Nation*, 7 July 2000, online edition.

114 Githu Muigai, 'Ethnicity and the renewal of competitive politics in Kenya', in *Ethnic Conflict and Democratization in Africa*, edited by Harvey Glickman (Atlanta, Georgia: The African Studies Association Press, 1995), p. 182.

115 *Ibid.*

116 *Ibid.*

117 *Ibid.*, p. 170.

118 *Ibid.*

119 'Taking a separate route: the Democratic Party of Kenya seems determined to pursue its own political line', *op. cit.*

120 S. Gakunga & A. Dzuya, 'The People do not Fight for Ideas: An heretical view of the unfolding political process in Kenya', African Studies Association Biennial Conference, University of Bristol, 9-11 September 1996, p. 3.

121 *Ibid.*

122 B. A. Ogot, 'Transition from Single-Party to Multiparty Political System, 1989-93', in *Decolonisation & Independence in Kenya, 1940-93*, edited by B. A. Ogot & W. R. Ochieng' (London: James Currey, 1995), p. 251.

123 *Ibid.*

gave him the image of a 'Messiah' in the minds of many Luos¹²⁴. Deprivation has created a variety of 'Messiahs' in other ethnic groups too. For example, with the ostracisation of many Kikuyu people in Kenya from the mainstream of politics and economy after Kenyatta's death, a resurgence of the lost sheep syndrome occurred among them and Matiba became a potential political Messiah too¹²⁵.

Once the contentious Section 2A of the Kenya constitution had been repealed, another lot of politicians of the old order –whose instincts were far too conservative, not to say reactionary, to allow them to join the 'left-wingers' in FORD– formed the Democratic Party (DP) to provide a conservative, right-wing alternative opposition under Mwai Kibaki¹²⁶. Kibaki had earlier resigned from KANU. For eight years (until 1988), Kibaki had been Moi's Vice-President. In 1988, he was demoted and made Minister of Health. He has always been known as a political conservative who avoids any kind of radicalism or controversy¹²⁷. Before the 1992 election, FORD's momentum had seemed unstoppable and likely to institute programmes to redistribute income and push through sweeping land reform that would threaten the propertied class¹²⁸. The founders of DP thought that KANU could no longer be relied upon to protect their interests, so they formed an alternative to FORD. Gakunga and Dzuya argue that,

the orientation of the DP is reactionary, since it represents the old privileged class, and its approach to the political process is, by definition undemocratic, in the sense that its members see their interests as being diametrically opposed to those of the general populace and therefore have no interest in encouraging popular participation in the political process¹²⁹.

DP and FORD-Asili now struggled to achieve Kikuyu support. DP was seen as the party of those who sought power in order to protect their positions of privilege and who abandoned Moi and KANU only upon realizing that it might lose the 1992 election¹³⁰. Mwai Kibaki and the DP appealed to the Kikuyu upper and middle classes, who were not only concerned about Moi's removal from power, but were also worried about rehabilitating the national economy¹³¹. Matiba was a millionaire already with extensive holdings in tourism and horticulture, but FORD-Asili addressed the Kikuyu masses in a more populist fashion¹³². He shunned the rich in Kenyan society and appealed directly to the urban and rural poor¹³³.

Matiba also controversially took up an anti Asian stance in the run-up to the 1997 elections. He argued that "the Asians are corrupt lot and unfairly control the economy of this country...as a community they lack integrity."¹³⁴ Though a tiny minority, the Asian commu-

124 J. M. Opiyo, 'Analysis was thought-provoking', letter, *Sunday Nation*, 4 January 1998, p. 17.

125 *Ibid.*

126 S. Gakunga & A. Dzuya, *op. cit.*, p. 2.

127 'Taking a separate route: the Democratic Party of Kenya seems determined to pursue its own political line', *op. cit.*

128 S. Gakunga & A. Dzuya, 'The People do not Fight for Ideas: An heretical view of the unfolding political process in Kenya', *op. cit.*, p. 2.

129 *Ibid.*

130 Githu Muigai, 'Ethnicity and the renewal of competitive politics in Kenya', *op. cit.*, p. 183.

131 *Ibid.*

132 *Ibid.*, p. 184.

