

**GROWTH OF THE AFRICAN DEMOCRACY: A CASE STUDY OF KENYA,
1963-1992**

BY

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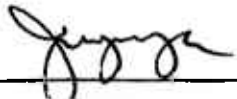


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THIS DISSERTATION HAS BEEN SUBMITTED AND EXAMINED WITH MY APPROVAL AS A UNIVERSITY SUPERVISOR



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DEDICATION

I want to dedicate this project to our fellow countrymen who against incredible odds spread the virtues of good governance and respect for humanity that cost them their freedoms, and even their lives. All this that we might live in a country worth its character.

ACKNOWLEDGEMENT

I thank those who made my study at this level not only possible, but also worthwhile- my parents and family.

I also would like to thank my supervisor Professor J.D Olewe Nyunya for direction in this undertaking, and my lecturer Mr. Soita Chesoni for added support.

I appreciate the challenges this country faces as it has been an impetus to arise and furnish myself to make a difference, if not to change the world, to change somebody's world.

I thank God who makes all things possible. In Him I find my strength and hope.

ABSTRACT

This project analyses the factors that are responsible for the growth of democracy in Africa and more specifically Kenya.

It has five chapters each dedicated to different sectors of the Kenya's national life, however there is a great deal of linkages in these sectors discussed.

Chapter One gives a general view of Kenya, its political, economic, and social and cultural characteristics. It also attempts to summarize what various authors say or contribute to the topic of democratization in Africa

Chapter Two deals with the economic reasons behind the growth of democracy in Kenya. It also looks at the level of economic development and how it might foster or impede democratization in Kenya

Chapter Three deals with the political process that contributed to the democratization of Kenya, namely- political parties, elections and political management. It also looks at the international system, and the international actors and their role in the democratization process in Kenya.

Chapter Four addresses the civil society and its role in the democratic process in Kenya. Specifically associational life in the country, international non-governmental organizations and local organizations role in opening up of the political space.

Chapter Five provides the summary and conclusions plus policy recommendations.

DEFINITION OF CONCEPTS

Reforms- any measure taken by the ruling elite to increase political and, or economic Participation

Capitalism- an economic system in which the major means of production, distribution and exchange are owned by private (that is, non- governmental) actors (people and institutions) and run for profit.

Rent- seeking- the existence of distributional coalitions in society, which seek subsidies, transfers, protected positions and monopoly access to resources.

Harambee- a Swahili word meaning pulling together to help one another.

Accountability- concerns the sharing of the control and the aspiration of political power and implies a reflection of reciprocity between the rulers and the ruled.

Authoritarianism- a particular form of regime where rulers impose their values on society by force irrespective of the peoples wishes. It also includes fascism, communism, military dictatorships and most single party regimes.

De facto- unofficial, not legally sanctioned

De jure- a state of existence that is sanctioned and supported by the law

Civil society- patterns of associations such as interest groups, professional bodies, membership organizations which are customary and, or spontaneous and not necessarily dependant on the law.

Clientism- common in traditional societies, when a person with higher status (patron) takes advantage of their authority and resources to protect and benefit one with inferior status (the client) who reciprocates with supports, devotion and services

Patrimonial rule- a variant of personal rule, where the right to rule is hereditary and conferred by tradition.

Economic growth- percentage change that is either positive or negative in the GNP or GDP.

Economic development- qualitative and quantitative positive change in the economic and social conditions of a country. Parameters to measure these changes are reduction in unemployment, reduction in the levels of poverty and improvements in the distribution of resources.

Bourgeoisie- a social group that belongs neither to the rich nor the peasants in society, and are more interested in increasing their material possessions, also called the middle class.

Tribalism \ ethnicity- ethnic rivalry for political and economic resources.

Democracy- a system of government that espouses; free and fair elections that are regularly held, political pluralism, respect for the rule of law and human rights, accountability on the part of leadership, transparency, popular participation, tolerance and consensus.

Kleptocracy- a rule that is characterized by open misappropriating and plundering public funds and resources by the ruling elite.

Elitism- a belief that government is normatively desirable when made up of a small ruling group.

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CHAPTER 1

1.1 INTRODUCTION

Post independent Africa was an era marked by the domination of one- party states, authoritarian regimes and military governments, a clear regression from independence democratic constitutions negotiated with the departing colonial regimes. Economic decline, widespread poverty, apathy in the political process and a general feeling of dejection was the resultant effect of these types of totalitarian governments.

The era of independence up to 1990 was characterized by the cold war. This was fateful for the course of the next decades of African development as the United States and the Soviet Union proved happy and willing to support any political client no matter how brutal, cruel or incompetent, who would demonstrate to be a reliable ally.

However the 1990's marked a watershed in the political and socio-economic development of the African states. The late 1980's saw the drawing of the curtains on communism; the cold war and the resultant ideological clash pitting the liberal democracy/ capitalism against Marxist- Leninism/ communism.

The end of the cold war in 1989 significantly changed the international politics, the relations between and among states, the priorities of states and the structures of governments.

Nowhere were these changes more visible and felt than in Africa and Eastern Europe.

The disappearance of the Soviet threat enabled Western nations to apply greater pressure on friendly regimes in Africa to reform autocratic political systems previously tolerated in the interest of combating communism.¹ Soviet backed governments in Africa and Eastern Europe collapsed, as democracy became the dominant form of government. Some scholars and political activists have called the phenomenal of this mode of political organization as the 'second liberation'.

Samuel Huntington, in his influential book, *The Third Wave*, argues that we are presently in the midst of a 'third wave' of democratic expansion in the world. The first wave of democratic expansion dates back to 1828 with the expansion of the universal suffrage in the United States. It began to wind up in the 1920's with the ascension of Italy's Mussolini to power. Huntington describes this as the 'first long wave' of democratization.

The 'second wave' was a much shorter one that began with the allied victory in the Second World War and continued around about 1962, it included the newly independent former British colonies and Latin America. However there was a reverse wave in the

¹ W. Keylor "The Twentieth Century World: An International History" Oxford University Press, New York, 1996, pp.493

1960's that saw the proliferation of military rule and one- party governments, leaving only two countries in Latin America democratic.

The 'Third wave' commenced in 1974 with the overthrow of Marcelo Caetano's dictatorship in Portugal. By the end of 1991 Freedom House counted 89 countries, well over half of the 171 countries as democratic². But later in the 1990's there was subtle erosion of democratic institutions and norms in many developing countries.³

The cold war period ensured that the 1970's and the 1980's became wasted years for Africa, as Africa was lost in oppression and corruption that led to pervasive poverty, hunger, disease and war, therefore the scramble to introduce democracy was seen as panacea for the continent's economic and political problems.

This wave of democratization sweeping across Africa did not bring the anticipated relief as this period was characterized by increased conflicts within African states, continued economic decline, increased poverty levels, and a general spread of despondency among African populations.

By mid 1990's it remained increasingly unclear whether the democratic wave sweeping across the length and breadth of Africa was a decisive change or simply a superficial shift.

² Larry Diamond "The Globalization of Democracy" in R. Slater, B. Schutz and S. Dorr, Ed, "Global Transformation and the Third World" Lynne Rienner Publishers, London, 1993, pp.31

This has brought to the fore the question of what conditions allow for democracy to flourish, as in Africa, material inequalities remain at a level likely to encourage destabilizing conflict and new democratic forms do not seem to be congruent with the conceptions, aspirations and commitments of the ordinary people for which it was presumably designed.

This research therefore will endeavor to analyze the conditions both from within and without that provide an opportunity for and, or constrains to the growth of democracy in Africa

1.2 Kenya: A Country Profile

Kenya's population is estimated to be 30,765,916. It's population distribution: 15-64 years represent 55.26%; 65 years and over represent 2.79% and the Population growth rate is at 1.27%.⁴

Ethnic groups: Kikuyu 22%, Luhya 14%, Luo 13%, Kalenjin 12%, Kamba 11%, Kisii 6%, Meru 6%, other African 15%, non-African (Asian, European, and Arab) 1%

Religions: Protestant 38%, Roman Catholic 28%, indigenous beliefs 26%, Muslim 7%, others 1%.⁵

³ ibid pp.32

⁴ Central Intelligence Agency 'The World Fact book'

⁵ Ibid.

Kenya, unlike most colonies was a home to the White settler community thus relatively late in acquiring its independence.

In the late 1950's the colonial government undertook to include the Africans in the governing process by the instituting the Legislative Council (LEGCO). The final round, the third round of the elections was held in 1957 and occasioned the rapid formation of Kenya African National Union (KANU) and Kenya African Democratic Union (KADU).

KANU was a coalition of the Kikuyu, Embu, Meru, Luo, Gusii, and Kamba while KADU was an alliance of the small ethnic communities, namely the Kalenjin, the Miji Kenda, the Abaluhya and the nomadic tribes of Kenya.

KANU became the coalition of "the bigs", "the mobilized" and "the haves" and drew the core of its support from groups that constituted 60% of Kenya's population.⁶

The fourth elections held in May 1963 marked a new era of self-governance. KANU and KADU had negotiated a new constitution that was to usher independence. The constitution engendered a bicameral house, a government headed by a Prime Minister and a federal system of government.

⁶ G. Hyden and M. Bratton "Governance and Politics in Africa", Lynne Rienner Publishers, London, 1992. pp. 168.

In 1964 KANU and KADU merged thus Kenya became a *de facto* one-party state and the federal system of government was scrapped in favour of a unitary system of government with an executive President.

Opposition from within KANU culminated in 1966 with the formation of the Kenya Peoples Union (KPU), a socialist oriented party headed by Jaramogi Odinga. Mini elections were held in 1966 and the KPU won nine seats in parliament however in 1969 the party was banned.

In 1982 a parliamentary legislation made Kenya a *de jure* one- party state. A turning point in Kenyan politics was marked in 1992; the repeal of section 2(A) of the constitution ushered multiparty democracy in the country. It was followed in December 1992 by the first multiparty election in about twenty- six years. This was a culmination of pressures to reform the one party system that had faced opposition locally and a loss of legitimacy internationally.

Nevertheless, the introduction of democratic governance did not shepherd Kenya to the anticipated good governance, accountability, and economic take- off, a far cry from the fruits that liberal democracy has availed to the propagators of this mode of governance. This period was also revealed deep ethnic divisions, tribal clashes and a state in political straits.

The aforesaid issues raise a number of fundamental questions about democratization of Africa and Kenya to that effect.

- Are the conditions in Africa conducive for the spread of democracy?
- What is the relative impact of internal and external factors on the democratization process?

1.3 STATEMENT OF RESEARCH PROBLEM

Authors all and sundry have argued about the growth and development of democracy in Africa. Majority assert that the growth democracy in Africa and Kenya in particular has its roots in donor/ western pressure.

At the root of this debate lies the foundation of democracy in the continent. The implication of this goes a long way to show the apparent success or failure of democracy in the continent.

A number of authors assert that the western world has in times past applied economic, and diplomatic pressure to force authoritarian and repressive regimes to respect fundamental human rights and establish democratic governments.

However, Salih contends that the manner in which the west has tried to create democratic and accountability in Africa is thus a major concern. This donor driven democratization, and good governance projects, he argues, determines the fate of democracy in Africa by emphasizing the form and neglecting the content. It insists on replicating western

democratic experiences, at times without questioning their efficacy in the African context, or asking what they do to enhance the development of a truly African democracy⁷

He later gives reasons that have led to democratic failure in five African countries (Nigeria, Senegal, Zimbabwe, and Uganda) as regime insecurity; ethnic divisions; weak political structures; lack of legitimacy; undermined and distorted political institutions; state monopoly over economic development and weak private sector and external factors.⁸

Nying'uro takes a middle ground by appreciating both the internal and external factors that have led to the re-introduction of competitive politics, he argues that, in Kenya external pressure played a more decisive role because domestic forces were internally weak and vulnerable to the state which had entrenched itself in a despotic manner⁹

These varying and at times contending arguments raise the issue of the roots causes of democratization in Kenya, thus this research raises a fundamental question- are the indigenous and extraneous conditions, factors, or dynamics conducive for the growth of democracy in Africa?

⁷ Mohammed Salih 'African democratic and African politics' Pluto press, London, 2001, pp. 15

⁸ M. Salih, opcit pp. 8

1.4 OBJECTIVES OF STUDY

1. To investigate the domestic factors that encourages the growth of democracy.
2. To investigate the domestic factors that could lead to democratic failure.
3. To investigate the role of external factors in Kenya's democratization process.
4. To look at democratic experiences of other countries and compare it to the Kenyan situation.

1.5 JUSTIFICATION OF STUDY

A lot has been said for and against democracy in Africa. President Daniel Moi is on record as saying that the multi party form of government was forced on him and his government by foreign powers and this mode of government inflames ethnic passions subsequently breeds societal division that threatens the survival of African nation-states.

A good number of pundits ascribe to the idea that the root cause of Africa's problems is the one party regimes and military governments that are unresponsive to the wishes and aspirations of its people and institutionalizes corruption.

Government critics across the length and breadth of Africa assert that democracy is the only way for the continent to achieve economic growth and development in a continent cumbered by massive poverty. This is the impetus for the donor's drive for agitating for

⁹ P. Nying'uro 'The External Sources of Kenya's Democratization Process', pp.5

democratization of the continent as they see it as the only road to economic development.

This research seeks to address the seemingly intellectual divide for and against democratization in Africa by looking and analyzing the conditions in the continent that advance and, or negate the democratization of Africa

1.6 LITERATURE REVIEW

Democratization of Africa solicits deep divisions in the intellectual and policy areas. The internal factors namely economic hardships, ethnicity, mismanagement and corruption, weak and distorted political institutions and structures and regime insecurity provide opportunities and, or constraints for democratization of Africa.

Gitonga argues that a society satisfies most of its needs through the economic production of goods and services. The infrastructure of democracy therefore lies in the economy- the system of production, distribution and consumption of material goods and services. To this extent, he continues, democracy is served by the existence of a healthy and prosperous economy. The reverse is also true: a weak and badly functioning economy is a mortal danger for democracy¹⁰

¹⁰ W. O Oyugi and P. Gitonga 'Democratic Theory and Practice in Africa,' East African Educational Publishers, Nairobi, 1987, pp.19

Gitonga sees democracy as an end rather than a means to economic development, this view is also supported by Hopkinson, who claims that democratic systems in the industrialized world took hundreds of years to build, requires high standards of living and a broad based market- economic and property owing democracy to sustain them. He continues to argue that wide income disparities, poverty, low standards of literacy, large number of peasants, and a small middle class are poor foundations for democracy¹¹

This assertion therefore means that Africans fledgling democracies in dire straits because of the apparent massive poverty. Poverty incidences in Kenya have increased to 56% of the total population¹²

Therefore donors demand for democratization as a key to economic development is challenged, as it is apparent that the foundations that support a democratic form of government in developed countries does not exist in Africa.

