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KENYA: PROSPECTS FOR DEMOCRACY

FOLLOWING MULTI-PARTY ELECTIONS

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"Those who had placed their faith in a quick-fix solution via the multi-party road can now digest at leisure the truism that a multi-party system does not necessarily a democracy make."
New African, May 1993.

INTRODUCTION

Kenya only recently held its first multi-party elections since independence in 1963. Having had a long history of intolerance of opposition politics, Kenyans are in the process of struggling towards developing a democratic tradition and democratic institutions to ensure that after the elections the country does not once again slide back into dictatorship.

POLITICAL HISTORY: 1963 TO PRESENT

Colonised by the British, Kenya attained independence on December 12, 1963, after a long drawn-out period of anti-colonial opposition, including the famous Mau-Mau rebellion. Not so different from South Africa's own current transition, Kenyans battled through a period of negotiations for a majority-rule government which comprised a heavy majority of African leaders, but also included a sizeable representation of white and Indian leadership.

The ruling party then was (and is still today) the nationalist Kenya African National Union (KANU). KANU was led by the first President of Kenya, President Mzee Jomo Kenyatta, who, following periods of detention because of his political activities and participation in the Mau Mau anti-colonial movement, was exiled in England for 15 years.

BEGINNING OF OPPOSITION POLITICS

Soon after independence, opposition parties were formed by members of the new parliament who felt the need for alternative views in parliament since they espoused differing ideals. The Kenya Peoples' Union (KPU) and the Kenya African Democratic Union (KADU) were formed - the latter by the current President Moi. Mzee Kenyatta ruled for the first 14 years of independence.

Before the end of the 1960s, President Kenyatta became intolerant of opposition parties which he banned. The charismatic Tom Mboya, his rival in KANU, was later assassinated in 1969. Kenya remained a single party state until December 1992 when the first multi-party elections were held.

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CHANGING THE GUARD

Following his death in old age, Kenyatta was succeeded in 1978 by Daniel Arap Moi, then Vice-President. President Moi ruled Kenya as a one-party state until late 1991, consolidating his power by threatening any opposition with detention and other forms of intimidation. President Moi was himself never elected to office prior to the 1992 elections. In 1982 Moi formally amended Kenya's constitution, making it illegal to form a political party, effectively creating a one-party state, and on this basis he ruled for 14 years. The 1980s saw ever-increasing domination by KANU of the official political scene - compulsory membership of KANU by civil servants and open-queue voting were notable features.

RETURN OF MULTI-PARTYISM

Moi's continued intolerance of dissent and of any effective semblance of opposition, coupled with his intimidation of the press, came to a head in July 1990, when two prominent political leaders publicly criticised Moi and were subsequently detained without trial. Following the detention of these political leaders, the international donor community joined the following pressure groups who had launched massive campaigns at different levels towards a multi-party dispensation:

* Lawyers Society of Kenya - particularly young lawyers.
* The Green Belt Movement together with the Women's Movement.
* Clergy and the national Christian organizations.
* University and college students.
* Though not in an organized form, workers and rural poor made their voices heard at several levels, including their places of work and in small organizations.

This new multi-party movement continued for over a year very cautiously underground, as many feared intimidation, detention and even assassination. In November of 1991 international organizations led by the World Bank and IMF suspended all new development aid to Kenya, until a democratic multi-party government was elected in a "free and fair" election. Moi was forced to begin the process toward a multi-party election. Not until late September 1992 was the December election date announced.

NEW POLITICAL PARTIES

The Forum for the Restoration of Democracy (FORD) was formed during this period as a major pressure group. It was unable to function as a political party until mid-1992 when multi-party democracy was restored. FORD became a major force in Kenya's political sphere, and was further legitimized by its broad spectrum of support from several of the major ethnic groups. FORD had a large support base at the grassroots, among women's organizations, rural youth and poor farmers. FORD was soon joined by other parties, the most important being the Democratic Party (DP) of Kenya. The DP was led by a former Vice-President. However, it was viewed as a largely elitist and ethnically based organization, though its leadership presented potential for economic stability. Several other parties were formed, such as the Kenya National Congress (KNC), Kenya Socialist Congress (KSC), KENDA and the Party of Independent Candidates of Kenya (PICK), but they had little impact on the final outcome of the election results.