133 *Ibid.*

134 Kwendo Oponga, 'The Asian Question: a real issue or fascism?', *Sunday Nation*, 26 May 1996, p. 6.

nity does control a substantial share in nearly all sectors of the Kenyan economy. Suguta Marmar agrees that "this has given them unsurpassed affluence and power...[and that] while not directly involved in seeking political office, the Asian community, courtesy of its vast financial display, has been the critical behind the scenes player in Kenyan politics and business."¹³⁵ The Asians have mostly kept aloof from the political affairs of the country preferring the world of business¹³⁶. They have never had more than a token MP at any one time. Controlling major financial resources, their politics are conservative, geared towards protecting property and wealth, and keeping the goodwill of the power elite in order to retain licences for their businesses¹³⁷. According to Githu Muigai,

on the whole, the Asians have supported the status quo, which has meant KANU. Virtually no Asian has been identified with the opposition before, during, or after the elections. This has naturally bred suspicion and charges of opportunism. This racial dimension is potentially problematic. It stands in the way of forming truly nationalistic democratic organizations¹³⁸.

Though Matiba made many bizarre and unguarded utterances, his crusade against the Asian community cannot be dismissed out of hand¹³⁹. Anti-Asian feelings among African Kenyans do run deep, which is something the local Asian community is much aware of. This was underlined by Jayesh Dave, a local businessmen and one of the few Asians daring enough to dabble publicly in Kenyan politics, who advised his community to join the opposition or the ruling party instead of sitting on the fence politically¹⁴⁰.

Ethnicity in Kenya cannot be treated adequately without putting it within historical perspective. Colonial policies created the breeding ground for later ethnic polarizations. Some communities or regions were excluded from the mainstream of development because they did not fall within the parameters of what the colonial authorities considered to be worth developing. Before independence, most political parties were coalitions of district-based political associations that derived their membership from particular ethnic groups. The British practice of indirect rule, consisted in administering the territory through local authorities and local institutions, and this also enhanced ethnic self-consciousness¹⁴¹.

Kenya attained its independence with ethnic groups finding their expression in two main political parties, KANU and KADU (Kenya African Democratic Union). One would have expected that Jomo Kenyatta (Kenya's first President) would have struggled to forge national unity among Kenya's diverse ethnic groups¹⁴². He did the opposite. His efforts were

135 Suguta Marmar, 'Indian question is back to haunt us', *Sunday Standard*, 26 May 1996, p. 11.

136 *Ibid*.

137 Githu Muigai, 'Ethnicity and the renewal of competitive politics in Kenya', *op. cit.*, p. 193.

138 *Ibid*.

139 Suguta Marmar, 'Indian question is back to haunt us', *Sunday Standard*, 26 May 1996, p. 11.

140 *Ibid*.

141 Patrick Chabal & Jean-Pascal Daloz, *Africa Works: Disorder as a Political Instrument*, *op. cit.*, p. 12.

142 Kenya was formerly a British colony. The first significant African nationalist organization was the Kenya African Union (KAU), founded in 1944, which was supported mainly by the Kikuyu, the largest ethnic group in Kenya. In 1947 Jomo Kenyatta, a Kikuyu, became President of the KAU. During 1952 a campaign of terrorism was launched by Mau Mau, a predominantly Kikuyu secret society which aimed to expel European (mainly British) settlers from Kenya. The British authorities declared a state of emergency in October 1952 and banned the KAU in 1953, when Kenyatta was imprisoned for alleged involvement with Mau Mau activities.

concentrated on improving the infrastructure left behind by the colonial government in central Kenya, and consolidating his power base with the support of the Kikuyu elites. Earlier many Kikuyu-speakers had migrated out of the densely populated Central Province. As their numbers increased elsewhere in Kenya, resentment towards them had risen in other parts of the country. The task of developing other regions was left to the MPs from those particular areas in post-colonial conditions. Often this resulted in social welfare provision and 'political favours' going side by side. In order to understand Kenyan politics, one has among other things to probe the complex client-patron networks that links individuals and groups across ethnic and class lines to the central patrimonial state¹⁴³ reinforcing both ethnic and class consciousness¹⁴⁴. The resultant stress upon ethnicity is influenced by a number of factors:

First, Kenya remains a predominantly rural country, with the majority of people lacking much interaction with the modern sector. Second, literacy levels, while improving significantly, remain comparatively low. In most areas of the countryside the only source on what is happening in the country is the government representative. Third, the administrative and constituency boundaries were created on the basis of ethnic territories. Few areas except the urban areas and the Rift Valley are cosmopolitan, with ethnic groups living together. Fourth, the only effective tool of mass communication is the radio. The only national radio station is the monopoly Kenya Broadcasting Corporation, controlled by the government and resistant to independent views¹⁴⁵.