Bechir Ben Yahmed the editor- in- chief of Jeune Afrique (April 1-7 1993) was quoted as saying that, there are still politicians and economists who maintain that democracy precedes and leads to development. Such a position amounts to a profession of faith or an ideological stand. The history of development (including that of 19th century Europe) and what is happening before our eyes in Europe, Asia and Africa prove the opposite. It

¹¹ Nicholas Hopkinson 'Good Government in Africa', London, HMSO, 1992, pp. 6

¹² Institute of Economic Affairs "The Little Fact Book: The Socio- Economic and Political Profiles of Kenya's Districts.

amazes me that anyone can still doubt that economic development is the surest path to irreversible democracy¹³

However these views only represent one side of this argument as others propose otherwise.

After the demise of the cold war, major world democracies (the west) began to change their policies towards Africa to show a greater concern for democracy, accountability and human rights. A departure from supporting brutal authoritarian government for short term strategic needs. Donors became increasingly disillusioned by the apparent ineffectiveness of their development assistance. Despite all the aid sub-Saharan Africa had become the locus of world poverty. Its share of the world's poor was expected to increase from 16% in 1985 to 30% by 2000¹⁴

A new thinking among bilateral and multilateral donors began to give attention to political reasons for African development failure and they increasingly saw the need for political prescriptions as the answer. In 1989 the World Bank launched a new development strategy, 'Sub-Saharan Africa: From Crisis to Sustainable Growth'. In this publication it pegged economic development to political accountability, public debate,

¹³ J.B Gelinas "Freedom from Debt: The Reappropriation of Development Through Financial Self-Reliance," Zed books LTD, London, 1994, pp. 136.

¹⁴ Quoted in Larry Diamond "Promoting Democracy in Africa: US and the International Policies of Transition" In J. Harbeson and D. Rothchild "Africa in World Politics: Post Cold War Challenges," West View Press Boulder, 1995, pp. 35

press freedom political participation, pluralism, decentralization. Consensus building and legitimacy.¹⁵ Other donors followed adopted this new policy shift.

This view is given assent by Harbeson, he submits that there is a popular belief among the Africans in the 1990's that democracy holds the key to economic development and social progress that have been elusive in Africa from the time of attainment of independence.¹⁶

However this view or policy shift, to introduce democracy in the continent as a path to development but this is negated by a number of authors.

Bungara contends that democracy is assumed to be a product of market based Industrialization, secularism, mass education and the development of a professional middle class¹⁷

Gelinas lends support to this view by acknowledging that, for European countries, each in its own way, democracy was the crowing achievement of a long economic and technological accumulation process in agriculture and industry. When Japan embarked on its own industrial revolution in 1860... it took note of Europe's lessons. The Japanese

¹⁵ Ibid pp. 250-278

¹⁶ J. Harbeson, Op cit, pp 1

¹⁷ Y. Bangura "Democratization, Equity and Stability: African Politics and Societies in the 1990's", Macmillan Press LTD, London, 2000, pp.167-198.

relied on their traditional structures and solidarities to build a solid economic base starting with agriculture. This gradually led to a form of democratic government¹⁸

These views are direct contradiction to the donor driven democratization project through the Structural Adjustment Programmes, because unlike the donors stand, these authors view democracy as a product of a long and arduous process of economic development in addition they suggests that democracy should be home-grown.

Harbeson thus criticizes the donor approach to encourage democratic transition in Africa. He contends that the multilateral and bilateral pressure from donors to democratize may become counter productive because it misconceives the nature and importance of the state, it undermines both the state and the transition as a whole. He continues to argue that the west precludes that Africa's common political and economic problems to non-functional government policies. They thus center on theoretical validities of policies to inscribe on Africa. Due to this position they present end points of these theoretical transitions as a need for adherence to those theories disregarding African variations, realities and situations¹⁹

They (the west) believe as Hopkinson notes that greater democracy will assist in the revival of economic development in Africa. However he continues to argue that economic development is not promoted by one particular type of political system,

¹⁸ J. Gelin as op cit pp. 137

¹⁹ J. Harbeson and D. Rothchild op cit pp. 127-146

whether single party or multi-party²⁰ The 'Asian Tigers', that is, Thailand, Taiwan, South Korea, and Singapore achieved industrial status under authoritarian regimes. The World Bank study 'The East Asian Miracle' suggested that these countries achieved Newly Industrial country (NIC) status by relying on accountability, rule of law, predictability and competition.

Burdeaux introduces a new dimension to this debate by saying that the roots of democracy is a value that is embedded in a societies right to desire to control their own individual and collective destiny²¹

Salih also supports this view that democracy is embedded in societal values to control their own livelihoods. He argues that democracy is about political participation, the ability of people to express their own preferences without intimidation...thus it constitutes the sum total of values and attributes that people nurture over a long period of trial and error while improving on its quality.²²

Gitonga also adds credence to this position by stating that the superstructure of democracy are therefore found in the values, beliefs and attitudes of the people... the amount or degree of democracy in any given society is directly proportional to the degree of accumulation of the people in democratic values, attitudes and beliefs.²³

²⁰ Nicholas Hopkinson, Op cit, 1992, pp. 30

²¹ Burdeaux quoted in J. Gelinis op cit pp. 151

²² M. Salih op cit pp. 3

²³ A. Gitonga, "The Meaning and Foundation of Democracy" in W. Oyugi and A. Gitonga, Op cit, pp.22

These views portends democratic values are embedded in a society and thus are subjective, an affront to the western countries drive for instant democracy through a mechanical transfer of western political institutions and practices on the African situations.

Salih further contends that the management of democracy requires the internalization of values and norms embodied in democratic governance institutions which integrate peoples actual lives, their economic expectations, political aspirations and their struggle to improve their well being²⁴

African countries however lack credible political institutions to advance democracy.

Nying'uro argue that the typical African political systems are generally underdeveloped, weak and fragile. It is characterized by an ideological vacuum, low level of institutionalization, lack of congruence between political structures and political culture²⁵

Ethnicity has infiltrated the political life of many African countries. Salih argues that ethnicity is the main principle of political organization²⁶

The introduction of multiparty system in Africa did not usher in nationalism but rather seems to have intensified ethnic tensions as discerned after multi party elections in Cote'd

²⁴ Ibid pp. 3

²⁵ P. Nying'uro "Peace and Security in Post Cold War Africa: Safeguarding the Future."

²⁶ M. Salih, op cit pp.38-39.

voire (1990), Ethiopia (June 1992), Cameroon (October 1992), Ghana (November 1992) and Kenya (December 1992)²⁷

This view is defended some African intellectuals who have warned against "unbridled democracy" suggesting that African societies lack social cohesion, Mugenyi, contends that open democratic politics can be divisive and destabilizing thus he suggests a hybrid form of government that he refers to as 'minimalist democracy'²⁸

The issue of ethnicity and political culture is further addressed by Wachira, who argues that ethnicity supplies the grammar and metaphor of African politics even for the middle class. It frames the political and social demands that they make on the state²⁹

Bernam portrays a policy view of democratization in the continent, he says that, one recognized the fact that democratization will not advance unless we explore 'the interior architecture of tribe'³⁰

Ethnicity has been especially pervasive in Africa, rearing its head in all aspects of state management- political organization, economic management etc, leading to discontentment amongst the populace. Gelinas and Nying'uro assert that internal factors were also influential in the drive to democratization albeit weak.

²⁷ J.M Mwaruvie, "Ethnic Imbalances, in African states: A challenge to Ideals of Nationalism and Democracy," In B.A Ogot, (Ed) Ethnicity, Nationalism and Democracy in Africa, Maseno Institute of Research and Postgraduate Studies, 1996, pp. 167.

²⁸ G. Hyden and M. Bratton, Op cit, pp 280

²⁹ M. Wachira 'Kenya: The state, Donors and the Politics of Democratization' in A. Van Rooy, Ed, 'Civil Society and the Aid Industry' Earthscan publications Ltd London, 1998, pp. 135-167

³⁰ Bernam, Ibid pp. 135-167.

Gelinas argues that the winds of democratization that blew over Africa in the 1990's came from the grass roots, not from the powers that be. They were only intensified by the gusts of popular rebellion Sweeping away Eastern Europe's totalitarian governments.³¹

Diamond, quotes Guillermo O'Donnell and Philippe Schmitter in their work, 'Transitions from Authoritarian Rule: Tentative Conclusions About Uncertain Democracies', where they claim that "there is no transition whose beginning is not the consequence- direct of indirect- of important divisions within the authoritarian regime itself, principally along the fluctuating cleavage between hard-liners and soft liners".³²

In most of Africa, the failure of autocratic governments economically and politically led to the crumbling of their legitimacy and defections or political fall outs of key personalities from the governing elite thus pressure for democratic transition.

As a result of the aforesaid, O'Donnell and Schmitter continue to that democratic transitions take place when privileged elements of society that were previously a regimes support base, for example lawyers, students, trade unions, intellectuals, bankers, etc, see autocratic regimes as dispensable.

³¹ J. Gelinas Op cit pp.137

³² L. Diamond, Op cit, pp.43

Africa experienced a powerful intellectual shift on the road to political liberalization: intellectuals did much to puncture the pompous claim of African dictators to their own indispensability and to convey this new thinking to the West.³³

Diamond continues to argue that in the 1980's there was a growth of independent associations and media mobilization against political oppression and economic mismanagement by authoritarian regimes- churches, trade unions, students, professional associations, legal associations, etc, in many countries- Nigeria, Benin, Ghana, Mali, Cameroon, South Africa, Zimbabwe, Zambia, and Kenya.

In Kenya, the church was in the forefront, Bishop Alexander Muge, Henry Okullu, and Reverend Timothy Njoya were one of the KANU government's critics and they crusaded against corruption, and human rights violations.³⁴

In many parts of the world, the growth of secular, independent organizational capacity is what has necessitated the real indigenous origin of democratic trend

However the Kenyan NGO's are enormously funded by the donors especially democracy, governance, human rights and law based NGO's. Thus this brings new points to light; the language of political reforms agitated by the civil societies is a language generated by donors³⁵

³³ L. Diamond, Op cit, pp.254

³⁴ M. Bratton and N. Van De Walle, Op cit pp 27- 56

1.7 Theoretical Framework

Modernization Theory

Modernization theory is also referred to as the development theory. This theory was formulated in the late 1950's but became a dominant theory in the early and mid 1960's.

Its apparent domination coincided with the spread of democracy in Africa after colonial occupation and also in Latin America after it had generally abandoned military regimes in favour of democracy.

The basic tenets of this theory are that economic development precedes political modernization or political modernization accompanies economic development. It measures economic development in terms of GNP per capita, level of industrialization and urbanization.

Economic development according to one of its leading exponents, Seymour Lipset... broadens men's outlook, enables them understand the needs for norms of tolerance, restrains them from adhering to extremist doctrines and increasing their capacity to make rational electoral choices³⁶.

³⁵ M. Wachira, Op cit, pp. 135-167

³⁶ Axes Hadenius " Democracy and Development, Cambridge University Press, 1992. pp. 78

Industrialization would lead to prosperity, improve political resources of the formerly poor as they would race on independent individual stand on political issues, leads to an organized working class and the growth of a middle class who would challenge the ruling elite in the political process.

Urbanization has a result of encouraging internal migration that would open up previously closed traditional societies; increase human interaction with diverse peoples thus leading to the growth of a tolerant, open and democratic culture.

An important idea in this school of thought is the concept "Traditional society" – the modernization theorists view today's Third World Societies as being largely traditional. It contends that the western world was largely traditional in the long periods before an era of modern economic and cultural change.

These traditional societies common in Africa are stagnant and unchanging largely because its values are more spiritual and less about self-improvement and the rhythm of life circular rather than linear. Therefore from an economic standpoint, traditional society embodies poor subsistence life that has no hope or desire for accumulation or wealth creation.

This school of thought sees under-development as being brought about by cultural, behavioural and attitudinal log³⁷, meaning that such societies champion kinship ties and lock structures and attitudes that foster democracy.

According to the modernization theory worldview, two poles emerge, that is, the modern and traditional worlds. Modernization world view contend that modernization occurs in stages:

- The traditional society stage – where culture is pre-scientific.
- The preconditions for take off – the equilibrium that favours the traditional culture begins to be challenged by science, foreign trade and, or invasion.
- Take-off - political power increases to a group that regards economic growth as growth of society, state.
- The drive to maturity - here the country becomes an active participant in international trade, exporting goods as well as producing goods for local consumption.
- The age of high mass consumption - a general rise in the standard of living also the country has sufficient wealth to fund social welfare.

³⁷ M. Salih, op. cit, pp. 5

W. Rostow argues that modernization theory projects an evolution from traditional societies that would involve the incorporation of western values, including market economies, individualization, pluralism and political democracy³⁸.

Over the years modernization theorists have modified and incarnated the theory to now also embody, according to Mohamed Salih, for maxims.

- Democracy is advanced by the elites suggesting that it cannot be propagated by the uneducated masses.
- There must be a political culture that favours democratic principles, rules and obligations.
- Economic pressures and sanctions can be applied to force non-democratic regimes out of office.
- A strong, vibrant and politically active civil society (professional associations, trade unions, religious groups, etc) is necessary for democratic growth.

This theory has lent a philosophical and historical rationale to the western involvement in African affairs, thus they lavished Africa with massive aid to achieve an industrial take off. However this did not occur as countries abandoned democratic governments in

³⁸ J. Harbeson, 'Africa in World Politics: Amid Renewal, Deepening Crisis', op. cit, pp. 19

favour of one party, authoritarian and military regimes, and economic growth was stagnant at best and regressive at worst.

Therefore the once dominant economic development – political modernization theory was now open to criticism for its apparent failure of its application in Africa

Criticism of Modernization Theory:

1. **Modernity and tradition are not necessarily diametrically opposed to each other and not all traditions are anti-modern or opposed to progress. Modernity and tradition can harmoniously coexist. Modernity can serve to reinforce traditional values – not necessarily eradicate them.**
2. **Modernization theory is euro centric and based on narrow western values. These values cannot be replicated in the African context because to do so is to deny Africa and the developing world their own histories, socio-economic and political uniqueness.**
3. **The insistence on behavioural change as a prerequisite to political development is premised on psychological reductionism, while ignores the role of a prolonged colonial experience, the international division of labour and their contribution to the making of the 'Third World'³⁹.**

4. It advocates for a top-down democratic transition and consolidation. This theory disregards factors that influence and are influenced by development – political freedoms, social opportunities, economic facilities, transparency etc.

5. The theory is not parsimonious - some exceptions exist to negate the root to democracy that this theory ascribes to, that is, India has a low level of socio-economic development but has had a good and relatively long democratic achievements and the USA in 1830 had very low level of economic development yet underwent democratic transition successfully.

Dependency theory

This theory emerged in the later 1960s. It is a theory that has its roots in the Third World as most of its proponents are from the Third World – Paul Prebisch, Celso Furtado, and Theotinio Dos Santos – all from Latin America.

Dependency theorists argue that, the problems experienced by the Third World countries are caused by the external economic relations, whereby the Third World are the underdogs and the relationship is uneven and exploitative.

One of its leading proponents, Andre Gunder Frank contends that...they (Third World) occupy positions as satellites that are economically therefore also politically inferior to

³⁹ M. Salih, *op. cit.* pp. 5

the capitalist metropolises of the Western world.⁴⁰ The structure of the international system therefore favours the metropolises or core countries and limits the development opportunities for others, the periphery states.