As Moi was taking his time to announce the elections, the main opposition FORD split and formed two separate parties largely along ethnic lines. They both retained the name FORD but added affixes, KENYA and ASILI (original) for distinction. Urgent campaigning began from all quarters, sending Kenyan voters into a frenzy of confusion and split loyalties. Voting decisions were made largely on personalities, rather than on the ideological basis of parties, and also on ethnic or regional loyalties.

THE ELECTIONS

1. Registration

Many difficulties preceded the elections. While many people were able to register to vote using their national identity cards, young people between 18 and 22, who had not been able to get their IDs previously were now not able to do so. Therefore, they could not vote! Though they protested, many young people were still unable to vote, because of this technicality. In addition, many Kenyans living outside the country were also unable to vote. Reports from the clergy indicated intimidation of opposition supporters at the registration offices, and therefore they did not register.

2. Voting

With approximately 9 million registered voters out of a population of 24 million, about 6 million voted. The turnout was very impressive where even remote regions had a voter turnout of 55% and above. Interestingly, to avoid election violence, supporters of political parties were requested by the election committees not to dress up in any political regalia. This did prevent intimidation and violence. After a relatively smooth and uneventful election process, the results of the elections (particularly the presidential) were delayed for 4 days.

International observers and members of the clergy monitoring the elections had observed incidences of rigging of election results - hence the delay in reporting. The international observers concluded in their reports that although there were incidences of rigging, the election results generally reflected the will of the people.

The result was that KANU, with the advantage of strong historical roots, compounded by support from the government infrastructure and (rumour has it) Kshs12 billion in new money supply for campaign purposes or to buy voters, won with a 30% or 1.9 million votes vs. the remaining 3.9 million or 70% split amongst the opposition. Hardly a majority! Note that before the final results were announced, legal advisers to the opposition were prepared to protest but were unable to do so, as the final announcement of the results was followed by the swearing-in of the President within minutes, after which the election results could not be contested, according to the constitution.

A new cabinet and government was formed that totally excluded ALL opposition leaders, including Moi's first Vice-President, Mwai Kibaki, now leader of the newly formed Democratic Party (DP). At the end of the day, KANU remained solidly the ruling party with a majority representation in parliament, even greater than the combined opposition because the constitution allowed the President to nominate 12 members of parliament. Moi nominated at least 4 MPs who had been rejected by their own constituencies.

PROSPECTS FOR DEMOCRACY

"Democracy is a dynamic process that will take time to take root" (Joe Wanjui - Chairman, East African Industries).

Though Kenya did achieve some semblance of the basic principal of a democratic election process, Moi continues to carry out activities that do not support development of a democracy. He seems rather to be limiting the major progress made in Kenya during the last few years. Since multi-party elections, Moi and his government have:-

* failed to provide an atmosphere conducive to constructive dialogue between parties;
* returned to intimidation of the media, including cancellation of independent TV news that provided a more objective view;
* continued to instigate tribal clashes;
* not made the necessary amendments to the constitution to ensure a true democratic order.

Some positive prospects for democracy that have emerged since the beginning of the movement (1991) and have continued after the elections are:

* The constitution has been amended to limit the President's term of office to two five-year terms.
* Kenya now has eight legitimate functioning opposition parties with representation in parliament;
* For the first time, the opportunity to vote for President ushered in the possibility of an accountable and transparent head of state;
* Though the election process had grave difficulties, it at least was a step forward toward democracy;
* Political and development issues can be discussed publicly;
* The elections were peaceful;
* We have an existing multi-party platform that can be nurtured and developed;
* Six women of 188 candidates were elected to public office.

CONCLUSION

Democracy does not develop overnight, it is an ideal that every nation has to struggle to achieve. We in Kenya must now concentrate on developing democratic institutions, such as the media, educational institutions, etc., and continue to put pressure on the current leadership for transparency and accountability. This indeed is our greatest challenge!

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STATEMENT OF PURPOSE

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