Inequalities between regions and ethnic suspicions have both deepened and become a marked feature of politics in contemporary Kenya.

According to Steeves,

as presidential successor to the towering figure of Jomo Kenyatta, no one in 1978 expected Daniel arap Moi to last almost 20 years in power. Although an imposing figure in his own right he was perceived as a minor and subservient political actor during the Kenyatta years...Moi's greatest asset has been his ability to anticipate political challenges and then use the structure of power inherited from the Kenyatta

Kenyatta was released from prison in 1961 and elected to the Legislative Council in 1962. Following general elections in May 1963, Kenya was granted internal self-government in June. The country became independent, within the Commonwealth, on 12 December 1963, and a republic in 1964. Kenyatta, then leader of KANU, was appointed Prime Minister in June 1963 and became Kenya's first President in December 1964. He was one of Africa's most outstanding and astute leaders, having been at the centre of African nationalist politics for three decades. Although very much a Kikuyu, he was also a nationalist whose policies fostered an elite with a stake in the development of Kenya. He was a conservative, pragmatic leader whose legacy was the shaping of a strong state and national government. Kenyatta died in August 1978; the then Vice President, Daniel arap Moi, was proclaimed President in October of the same year. See Carl G. Rosberg, 'Jomo Kenyatta', in *Political Leaders of Contemporary Africa South of the Sahara*, edited by Harvey Glickman (Westport, Connecticut: Greenwood, 1992), pp. 112-118.

143 Michael Bratton & Nicholas Van De Walle, 'Neopatrimonial regimes and political transitions in Africa', *World Politics*, Vol. 46, N° 4, July 1994, p. 458.

144 Githu Muigai, 'Ethnicity and the renewal of competitive politics in Kenya', *op. cit.*, p. 162.

145 *Ibid.*

years to disarm political opposition. In Kenya, Moi has been likened to a giraffe – he can see trouble from a long way off and moves quickly to cement his political base¹⁴⁶.

Since becoming head of state in 1978, President Moi has reallocated many jobs and development projects to those living in Rift Valley Province, his home province and a less wealthy area hitherto than Kikuyuland¹⁴⁷. The 'district focus' since 1978 has also continued the distribution of national resources in Kenya along ethnic lines. Eldoret, once a small backwater town, developed to become the capital of Rift Valley Province with an airport and a central bank¹⁴⁸. Moi, whose personal fortune is estimated at more than £1 billion, has benefited enormously from this development, as has his family¹⁴⁹. According to Michela Wrong,

the town is the unofficial capital of the Kalenjin. In a pattern set by the late Jomo Kenyatta, who poured funds into Central Province, Eldoret has enjoyed more than its fair share of government investment, raging from blatant follies to sound projects which could have been located anywhere else in Kenya, but, curiously, ended up there¹⁵⁰.

The size of the state is a critical factor in the future of democracy in Kenya. The client-patron system, whose linchpin is ethnic politics, survives primarily because the state occupies such a dominant position in public life, even in weakened form¹⁵¹. With the privatization of the larger parastatal corporations, and the removal of many rules and regulations with the liberalization of the economy, the patron has fewer resources to distribute to individuals or to ethnic clients, but resources distributed through presidential largesse remain critically important nonetheless¹⁵².

The exact details of patronage politics in Kenya during the 1990s are very difficult for outsiders to decode¹⁵³. The basic reference unit in Kenya, as elsewhere in Africa, remains family and kin-based: it is the fundamental 'circle of trust' within which individuals operate¹⁵⁴. Nonetheless, Moi and other politicians continually need to widen their networks of support. This leads to still further clientelism and factional politics, the foundations of

146 Jeffrey S. Steeves, 'Re-Democratization in Kenya: 'Unbounded Politics' and the Political Trajectory towards National Elections', *Journal of Commonwealth & Comparative Politics*, Vol. 35, N° 3, November 1997, pp. 27-28.