Much of the analysis is the dependency school has to do with what it calls 'unequal exchange' that entrenches underdevelopment.

Central to the theory of dependent development is the concept of comprador class. These consist of local managers who take over the economy once the colonialists depart. These business people have an interest in maintaining the colonial economic relationship. Local managers derive great wealth from trading with their patrons overseas. As such, it is in their interest to maintain the relationship even if the local workforce is heavily exploited.⁴¹

(This) kind of coalition...created between local land owners, the merchant class and traditional elite groups, on the one hand, and the governments of the metropolitan countries and the multinational companies on the other; all for the purpose of keeping the yield on investments up and the labour costs and consumption down – which calls for tough political methods. Hence, the emergent middle class does not play the role favourable to democracy assumed by the modernization school, nor do workers, who are oppressed and excluded from the political power.⁴²

⁴⁰ Axel Hadenius, *op. cit.* pp. 91

⁴¹ Rod Hague, Martin Harrop and Shawn Breslin (ed) 'Comparative Government and Politics: An Introduction', Macmillan Press Ltd. 1992, pp. 127.

⁴² Axel Hadenius, *op. cit.* pp. 92.

Dependent development develops into a situation of structural inferiority by the Third

World that hinders the growth of democracy in three ways:

- **The ruling elite do not have sovereignty, independence of action rather they are agents of external forces.**
- **Leads to the development of a dual society, building cleavages in society, that is, few, modern capitalists and a large stagnant traditional group.**
- **Stifles the growth of a vibrant middle class, classically the 'midwife' of democracy.**

This school recommends ways to break away from such exploitation, that is, severe exploitative links with the western world, nationalization of foreign companies and transition to a socialist mode of production.

Weaknesses of dependency theory:

1. **Dependency theory lacks a strong and sufficient empirical grounding. It shows how everything is connected to everything else but it does not state how and why they are connected. It rests on giving circular arguments.**

2. It ignores the dynamics of class struggle as well as misinterpreting the relationship between commerce and capitalism.⁴³
3. Dependency theory over exaggerates the power and influence of the international system and fails to recognize and appreciate historical individualities and political abilities and capabilities of Third World countries.
4. Dependency theorists argue that a way out of this dependency and exploitation is to embrace socialism through a revolution, however how socialism would mitigate and negate dependency is questionable especially in the light of the failure of Marxist / Socialist mode of governments.
5. Dependency...over emphasizes the universal, iron grip in which it holds Third World Countries, and portraying its tentacles as stretching into the culture and moral fabric of societies⁴⁴ this is viewed as a utopian and fanciful idea.

1.8 Methodology

Secondary data will constitute the core of the information gathered. The sources of the secondary data will include published books, newspaper articles, magazines and any other source of authoritative information.

⁴³ Martin Staniland 'What is Political Economy? A study of social theory and underdevelopment', Yale University Press, 1985, pp.129.

This research has relied heavily on quoting verbatim from authoritative sources, so as to capture not only the letter but the spirit of the quotes and also to avoid misinterpretation and misquoting from sources of data.

1.9 Hypothesis

1. Domestic factors promote the democratization process in Kenya.
2. Domestic factors hinder the democratization process in Kenya
3. External factors promote the democratization process in Kenya.
4. External factors hinder the democratization process in Kenya.

⁴⁴ Martin Staniland, *op. cit.* pp.131.

CHAPTER 2

DEVELOPMENT AND DEMOCRACY

2.1 Introduction

After gaining independence, economic development was elevated as the priority of the newly independent states of Africa. It became the vehicle to transform Africa from a traditional society to a modern state likened to the West.

Kenya's Founding President, Jomo Kenyatta appreciated this need and consequently called upon its citizens to rally against poverty, illiteracy and disease. Thus the

nationalistic clarion call was transformed from that of Uhuru (freedom or independence) to Uhuru na kazi (freedom and hard work).

Kenya, therefore, embarked on National politics that was hoped would bring the 'fruits' of independence to its citizens.

The development strategy (therefore) adopted by Kenya since independence in 1963 has been a capitalistic one. An explicit statement of the strategy is to be found in the sessional paper No. 10 (1965) on 'African socialism in Kenya'. It entails the preservation of private property – both indigenous and foreign capital – and also the support for development of African capitalism and the promotion of foreign investment⁴⁵.

2.2 Democracy-Development Interface

A great number of pundits in divers times and place have argued and theorized about this relationship. This relationship is problematic, however; there is an undeniable and explicit link between these two concepts. Development is believed to lead to a reconstruction of the political values and beliefs of the people that facilitates democratization.

• Three decades of the occupation with development in Africa have yielded meager returns. African economies have been stagnating or regressing. For most Africans, real incomes are lower than they were two decades ago, health prospects are poorer,

malnutritionment is widespread, and infrastructure is breaking down, as are such social institutions⁴⁶.

The widespread and persistent poverty inherent in Africa due to development failure has pushed the democracy – development relationship to the limelight. Subsequently, two dominant schools of thought have emerged – one argues that, the only way for Africa to overcome the present economic crisis is to embrace democracy. The other contends that economic development is the surest path to irreversible democracy.

2.3 Economic History of Kenya

From 1963 to 1973, (Kenya's) Gross Domestic Product (GDP) grew at an average of 6.5% annually; the inflation rate was less than 3%. Income per capita was relatively high and the balance of payment favourable. However the economy started to show overt signs of long-term stress in the 1980's. The average annual GDP growth rate dropped from 6.8% (1965-1980) to 4.2% (1980-1990)...declines in agriculture from 5.0% to 3.3%, industry from 9.7% to 3.7% and manufacturing from 10.5% to 4.9% over the same period⁴⁷.

In 1972, the number of Kenyans defined as poor was 3.7 million, increasing to 11.5 million in 1994 and a further 12.5 million in 1997. In 2000, it was estimated that the

⁴⁵ Roger Tangari, 'Politics in Sub-Saharan Africa' James Curry LTD, London, 1985, pp.55

⁴⁶ Claude Ake 'Democracy and Development in Africa' The Brookings Institution, Washington, 1996, pp

⁴⁷ Philip Nying'uro, *op. cit.*, pp.8

number of the poor in Kenya had shot up to 15 million that is about 56% of the population⁴⁸.

This grim scenario clearly indicates that the development strategies pursued by the government have failed as it has failed to improve and, or to raise the standard of living of its citizens. Poverty is at an unprecedented level resulted in widespread despondency.

2.4 The Birth of Economic Protest.

Until the mid- 1980's the World Bank listed Kenya as a middle-income country, at par with countries like Israel, Singapore, Malaysia, Egypt, Turkey, Hong Kong, Portugal and Argentina. The Kenyan economy, especially the agricultural sector policies and practices were viewed as a showcase of efficiency and productivity in the developing world.

However due to largely local and self inflicted factors, economic growth began to slow down. By 1984 the indicators of an ailing economy matured to a near down right fall and the country officially joined the ranks of low- income countries.

Kenya started to witness interests groups led protest against the government for economic development failure.

⁴⁸ J. Omiti, W. Owino, W. Otieno and P. Odundo; 'Poverty Reduction Efforts in Kenya; Institutions, Capacity and Policy,' Institute of Policy Analysis and Research, 2002, pp.7

The church in Kenya was at the forefront in challenging the government over its handling of its economy. Bishop Alexander Muge, Henry Okullu and Reverend Timothy Njoya became of the KANU governments' strongest critics and crusades against official corruption and human rights abuses. Other interest groups like the university students demonstrated against the increasing lack of job opportunities for the graduates.

These protest began to link the country's economic grievances to corruption and mismanagement of the economy, moreover, they drew the conclusion that the country's economic failure was due to a lack of political accountability embedded in the country's single party regime.

The 1980's Kenya was an era characterized by the twin process of political and economic decay. In (Kenya), politics took precedence over economics. The state pursued redistribution policies and interfered with the operation of markets. Resulting in a dramatic reduction of economic growth, budget deficits soared as the state spent more than it could afford on social welfare services with a consequent rise in inflation. Corruption rose sharply as a bloated civil service and senior elected officials became increasingly prone to rent-seeking behavior⁴⁹. This evident economic decay ushered some laces of discontent in certain invest groups in society that birthed the clamour for pluralism and accountability in statecraft.

This economic and political mismanagement and abuse can be traced to the post 1982 abortive coup-period. Many experts, politicians and technocrats believe that 1982 marked a turning point in the political and economic management of Kenya.

The 1982 attempted coup shattered Kenya's image of a politically stable country... a panicky government committed another mistake, legally establishing a single party state that same year...jitters and tension set off a financial crisis that saw many locally owned banks collapsed between 1985 and 1986. This scared investors more.⁵⁰

A former technocrat in the Kenyatta regime, argues that in 1982 things started going wrong... "that's when things started going wrong... looting started in earnest"... political appointees began to take over positions held by professionals..."political witch hunting took center stage"...we paid little attention to our economy and a lot on politics. Indigenous banks owned by those branded as enemies of the government were forced to collapse. The government began rewarding sycophancy instead of efficiency..."⁵¹

The increasingly insecure leadership embarked on a redistributive policy away from the Kikuyu ethnic group, which was the core of (President) Kenyatta's support. As residents of one of the most developed regions in Kenya, and because of this greater access to

⁴⁹ Edward Mogire quoting Barkan in 'The State and Internal Political Conflicts in Africa: The case of Kenya' in P. Godfrey Okoth and Bethwell A. Ogot (ed) Conflict in Contemporary Africa, Jomo Kenyatta Foundation, 2000, pp.129

⁵⁰ Sunday Nation, May 26, 2002, pp 14

⁵¹ Sunday Nation, May 19, 2002, pp. 14

educational facilities before independence, the Kikuyu held a significantly larger proportion of the positions in the civil service⁵²

The Moi government moved to control the once independent and professional although ethnically unbalanced civil service by replacing Kikuyus with the Kalenjins; substantial shift in the level of public expenditure for roads, health, water and educational (facilities) away from central province to other regions especially...the Rift Valley province inhabited by Moi's Kalenjin ethnic group. (Furthermore) the government's agriculture policy shifted from the traditional support of small-scale growers of coffee in central province to tea growers in Western Kenya and growers of cereals in the Rift Valley. This policy (extended)... to the export crop agriculture industry where Kenya Grain Growers Co-operative Union (KGGCU), grain marketing organization, Kenya Tea Development Authority (KTDA) and milk industries fell victim to official ethnic patronage, graft and perennial mismanagement⁵³.

In 1983, the powerful Kenya Farmers Association (KFA) was forced to reorganize as KGGCU in an effort to reduce the influence of the rich Kikuyu landowners and during the second part of the decade, the government sought to discredit KTDA- a parastatal or organization that operates mainly in central province, by authorizing the establishment of the so-called Nyayo Tea Zones under a separate administration in Western Kenya⁵⁴.

⁵² J.D. Barkan, *op. cit.* pp.174

⁵³ Edward Mogire, *op. cit.* pp.135-136

⁵⁴ J.D. Barkan, *op. cit.* pp. 187

A World Bank Report, the 1983 World Development Report...singled out the Kenya Tea Development Authority as a showcase in the Third World. With complete autonomy from the government, strict accountability and provisions of incentives to farmers, the KTDA managed 54,000 hectares of tea owned by 138,000 well promptly paid small-holder farmers. KTDA was the largest exporter of black tea.⁵⁵

The Moi administration covertly and systematically undertook to dismantle the Kikuyu economic basis, thus it is 'hegemony'.

These policies no doubt evoked criticism even from within the Moi cabinet. Kenneth Matiba and Charles Rubia were as concerned with the return to legal pluralistic and constitutional governance of the country as they were with the revival of efficiency, merit and technocratic norms in national management⁵⁶.

The political fallout principally by Kenneth Matiba from the Moi regime due to among other reasons, poor state management marked another watershed in the struggle for the re- introduction of competitive politics in Kenya. Guillermo O'Donnell and Philippe Schmitter argue that ...there is no transition whose beginning is not the consequence- direct or indirect- of important divisions within the authoritarian regime itself.⁵⁷

⁵⁵ Sunday Nation, op. Cit, pp 14

⁵⁶ Edward Mogire quoting Chege, op.cit pp.136

⁵⁷ Larry Diamond, op. Cit, 1993, pp 43

The two were later expelled from KANU and openly called for an end to the one party system of government. The government also moved fast to arrest these multiparty advocates, and this led to four days of looting in several towns in July 1990.

The protests took on a regional or ethnic cast in several countries. Groups who were unhappy with their share of the existing economic pie played a prominent role in fomenting and spreading protests in several countries...the July 1990 riots diffused from Nairobi to towns in the heartland of Kikuyu, the ethnic group who have lost more power and prestige under the Moi regime.⁵⁸

After this riots the government instituted a commission of party members to review the organization and procedures of the ruling party. In the public hearings conducted country wide, diverse citizens raised broad political concerns notably elite corruption and ethnic favouritism.

The Moi government overt tribalism, nepotism, kleptocracy, and general poor economic management of the country is one of the fundamental basis of the hue and cry for the re-introduction of competitive politics/multipartism that was seen as the antidote for these problems as the one party regime became increasingly seen as synonymous with authoritarianism and corruption. One of the architects of the one party system of government Julius Nyerere conceded that it institutionalizes corruption.

⁵⁸ Goran Hyden, *op. Cit.*, pp. 50

This meant that internally, the Moi regime was faced with rising choruses of critics who included leaders of professional and private voluntary associations, prominent clergy and human rights activists who refused to be cowed by detention, harassment, and other means including torture- that the regime employed to subdue its opponents.

Thus Gelinas asserts that, the winds of democratization that blew over Africa in the early 1990's came from the grassroots, not from the powers that be (West). They were (only) intensified by the gust of popular rebellion sweeping away in Eastern Europe's totalitarian governments⁵⁹.

2.5 One party rule and the failure of development

For most of its independent history, Kenya has been a one-party state – a *de facto* one party state (1969 – 1982) and a *de jure* one party state (1982 – 1991).

Single party apologists Julius Nyerere argued that “where there is one party that party is identified with the nation as a whole, the foundations of democracy are firmer than they can ever be when you have two or more parties each representing only a section of the community”⁶⁰. They still continued to argue that African countries needed to put their energies in economic development not politics of bickering, infighting and destructive competition that a multiparty form of governance would offer.

⁵⁹ J.B Gelinas, op. it. pp 137

⁶⁰ Peter Wanyande, 'Democracy and One Party State: The African Experience', op. Cit, 1987, pp. 72

The proponents further argue that the one party system could be democratic. In cases where there were differences of opinion, such differences could be accommodated through what African leaders called opposition from within the party.

However a single party regime in Africa and Kenya as a case in point could not dedicate itself wholesomely to development as earlier hoped. In the African politics, the interests of the governing elite and those of the ruled are not congruent - a hallmark of one-party system. In such countries the rulers have tended to use their power and institutions they control not only to promote their individual group interests as rulers – and in some cases sectional as opposed to national interests – but also to manipulate and undermine the rights and freedoms of the rest of the society⁶¹

Kenya's one party rule system of government transformed KANU from a vehicle of political mobilization into as a tool for political and economic control.

New policy decisions were to be articulated as the personal decisions of the president rather than policies of his government...debate of new policy issues were discouraged and forbidden ...meaningful debate in the national dwindled...Members of Parliament (MP's) who questioned the wisdom of a particular policy...were...branded disloyal⁶² and new directions were to be obeyed and implemented without question even if such implementation was not prudent and would incur heavy financial costs.

⁶¹ Ibid, pp. 75

⁶² J.D. Barkan Op. cit. pp. 180

One party rule in Kenya, encouraged the demise of other centers of power that check government excesses, led to a blatant disregard of accountability in the management of state resources and resultant plunder of resources with impunity making a mockery of participatory politics, precipitating development failure therefore... the surge for democratization arises largely from the failure of development strategies in Africa and the politics associated with them⁶³.

The economic mismanagement, and marginalization of segments of particular populations from fair and equitable allocation of resources constitutes a major reason for the fight to re-introduces competitive politics in Kenya.

Almost four decades after independence, Kenya has failed to achieve the much-expected effects of economic development. Over 50% of the Kenyan population is now termed as poor and its development strategies have clearly failed.

With this grim scenario, is there hope for Kenya's fledgling democracy?

The effort to provide democracy in the midst of acute economic distress is historically unprecedented⁶⁴.

⁶³ Claude Ake, *op. cit.* pp. 137

⁶⁴ M. Bratton and N. Van de Walle, *op. cit.* pp 169

Economic development in a country is known to lead to the development of non-economic factors that bring profound changes not only in the economic sphere but in the political culture and social structures as well.

Socio-economic development is seen to change fundamentally the way individuals and groups relate to the political process. An advanced level of economic development in society tends to reduce socio-economic inequality and mitigate feelings of relative deprivation and injustice among the lower class. This in turn reduces the likelihood of extremist politics...increased national wealth and also tends to enlarge the middle class, which has long been associated in political theory with moderation, tolerance and democracy⁶⁵.

The level of economic development within a society itself...will be argued shapes "the values and attitudes of its citizens" fostering the development feeling of interpersonal trust, life satisfaction and competence which in turn correlates strongly with the existence of democratic institutions...it (also) increases the level of education in society a more highly educated people tend to develop characteristics of trust, satisfaction and competence that go with democracy...economic development makes greater resources available for distribution among social groups hence facilitates accommodation and compromise...(it also) promotes the expansion of the middle class, business people, professionals, civil servants...⁶⁶

⁶⁵ L. Diamond quoted in Georg Sorensen 'Democracy, Dictatorship and Development' Mac millian Press Ltd, 1971, pp.2

⁶⁶ Samuel Huntington 'The Third Wave: Democratization in the Twentieth Century', University of Oklahoma Press, 1991, pp. 66.

2.6 Poverty and the political culture

The failure of the development process in Kenya has led to widespread poverty that is a mortal danger to democracy, as we know it, as it produces a unique values system, different from the democratic ideals and produces a variant of democracy unique to only a particular society in the context of its socio-economic development.

The characteristics associated with poverty- low standard of education, ignorance and a lack of adequate access to information, food shortages, poor health that inhibit one's ability to work, learn and earn. These complicate the democratization process.

...democracy is meaningless without economic and social rights. It means nothing to people who cannot eat properly, have a roof over their heads, find a job, send their children to school and have access to minimum decent health care⁶⁷.

The peasant societies are not generally attached to democratic values, this makes the scramble for democracy an urban, elitist issue, devoid at times of national appeal.

Bratton and Van De Walle, argue that...in Africa (the middle class) are a social minority sitting atop agrarian societies composed mainly of poorly educated, self- provisioning peasants...(who) lack democratic experiences.⁶⁸

⁶⁷ G. Nzongola – Ntalaja 'The state and Democracy in Africa', AAPS Books, Harare, 1997, pp. 19

⁶⁸ M. Bratton and N. Van De Walle, op. Cit, 1992, pp. 49

Political culture is a product of several interconnected factors, that is, historical factors, geographic factors and socio- economic factors. A predominantly urban industrialized society is a more complex society, putting premium on rapid communication. Education standards are higher, groups' proliferation and participation in decision-making process is necessarily wider. Rural societies are not geared to change and innovation and states with predominantly peasant populations are more conservative.⁶⁹ This has served to seriously slow down and frustrated the democratization process in Africa, but it has not negated it.

Huntington (1965) argues against 'premature' move to competitive multiparty politics in traditional but early modernizing societies of Asia, Latin America and Africa... Geertz (1963) believed that 'primordial loyalties' based on kinship, religion, language and culture would undermine efforts to build political systems in modernizing societies ... these traditional loyalties would inevitably come into conflict with 'modern' civic values in traditional states giving rise to problems of 'tribalism', 'communalism' which would impede the process of national integration⁷⁰.

Furthermore, due to a lack of material resources, even basic needs, the destitute are likely to align themselves to politicians who reduce albeit momentarily, their insufficiencies in turn for their support and service. This relationship engenders a mockery of free choice that is enshrined in democracy.

⁶⁹ J.C. Johari, 'Comparative Politics', Sterling Publishers PVT Ltd, New Delhi, 1976, pp. 158

In his path breaking studies, 'The Politics of the Belly', Bayart shows how the 'rhizome' states operate, as power brokers put down deep tentacles into indigenous social networks. In much of the continent politics is simply patronage. The loyalties built on personalist links that are overwhelmingly powerful.⁷¹

Poverty give rise to an antonym of the non- economic 'fruits' of economic development- fundamentalism, suspicion, fanaticism, narrow- mindedness in the political process. Voting becomes tribal and patronage the principal rallying point of political mobilization, elections a zero- sum- game, a winner take- all system resulting in the politics of exclusion. This is clearly evident in Kenyan politics that has negated the anticipated positive effects of Democracy.

The political culture produced by underdevelopment is radically different from that of a prosperous society, they both produce values that act as opportunities or constrains for democracy as democracy is a value embedded in the people and society at large. (Its) the sum total of values and attitudes that people nurture over a long period⁷².

2.7 The middle class and Democratic Transition

Experts believe that a strong middle class has historically been the key and driving force of democratic transition. Those with the strongest commitment to democracy are likely to

⁷⁰ J. Healey and M. Robinson 'Democracy, Governance and Economic Policy', Overseas Development Institute, London, 1992, pp. 96 – 97.

⁷¹ Jonathan Hyslop, 'African Democracy: In the Era of Globalization', Witwaterseand University Press, pp. 5

be found within the working class and intellectuals in Africa. They are thus likely to not only conceive but also propagate democratic ideals.

However Ikiara argues that the bourgeoisie class has been slow to take up entrepreneurship challenge in Africa...limited and ill-equipped educational training facilities in the continent, and monopolistic economic structures, as well as regression in the political, social and economic spheres, have all combined to stunt the growth of the bourgeoisie class⁷³.

By making private capital so heavily reliant for its accumulation on political patronage and the state, the economic dependence of capital has led to this political acquiescence. Dependent on state- mediated opportunities for their economic advance; African businesspersons have had a vital stake in the survival of their political benefactors⁷⁴. This has prevented the middle class from playing its historically defined role of democratization, slowing it down.

In post independent African countries, the governments curtailed the opportunities for economic expansion of local capital. Indigenous entrepreneurs were hindered or prohibited from operating in certain; often-profitable economic sectors which were instead made the virtual preserve of state owned enterprises. Non- African resident minorities were allowed to operate in certain lucrative economic activities, and their

⁷² M. Salih, *op. cit.* 2001, pp. 3

⁷³ G. Ikiara; 'Entrepreneurship – Industrialization and the National Bourgeoisie in Africa', In U. Himmelstrand, K. Kinyanjui, and E. Mburugu 'African perspectives on Development', James Curry Ltd, London, 1994, pp. 122.

resources and business competitiveness impeded the commercial development of African capital.

Kenya is a good case in point- in the 1980's the Moi regime attempted to deny many Kikuyu businessmen opposed to the government the economic support they needed; and instead worked with the Asian businessmen to undercut the Kikuyu economic power⁷⁵

The result of this was a small business class not sufficiently able to play a leading role in economic transformation and political activism slowing down democratization efforts from within. Nevertheless the institution of the Structural Adjustment Program in Kenya offered a chance for economic liberalization and privatization to free the middle class to play a their historically proven role in the democratization process of a society.

Hyden argues that ... these will be no significant discipline on the state until a more robust autonomous capitalist class emerges in Africa. This may take a long time as it did historically in Europe, and there is no guarantee that it would act as a political midwife for democracy, especially since most African countries with few exception (Kenya, Nigeria, Cote d'ivoire) posses small bourgeoisie, which play a relatively minor role in national politics⁷⁶.

This portends a strength in the democratization of Kenya, because it follows historical analogy, like Western democracies, Kenya relied on its bourgeoisie to advance the cause

⁷⁴ R. Tangri, 'Politics, Capital and the State in Sub- Saharan Africa, op. Cit, pp. 109

⁷⁵ Ibid

for its democracy. The working class though small reflects similarities like that of Europe in their quest for democratic governance. Therefore democratic principles will take lengthy period to develop, though slow but steadily.

Kenya's clamour for democratic transition as earlier noted, has been on the hands of the middle class – lawyers, the clergy, journalists, lectures etc. Thus unlike Europe where democracy emerged out of the contradictions of capitalism, in Kenya the basis of democracy was born out of the disillusionment and apparent failure of the development process, constituting a contradiction of the one-party regime.

2.8 Lessons from History

Lessons on the prospects of democracy can be drawn from early modern Europe. A strong correlation can be build and shown between contemporary Africa and the early modern mercantilist European state.

- The modern European State had a predominantly political but no economic logic.
- It pursued mercantilist policies for internal and external self-aggrandizement.
- Patrimonial capitalism was evident where the state was the easiest source of wealth and power

⁷⁶ Healey and Robinson, *op. cit.*, pp. 150.

- **Patrimonial rule inhibited the growth of capitalism.**

Transition (in these states) was only accomplished when political dominance gave way to economic logic; political arbitrariness was contained through gradual creation of legal and administrative approaches so reducing the risk of productive accumulation market transaction... (also) history suggest that we should not exaggerate neither the pace or the permanence with which a more favourable economic and political environment is achieved. Rather this shift accrued slowly and unevenly and rising bourgeoisie elements ceased to demand special protection and favour and began to expect to make predictable calculations without having to 'pay' for them each time via patron – client ties⁷⁷.

This strong correlation between the democratization process of Kenya and Africa as a whole and Europe is interesting and positive because it can be thus noted that with some exceptions and unique characteristics, Africa is on the historically proven path of the democratic process that is achieved through incremental gains.

CHAPTER 3

POLITICAL DEVELOPMENTS AND DEMOCRACY IN KENYA

3.1 Introduction

David Easton describes politics as the authoritative allocation of values for a society⁷⁸. Consequently politics is about control or government, the owners of authority and the forms or methods that this control is exercised. Politics is therefore prevalent in all levels of human interaction. Politics at the state level is concerned with exercising control of, or influencing, the mechanisms of control and coercion. But the competition to gain control is limited in scope and method, since normally all competitors desire to gain control of, but not to destroy the state ...⁷⁹.

Africa's post colonial political history, now spurning about 40 years is rich both in the progression and, or regression of the political space. Two major political developments are common to Africa after independence, that is, the growth of one party states and the

⁷⁷ Ibid. pp. 149 - 150

⁷⁸ P.A. Reymolds "An introduction to International Relations", Longman, 1994, pp. 9

⁷⁹ Ibid.

common military take-overs. These developments have had great implications in nature and prospects of democracy in the continent.

Mohamed Salih argues that, ...after the departure of the colonialists, the African political elite who inherited the reigns of power behaved much like their departing masters. With some exceptions, the African political elite continued to deny the African people their basic freedoms and human rights. Some societies had then graduated from a non-democratic oppressive colonial rule to an equally non-democratic authoritarian national rule⁸⁰.

It is therefore not surprising that a second liberation much like the first would be inevitable, but will embody an internal struggle pitting countrymen against another who would seek to bring politics to the public arena and establish rules for accountability and inclusion in state craft.

3.2 The Lancaster Constitution

This constitution was negotiated in Lancaster England between February – May 1962. It was to serve as independent Kenya's constitution.

The constitution was a Westminster model that included a federalist system of government that had the following elements:

the legislature was bicameral comprising of a Lower and Upper House.

The former was based on a single member representing a constituency and the latter (Senate) was a representation of 41 regions/districts.

The cabinet had executive power and headed by a prime minister.

Electoral commissions were presided over by an independent electoral body whose members included, the two House speakers, a nominee of the prime minister and the presidents of the regional assemblies.

Constitutional amendments required 90% support in the Upper House and 75% support in the Lower House. Failure to garner this support a referendum would be held.

An independent judiciary where appointments were made by an independent Judicial Service Commission, the judges had security of tenure.

An independent Public Service Commission to oversee appointments in the civil service.

Regional government that had control over its finances, and was headed by a president with a regional assembly of elected and specially nominated members.

- A multi-party state.
- A bill of the Rights guaranteeing civic and political liberties.

3.3 The Era of Constitutional Amendments

The independence constitution was provided on the fear that accumulation of power in any one individual would lead to tyranny and minority oppression, (thus) the constitution divided and separated powers along vertical and horizontal axes⁸¹. This constitution had mechanism to check executive power and provided safeguards to protect minority groups from majority group domination hence engendered regionalism. KANU however advocated for a unitary state while KADU championed regionalism.

Between 1964 to 1988, J.B Ajwang listed 24⁸² amendments to the constitutions as compared to the 26 amendments made to the American Constitution in its 210 years and the first 10 amendments were carried out at the same time⁸³.

The frequent amendments to the Kenyan constitution showed that, the custodians of the constitution saw it as a means of attaining independence but not as a document to live by.

⁸¹ Institute of Economic Africa (IEA) 'Kenya at Crossroads': scenario for our Future, 2001, pp. 7

⁸² M. Munene "Constitutional Development in Kenya: A Historical Perspective", In Y. Vyas, k. Kibwana, O. Owiti and S. Wanjala, op. cit., 1994, pp. 54

⁸³ IEA, op. cit, pp. 19

These amendments were only to achieve selfish political advantage over perceived opponents and entrench the ruling elite in the political process.

Professor De Smith argued that, it must be conceded at once that in developing countries constitutional factors will seldom play a dominant role in the shaping of political history ... the preponderance of non-constitutional factors in determining the course of events is apt to be so heavy ..⁸⁴

Between 1964 to 1969, the Kenya constitution was amended 11 times distorting and radically changing the original independence constitution. By 1969 the office of the president became both head of state and government who was to be elected by the Lower House. The financial independence of regions was scrapped and now they had to depend on grants from the control government, the powers to appoint judges was wrestled from the independent Judicial Service Commission and given to the President, the same applied to the Public Service as all civil servants were now to hold office at the pleasure of the President. In 1966 the Senate and the Lower House were amalgamated. In the same year MP's who defected from their sponsoring parties to parliament had to seek a fresh mandate from the electorate.

1966 also witnessed a legislation that sanctioned government to increase derogation from fundamental rights and freedoms so long as the government could justify its actions. 1969 saw the power of appointment of electoral commissioners rested in the presidency.