147 Nelson Kasfir, 'Elections in Kenya', *Africa Demos*, July & August 1993, p. 11.

148 Githu Muigai, 'Ethnicity and the renewal of competitive politics in Kenya', *op. cit.*, p. 184.

149 Andrew Malone, 'Moi's campaign of bloodshed backfires as unrest spreads', *The Sunday Times*, 20 July 1997, p. 18.

150 *On one side of the town lies the university with a Margaret Thatcher library, donated by the British government. On the other side is a bullet factory, established with Belgian expertise, capable of producing an annual 20 million bullets. Supplied with water and power from local dams and the Turkwell hydroelectric project, Eldoret enterprises are strangers to the blackouts and shortages that plague Nairobi and Mombasa. There were also Moi Bridge, Moi Girl's High School, Moi Avenue, Moi Polytechnic, Moi Teacher's College, Moi University, and Moi Barracks at Eldoret in 1997. Michela Wrong, 'Moi's favoured town starts to worry: a change of President is likely to end local patronage', *Financial Times*, 4 September 1997, p. 5.*

151 Githu Muigai, 'Ethnicity and the renewal of competitive politics in Kenya', *op. cit.*, p. 195.

152 *Ibid.*

153 Eunice Njeri Sahle, 'Women and political participation in Kenya: evaluating the interplay of gender, ethnicity, class and state', *op. cit.*, p. 173.

154 Patrick Chabal & Jean-Pascal Daloz, *Africa Works: Disorder as a Political Instrument*, *op. cit.*, p. 13.

which are inevitably more precarious the further they are from the inner 'circle of trust'¹⁵⁵. Dichotomies between state and civil society in Kenya originated in straddling. 'Straddling' refers to the core group of political and bureaucratic insiders invest in the private sector¹⁵⁶. Some of these investments are ordinary private sector investments. Others are undertaken to widen the possibilities for rent appropriation in the future¹⁵⁷.

The merit principle is also undermined when political and civil service appointments are made without technical knowledge or time for effective parliamentary debate¹⁵⁸. On the other hand, Kiraitu Murungi (Imenti South MP), argues "most MPs have no time to read through bills before debating them in Parliament as they are always busy attending harambees, funerals and weddings."¹⁵⁹ This is where and when Kenya's politicians often appeal to the masses. The masses openly and consciously express ethnic solidarity in the work place, in schools, in hospitals, and at political rallies. But, are the masses gullible and ignorant in the hands of unscrupulous politicians? Or are they also initiates of a culture that makes both social ethnic solidarity and ethnic manipulation possible?¹⁶⁰ The Kenyan case illustrates that there is clearly self-interest and culpability on the part of both the politician and the masses in this matter, as studies of earlier Kenyan history also suggest¹⁶¹.

155 Political elites seek to establish principles of mutual aid, of patron-client reciprocity, based on the model of kin and family relations. They depend almost entirely on the extent to which the clientelist networks are properly nourished. See Patrick Chabal & Jean-Pascal Daloz, *Africa Works: Disorder as a Political Instrument*, *op. cit.*, p. 27.

156 The late Mike Cowen was the originator of the notion of 'straddling' in Kenya in his doctoral thesis, 'Capital and Household production: the case of wattle in Kenya's Central Province, 1903-1964', Sidney Sussex College, University of Cambridge, 1979. Straddling in contemporary Kenya implies the heavy engagement of politicians and civil servants in business activities that couple politics with particularistic business interests. An example of how straddling gives rise to rent-seeking investments, is when insiders establish consultancy firms that collect fees for 'consultancy services' in order to have certain contracts signed. Banking is an example where the extent of non-performing loans gives an indication of the misallocation of credit due to political interference in the financial system. See Arne Bigsten & Karl Ove Moene, 'Growth and Rent Dissipation: the case of Kenya', *Journal of African Economies*, Vol. 5, N° 2, June 1996, p. 191.

157 *Ibid.*

158 Njue Lloyd, 'Murungi explains poor quality House debates', *East African Standard*, 21 July 2000, online edition.

159 This, he said, had impacted negatively on the quality of debate in the House of Parliament. See Njue Lloyd, 'Murungi explains poor quality House debates', *op. cit.*

160 Githu Muigai, 'Ethnicity and the renewal of competitive politics in Kenya', *op. cit.*, p. 169.

161 John Lonsdale, 'KAU's cultures: imaginations of community & constructions of leadership in Kenya after the Second World War', paper presented at *The Emperor's New Clothes: Continuity and Change in Colonial & Post-Colonial East Africa* workshop at SOAS, 21 June 2000 & John Lonsdale & Bruce Berman, *Unhappy Valley: Conflict in Kenya & Africa*, (London: James Currey, 1992).