⁸⁴ James T. Gathii "Kenya's Legislative culture and the Evolution of the Kenya Constitution", In Y. Vyas, K. Kibwana, O. Owiti and S. Wanjala, op. cit. 1994, pp. 74

These numerous constitutional amendments were ill advised and lacked foresight clearly demonstrated a lack of commitment to democratic ideals. The various center of power enshrined in the Lancaster constitution were systematically abolished and vested in the presidency negating the concept of separation of powers and accountability and openness in the management of the affairs of the state, laying foundation of authoritarianism.

These amendments did not go without opposition from the general public. An opinion poll in 1968 regarding the proposed amendments showed that people were unhappy with the constitutional changes taking place. It showed that people wanted multi-partism, they wanted independent candidates to stand for elections and they wanted (an open) election of the president and vice president. They did not want a vice president to be appointed or the president to nominate special members. Most disturbing, 70% of the respondents complained that fear of informers and secret police had become serious in Kenya⁸⁵.

Daniel Moi succeeded Jomo Kenyatta as president in 1978 but did not stem the slide of Kenya into dictatorship.

Consequently the movement for democracy started gaining attention in the beginning of the 1980's, especially with the unsuccessful attempt by two government critics Mr. George Anyona and Jaramogi Oginga Odinga to form an opposition party⁸⁶. The 1982 constitutional amendment (was introduced) to enable Kenya to become a *de jure* one

⁸⁵ M. Munene quoting Gordon M. Wilson, *op. cit.* pp. 62

⁸⁶ P. Nying'uro, *op. cit.* pp. 9

party state was introduced in parliament to forestall the intentions of the two to register an opposition party. This motion was only debated for one and three quarter's hours and the motion of censure was employed to forestall any further debate.

The government ignored calls by public associations – Law society of Kenya, the National Council of Churches of Kenya (NCCCK) and various individuals to halt the move to introduce section 2A to the constitution.

1982 clearly marked a watershed in Kenya politics. This constitutional amendment increased opposition to the Moi government as it sparked numerous debate among the public and the press that later led to a crackdown of the press.

The attempted coup of August 1982 demonstrated both the extent and limits of violent internal opposition to the authoritarian bent the Moi government had taken. So did the leftwing underground Mwakenya movement, which now claimed to be Kenya's first opposition movement.

This relentless slide to despotism continued. In 1986 a Bill removing the security of tenure of the office of the Attorney General, Controller and Auditor General was published and received Presidential assent. Again this move though constitutional was undemocratic and it solicited immediate condemnation from various individuals, lawyers, LSK and NCCCK and occidental governments, notably the United States.

Charles Rubia – an MP questioned the need and the reason behind this amendment, he was subsequently expelled from the KANU. He later became one of the leading advocates for the introduction of multi party politics as a way to avoid abuse of political leadership.

1988 saw another amendment that ensured that principle of separation of powers negated. This amendment removed the security of tenure of the office of members of the Public Service Commission (PSC) and the judges of the High Court and Court of Appeal. It also empowered the police to detain without trial suspects of capital offences for 14 days.

This move was necessitated because in 1987 and 1988, two judges showed some independence on matters regarding torture of suspects in police custody, the government swiftly engineered a constitutional amendment that stripped judges of the High court and the Court of Appeal their security of tenure⁸⁷.

The frequent constitutional amendment between 1963 and 1988 provided an opportunity for dissent within the ruling party. In 1975, Martin Shikuku strongly objected to the enlarging presidential powers to forgive culprits of electoral offence. He argued that the Kenyatta government had turned the constitution into a “plaything”, he was supported by M.J. Seroney, and both were imprisoned for their remarks although this remark was made within the precincts of parliament. Members of Parliament Mark Muithaga and Chelagat Mutai were also imprisoned by the state for their opposition to the abuse of the constitution.

Adam Przeworski has argued that "the first critical threshold in the transition to democracy is the move by some groups within the ruling block to obtain support from forces external to it"⁸⁸. Both in the Kenyatta and Moi regimes this was fulfilled on account of abuse of the constitution.

3.4 Political Parties, Participation and Democratic Transition

The actions of political parties in Kenya have had a great influence in the politics of the land and have played a crucial role in the clamour and advancement of democracy in Kenya.

At independence, the two dominant parties were KANU and KADU. KANU emerged from the Kenya African Union (KAU) and was a coalition of the Kikuyu, Embu, Meru, Luo, Gusii and Kamba. Thus it drew its support from four of the largest five ethnic communities. KADU was a coalition of small tribes that brought together the Kalenjin groups, the Mijikenda, the nomadic and semi-nomadic people groups and the large Abaluhya ethnic groups.

KANU became the coalition of "the bigs", "the mobilized" and "the haves"...(while) KADU was a coalition of "the smalls", "the immobilized" and "the have-nots"⁸⁹.

⁸⁷ Edward Mogire, *op. cit.* pp. 132

⁸⁸ IEA, *op. cit.* pp. 13

⁸⁹ M. Bratton and N. Van De Walle, *op. cit.* pp. 32

Naturally therefore, these two parties espoused different orientations to the structure of the government; KANU supported a unitary system while KADU, a federalist system.

KANU won the 1963 elections, formed the government and subsequently and progressively scrapped the federalist system in favour of the unitary system. In November 1964, Kenya's first opposition party was wooed by promise and deceit into dissolving itself and joining the government⁹⁰ making Kenya a *de facto* one party state.

In the struggle for political and economic emancipation, the leading personalities, the elite, put away their political and ideological differences to fight the colonialists seen as the common enemy. After independence leaderships across Africa assumed that this consensus could and should be maintained. The Kenyatta regime attempted to maintain this consensus but the actions of his government soon betrayed him.

Battles for political supremacy, clash of ideologies, fear of losing political control and advantage coupled with economic discontent – skewed distribution of farmlands and a negation of pre-independence ideals and promises led to the formation of Kenya Peoples Union (KPU), a socialist oriented party headed by Oginga Odinga.

During the Limuru Conference of 1966, KANU sought to expel the so-called radicals from within it and also moved to ratify the changes in its constitution allowing for eight regional vice-presidents. Odinga read this as an affront to his national position and stature thus resigned with 28 others as KANU's and Kenya's Vice President.

The 1966 mini-elections or by-elections saw KPU win 9 of the 29 contested seats, however in 1969 the KPU was proscribed.

The defection from KANU and the banning of KPU heralded the consigning the Luo-community by the Kenyatta government to the periphery of Kenyan politics. This move was maintained also by the Moi regime. Moreover this point was highlighted by the attempt coup, planned and orchestrated mainly by soldiers from the Luo- community in the 82 Air force.

Daniel Moi succeeded President Kenyatta and he...revitalized the moribund party and strengthened its internal disciplinary procedures to keep his potential critics in check...he made sure anyone wanting to participate in politics had to have the blessings of KANU⁹¹.

With the strengthening of KANU, the 1980's saw the expulsions from KANU increase dramatically as the Moi regime sought to neutralize 'disloyal', and or powerful MP's especially the ones with a national stature. Moi thus turned KANU from a vehicle of political mobilization into a tool of political control and manipulation.

Among those who suffered expulsion from the party included, Charles Njonjo, G.G. Kariuki, J.J. Kamotho, Charles Rubia, and Kenneth Matiba.

⁹⁰ IEA, op. cit. Pp. 10

⁹¹ Ibid.

Unlike Kenyatta, Moi did not view prominent leaders as agents who ensure the maintenance of support for his regime but as rivals and a threat to his presidency. Increasingly, his regime sponsored lower cadre party branch officials to attack, destabilize and ultimately undermine powerful cabinet ministers in their constituencies.

This tension between established leaders of cabinet rank and lesser members who held positions in the party increased in September 1988 when a new round of elections were held by the party to elect branch officers. Several established Kikuyu leaders were severely challenged and in some cases defeated in elections that many felt were rigged on orders from Moi⁹².

To achieve increased greater control over the electoral process, the Moi leadership of KANU introduced a new voting procedure known as *mulolongo* or queue voting system in 1986. Candidates under this new system who gunnered 70% of the total votes in the first round of elections, that is, through the queuing system would automatically be elected thus needed not to be subjected to the secret ballot that constituted the second round.

According to Balkan, the 1988 elections registered the lowest ever turnout in Kenya's electoral history of 23% and the number of formed complaints of electoral fraud was the highest in Kenya's history⁹³.

⁹² Joel. Balkan, op. cit. pp. 181

⁹³ Ibid.

'The 1988 elections, which were rigged to guarantee victory for "loyal" candidates and to defeat those who were not ... widespread intimidation and fraud were reported.. (and) the use of provincial administration as election officials ensured that only those candidates favoured by the government would win'⁹⁴.

These elections saw the electoral defeat of Kenneth Matiba, Martin Shikuku, J. ole Tipis, amongst others. In 1990 Kenneth Matiba and Charles Rubia called for the re-introduction of multipartism in Kenya, they were arrested (July 1990) for their remarks, this sparked the riots in several urban centers, as it applied more pressure for the government to repeal section 2A of the constitution.

...the brazen rigging that took place unleashed a wave of protests that eventually propelled Kenya into the multiparty system⁹⁵.

Moi's drive to monopolize power alienated large segments of the population⁹⁶ (especially the Kikuyu community) thus the protests took on a regional or ethnic cast in several countries...the July 1990 riots diffused from Nairobi to towns in the heartland of Kikuyu, the ethnic group who have lost more power and prestige under the Moi regime⁹⁷.

⁹⁴ Edward Mogire, *op. cit.* pp. 133

⁹⁵ Godfrey Munene "Some Reflections on the cold war Africa and After", in Munene, M., Nyunya J.D and Adar, K.: *The United States and Africa: From Independence to the End of the cold war*, East African Education Publishers Ltd, Nairobi, 1995, pp. 16.

⁹⁶ Edward Mogire, *op. cit.* pp. 132

⁹⁷ Claude Ake, *op. cit.* pp. 50

Most of the powerful and influential members of parliament who were aggrieved in the 1988 General elections formed the basis of the opposition movement in the 1990's – Martin Shikuku, Kenneth Matiba amongst others.

Furthermore, many of the politicians who faced the brunt of KANU's expulsion organized themselves and constituted the critical mass that conceived and propagated the re- introduction of multiparty politics in Kenya.

Across Africa popular pressure for political liberalization led to three types of responses and reforms from the incumbents – party reforms, Administrative reforms or constitutional reforms. Kenya settled for party reforms.

Due to electoral weaknesses and other mal-practices committed by the Moi regime – pressure was mounting both locally and abroad for political reforms thus the ruling party constituted a special KANU Review Committee in July 1990 after the riots to hold public hearings on the future of the party. Vice- President George Saitoti headed the Review Committee. Its terms of reference were however narrow but the public clearly voiced its dissatisfaction with the single party rule, it called upon the government to restore security of tenure for constitutional officers, cancellation of the expulsion of KANU member for having divergent views and scrapping of the queue voting system. However despite public pressure the regime refused to allow for competitive politics.

stitutions in Kenya

...ger of KANU and KADU paved the way for the erosion of democratic
...nce in Kenya. The KANU leadership had now an easy hand in amending the
...tion because it was the only party in parliament, with little opposition. The checks
...nces and the independent political institutions, a hallmark of the independence
...tion were swallowed up by the presidency.

...as held eight elections since 1963, three under a multiparty system. Elections
under the Kenyatta and Moi government have shown some variance.

The Kenyatta regime was an authoritarian one, but it was not marked with the excesses of
personal rule that as common elsewhere in Africa. Kenyatta presided over an
administration that was not democratic but it was relatively open with multiple centers of
power (personalities), it had a measure of competition and accountability at most levels
of government.

Beginning with the elections of 1969, and continuing through the elections of 1974 and
1979, almost only adult member of KANU who supported the party's election manifesto
could become a candidate for parliament. Parliamentary elections were open contested
that usually attracted multiple candidates, but contests were limited to those who
refrained from attacking the regime⁹⁸

The net effect of these (turned) parliamentary elections into a series of local referenda on the ability of individual incumbent to secure state resources for their home areas⁹⁹

During the Moi regime, especially the 1983 and 1988 election, the presidency became increasingly interested in the outcome of the elections, the KANU disciplinary committee barred many from seeking membership to parliament thereby only those seen to be loyal to the President succeeded at elections.

However Single- party election had numerous shortcomings, in the 1969 elections, out of 19 Cabinet Ministers, 5 lost their parliamentary seats and out of 15 Assistant Ministers, 14 lost their seats. In the 1974 elections 4 out of 20 Cabinet Ministers lost their seats and 16 out of 19 Assistant Ministers lost their seats. B.E. Kipkorir argues that in spite of this the government was not defeated. It merely reconstituted in terms of personnel¹⁰⁰. In the one party era, elections were only confined to the lower echelons of representation.

Elections can either lead to stability or can have destabilizing effects. In some cases they can contribute to political development or political decay¹⁰¹. Kenya's electoral process has seemed to deny others rights of opinion, expression, association and representation. Electoral malpractices are a major cause for opposition to the incumbent governments in Kenya. It has confined others to political oblivion, and communities to the periphery of politics.

⁹⁸ J. D Barkan, *op. Cit*, pp. 72

⁹⁹ *Ibid*

¹⁰⁰ J. Gathii, *op. Cit*, pp. 83

The banning of KPU in 1969 confined the Luo community to the margins of Kenyan politics that amounted to politics of exclusion and provided an impetus to the community to provide a ready mass that would historically oppose the government of the day.

The prohibition by KANU of Odinga Odinga and George Anyona in from contesting elections and their subsequent expulsion precipitated the plans for the formation of Kenya African Socialist Alliance (KASA).

The movement for democracy started gaining attention in the beginning of the 1980's especially with the unsuccessful attempt by two government critics, Mr. George Anyona and the Oginga Odinga to form an opposition party in 1982.¹⁰²

The 1983 and 1988 elections...were transformed to state controlled non-competitive elections...the queuing-voting system not only removed the independence and the rights of the electorate, it also set the stage for greater interference in elections by the presidency¹⁰³

These elections set the stage for multipartism as it showed the inadequacies of one party regime in Kenya.

¹⁰¹ Korwa Adar, 'The Interface Between Elections and Democracy: Kenya's Search for a Suitable Democratic System, 1960's- 1990's, op. Cit, pp. 341

¹⁰² P. Nying'uro, op. Cit, pp. 9

¹⁰³ Ibid

Table 1: Registered voters and votes turnout in elections 1961 – 1992

Year	Registered Voters	Voter Turnout	% Turnout of Registered Voters
1961	1411117	884786	63%
1963	2659700	1904251	72%
1969	2666329	1714847	47%
1974	4449189	2643687	59%
1979	5529571	3721514	67%
1983	7269586	3338394	46%
1988	60991798	2241962	37%
1992	7956354	5221889	66%

(K. Adar pp. 358)

Besides the huge turnout in 1979 probably because it was a transition election, multiparty elections of 1961, 1963 and 1992 registered the highest turnouts in elections. While the 1983 and 1988 elections registered the lowest turnout.

This goes to show that voter apathy was highest in single party era elections in Kenya a clear reaction to the interferences by the Executive to the civic rights of its citizens. It also indicated voter preference for open competition and choice in the electoral process but was openly denied by the one- party system.

3.6 External Actors in Kenya's Political Process

Roots of external involvement in the local political arena can be traced in development failure and the abuse of human rights and basic freedoms by the Moi regime.

Donors became increasingly disillusioned about the apparent ineffectiveness of their development assistance to Africa without qualitative and quantitative positive change in society. Sub-Saharan Africa had become the locus of world poverty. Its share of the world's poor was expected to increase from 10% in 1985 to 30% by 2000¹⁰⁴ despite the massive inflows of financial and technical assistance.

Kenya was one of the first African countries to adopt SAP's in the 1980, after the prolonged economic decline triggered by the two oil shocks of the 1970's, falling world commodity prices, fiscal and monetary instability and rising levels of unemployment had forced the country to seek the International Monetary Fund (IMF) assistance in 1979,¹⁰⁵

¹⁰⁴ C. Ake "Rethinking African Democracy", in J.W Herbenson, op. cit. pp.

¹⁰⁵ G. Ikiara and N. Ndung'u " Employment and Labour markets During adjustment", in W. Van der Geest and R. Van der Hoeven (ed), *Adjustment Employment and Missing Institutions in Africa: The Experience in Eastern and Southern Africa*, 1999, pp. 74

Until the 1990's SAP's demanded reforms only in the fiscal and monetary areas of the economy but due to its lackluster implementation and a general lack of positive change in economic management and development, a new thinking among bilateral and multilateral donors began to give attention to political reasons for the apparent development failure. In its seminal report, 1989, 'Sub-Saharan Africa: From Crisis to Sustainable Growth', the World Bank saw a need for political prescriptions at the answer to Africa's economic decline. Generally the publication pegged economic development to political accountability, pluralism, political participation, open public debate, freedom of the press, decentralization of decision making, among others.

The violent repression by the Moi government on his opponents through torture, detention without trial, crackdown of the press did not escape the eyes of the international community, showing the Moi regime as oppressive and undemocratic. The British Broadcasting Corporation (BBC) and other foreign media houses, and self exiled political activists lent credence to this view. The government was therefore under international pressure to tolerate criticism and respect human rights and other civil liberties.

Kenya's economic deterioration and political insensitivity made it a ready candidate for the implementation of this new policy shift, as it was the first country to encounter the withdrawal of aid on account of its poor political management record.

The U.S and political change in Kenya.

The United States viewed Kenya as an ally in the fight against the spread of communism in East Africa. Proximity to the horn of Africa, the Middle East and the Indian Ocean, all vital theatres of the cold war, gave Kenya a high geostrategic value¹⁰⁶ to the United States and the West. For this reason the West lavished Kenya with aid – financial and technical assistance and military aid.

However the US policy on Kenya began to change earnestly as the cold war drew to a close. The Bill Clinton Administration in the US articulated the new US policy in the post cold war era. ‘During the long cold war period, policies towards Africa were often determined not by how they affected Africa, but by whether they brought advantage or disadvantage to Washington or Moscow. Thankfully, we have moved beyond the point of adopting policies based on how they might affect the shipping lanes next to Africa rather than the people of Africa’¹⁰⁷.

After the disintegration of the Soviet Union, the cold war strategies gave way to the emergence of a ‘New World Order’, a concept that is centered on the absence of communism and thus a greater opportunity for the United States to pursue global

¹⁰⁶ P. Nying’uro, *op. cit.* pp. 11

¹⁰⁷ L. Diamond quoting Warren Christopher, “Promoting Democracy in Africa”, *US and International policies in Transition*, in M. Munene, J.D. Nyunya and K. Adar, *op. cit.* pp. 195

strategies single handedly based on moralistic and legalistic principles as defined by the United States leaders.¹⁰⁸

As early as 8 May, 1990, US Ambassador Smith Hempstone warned that: 'there is a strong tide flowing in our congress, which controls the purse strings, to concentrate our economic assistance on those of the world's nations that nourish democratic institutions, defend human rights and practice multiparty politics'¹⁰⁹.

Therefore in 1990, Senator Edward Kennedy successfully argued for a US \$ 410 million cut in US aid to Kenya citing human rights violations...in November 1991, when Kenya was due to meet the Paris (donors) club to discuss disbursement of aid, Paul Simon, Chairman of the Senate Africa sub-committee, emphasized... 'we ought to cut off all aid (to Kenya)¹¹⁰. (By 1990)...the Bush Administration (had frozen) US \$ 413 million out of the total of US \$ 446 million in aid...¹¹¹. This was in order to force the Moi government to accept multiparty politics, release political prisoners, liberalize the economy and restore the freedom of speech and the freedom of the press.

Britain and Political Change in Kenya

Britain and Kenya have historical ties because of Britain's colonial legacy. Moreover Britain by then remained Kenya's largest trading partner; the largest source of military

¹⁰⁸ Godfrey Muriuki, 'Some Reflections on Cold War Africa and After, In M. Munene, J.D Nyunya, K. Adar, op. Cit, 1995, pp. 100

¹⁰⁹ Larry Diamond, op. Cit, pp. 195

¹¹⁰ P. Nying'uro, op. cit. pp. 18

assistance to the country and...it maintained the largest private capital investment from a foreign country¹¹².

Therefore as compared to other Western countries Britain had greater influence on Kenya. The British approach on Kenya's political and economic scene greatly differed that of the US. The former settled for quite diplomacy while the US led by its Ambassador to Kenya Smith Hempstone took a confrontational stance as he openly called for multiparty democracy and release of all political prisoners and openly supported opposition groups.

On the basis of its vested interests in Kenya, which were more entrenched and larger than of any other foreign power. For example the British government has been the largest supplier of military assistance, that is, US \$ 120 million¹¹³. Britain has also the greatest private capital investments by a foreign state. This together with its historical ties made the British role in the clamour for political liberalization in Kenya was often seen and termed as ambivalent.

It was evident that the conservative governments of Margaret Thatcher and her successor John Major supported the Moi regime and denied crucial support to the opposition movement of Kenya. A British journal, The Spectator, termed this as a sad misuse of influence because it failed to use its leverage as Kenya's largest bilateral donor, to force the Moi administration to democratize.

¹¹¹ Ibid

¹¹² Ibid

However in 1992, the Moi regime lost its most crucial ally...the fact that it (Britain) joined other donors in cutting off quick disbursement aid during the Paris club meeting of November 1992 was definitely a blow to the Kenya government. Earlier in the same year it refused to provide Kenya with a US \$ 7 million grant to subsidize rising consumer fuel costs at the height of the Gulf crisis because of the fears that the grant “would be siphoned off by the interests of Mr. Biwott¹¹⁴. The Moi regime now knew that political reforms were inevitable.

Other European Countries

Other external actors that played a part in agitating for economic and political liberalization included the Scandinavian countries, Netherlands and Germany.

The Scandinavian countries are accredited with the initial association with opposition movements in Kenya, that is, as early as the mid 1980's. Norway and Sweden opened its borders to opponents of the Moi government normally termed as dissidents, to take refuge there. In September 1990, the Kenya government severed diplomatic relations with Norway, because of its support for the Moi government opponents and it became the only government to ever do so.

¹¹³ Ibid

¹¹⁴ Ibid

Relations between Kenya and the Scandinavian countries continued to deteriorate after Denmark, a country that supported rural development for 17 years accused the Kenya government of misappropriating US \$ 40 million¹¹⁵ of the Rural Development Fund.

This revelation by the Danish government greatly marred Kenya's image abroad and continued to give credence to the fact that Kenya was a 'den' of corruption. Other donors subsequently demanded accountability and transparency in the management of the state, and that could only be embodied in multipartism.

The World Bank and the International Monetary Fund

Kenya was the first African country to begin the implementation of the World Bank and IMF sponsored SAP's. However these SAP's favoured only the monetary and fiscal areas - Improvement in tax revenues, reduction of government expenditure, establishment of ceilings on government borrowing from the domestic money market, wage restraint in the public sector and reduction of public debt¹¹⁶.

The Bretton Woods Institutions consequently included political prescriptions to SAP's after it became evident that authoritarianism and corrupt political systems were unable to deliver their countries out of the relentless economic slump.

¹¹⁵ Ibid

¹¹⁶ G. Ikiara and N. Ndung'u, *op. cit.* pp. 75

The political prescription package of the SAP's included freedom of speech and the press, freedom of movement and assembly, observance of human rights, tolerance towards government critics.

The turning point in the fight for the 'Second liberation' was precipitated by the Paris club meeting of November 1991 under the chairmanship of the World Bank and included other bilateral donors – Netherlands, Britain, US, Germany, European Economic Community amongst others voted to withhold quick disbursement aid to Kenya and gave Kenya conditionalities for a resumption of aid. One week later, a special conference of the ruling party voted to repeal the ban on opposition parties that was rubber stamped by parliament the following week, paving the way for multiparty parliamentary and presidential elections¹¹⁷.

3.7 Whose Democracy?

The development failure in Kenya is attributed to self-inflicted political and economic blunders committed generally between 1978 – 1997. A good example of this is the Ndegwa Commission Report that allowed civil servants to engage in private business ventures. This opened the doors to corruption to permeate into the civil service as government employees illegally diverted government supplies to their private businesses and compromised government tenders.

¹¹⁷ L. Diamond, op. cit. pp. 201

Kenya's foreign investment witnessed a rapid decline, from the 1980 level of US \$ 79 million, to 1989's US \$ 62 million to 1991 and 1992 level of US \$ 19 million and US \$ 6 Million respectively¹¹⁸, the annual employment growth both in the private and public sectors decreased from 4.4% in 1972 – 1980 to 1.4% between 1991 - 1994¹¹⁹. These coupled with increasing domestic debt and balance of payment problems put the Kenya government at a precarious economic position.

On the political front, increased activities by opposition groups based both locally and abroad put to question the legitimacy of the Moi regime – the brutal repression of government opponents and the misrule associated with the single party regime invited worldwide condemnation.

Therefore the re-introduction of competitive politics in Kenya cannot be viewed principally as the work of the Bretton woods Institutions and the bilateral donors but as a synergy of both local and external factors.

G'elinas argues that, the winds of democratization that blew over Africa in the early 1990's came from the grassroots not the powers that be...¹²⁰. The withholding of the quick disbursing aid was feared would precipitate economic collapse and worsen an already problematic economic and political situation. This suspension could be seen as the final decisive act or a culmination of pressure that forced the government to abandon

¹¹⁸ Sunday Nation, Special Report, 26th May 2002, pp. 14

¹¹⁹ G. Ikiara and N. Nyung'u, *op. cit.* pp. 92

¹²⁰ J.B. G'elinas, *op. cit.* pp. 137

its previously staunch anti- multipartism stance. This can be seen as ‘the straw that broke the camel’s back effect’.

3.8 SAP and Democratic Transition

The Structural Adjustment Programme application in Africa is based on the premise that democracy and economic development can be applied in tandem. It was born out of the realization that one-party regime; authoritarian governments and generally non-democratic governments cannot preside over economic development badly needed in the African continent.

Application of SAP’s in Kenya has had a measure of success- privatization of parastatals, a return to profit making of some former parastatals, removal of price controls, liberalization of foreign exchange controls and more importantly a relative increase monetary and fiscal discipline. However the most disturbing feature about its application is the increase of poverty in Kenya to an unprecedented 56% of the population and the increase of unemployment at the time of the application of the SAP’s.

Table 2: Shares in total employment, Kenya, 1972 – 94 (in %) ¹²¹

	1972	1975	1980	1985	1990	1994
Public	35.7	36.0	39.6	40.4	29.2	20.5
Private	53.9	50.2	44.9	43.2	29.6	24.3
Total formal sector	89.6	86.2	84.5	83.6	58.8	44.8
Agriculture	30.7	25.3	17.4	12.0	11.3	8.4
Manufacturing commercial	10.5	10.6	11.9	11.2	7.8	5.9
Commercial services	20.7	21.0	21.2	21.0	13.4	11.8
Government	21.9	23.8	25.6	28.7	20.8	15.8
Building & construction	4.7	4.3	5.3	4.3	3.0	2.2
Informal sector	4.2	7.8	10.3	15.2	39.1	53.4
Self-employment	6.2	6.0	5.2	2.3	2.0	1.7

Sources 1. Economic survey, various

2. Historical Data for Kenya 1972 – 1990, Technical paper 91 – 12,

Long Range Planning Division, Ministry of Planning and National Development

Agricultural adjustment in Africa that entailed the privitalization of government owned firms participating in agriculture and the promotion of private property rights resulted in an increase of the landless in Africa, between 1980 – 1990 by 15% ¹²².

A major aim of SAP is to create and strengthen the middle class thus free them to lead the African countries in participative politics thus democratic governance. But these

¹²¹ G. Ikiara and N. Ndung'u, op. cit. pp. 89

¹²² M. Salih, op. cit. pp. 52

implementations have served to entrench poverty and alienates the people from the development process.

Asante argues that, development (that SAP's seek to achieve) is a process by which man's overall personality is enhanced...thus economic development cannot be treated as an independent variable divorced from its social and political bearings¹²³, meaning that development must be politically viable. Development should not marginalize the people as SAP's have done, rather people should be at the centre of the development process. The people should be the mentors of the development process and the beneficiaries of its end result.

In reality, the need to subjugate Africa to the logic of global capitalist expansion is contrary to the requirements for democracy. It favours instead rule by a technocratic elite that can only be anti-labour, anti-people and therefore anti-democracy...(these) are beholden to their foreign patrons...implement externally mandated policies likely to benefit their patrons to the detriment of their people¹²⁴.

SAP's package seeks to mechanically transfer western democratic institutions to Africa, replicating western democratic experiences to a continent of cumbered with tribalism and poverty, without questioning its efficacy in the African context. In a nutshell, the Western governments sponsored SAP's call for instant democracy in Africa.

¹²³ S.K.8. Asante: 'African Development: Adebayo Adodeji's Alternative strategies', Spectrum Books Ltd, Ibadan, 1991, pp. 4

Mohamed Salih concurs with this view as he argues that democratization in Africa is confronted by intricate issues that cannot be distanced from the socio-economic realities. Nurturing and internalizing democratic values and norms is the function of complex realities with the internal capacity of transformation and renewal, and as such cannot be exported¹²⁵.

While seeming (and presumably intending) to increase the legitimacy of African governments through democratization and to strengthen their economies through structural adjustment, these policies taken together may actually be having the opposite effect in both concept and implementation. In concept, they appear to legitimize the process of economic and political liberalization while failing to legitimize or at least failing to strengthen political institutions created by those processes and by which they must be governed. In practice, therefore multi donor campaigns for simultaneous economic and political liberalization risks becoming counterproductive, self-defeating, and accessories to the troubled political and economic circumstances of African countries in the early 1990's.¹²⁶

Donor driven democratization projects under SAP's preclude that Africa has common political and economic problems. By doing so disregarding individual political, and socio-economic peculiarities.

¹²⁴ Ibid

¹²⁵ M. Salih. *Op. cit.* pp. 11

¹²⁶ John .W. Harbeson, *op. Cit.* pp 15

Thus the donor campaigns for the democratization of African governmental structures overlook the first and most important purpose of such democratization: to facilitate African people's negotiation on the reconstruction of their states, taking into account the totality of their economic, social, cultural and political circumstances- that is, to constitute the basic rules of the game that those democratic governmental structures are to exemplify.¹²⁷

3.9 Third Wave Reversal?

The failure of the first African experiment with democratic government (in the 1960's)... venture were undertaken did not bode well for their longevity. Three requisites for the flourishing of liberal elite culture were probably absent: a political leadership committed to it, political institutions nurturing it; and a civilization (political culture or tradition) that tolerate and defends it¹²⁸.

Other reasons that led to democratic reversals Africa during this period include; they lacked an autonomous middle class, the independence constitutions seemed to cumbersome and technical thus hampered effective government. Democratic ideals seem to offer very little answers to the predicaments of the young states. Because democratization preceded industrialization, governments were forced into the difficult

¹²⁷ *ibid*, pp. 17

¹²⁸ Naomi Chazan "Between Liberalism and Statism: African Political Cultures and Democracy" in Larry Diamond (ed), *Political Culture and Democracy in Developing countries*, Reinner Publishers, 1994, pp. 72

position of 'revolutionizing the society and the economy, while being electorally dependent on the uprooted'¹²⁹.

Possibly the latest African experience with democracy will have to overcome these past bottlenecks of democratization to avoid a democratic reversal like that of the 1960's.

¹²⁹ Ibid, pp.71-72

CHAPTER 4

CIVIL SOCIETY AND THE DEMOCRATIC PROCESS IN KENYA

4.1 Introduction

Civil society describes the kind of a well-behaved society that we want to live in, the goal of our political and social efforts. This ideal society is trustful, tolerant, and co-operative – ambitions held to be universal and to be universally good...civil society is synonymous with good society¹³⁰.

Phillipe Schmitter offers a general empirically based definition of the parameters that civil society encompass:

- Autonomy from both the social interests and the state.
- The capacity for collective action to agitate for members' rights and the promotion of their interests.
- Lack of intention to govern the polity.
- An agreement to bind their actions according to civil rules or code of conduct that calls for listening and accepting divergent views and transparency in behaviour.

¹³⁰ Alison Van Rooy "Civil Society As Ideal: An Analytical Hatstand?" In Alison Van Rooy (ed) *Civil Society and the Aid Industry*, Earthscan Publishers Ltd, London, 1998, pp.12.

Pre-colonial Africa was rich in associational life, that is, agricultural organizations, ethnic welfare associations, intra ethnic cultural grouping etc. however, with the advent of colonialism these associations took the form of protest organizations to fight to maintain their rights and propagate their interests in the light of an insensitive, alien domination. Independent religious movements were among the first civil societies in colonial Kenya.

Immediately after independence, citizens in African countries traded their freedoms for the promise of prosperity. This resulted in an 'over-blown' state whose power and influence was felt in every sphere of society. Because of its unchallenged hegemony, it became insensitive to the needs of its peoples. This led to a two-fold process; curtailment of social groupings and; growth of informal groupings as people sought to find refuge in numbers.

Hence the characteristic of the civil society in Kenya, resonate the fact that civic associations have grown out of conflict with, plot against, or escape from the state.

In a nutshell, post-colonial African governments failed to create institutional mechanisms that would promote public participation.

Civil society ideally should function to provide valuable contribution to policy formulation, implementation and the monitoring process.

A better future for Africa lies in the governments' relations to its people and on increased and institutionalized role of the civil society in governance.

It is widely held that the civil society promotes the growth of democracy and a tool for democratic consolidation. As Robert Putman (1993:152-62) has argued, the civil society is where individuals learn the important civic virtues of trust; reciprocity and mutuality while both contribute and preserve liberal democracy and the development of a free, efficient and honest market-economy¹³¹.

4.2 Growth of Civil Societies

The proliferation of the civil society in Kenya has been out of increased capitalist development on one hand and the failure to deliver on the post-independence promises of economic and political emancipation.

Capitalist development furthers the growth of civil society – by increasing the levels of urbanization, by bringing workers together in factories, by improving the means of communication and transportation, by raising the level of literacy...¹³² This development encourages social stratification that leads to the development of specific interest groups – trade unions, urban ethnic associations, estate groups, self-help groups etc.

¹³¹ Derek Verall 'Russia: Withdrawal to the Private Sphere' in Andrew Vandenberg (ed) *Citizenship and Democracy in a Global Era*, 2000, pp. 191.

¹³² Deitrich Rueschemeyer, Evelyne Huber Stephens and John O. Stephens 'Capitalist Development and Democracy', Polity Press, Cambridge, 1992, pp.6.

Moreover the emergence of a 'new' civil society in Kenya can be closely linked to the abuse and decay of the post-colonial economic and political processes and institutions. A common feature of majority of new civil societies in Africa is, they tend to deal with issues of women and human rights, governance and elections and voter education. This was and is a clear reaction to the governments' curtailment of civil liberties.

Frank Matanga advances two reasons for the proliferation of civil societies especially Non –Governmental Organizations (NGO's) in Africa.

Firstly, the perceived and apparent inability of the African states to achieve development goals. In many rural areas, the governments have been withdrawing slowly and steadily coupled with the realization by the rural communities that they cannot depend on the government for assistance to meet their needs, thus encouraging the growth of self-help groups.

Secondly, the advancement of the neo-liberalism approach by international donor organizations and countries. This paradigm emphasized on the greater role of the private sector as opposed to the state, development should by necessity be sanctioned by market forces and not centrally planned and the view that the civil society is more efficient as compared to the state. It thus advocates for a minimalist state.

This was evident in the increased funding to the NGOs over the years. In 1980 and 1981, the Development Assistance Committee (DAC) of the Organization for Economic Co-

operation and Development (OECD) contributed through the NGOs to Third World development grants worth 2.6 billion dollars per year. By 1987, this figure had increased to 5.5 billion dollars¹³³. Smillie estimates that by 1993, this NGO funding by Western donors doubled to approximately 10 billion dollars per year¹³⁴.

Behind this development was a need to transform the civil society into an alternative locus of power.

4.3 Types and Nature of Civil Societies in Kenya

In Kenya, six types of civil organizations have existed or are still in existence.

- Professional associations and economic interest groups – Central Organization of Trade Union (COTU), Kenya Farmers Association (KFA), Law Society of Kenya (LSK), Kenya Manufacturers Association (KMA), Chamber of Commerce etc.
- Kenyan based NGOs – National Christian Council of Kenya, now National Council of Churches of Kenya (NCCCK), Maendeleo ya Wanawake etc.
- Ethnic Welfare Associations – Gikuyu Embu Meru Association (GEMA), Luo Union, etc.
- Self-help organizations.
- Church and other religious organizations.
- International NGO's

¹³³ Frank Matanga quoting G. Anorld and World Bank, 'Civil Society and the Politics of Democratization

Table 3: Participation in key organizations

Type of organization	Participation (%)
Church or other religious groups	74
Welfare groups (family / clan associations)	72
School committees	70
Other community groups (mostly informal)	67
Student or Youth groups	64
Environmental protection groups	62
Political parties	58
Farmers associations	57
Private business groups	54
Human Rights Organizations	51
Labour / Trade Organizations	41

Source: Compiled from data survey (Thalman et al., 1997)

According to Wachira Maina, Kenyans appear to place little value on instrumental or outward looking associations. In other words...not members of lobby groups or other associations designed to change policy and effect social and political changes (aside from those who are members of political parties). They are members of inward looking, self-

in Africa, in Godfrey Okoth and Bethwell Ogot, op. cit. 2000, pp.56.

¹³⁴ Ibid.

expression groups. This characteristic may be read as a sign of civil apathy...(and) a lack of trust in existing political and state institutions¹³⁵.

The church has the highest level of participation mainly because the government unfetters its activities. It has acted as the entry point into communities.

4.4 Associational Life Under the Kenyatta and Moi Regimes

The Kenyatta government allowed the formation of autonomous associational life as long as it did not challenge his authority. Private associations and interest groups were free to organize their respective constituencies, articulate their concerns and lobby the government¹³⁶.

Kenyatta urged the formation of self-help groups to reduce the pressure on the central government to provide social services and infrastructural development. Harambees tied or provided a link between the local communities to seek development assistance from their local leaders.

(President) Kenyatta forced most politicians to pay more attention to the needs of their constituencies than to matters of the central government policy. The combination of the regular holding of elections and Harambee cemented the link between development and politics at the local level...this combination made Harambee the principal arena of local

¹³⁵ Wachira Maina: Kenya: The State, Donors and Politics of Democratization. In Alison Van Rooy, op. cit. 1998, pp.148.

politics in so far as incumbent leader and would-be leaders could not ignore the self-help groups¹³⁷.

The test of a political leader was his capacity to deliver the goods...the presidents control was flexible, indirect and permitted autonomous game on the periphery. The deputies came and went quickly, as they would not meet all the expectations of the electors.¹³⁸

Unlike Kenyatta, Moi play a highly visible role in Harambees, touring the rural areas to conduct Harambees. This presidential involvement in Harambees usurped the role of local leaders in rural development that Kenyatta had successfully engineered. The development of the District Focus strategy for Rural Development (DFRD) in 1982 eroded the financial and organizational autonomy of the self-help groups as the District Development Committee (DDC) became involved.

District focus reforms which were made for technocratic reasons on the administrative level...reinforced the authoritarianism on the political level to a point of defying the pluralistic element of the system. At the administrative level, the reforms provides that the district propose the development policies under the direct control of the presidential office. This dispossesses the local political leaders and the local provincial administrative by giving the control not to the ministers, but the president himself. The relative predominance of the district officer over the local administrative and political leaders is

¹³⁶ J.D. Barkan, *op. cit.* pp.175.

¹³⁷ *Ibid*, pp. 177

¹³⁸ Jean- Francois Medaed, 'The Historical Trajectories of the Ivorian and Kenyan States' In James Manor (ed), *Rethinking Third World Politics*, 1991, pp. 200

now well established. The result is clear; the political pressure of the periphery by way of local leaders has lost its effect, which limits the demands and centralizes the decision-making process¹³⁹

The involvement of the government in associational life especially self-help groups introduced the element of corruption – financial misappropriation in rural development and undercut the influence of prominent local leaders. This laid the foundation for dissent in the ruling class.

Moi's discomfort with a vibrant associational life that prevailed under the Kenyatta regime was evident in the banning of all ethnic welfare associations especially GEMA as a way of neutralizing the collective strength of the Kikuyu community. This regime also in the mid 1980s moved to render ineffective economic associations seen as having a Kikuyu power base – KFA, KTDA, etc.

Under the Moi rule, the umbrella workers trade union, COTU and Maendeleo ya Wanawake Organization were assimilated into KANU in 1989 and an earlier banning of the civil service organization. Other formal associations... were either banned or co-opted into the state, and those that survived were often driven underground by tax laws, registration rules or public order laws.¹⁴⁰

¹³⁹ Ibid, pp.206-207

¹⁴⁰ IEA, op. Cit, pp. 21

The regime also successfully managed to de-link Harambee from electoral politics; legislators' popularity was now not based on this development record but rather loyalty to the president and the party. Merit thus sacrificed for mediocrity. Apathy in the political process resulted from this political maneuvering as MPs electoral turnout under the Moi government reduced.

The Moi government was therefore unlike the Kenyatta regime faced with enormous pressure from the civil society. From the 1980s, professional and clerical organizations were in the forefront of the fight against an 'overblown' government exhibiting dictatorial tendencies. The Law Society of Kenya (LSK), Catholic Church, NCCCK, Presbyterian Church of East Africa (PCEA), the International Commission of Jurists (ICJ), pressured the government to allow for liberalization of the political system.

These autonomous interest groups thus played the classic role of the civil society. The civil society is the locus of action whose actors are bent on change thus civil society becomes a space for (possible) revolution¹⁴¹.

4.5 Civil Society and the Democratic Process

A dense civil society – one rich in social institutions (formal and informal groups), associations and social interactions – should facilitate the development of democracy, first and foremost, because it creates favorable conditions for the classes previously excluded from the political arena to organize for collective action and to overcome the

¹⁴¹ Alison Van Rooy, *op. cit.* 1998, pp.20.

perennial 'free rider' problem obstructing effective political organization on a large scale¹⁴².

Secondly, a dense civil society acts as a counter weight to state power, increasing the propensity for democracy.

Gary Hensen and Naomi Chazan support this view as they contend that donors ascribe to the notion that – at the outer limit, civil society is claimed to be a necessary condition for democracy. One of United States International Aid Agency (USAID) 'Guidelines for Strategic Plans' states that vibrant society is an essential component of a democratic polity. Both writers and donors seem to agree that 'the road to a democratic and just order must pass through the coalescence of civil society.'¹⁴³

Among African countries, Kenya has one of the highest densities of the civil society, only surpassed by Nigeria and Zimbabwe.

In Africa and indeed the entire Third World, NGOs have multiplied and become a powerful force in society, ranking third behind the public and private sector...¹⁴⁴

By mid 1980s, there were between fifteen thousand and twenty thousand self-help organizations in Kenya¹⁴⁵.

¹⁴² D. Ruschemeyer, E. H. Stephens and J.D. Stephens, op. cit. 1992, pp.49-50.

¹⁴³ Nelson Kasfir "Civil Society, the State and Democracy in Africa" in Nelson Kasfir, op.cit, 1998, pp.124.

¹⁴⁴ J. B. Gelinas, quoting Al Dia, July 1997, op.cit. 1998, pp.141.

¹⁴⁵ J. D. Barkan, op. cit. pp. 176.

Majority of these autonomous associations arose out of state inadequacies and the limited reach of governmental service provision. The proliferation of these groups ideally should position the Kenyan rural and also urban societies for an infusion of democratic ideals. The first democrats are people in the village who decide to combine their efforts and resources to improve their lot, to achieve a self-sufficient, healthy, and flourishing life.

Thus, the root of democracy is a value that is embedded in a society's right and desire to control their individual and collective destiny¹⁴⁶.

However, Kasfir rightly argues that Africa has long been rich in associational life but poor in democracy.¹⁴⁷

4.6 Civil Society, No Democracy

Post-colonial Kenyan government inherited the complete instruments of power – institutions and laws including a governance culture from the British that had an important impact on state-society interaction.

As a conquest state, the colonial state never developed roots in society...it evolved as low-trust institution distrustful as well as distrusted. Deracialized but not democratic...colouring the way the civil society interacts and relates to it...because it

¹⁴⁶ J. B. Gelinas quoting Burdeaux, *op. cit.* 1990, pp.151.

¹⁴⁷ Nelson Kasfir, *op. cit.* 1998, pp. 124.

was distrustful, the state is generally supervisory and administrative, run by a prefectual system of despotic provincial commissioners – district commissioners, divisional officers, chiefs and sub-chiefs. Their key function is surveillance and control of restless local populations...¹⁴⁸

It curtailed the development of individual and collective capacities, only allowing groups that lack a latent potential of mastering collective consciousness and that are regionally and, or ethnically based. The state was (thus) seen as.... bottling up creativity and Undermining the growth of rural based entrepreneurial culture...eventually crowding the private sector.¹⁴⁹

Secondly, majority of the Kenyan population reside in the countryside, they are unorganized and have no stimulus or reason to advocate or change the status quo. The government stranglehold on information flow severely curtailed a national critical analysis of governmental performance, only dispensing news that propagates an image of effective and responsive governance.

Multiplied millions live on the outside or on the margins of the modern monetary economy (operate in the informal, unregulated economy) therefore, are minimally affected by fiscal and monetary policy changes. Rural associations are thus inward looking, self-improvement, self-expression groups that offer no impetus for change in national policy.

¹⁴⁸ Wachira Maina, *op. cit.* pp. 144.

¹⁴⁹ *Ibid* pp. 153.

For that reason, though African societies are deeply associational, they are also ardently informal, away from the mainstream political process but concentrating on member's welfare. This same groups that are located in urban and peri- urban areas have acquired criminal tendencies and act as agents of political thuggery.

Thirdly, state officials frequently depend on ethnic mobilization to maintain their positions (evident in the Kenyatta and Moi regimes). If patronage continues to be solicited on ethnic basis by politicians...newly formed civil society organizations can amount to little more than a side- show.¹⁵⁰ Civil organizations in Kenya are dominated by ethnic consciousness and loyalty, membership along ethnic considerations and regionally based. It acts as political support bases for politicians thus standing in the way of achieving supra-loyalty in the civil society.

Fourthly, the success or failure of civil movements have largely depended on leadership styles, under the Kenyatta government, associational life at the national level flourished though still inchoate – KGGCU, KCC, KTDA, NCCCK, etc. In the Moi regime, associational life floundered, as he saw civil society, a threat to his leadership.

Fifthly, most professional institutions established under the colonial region have slowly been Africanized e.g., the LSK was dominated by white lawyers, but as their Kenyan counterparts began to increase and assume leadership positions, the LSK's previously aloofness in the political arena transformed to a voice for greater democratization.

And finally the emergence of the formal or 'new' civil societies are often obstructed by the same problems that have brought Africa to its knees, that is, they are often deep in corrupt activities, tied to the apron strings of the donors and thus are intellectually dependent upon them, therefore unable to effectively address a country's problems. They are weakly incorporated into the system and heavily dependent on the sanction or approval of the founder member for its existence and success.

The constraints both from within and without did not auger well for civil society led democratic transition.

However opportunities for greater autonomy, diversification and advocacy of civil society were and are present in Kenya. Most civil associations in Kenya are young and still undeveloped, but with a potential that only develops over time and specific socio-cultural and economic idiosyncrasies.

Civil society has evolved through a long process of organizational development in specific historical contexts, while give it unique characteristics in each country¹⁵¹.

¹⁵⁰ Nelson Kasfir, *op. cit.* pp. 134.

¹⁵¹ Derek Verall, *op. cit.* pp.191.

4.7 Civil Society and Democratic Possibilities

African governments suspicion and tight control over social life and in particular associational life slowed down, the growth of independent social movements. The Kenyan government realization of the potential of civil associations in national policy formulation and governance led to the development of certain measures or mechanism to control the civil associations, that is by co-ordination, co-opting, monitoring and dissolution.

The tragedy of Kenya's and indeed Africa's political experience is that, the leaderships constrained through legal tools and outright coercion the proliferation of autonomous organizations. Democracy thus was slowed down but not thwarted.

Distortion, disorganization and banning of autonomous movements were commonplace in Kenya between 1978-1990. KTDA, KGGCU, KCC, Civil Servants Union, University Academic Associations and other groups that were the focus of creativity and entrepreneurship were not allowed to develop into mature local- issue oriented autonomous groups that would by the classic civil society role- to provide valuable contribution policy formulation, policy implementation and provide monitoring and mechanism to ensure that their specific interests are served and protected by government.

Professional groups were not the only arena and voice for greatest clamor for democratization in Kenya. It has pressured the government locally and captured the

attention of vital foreign-based media houses and donors that subsequently increased international pressure on the Moi regime.

As a national institution the church has the highest level of public confidence. (See table below). The church is to a large extent, one of the few institutions in Kenya that has managed to maintain a cross-cultural ethnic alliance, giving it a greatest confidence level and legitimacy over political and administrative institutions.

As in colonial Kenya, the church remains somehow unregulated, it has

Table 4: Confidence in Key National Institutions.

Institution	High confidence (%)		Low confidence (%)	
	A lot of confidence	Quite a bit of confidence	Some confidence	Low confidence
The church and other religious organization	53	31	15	1
The Media	10	31	53	5
Trade Union	3	24	61	12
The Electoral Commission	3	13	49	35
The Judiciary	2	16	64	19
Political Parties	2	5	69	15
Kenya Police	1	4	44	51
MP's	1	9	75	15
The President	0	14	60	26
Provincial Administration	0	7	55	38
Country Council	0	5	55	63

Source: completed from survey data (Thalman et, al. (1997) Totals do not add to 100 due to rounding and doubling voting.

became an important civic umbrella for associational life, sheltering and giving sanctuary to groups that the state may otherwise criminalize. In so doing church often incubates dissident groups and nurtures recent democratic forces until they are strong enough to confront the state¹⁵².

In the 1980's the church and other religious groups played a crucial role in speaking against undemocratic practices undertaken by the government - the 1982 constitutional amendment to transform Kenya into a *de jure* one party state, removal of the tenure of office of judges and the Attorney General, the queue voting system, human rights violation amongst others.

Some of the government strongest critics in the 1980's and early 1990's were clerics in the PCEA and Anglican churches, that is, Rev. Timothy Njoya and Bishop Alexander Muge respectively.

The independence of the church in Kenya from State interferences, and has become a significant civic umbrella of political action.

A milestone in civil society led democratization was registered in 1989. Prof. Wangari Maathai's Green Belt Movement, National environment conservation NGO, openly

opposed the government poor environmental record. It opposed the construction of the Kenya Times Media complex in the heart of a public utility land, Uhuru Park. The Green Belt Movement lobbied international donors to reject funding proposal and also highlighted to the international community the Moi regime's increased corruption and bad governance. It therefore showed that government policy could be successful challenged, inspiring many citizens to support a need for democratic reform.

Kenyan civil society, especially the formal organizations have been the hub of intellectual and professional elite formerly government and university employees forced out by frustrations in their work places. These have become active civil society members who analyze, critique government policies and offer intellectual leadership.

Formal societies in Kenya have become a breeding ground for potential political leadership, as most individuals outside the church who advocated for the re-introduction of multiparty politics were found in the NGO's and the professional groups.

O'Donnell and Schmitter note that democratic transaction take place when privileged elements of society that were previously a regime support base (e.g. lawyers, students, trade unions, intellectuals, workers, bankers, industrialists etc) see autocratic regimes as dispensable.

¹⁵² Wachira Maina, *op. cit.* pp.144.

4.8 Structural Adjustment Programme and the Civil Society

Among the core principles of the SAP's was the creation of a minimalist African State. The state was seen as overblown, inept and corrupt, unable to effectively perform. The strengthening of the civil society was to establish an alternative nucleus of power comparable to Western liberal democracies was perceived to be the way forward.

External donors urged for the development of a new civil society, consisting primarily not of the organizations that represent the interest of existing social groups but of non-State organization that would promote new relationships between state and society.... (they) must simultaneously contain state power and legitimate state authority¹⁵³.

In the two fiscal years 1991-1993 roughly 156 million, about 22% of all USAID expenditure on democracy was spent on civil society projects¹⁵⁴.

In the early 1990's Kenya witnessed drastic proliferation of NGO's championing observance of human rights, good governance, women and development issues and electoral issues based groups. Their impact was greatly felt by the government as they lobbied in together with the opposition groups and personalities locally and clamored for international pressure to increase the democratic space in Kenya.

¹⁵³ Nelson Kasfir, *op. cit.* pp.124

¹⁵⁴ *Ibid* pp. 134

The massive donor support towards the civil society has transformed it into an 'alternative state'. The shrinking of the resource and the reach of the state in Kenya has resulted in the emergence of other state like actors with the financial muscles likened to that of the state¹⁵⁵.

However this new approach by the donors, though successful in a limited way was constrained by organizational factors, cultural incongruence and geographic reach.

The growth of civil society is unique to social-economic and cultural diversities. The growth of the 'new' civil society is an act of mechanical transfer of Western ideals, ideas and institutions. It goes against the idea of development of democracy as a value. These groups thus did not advance local priority issues but the issues that will endear them to the donors.

Secondly, majority of 'new' civil societies were located in urban areas. Further entrenching rural –urban imbalances and biases, this limits the effectiveness and geographic reach of the 'new' civil society project.

¹⁵⁵ Wachira Maina, *op. cit.*, pp.135-167

CHAPTER 5

SUMMARY AND RECOMMENDATIONS

5.1 Summary

African governments are on the path of democratic growth, however it's not precisely likened to that of Western countries. The growth of African democracy as noted earlier bears some remarkable similarities to democratic growth of Europe and North America. It also bears some stark differences. This can be attributed to the variance in time, geographic location that influences the development of various cultures, and the nature and structure of the international system.

These similarities: The growth of some civil institutions, capitalist development and the growth of the middle class, elite fallout among the ruling elite, and so on. However, these differences in its development spell a need to ensure that democracy is homegrown, if disregarded it could lead to making democratic experiences ineffective.

Western democracies grew in an era of multi polarity and a period of low interstate interaction. Democracy then was known to have grown out of contradictions of capitalistic development that was unique to a particular country devoid of external pressures, but allowing positive influences.

On the other hand African democratic development has been complex and marred with immense contradictions. African states gained independence at the height of the cold war and at a period when the international co-operation had already taken great strides.

They were thrust into an international system that was already well developed and self-regulating. Therefore they entered the international system as underdogs, meaning that they were open to the control and machinations of foreign powers.

The dependency theory advances this reason, that the Western countries have an upper hand in the international system. But they have misused and abused their leverage by unduly interfering with the internal affairs of African countries and by propping up and supporting overtly oppressive and undemocratic regimes, especially during the cold war. It can be therefore concluded that the Western powers had a major hand in the setting up and supporting dictatorial rule in Africa.

The retarded growth of the middle class in majority of the African countries can be attributed to an alliance between the non-locals and the ruling elite to suppress entrepreneurship in Africa. This conspired to achieve dependent development, a dual economy with majority of the population being poor and thwarting democratic growth.

The West lavished massive aid to developing countries not chiefly to assist the development process, but to buy allegiances and achieve 'empire building' initiatives. The resultant massive external debt that beset Africa was partly due to this.

Africa was put on the path of democratization not initially as Europe and North America undeveloped states, but as underdeveloped states. Democratic growth is the midst of poverty, poorly developed institutions internally, and interference, and subjugation externally, obscuring the process.

The growth of democracy in Kenya in a nutshell has thus been influenced by the following factors-

- Development failure and the politics associated with development showed the inability of the government to live up to its post independence promises of raising the standards of living.
- The failure of the one party system of government to meet the political, economic and socio-cultural needs and aspirations of its people.
- Economic and political marginalization of certain ethnic communities by both the Kenyatta and Moi regimes. The Luo community by the Kenyatta government, and the Kikuyu community by the Moi regime.
- The barring of candidates from certain seeking elective positions especially under the Moi regime.
- Electoral fraud.
- Elite fallout within the ruling regime.
- Elite corruption, nepotism and tribalism.
- *Ad hoc* government policies of undertaking a systematic destruction of the Kikuyu economic power.

- Enacting unpopular and undemocratic legislation.
- Capitalistic development that led to a proliferation of social, autonomous interest groups, and a small but active middle class who champion inclusion of ideas, and new blood in the management of state.
- The dismantling of the electors- candidate relationship, and undercutting and usurping the powers of the local prominent politicians but President Moi.
- Foreign pressure through diplomatic and economic sanctions to force the Moi government to embrace democratic governance.

The opening up of the democratic space in Kenya has interesting analogy as western countries, in congruence with the modernization school. It was conceived and by the middle class, supported by the civil society and evangelized by the urban populations.

External influences, the Bretton woods institutions, the United Kingdom, the United States and the Scandinavian countries, have played a major role in the democratization process supporting the modernization school maxim that asserts that economic pressures is a tool to force undemocratic regimes to reform.

In 1992, President Moi argued that multi party politics was forced on him by foreign critics. This statement goes to the roots of democratic development in Kenya

Foreign governments involved themselves in Kenyan politics as it saw the short comings of the one party system of government- institutionalized corruption and insensitivity to divergent view. These also created internal pressure for change.

It is therefore safe to argue that democratic growth was brought about by two factors, internal gusts, and a synergy of internal and external forces.

Thus the argument that the Kenyan democratic growth was an outside conceived process is both fallacious and one sided as it placed its growth solely on the doors of foreign powers thus failing to recognize and appreciate historical local forces that plated a major role in this struggle.

5.2 Recommendations

- Democracy is an important requisite to economic development but not an all-together sufficient ingredient. This is evident of the economic slump Africa has experienced in the midst of democratic development. Proper resource distribution, and effective management of the state can transcend both democratic and non-democratic forms of government, as exemplified by the Asian Tigers drive to economic development under undemocratic regimes.
- Scholars should not store too much hope on democracy as the key to economic reforms in Africa. And efforts to shrink the state as advanced by the Western driven

SAP's resides on an indisputable paradox as down sizing the state is an act of auto-limitation.

- Democracies in Africa should address the needs and aspirations of its people for it to be viable. It thus should grow out of the interactions of the people as it seeks to merge the collective conscienciousness of the people.
- Instant democracies that the West seeks to establish in Africa through the Structural Adjustment Programmes are bound to fail because it aims at replicating outside experiences in the African situations. The West should rather champion gradual, interest-specific, people inclusive process, here democracies could be born.
- Externally conceived and advanced reforms compromise sovereignty of a state and introduces an element of being intimidated thus undermines the democratization process.
- Structural Adjustment Programmes needs to be deconstructed, and re- invented to champion homegrown economic policies that is economically and politically viable and that seek to put the local populations at the center of the development process.
- Studies in the democratization of Africa needs to resist the ungrounded theoretical jump that argues that the state is not viable to the notion that the civil society is the key to African democratic success.

direct investments should be subjected to local public scrutiny, environmental impact assessments, cost-benefit analysis and so on as a matter of law. Increase inclusivity by encouraging decision-making and control of resources, to conflict resolution skills, control of their destinies, that portend well for economic development.

needs to be placed on wholehearted pursuit of economic development and the conditions that facilitate and support this. However this action cannot be confined to the borders of the Third World, but will need also international action. The nature of the development process has also been facilitated by the nature of the international system. Commodity prices need to be set by the producers, the West to open up their domestic markets to the Third World etc.

winner-take – all forms of elections that have become pervasive in multi party systems have worked to its detriment, as it propagates marginalization of entire populations, increased clientism and tribalism. All-inclusive governments and coalition governments along previously perceived lines of cleavages in society need to be pursued.

- It is fallacious to try and draw historical analogy between the growth of the civil society in Africa and the Western civil society. Civil society growth and function are

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